



Ordinary Council Meeting

Agenda

16 November 2022

**Notice is hereby given in accordance with the provisions of the
Local Government Act 1993 that an
Ordinary Meeting of Warrumbungle Shire Council
will be held in the Council Chambers, John Street,
Coonabarabran
on **Wednesday, 16 November 2022** commencing at **5:00 pm**.**

Mayor: Cr Ambrose Doolan

Councillors: Kodi Brady
Dale Hogden
Zoe Holcombe
Aniello Iannuzzi (Deputy Mayor)
Carlton Kopke
Jason Newton
Kathryn Rindfleish
Denis Todd

Please note:

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Council's Vision Excellence in Local Government

Mission Statement

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.

Values

- ✓ **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

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AGENDA

ACKNOWLEDGEMENT OF COUNTRY – Council acknowledges the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders both past and present and extends that respect to other Aboriginal people who are present.

Turn Off Mobile Phones

Audio Recording of Council Meetings

Apologies/Leave of Absence

Confirmation of Minutes

20 October 2022

Disclosure of Interest

Pecuniary Interest

Non Pecuniary Conflict of Interest

Mayoral Minute/s

Delegate Report/s

Reports of Committees

Reports to Council

Notices of Motion/Questions with Notice/Rescission Motions

Reports to be considered in Closed Council

Conclusion

.....
ROGER BAILEY
GENERAL MANAGER

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Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 12 October 2022 to 8 November 2022

MAYORAL MINUTE – MAYORS ACTIVITY

<u>Date</u>	<u>Type</u>	<u>In/Out</u>	<u>Activity</u>
17-Oct	Emails	In	GM - Dunedoo TRRRC
	Emails	In	Brett Vincent - Dunedoo TRRRC
	Emails	In	Cr Kopke - Yarrow Road
18-Oct	Emails	In	GM - Roads Committee
	Emails	In	Director Technical Services - Baradine Aerodrome
	Emails	In	Ratepayer - Roads Committee
	Emails	In	Allan Burgess - Country Mayors AGM
	Emails	Out	Coonabarabran Times - article for paper
	Emails	Out	Brett Vincent - Dunedoo TRRRC
19-Oct	Emails	In	GM - Dunedoo TRRRC
	Emails	In	Gandhi Creations - invitation to IABCA Awards
	Emails	In	Landcom - site visit Reservoir Street
20-Oct	Emails	In	Warwick Giblin - REZ Strategy
	Emails	In	GM - Yarrow Road
	Emails	In	Ratepayer - Purlewaugh Road
	Emails	In	Ratepayer - Borambitty and Dandry Road
	Emails	In	GM - meeting with Essential Energy
	Emails	In	Danny Feller - Dunedoo TRRRC documents
	Emails	In	GM - Dunedoo TRRRC documents
	Emails	In	GM - Neible Siding
	Emails	Out	Brett Vincent - Dunedoo TRRRC
21-Oct	Emails	In	Brett Vincent - Dunedoo TRRRC documents
22-Oct	Emails	Out	GM - Country Mayors clashing with Council Meeting
24-Oct	Emails	Out	Councillors - Country Mayors clashing with Council Meeting
	Emails	In	Minister for Local Government - RFS Red Fleet
25-Oct	Emails	In	NPWS - Tannabah Fire Trail
	Emails	In	Warwick Giblin - payments for landowners hosting transmission lines
26-Oct	Emails	Out	ABC Dubbo - Dunedoo TRRRC
	Emails	In	Warwick Giblin - LGNSW resolution
27-Oct	Emails	In	Director Technical Services - Purlewaugh Road
	Emails	In	Christopher Swann, Project Director, Central West REZ - REZ Strategy
1-Nov	Emails	In	GM - Dunedoo Infrastructure Renewal Project
	Emails	In	GM - Coonabarabran Pool flood damage
	Emails	In	GM - Gilgandra SC closing all unsealed roads
	Emails	In	Director Corp & Comm Serv - audit timeline
	Emails	In	Cr Rindfleish - Moorabool Shire renewable energy projects leaflet
	Emails	Out	Landcom - Reservoir Street
	Emails	Out	Director Corp & Comm Serv - audit timeline

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2-Nov	Emails	Out	Ratepayer - Binnaway Tennis Club
3-Nov	Emails	In	Sam Coupland, Mayor of Armidale - Regional Energy Mayors Meeting 17/11/22
	Emails	In	GM - Dunedoo TRRRC
4-Nov	Emails	In	Landcom - Reservoir Street
	Emails	In	Ratepayer - Binnaway Tennis Clubhouse
6-Nov	Emails	In	GM - Birrawa Solar Farm
	Emails	In	Warwick Giblin - Birrawa Solar Farm
8-Nov	Emails	In	GM - causeway damage
	Emails	In	GM - Dunedoo TRRRC
	Emails	In	OLG - bridges and general information return
	Emails	In	Dunedoo Landcare - invitation

Date of Journey		Purpose of Journey	Odometer		KM
Start Date	End Date		Start	Finish	Travelled
12-Oct	12-Oct	Purlewaugh Road	19740	19822	82
19-Oct	19-Oct	Meeting with Essential Energy	19822	19875	53
20-Oct	20-Oct	Meeting with GM and Deputy Mayor	19875	19928	53
20-Oct	20-Oct	October Council Meeting	19928	19987	59
27-Oct	27-Oct	Meeting Landcom at Reservoir Street	19987	20050	63
28-Oct	28-Oct	Council Chambers	20050	20104	54
31-Oct	31-Oct	Mendooran Community Consultation Meeting	20104	20294	190
8-Nov	8-Nov	Coonabarabran Community Consultation Meeting	20294	20348	54
Total KM travelled for period 12 October 2022 - 8 November 2022					608

MAYORAL MINUTE - EXPENSES 8 October 2022 to 7 November 2022

<u>Date</u>	<u>Transaction Details</u>	<u>Comments</u>	
1-Nov	GM Cabs	Travel - ALGA Roads Congress	\$57.07
1-Nov	Wrest Point Federal	Meal - ALGA Roads Congress	\$29.00
2-Nov	Sandy Bay Bakery	Meal - ALGA Roads Congress	\$16.45
3-Nov	Flight Centre	Travel - Country Mayors	\$533.66
3-Nov	Flippers Cooked Seafood	Meal - ALGA Roads Congress	\$25.50
4-Nov	Wrest Point Federal	Meal - ALGA Roads Congress	\$13.90
Total expenditure for period 08/10/2022 - 07/11/2022			<u>\$675.58</u>

RECOMMENDATION

That Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 12 October 2022 to 8 November 2022.
2. Notes the report on the Mayor's credit card expenses between 8 October 2022 and 7 November 2022 and approves the payment of expenses totalling \$675.58.

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Item 2 Mayoral Minute – Declaration of a Statewide Roads Emergency

Mayoral Minute – Declaration of a Statewide Roads Emergency

Reason for Report

The purpose of this report is to support Local Government NSW's (LGNSW) call for a declaration of a Statewide Roads Emergency.

Background

At the Australian Local Government Association (ALGA) Roads and Transport Congress held in Hobart from 2 to 3 November 2022, (LGNSW) declared a Statewide Roads Emergency.

The declaration, and urgent call for the NSW and Federal Governments to increase their existing road funding commitments in the light of catastrophic floods over the last 12 months, was unanimously supported by NSW mayors and councillors attending the congress.

LGNSW estimates that the damage to the NSW road network is in the order of \$2.5 billion.

There are crops with an estimated value of \$4billion that will be unable to reach markets in the coming weeks because harvesting machinery is unable to access the farms.

This will cause untold economic and social harm and it is likely to get worse if the Bureau of Meteorology forecasts for continued wet weather until March 2023 come to fruition.

As part of the Statewide Roads Emergency, LGNSW is calling for:

- An acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program
- A boost to Road Block Grant funding to compensate for the damage to the regional road network
- New funding to provide councils with plant, machinery and skilled workers to expedite road repairs.

It is worth re-stating what we are dealing with in our Shire.

In November and December 2021, the Warrumbungle Local Government Area (LGA), along with many other areas, experienced significant rainfall. In Coonabarabran 254mm of rain fell in November 2021, which is above the 95th percentile and not far off the highest recorded rainfall of 316mm in 2000.

The intensity of the rainfall coupled with above average rainfall in the preceding months, resulted in extensive damage to Council's road network.

Over 1,770 defects have been identified with the value of the restoration work estimated to be over \$13 million. Restoration works including grading 440km of unsealed roads, pavement and surface repair of 500km of sealed roads, bulk filling of

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gravel and rock at 43 locations, reshaping of 6.5km of table drains and repair of 12 major causeways, culverts and bridges.

Council's previous largest application for natural disaster funding was in 2016, in the amount of \$643,477.

Council has submitted nine (9) works packages to the value of \$12,767,871.13 for the restoration works. A further \$900,000 of emergency works will also be claimed.

Of the nine (9) work packages submitted, only three (3) packages in the amount of \$1,322,510 has been approved.

Council submitted an assessment for a natural declaration of the 4 August 2022 event, which has been accepted. A further assessment for a natural declaration of the 21 and 22 September and October wet weather events have been submitted.

A further significant rain event occurred on 31 October/1 November 2022 and the impacts of this are still being assessed.

The Warrumbungle Shire Roads Team has repaired 3126 potholes on State Highways in the last 4 months (since the beginning of July 2022). This is 2700 more pothole repairs than would usually be completed in that length of time. The high rainfall has meant that Council are patching the same potholes multiple times to make the road as safe as possible. All crews in the Roads Team have been lending a hand to assist with this huge task. This includes digging out potholed areas and applying cold mix to fill the hole, and using the jet patching truck to seal as much of the damage as possible.

Once further flood damage funding has been approved by TfNSW and the ground dries out, a heavy patching program will be scheduled to start the extensive repair work required on the state highways. Some of this work has already started on the Golden and Castlereagh Highways with 20 heavy patches completed between July and October with a further 60 patches estimated to be completed over the next 8 months. This is four times the number of heavy patches completed by Council for TfNSW roads last financial year.

During the same time Council, as part of the partnership with TfNSW, has slashed the equivalent of 49.3km of roadside vegetation on state highways to improve sight distance for motorists.

On our local rural roads and regional roads, Council has since 1 July 2022:

- Conducted inspections of 62 roads.
- Completed pavement maintenance on 31 roads (pothole repairs, edge breaks, gravel scouring).
- Maintenance graded 62 roads.
- Slashed the roadside vegetation on 33 roads.
- Completed general maintenance repairs to culvert and drainage structures on 44 roads.
- Repaired, maintained and replaced signs and guideposts on 37 roads.

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- Completed flood recovery repairs on 33 roads associated with the November 2021 Natural disaster.
- Completed flood emergency repairs on 33 roads associated with the September and October 2022 natural disasters.

Council is committed to getting our roads back to pre-disaster conditions but it is going to take years not months. In terms of the natural disaster funding, we have until 30 June 2024 to complete the works and it is likely to take at least that long.

Council will be carrying out restoration works in a systematic manner and priority will be given to repairing defects on Category 1, roads first. These include Black Stump Way, Vinegaroy Road, Warrumbungles Way, Baradine Road, Forest Road, Purlewaugh Road and Timor Road. Whilst plant and equipment are in these areas, Council will also work on the Category 2 and 3 roads if practical.

Issues

It is important that the NSW and federal governments understand that there is hardly a LGA in NSW that has not been significantly impacted by storms and floods over the last 12 months, some more than others and clearly the Northern Rivers area has been impacted the most.

Unlike previous natural disasters this time there has been no respite and it is the ongoing and cumulative impacts that are the issue.

Because the entire state is impacted, all resources are stretched.

We are already seeing that organisations like Transport for NSW (TfNSW) are commandeering as many resources as they can to restore their network which is understandable but what it means is that we will have to stand in line for contractors, equipment hire and skilled staff.

The concern is that if there is no additional assistance from the NSW and federal governments, we will be waiting a long time to get our roads repaired and that will have a disastrous impact on our community struggling to recover from COVID, drought and mouse plagues.

Financial Considerations

Council has spent in the order of \$1 million to date in emergency works. The estimated cost of the flood restoration works will be greater than \$12 million. Both these amounts can be funded from the State Government if Council's applications are successful.

Council has also applied for funding under the Fixing Local Roads Pothole Repair Round. It is anticipated that this will be in the order of \$500,000.

Community Engagement Considerations

Council has engaged with the community across a range of media. Council will continue to keep the community informed.

Attachments

1. LGNSW statement

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RECOMMENDATION

That Council:

1. Supports LGNSW's declaration of a statewide roads emergency for the current situation.
2. Calls on an acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program.
3. Calls for a boost to Road Block Grant funding to compensate for the damage to the regional road network
4. Supports new funding to provide councils with plant, machinery and skilled workers to expedite road repairs.
5. Writes to our local state and federal MPs requesting their support for these important funding requests.

**COUNCILLOR AMBROSE DOOLAN
MAYOR**

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Item 3 Councillors' Monthly Travel Claims

Division:	Executive Services
Management Area:	Governance
Author:	Executive Assistant to the General Manager – Erin Player
CSP Key Focus Area:	Civic Leadership
Priority:	CL2.1 Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision-making.

Reason for Report

To provide Council with details of monthly travel claims of councillors.

Background

At the Ordinary Council meeting in July 2017 it was resolved that, "*all Councillors make public their monthly travel claims effective immediately.*" (**Resolution No 10/1718**)

Councillor Monthly Travel Claims

Councillor	Kilometres	\$ per KM	Total Amount (\$)
Cr Brady	-	0.78	-
Cr Doolan	-	0.78	-
Cr Hogden	-	0.78	-
Cr Holcombe	-	0.68	-
Cr Iannuzzi	-	0.78	-
Cr Kopke	-	0.78	-
Cr Newton	-	0.78	-
Cr Rindfleish	-	0.78	-
Cr Todd	115	0.78	\$89.70
		Total:	\$89.70

Issues

Nil.

Options

Nil.

Financial Considerations

Outlined above.

Community Engagement

To inform the community.

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Attachments

1. Councillors Monthly Travel Claims

RECOMMENDATION

That the Councillors' monthly travel claims report in the amount of \$89.70 is noted.

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Item 4 Delegate's Report – 2022 National Local Roads and Transport Congress 2 – 3 November 2022

Division:	Executive Services
Management Area:	Governance
Author:	Mayor Ambrose Doolan
CSP Key Focus Area:	Civic Leadership
Priority:	CL6 To build strong relationships

Reason for Report

To report to Council on the National Local Roads and Transport Congress held in Hobart on 2-3 November 2022.

Background

The Congress was supposed to have been held in 2020 however the COVID-19 pandemic resulted in it being postponed until now.

The Director Technical Services and I attended There were a number of presentations on a variety of subjects ranging from asset management, road safety, how councils can prepare for an electric vehicle future to updates on funding programs.

Some of the key issues are highlighted below.

In her welcoming address, Australian Local Government Association (ALGA) President Cr Linda Scott reminded us all that local governments across Australia are responsible for 77% of the total road network and yet we collect less than 4% of the taxation revenue.

The funding allocated to state roads is almost seven times that allocated to local roads.

In the recently announced federal budget, the Financial Assistance Grants (FAGs) have slipped from 0.55% of federal revenue to 0.52%. ALGA has a position of seeking to have that percentage restored to 1.0%.

Marcus Spiller from SGS Economics noted that 1 in 10 of all local government assets needs attention and three in every hundred need to be replaced. \$51billion is needed to replace poor quality infrastructure.

He noted that the federal government has economies of scale but local government has economies of scope.

Recent research confirmed that local government is the most trusted level of government. It was interesting that Gen Z (born 1995 to present) had higher levels of trust in local government at 66.5% than Baby Boomers (1946-1964) at 47.5%. The trust in federal government was 38.5% and 35.7% respectively.

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Steve Verity from the Institute of Public Works Engineers Australia (IPWEA) gave a sobering review of asset management.

Local government has three times the value of assets as state government who in turn have three times the value of federal assets.

The local government road asset value is \$133billion.

Of the 537 councils in Australia, 75% are in rural and remote areas and two thirds serve populations less than 30,000.

The growth in the value of the infrastructure is 6.4% per annum.

The average age of local government infrastructure is decreasing and it is expected to last longer than anticipated.

Of the 678,000km of roads controlled by local government, 413,000km or 61% are unsealed.

Rural and regional councils are responsible for 585,000km or 86% of the network. \$17.8billion are in poor condition, \$16billion have poor function and \$14.3billion have poor capacity.

While councils are required to develop Long Term Financial Plans (LTFP) and Asset Management Plans, only two third of councils have their asset management projections included in their LTFP.

He stressed that it is important to present a balanced scenario, communicate the trade offs and strive for a sustainable position.

Scott Nagar of Hyundai Motor Corporation gave a fascinating insight into the future trends of motor vehicles. The European Union has banned the sale of internal combustion engine vehicles from 2035 and manufacturers are racing to transition to alternatives.

Most are going electric but some manufacturers like Hyundai and Toyota see a future for both electric and hydrogen powered vehicles.

Most petrol powered vehicles will transition to battery electric and diesel powered vehicles such as trucks, buses and ships will transition to hydrogen.

Marion Terrell from the Grattan Institute spoke on the “explosion” of mega (greater than \$1billion) projects.

Bigger projects overrun more often and by more. In her study, the final costs were \$34billion higher than first estimated.

A surprising number of projects had no business case. In the May 2022 federal election none of the six billion dollar projects had been assessed by Infrastructure Australia as nationally significant and worth building.

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There is a concern that this spending on mega projects means less spending on maintenance.

It was fascinating to see that the fuel excise revenue has not been tied to road-related expenditure since 1959.

It was also interesting to learn that since 2009, the federal governments have funded lots of roads outside of the national network.

Statistical analysis of both Black Spot and Roads to Recovery projects shows that since 2009, rural areas are just as likely to benefit under Labor as Coalition governments when the funding criteria are objective and transparent.

Officials from the Department of Infrastructure gave an update on funding programs. The Local Roads and Community Infrastructure Program Phase 3 extension valued at \$500million is no longer going ahead.

Instead Phase 4 at \$750million will proceed from 1 July 2023 and will have a 24 not 12 month planning and construction period. It will have a focus on road and road related infrastructure.

Overall it was a good congress and well worthwhile.

Issues

Nil

Options

Nil

Financial Considerations

Nil

Community Engagement

To inform the community by placing the information on Council's website through the Business Paper.

Attachments

Nil

RECOMMENDATION

That Council notes the Delegate's Report on the National Local Roads and Transport Congress held in Hobart on 2-3 November 2022.

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Item 5 Robertson Oval Building Project and Minutes of Advisory Committee Meeting – 25 October 2022

Division:	Technical Services
Management Area:	Urban Services & Facilities
Author:	Manager Urban Services & Facilities – Nicole Benson
CSP Key Focus Area:	SC3 A healthy and active community is supported by sport and recreational infrastructure
Priority:	SC3.1 Identify and deliver sport and recreation facilities to service the community into the future.

Reason for Report

The purpose of this report is to present minutes from the meeting of the Robertson Oval Advisory Committee held at Dunedoo on 25 October 2022.

Background

Council established the Robertson Oval Advisory Committee to review and assist with the preparation of a strategy document and involve the community along with staff and possibly specialist consultants, to identify current and potential users, demand and frequency of use and importantly operation management of any new facility at the Robertson Oval complex.

Issues

The official opening was the main topic of discussion for the meeting. The timeframe to organise the official opening for Friday 14 October 2022 was considered far too short. Approval of the media release and information from the funding body to Council, and then to the Committee took longer than anticipated. It was decided that the official opening would be held in 2023 at the 100 Year Reunion for Senior League and will coincide with a home game.

It was noted that the drainage and carpark work had been delayed by rain and are scheduled for drier weather.

Options

Council may wish to note the action items and adopt the recommendations from the Committee meeting.

Financial Considerations

There are no financial implications arising from the minutes. The sub soil drainage and construction of the carpark that was removed from the original scope to save money are intended to be completed with the project budget balance of approximately \$85,000.

Community Engagement

The level of engagement for this report is to inform.

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Attachment

1. Minutes of Robertson Oval Advisory Committee Meeting – 25 October 2022.

RECOMMENDATION

That Council notes the minutes of the Robertson Oval Advisory Committee meeting held at Dunedoo on 25 October 2022.

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Item 6 Minutes of Traffic Advisory Committee Meeting – 27 October 2022

Division:	Technical Services
Management Area:	Projects
Author:	Director Technical Services – Gary Murphy
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4 The long-term wellbeing of our community is supported by ongoing provision of high quality services, health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management

Reason for Report

The purpose of this report is to present minutes from the meeting of the Traffic Advisory Committee held at Coonabarabran on the 27 October 2022.

Background

Authority has been delegated to Council from Transport for NSW (TfNSW) in relation to prescribed traffic control devices and traffic control facilities. Council may only exercise its delegated function in accordance with the Delegation. The Delegation requires Council to seek the advice of the NSW Police and TfNSW and this is usually done via the Local Traffic Advisory Committee. The Local Traffic Advisory Committee has no decision-making powers and is primarily a technical review committee. The Committee has four (4) formal members; NSW Police, TfNSW, Council Representative and the Local State Member of Parliament or their nominee.

Issues

The following matters were considered by the Committee:

- Additional Parking in John Street, Coonabarabran between Essex Street and Dalgarno Street
- Baradine Hotel – Installation of Parking Strips in Wellington Street, Baradine
- Mendooran History Group – Change of Date for 170th Birthday Celebration in Bandulla Street, Mendooran – 19 November 2022
- Non-Compliance with 50kph Speed Limit in Eden Street, Coonabarabran
- Speed Trailer

Options

The following Traffic Advisory Committee recommendations will be dealt with under Delegation.

- Additional Parking in John Street, Coonabarabran between Essex Street and Dalgarno Street
- Baradine Hotel – Installation of Parking Strips in Wellington Street, Baradine
- Non-Compliance with 50kph Speed Limit in Eden Street, Coonabarabran

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Council may wish to consider the Mendooran 170th Birthday Celebration on 19 November 2022 and the matter of the speed trailer.

Financial Considerations

The majority of the recommendations from the meeting on the 27 October 2022 can be accommodated within existing budget allocations. The matter of the speed trailer will have to be considered as a budget submission.

Community Engagement

The level of engagement for this report is to inform.

Attachments

1. Minutes of the Traffic Advisory Committee Meeting – 27 October 2022

RECOMMENDATION

That:

1. The minutes of the Traffic Advisory Committee Meeting held on the 27 October 2022 are noted for information.
2. Request by Mendooran and District History Group to close part Bandulla Street, Mendooran between Yalcogran Street and Napier Street on Saturday, 19 November 2022 from 9.00am to 4.00pm be approved subject to compliance with:
 - Traffic Management Plan
 - Traffic Guidance Scheme
 - Risk Assessment
 - Council's Road Closure Guidelines
 - Road Occupancy Licence
 - TfNSW Special Events Guide
 - Current public liability insurance.
3. Council investigate the purchase of a speed trailer to educate motorists across the Shire which will be a proactive approach by Council on road safety and the reduction of road trauma.

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Item 7 Revotes and High Value Projects Report

Division:	Executive Services
Management Area:	Governance
Author:	Executive Assistant to the General Manager – Erin Player
CSP Key Focus Area:	Civic Leadership
Priority:	CL1 That Council is financially sustainable over the long term

Reason for Report

To provide Council with updated information on the progress of projects that Council has funded by revote and projects that are considered to be high value and potentially high risk.

Background

From time to time, Council endorses changes to its adopted annual budget by way of a revote. A report on those projects that have been subject to a revote is compiled, with updates provided on progress.

The General Manager is responsible for overseeing the progression of information from relevant staff to Council via the Business Paper and monthly Council meetings.

Council is provided with information on revote items and their progress in the attached report.

Issues

Nil

Options

Nil

Financial Considerations

As set out in the report.

Community Engagement

To inform the community by placing the information on Council's website through the Business Paper.

Attachments

1. Revote Report
2. High Value High Risk Revotes

RECOMMENDATION

That the Revote and High Value Projects Report be noted for information.

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Item 8 Council Resolutions Report

Division:	Executive Services
Management Area:	Governance
Author:	Executive Services Administration Officer – Joanne Hadfield
CSP Key Focus Area:	Civic Leadership
Priority:	CL2.1 Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision making

Reason for Report

To provide Council with updated information on the progress of Council resolutions.

Background

The General Manager is responsible for overseeing the progression of information from relevant staff to Council via the Business Paper and monthly Council meetings.

Furthermore, the General Manager is responsible for ensuring appropriate information regarding Council resolutions and deliberations are provided to Directors and relevant staff. Each Council resolution is allocated to a directorate for action. Directors and Managers provide feedback to the General Manager on the progress of resolutions each month by way of the attached Council Resolution Report. Once an item is noted by Council as being complete it is removed from the Report.

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 the history and issues of outstanding items before Council reconsiders the matter.

Issues

This feedback is provided to Council for information purposes.

Options

Nil

Financial Consideration

Nil

Community Engagement

Level of Engagement - Inform

Attachments

1. Council Resolution Report

WARRUMBUNGL

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RECOMMENDATION

That the Council Resolution Report be noted for information.

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Item 9 Macquarie Regional Library Committee and Library Services Delivery

Division:	Corporate and Community Services
Management Area:	Community Services
Author:	Director Corporate and Community Services Lindsay Mason
CSP Key Focus Area:	Public Infrastructure and Services
Priority:	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.

Reason for Report

This report is to provide an update in relation to Council's resolution 236/1920 as follows:

Item 19 Macquarie Regional Library Committee and Library Services Delivery 236/1920 RESOLVED that Council:

2. *Requests a further report on the Library Services delivered within Warrumbungle Shire Council area, including:*
 - i. *Examining the ability to join another Regional Library Service that has far more member councils and a likely to lower shared operational costs.*
 - ii. *Examining the provision of Library Services outside a Regional Library arrangement.*
 - iii. *Examining alternatives for the delivery of library services to the smaller towns*

Issues

The most recent approach to examine the ability to join another regional library service was made by the previous Director Corporate and Community Services on 9 February 2021, to the North Western Library Co-Operative (NWLC). To date Council has not received any response to this letter. This follows a previous request to Mid-Western Council in August 2020, who were not interested at this point in time.

Council will make further contact the North Western Library Co-Operative to gain a response.

Council is currently operating under an agreement with the Macquarie Regional Library (MRL) until 30th June 2024, however this agreement has not been executed to date.

Financial Considerations

The MRL Service Agreement 1 July 2021 to 30 June 2024, whilst no executed, dictates the fees required from Council, which are being honoured.

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Attachments

1. Macquarie Regional Library 1 July 2021 to 30 June 2024.
2. Letter to North Western Library Co-Operative (NWLC).

RECOMMENDATION

That Council:

1. Notes the updated information to resolution 236/1920
2. Staff continue to examine the ability to join other Regional Library Services.
3. Sign the draft agreement with the Macquarie Regional Library for the period 1 July 2021 to 30 June 2024 in good faith, taking into consideration of the lapse in time.

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Item 10 Aboriginal Lands Council Update Report

Division:	Corporate and Community Services
Management Area:	Community Services
Author:	Director Corporate and Community Services Lindsay Mason
CSP Key Focus Area:	Civic Leadership
Priority:	CL2.1 Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision making.

Reason for Report

This report is to provide an update in relation to Council's resolution below:

313/2021 RESOLVED *“that Council request a meeting with the Minister of Local Government to discuss concerns regarding general rate exemptions that now apply to the Local Aboriginal Lands Council.”*

Issues

A supplementary report Council meeting of 15 April 2021 requested that a meeting be held with the Minister for Local Government to discuss concerns regarding general rate exemptions that now apply to the Local Aboriginal Lands Council.

Council requested a meeting via a letter sent to the Local Member's office on 14 January 2022.

To date Council has not been able to organise a meeting with the Minister for Local Government.

Staff will continue to seek a meeting with the Minister Office directly.

Financial Considerations

Nil

Attachments

Nil

RECOMMENDATION

That Council notes the updated information to resolution 313/2021.

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Item 11 Council's Financial Sustainability Policy Update Report

Division:	Corporate and Community Services
Management Area:	Financial Services
Author:	Director Corporate and Community Services Lindsay Mason
CSP Key Focus Area:	Local Government and Finance
Priority:	GF4 Council governance and organisation structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

Reason for Report

This report is to provide an update in relation to Council's resolution below:

316/2021 RESOLVED that Council:

"Review its Long-Term Financial Plan and Financial Sustainability Policy with a view to having a positive Operating Result before grants and contributions"

Issues

Council's Financial Sustainability Policy reviewed and re-adopted by Council on 17 February 2022. The former Chief Financial Officer CFO was preparing the Long-Term Financial Plan and unfortunately resigned from Council. The LTFP is currently under review by the Director of Corporate and Community Services, however, due to staff vacancies, this has been delayed.

Staff are working to provide this early in 2023 in conjunction with budget preparations for 2023/24. Recruitment for a replacement CFO will be occurring soon. Council has been unsuccessful in the recent past in securing a suitable candidate.

Financial Considerations

Nil

Attachments

Nil

RECOMMENDATION

That Council:

1. Notes the updated information to resolution 316/2021.
2. Staff will complete the Long Term Financial Plan in 2023 in conjunction with preparation of 2023/24 budget.

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Item 12 2021/22 Annual Report

Division:	Corporate and Community Services
Management Area:	Governance
Author:	Manager Corporate Services – Jenni Maundrell
CSP Key Focus Area:	Local Government and Finance
Priority:	CL2 Council meets its legislative and compliance requirements and implements opportunities for organisational improvement

Reason for Report

The reason for this report is to present Council with the 2021/22 Annual Report.

Background

The 2021/22 Annual Report has been prepared as required by sections 428 and 428A of the *Local Government Act 1993* (NSW) and clause 217 of the *Local Government (General) Regulation 2021* (NSW) and is attached to this report.

Issues

The 2021/22 Annual Report is the final report against the previous Warrumbungle Shire Community Strategic Plan. The Annual Report highlights Council's achievements and progress against each of the *2017-2032 Community Strategic Plan* key themes:

- Natural Environment.

Goal: the good health of our natural environment and biodiversity is preserved and enhanced.

"We value our pristine, healthy, natural environment with clean water resources and diverse flora and fauna. We enjoy the close proximity to National Parks and large areas of forest and bushland. We love that we are surrounded by wide open spaces and spectacular mountain landscapes. We enjoy the peace and quiet, our temperate climate with four distinct seasons, the fresh, unpolluted air and clear night skies."

- Local Economy.

Goal: our economy is strong and sustainable, providing our communities with localised employment opportunities and ease of access to markets, goods and services.

"Our solid local tourism industry is based on local attractions including three National Parks, Siding Spring Observatory and a range of tailored facilities and amenities. The contribution of our

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diverse agricultural industry is highly valued, made possible by good climate and rainfall, productive soils, clean water supplies and ready access to markets.

We benefit from good transport links within the shire and to external markets and customers and from an abundance of natural resources which provide our shire with opportunities for local economic growth. We have diverse local employment and business opportunities and we have access to a wide range of trades, services and businesses that are locally owned and operated, providing personalised customer service.”

- Community and Culture.

Goal: the communities of our shire are safe, harmonious and supportive and are bound by vibrant social and cultural interaction and a strong local identity.

“Our communities are strong, resilient and inclusive and provide support and assistance to those in need. Local volunteers contribute greatly to our community wellbeing and we enjoy the freedoms that are afforded through our safe, friendly and caring community. Our shire is a great place to raise a family and we value the contributions and participation of our younger people who are provided opportunities to support their development. Relationships between our indigenous and non-indigenous communities are harmonious and respectful and our diverse community is reflected through a wide range of arts and cultural activities, festivals and events.”

- Rural and Urban Development.

Goal: our shire is characterised by its peaceful rural landscape, its thriving towns and villages and diverse agricultural activities.

“Our shire is centrally located in NSW, within close proximity to regional centres and cities and we offer a range of affordable housing options. We enjoy a relaxed pace of life with low traffic volumes, no overcrowding and our urban centres are enhanced by the surrounding rural landscape and atmosphere. Our local history and heritage is visible in our towns and villages which are clean, tidy and well-presented.”

- Recreation and Open Space.

Goal: the communities of our shire have abundant opportunities to participate in sporting and recreational interests of their choice.

“People within the shire have opportunities to participate in a diverse range of locally based sports catering for people of all ages, activity levels and interests. Our rural setting provides children with opportunities to play in and explore their natural environment and our communities have easy access to a wide

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range of active and passive recreational pursuits through close proximity to National Parks and other open spaces. Organised sporting and recreational activities within the shire are coordinated by an array of active clubs and volunteer organisations and Council provides communities across the shire with well-maintained sporting facilities, parks and gardens.”

- Public Infrastructure and Services.

Goal: our communities are provided with safe, functional, and well-maintained infrastructure and a comprehensive range of services.

“We have a range of essential local services and facilities supporting the health, medical and aged care needs of our communities and we benefit from the local presence of State and Federal agencies and non-government organisations that provide a range of essential services. Local children and young people benefit from provision of high quality educational services and facilities. We have an array of public infrastructure, such as parks, libraries, community halls, swimming pools, sporting facilities and tourism amenities that are important for the prosperity and well-being of our communities.

Our towns benefit from the secure supply of potable water and our villages and rural areas have access to water from rainfall, rivers and artesian systems. Our shire accommodates major road transport links that are of national importance for the movement of people and freight and Council maintains three aerodromes and an extensive network of roads and bridges that provide connections within the shire and to other regional centres. We are also supported by volunteer emergency services that are critical in providing immediate accident and disaster response.”

- Local Governance and Finance.

Goal: Warrumbungle Shire Council is recognised for its strong community leadership, sound financial and asset management, and ethical, accountable and responsive local government.

“Our councillors represent the communities of the shire well and work effectively together, taking their responsibilities as elected officials seriously. Council provides an appropriate range of services and facilities that are responsive to community needs and Council bases its activities and decision-making on principles of openness, transparency and accountability. Council maintains a visible presence across the shire through decentralised offices, services and depot facilities.

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Council is the major employer within the shire, providing a wide range of local training and employment opportunities and Council's staff members are friendly and approachable and are an integral part of the communities of the shire. Council is proactive in providing financial, staff and other resources to develop programs and services that support the well-being of its communities."

The Annual Report documentation comprises the 2021/22 Annual Report which highlights Council's achievements and progress towards the Community Strategic Plan and other statutory information as prescribed by the Local Government Act and Regulations.

The final audited Financial Statements will be presented as an attachment to the Annual Report when it is made available to the Minister for Local Government by 30 November 2022, as prescribed.

The audited Financial Statements 2021/22 detail the income and expenditure and financial position of Council over this period as well as specific schedules and the Special Purpose Financial Reports.

Options

Nil

Financial Considerations

Nil

Community Engagement

The level of community engagement for this item is Inform.

Information is provided by way of the business paper report, which is published on the Council website.

Attachments

1. Warrumbungle Shire Council 2021/22 Annual Report

RECOMMENDATION

That Council:

1. Endorses the 2021/22 Annual Report.
2. Makes the Annual Report available to the public on Council's website.
3. Submits the Annual Report to the Minister for Local Government.

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Item 13 Investments and Term Deposits – month ending 31 October 2022

Division:	Corporate and Community Services
Management Area:	Financial Services
Author:	Acting Accountant – Lisa Grammer
CSP Key Focus Area:	Civic Leadership
Priority:	CL1 That Council is financially sustainable over the long term

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 625 of the *Local Government Act 1993* must be reported to Council at each Ordinary Meeting.

Background

Council is authorised by s 625 of the *Local Government Act 1993* (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

Marketable Securities, Term Deposits and At Call Investment 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 and at call accounts.

Marketable Securities

Council currently holds no Marketable Securities.

Term Deposits

During the month, \$2,500,000.00 worth of term deposits matured, earning Council a total of \$15,033.86 in Interest.

In October, the following placements were made into term deposits:

- \$500,000 with AMP at a rate of 3.60%

The balance of the term deposits at the end of the month was \$24,000,000.00.

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At Call

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, \$941.15 interest was earned on the balances in the accounts and net transfers of (\$526,201.33) were made from these accounts resulting in a month end balance of \$510,468.56.

Cash at bank balance

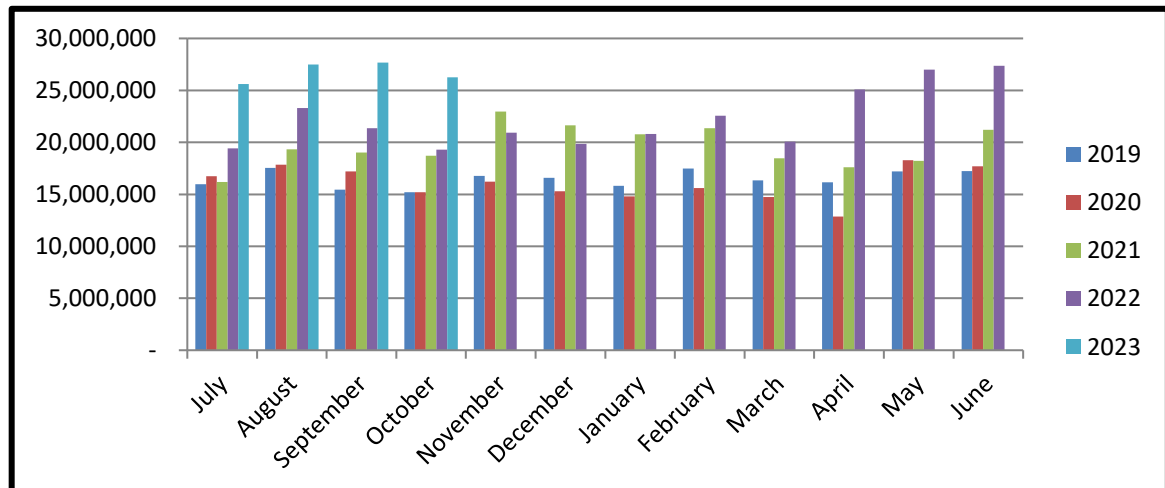
In addition to the at call accounts and term deposits, as at 31 October 2022, Council had a cash at bank balance of \$1,738,034.71.

Income Return

The average yield on Investments council held for October 2022, of 2.0847%. Council uses the Bank Bill Swap Rate (BSW) supplied by the Australian Securities Exchange (ASX) which was 3.0863 % for the month of September. The performance of investments for September, based on the comparison, was the portfolio underperformed by 1.0016%. This is due to some of the investments being placed in a low interest setting in 2021. Yields are expected to improve in the future, with the impact of higher interest rates. Council will see an example of this above with the new investment placed at a rate of 3.60%

Council's budget for year 2022/23 for interest on investments is \$90,000.00. At the end of September 2022, the amount of interest received and accrued should be around 33.33% of the total year budget, i.e. \$30,000.00 On a year to date basis, interest received and accrued totals \$86,102.75, which is 95.67% of the annual budget.

Graph by Month Investments



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Table 1: Investment Balances – 31 October 2022

Financial Institution	Lodgement Date	Maturity Date	Total Days	Original Rating	Current Rating	Yield (%)	Investment Amount (Redemption Value)
At Call Accounts							
NAB	1-Nov-18	At Call	at call	ADI	ADI	0.05%	503,804.21
ANZ	2-Nov-18	At Call	at call	ADI	ADI	0.01%	6,664.35
CBA At Call	4-Nov-18	At Call	at call	ADI	ADI	0.01%	0.00
							510,468.56
Term Deposits							
WBC	20-May-22	01-Nov-22	165	ADI	ADI	1.91%	1,000,000.00
WBC	29-Nov-21	09-Nov-22	345	ADI	ADI	0.50%	1,000,000.00
AMP	24-Nov-21	24-Nov-22	365	LMG	LMG	1.00%	1,000,000.00
NAB	30-May-22	05-Dec-22	189	ADI	ADI	2.13%	1,000,000.00
NAB	28-Jan-22	14-Dec-22	320	ADI	ADI	0.67%	1,000,000.00
CBA	06-Dec-21	15-Dec-22	374	ADI	ADI	0.55%	1,500,000.00
CBA - Sewer Fund	29-Apr-22	20-Dec-22	235	ADI	ADI	2.00%	2,000,000.00
WBC - Water Fund	31-May-22	03-Jan-23	217	ADI	ADI	1.92%	1,500,000.00
AMP	04-Oct-22	03-Jan-23	91	LMG	LMG	3.60%	500,000.00
NAB	17-Aug-22	10-Jan-23	146	ADI	ADI	3.20%	1,000,000.00
NAB	19-Jan-22	19-Jan-23	365	ADI	ADI	0.68%	1,000,000.00
CBA	07-Sep-22	01-Feb-23	147	ADI	ADI	3.40%	1,500,000.00
MAQ	07-Feb-22	07-Feb-23	365	UMG	UMG	0.75%	500,000.00
MAQ	28-Sep-22	21-Feb-23	146	UMG	UMG	3.83%	1,000,000.00
CBA	30-Sep-22	08-Mar-23	159	ADI	ADI	3.93%	1,000,000.00
NAB	28-Feb-22	23-Mar-23	388	ADI	ADI	0.83%	1,000,000.00
NAB	30-Sep-22	03-Apr-23	185	ADI	ADI	4.00%	2,000,000.00
MAQ - Sewer Fund	03-Mar-22	20-Apr-23	413	UMG	UMG	0.95%	500,000.00
WBC	29-Apr-22	10-May-23	376	ADI	ADI	2.50%	1,000,000.00

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WBC	29-Apr-22	31-May-23	397	ADI	ADI	2.50%	1,000,000.00
MAQ	29-Apr-22	21-Jun-23	418	UMG	UMG	2.05%	1,000,000.00
WBC	29-Apr-22	12-Jul-23	439	ADI	ADI	2.55%	1,000,000.00
						Sub-Total	24,000,000.00
						Total	24,510,468.56

Credit Rating Legend

P	Prime
ADI	Big Four – ANZ, CBA, NAB, WBC
HG	High Grade
UMG	Upper Medium Grade
LMG	Below Upper medium grade

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Table 2: At Call and Term Deposits – Monthly Movements

Bank	Opening Balance	Interest Added to Investment or Redeemed	Net Placements/ Withdrawals	Closing Balance
NAB	503,218.41	585.80		503,804.21
ANZ	6,664.29	0.06		6,664.35
CBA At Call	525,846.04	355.29	(526,201.33)	-
Total at call	1,035,728.74	941.15	(526,201.33)	510,468.56
AMP	500,000.00	2,991.78	(502,991.78)	-
CBA	1,000,000.00	8,006.30	(1,008,006.30)	-
WBC	1,000,000.00	4,035.78	(1,004,035.78)	-
WBC	1,000,000.00			1,000,000.00
WBC	1,000,000.00			1,000,000.00
AMP	1,000,000.00			1,000,000.00
NAB	1,000,000.00			1,000,000.00
NAB	1,000,000.00			1,000,000.00
CBA	1,500,000.00			1,500,000.00
CBA - Sewer Fund	2,000,000.00			2,000,000.00
WBC - Water Fund	1,500,000.00			1,500,000.00
AMP	-		500,000.00	1,000,000.00
NAB	1,000,000.00			1,000,000.00
NAB	1,000,000.00			1,000,000.00
CBA	1,500,000.00			1,500,000.00
MAQ	500,000.00			500,000.00
MAQ	1,000,000.00			1,000,000.00
CBA	1,000,000.00			1,000,000.00
NAB	1,000,000.00			1,000,000.00
NAB	2,000,000.00			2,000,000.00
MAQ - Sewer Fund	500,000.00			500,000.00
WBC	1,000,000.00			1,000,000.00
WBC	1,000,000.00			1,000,000.00
MAQ	1,000,000.00			1,000,000.00
WBC	1,000,000.00			1,000,000.00
Total Term deposits	26,000,000.00	15,033.86	(2,015,033.86)	24,000,000.00
Total	27,035,728.74	15,975.01	(2,541,235.19)	24,510,468.56

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Compliance with Council's Investment Policy

Council's Investment portfolio is 100% compliant.

The table below provides compliance status against the Investment Policy:

Institution	Credit Rating	Investment \$	Actual Exposure	Max. Limit per Policy	Compliance status
Tcorp	Prime	-	0.00%	33.30%	Compliant
	Total Prime	-	0.00%	100.00%	Compliant
ANZ	ADI	6,664.35	0.03%	33.30%	Compliant
CBA	ADI	6,000,000.00	24.48%	33.30%	Compliant
WBC	ADI	6,500,000.00	26.52%	33.30%	Compliant
NAB	ADI	7,503,804.21	30.61%	33.30%	Compliant
	Total ADI	20,010,468.56	81.64%	100.00%	Compliant
MAQ	UMG	3,000,000.00	12.24%	20.00%	Compliant
	Total UMG	3,000,000.00	12.24%	60.00%	Compliant
ME	LMG	-	0.00%	10.00%	Compliant
AMP	LMG	1,500,000.00	6.12%	10.00%	Compliant
	Total LMG	1,500,000.00	6.12%	10.00%	Compliant
	Grand Total	24,510,468.56	100.00%		

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 – Lisa Grammer

RECOMMENDATION

That Council accept the Investments Report for the month ending 31 October 2022 including a total balance of \$26,248,503.27 being:

- \$510,468.56 in at call accounts.
- \$24,000,000.00 in term deposits.
- \$1,738,034.71 cash at bank.

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Item 14 Update Report on Acquisition of Land for Proposed Rocky Glen RFS Brigade Shed

Division:	Technical Services
Management Area:	Property
Author:	Director Technical Services, Gary Murphy
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4 The long-term wellbeing of our community is supported by ongoing provision of high quality services, health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management.

Reason for Report

The purpose of this report is to update Council on the progress with Resolution 143/2122 of 18 November 2021 to acquire land for the purpose of constructing a Rural Fire Service shed for the Rocky Glen Brigade.

Background

The trucks and equipment attached to the Rocky Glen RFS Brigade are currently housed on private property. To enhance the reliability and sustainability of the Brigade it is desirable for RFS trucks and equipment to be housed on land under the control of Council and to this end a site on Borah Creek Road has been identified. The proposed site is located adjacent to the Borah Creek Hall and measures 30m x 44m. The current owner of the site agreed to donate the land to Council subject to all costs associated with subdivision and acquisition being met by Council.

Council at its meeting of 19 November 2020 resolved the following:

'163/2021 RESOLVED that:

- 1. Council accept the donation of land measuring approximately 30m x 44m from the owner of Lot 20, DP757085 for the purpose of constructing a shed for the Rocky Glen RFS Brigade.*
- 2. That a budget allocation of \$12,000 is considered at the next quarterly budget review to acquire land from the owner of Lot 20, DP757085 for the purpose of constructing a shed for the Rocky Glen RFS Brigade.'*

Council considered an update report on 18 November 2021 and resolved:

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143/2122 RESOLVED that:

- 1. Council note the update report on acquisition of land for the proposed Rocky Glen RFS Brigade shed.*
- 2. Council accept the donation of land measuring approximately 30m x 44m from the owner of Lot 20, DP757085 for the purpose of constructing a shed for the Rocky Glen RFS Brigade.*
- 3. Council classify the land to be acquired for the proposed Rocky Glen RFS Brigade Shed as operational land in accordance with s31(2) of the Local Government Act 1993.*

Once the land is acquired by Council the RFS Castlereagh Zone is in a position to make application for funding to construct a shed on the land.

The survey of the site revealed some encroachment issues that had to be rectified.

The survey plan is now complete.

Issues

The proposed shed for Rocky Glen RFS Brigade is part of a long-term program to establish permanent Brigade sheds throughout the Shire. The RFS Castlereagh Zone is also planning to construct a Brigade shed at Goolhi and at Warkton.

In relation to the subdivision of land for the RFS Shed at Borah Creek there is a staged process that will now need to take place.

Firstly, Council is required to lodge an application to remove the restrictions on use. Council's solicitors have prepared the s77A Application Form for NSW Department of Planning, Industry and Environment (DPIE – Crown Lands). The application processing timeframe is between 2 to 8 weeks.

The second stage involves the preparation and lodgement of a s77B Restriction on Subdivision. The removal of the restriction needs to be approved by the Minister. If the land is not deemed sensitive (sensitive land is defined as land which is within 100 metres or adjoining the National Park Estate) an assessment will be undertaken by Crown Lands staff to determine if the restriction can be removed. If the land is deemed sensitive a referral will be sent upon receipt of the application to Department of Environment, Energy and Science (formerly Office of Environment and Heritage) for assessment as concurrence from the Minister for Environment is required prior to Crown Lands administering the dealings for removal if successful.

Subject to the Minister's consent / approval to removal of the s77B Subdivision Restriction, the subdivision can then be considered under the usual Development Application (DA) process. LRS registration process can then proceed. As there is a caveat over the land, NSW Rural Assistance Authority consent is required.

Options

Council is acting on advice from the Castlereagh Zone Bush Fire Management Committee that acquisition of land for the Rocky Glen RFS Brigade will enhance the

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reliability of the Brigade by providing a shed on public property for their truck and equipment.

Financial Considerations

The costs associated with acquiring land on Borah Creek Road for the Rocky Glen RFS Brigade include costs associated with survey and registration, legal costs and Council Development Application costs. All up the cost to acquire the land is estimated to be \$12,000. This has not been budgeted in the 2022/23 operational plan. A supplementary vote has been prepared for consideration by Council at the next QBRS.

Community Engagement

The community scale and the community impact of acquiring land for an RFS Brigade shed at Rocky Glen is expected to be low and low respectively, therefore the level of community engagement is at the inform level only.

Attachments

Nil.

RECOMMENDATION

That Council

1. Note the update report on acquisition of land for the proposed Rocky Glen RFS Brigade shed.
2. Classify the land to be acquired for the proposed Rocky Glen RFS Brigade Shed as operational land in accordance with s31(2) of the Local Government Act 1993.

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Item 15 Update Report on Classification and Categorisation of Crown Reserves

Division:	Technical Services
Management Area:	Property
Author:	Director Technical Services – Gary Murphy
CSP Key Focus Area:	Supporting Community Life
Priority:	SC3 A healthy and active community is supported by sport and recreational infrastructure

Reason for Report

The purpose of this report is to update Council on the Classification and Categorisation of Crown Reserves.

Background

Council at its meeting of 21 May 2020 resolved the following:

'410/1920 RESOLVED that Council:

1. *Endorse initial Classification and Categorisation of the following Crown Land Reserves:*

Reserve No	Categorisation	Classification
89960	P	Community – Park
68452	GCU/P	Community – General Community Use/Park
65440	GCU	Community – General Community Use
90694	P	Community – Park
36127	CS	Community – Area of Cultural Significance
31715	P	Community – Park
51177	P	Community – Park
81773	GCU	Community – General Community Use
83250	P	Community – Park
11	P	Community – Park
14138	P	Community – Park
49164	P	Community – Park
520072	P	Community – Park
56732	P	Community – Park
86082	P	Community – Park
88128	P	Community – Park
88348	P	Community – Park
89680	P	Community – Park
90768	P	Community – Park
46646	S	Community – Sportsground

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Reserve No	Categorisation	Classification
47760	S	Community – Sportsground
89626	NA	Community – Natural Area – Bushland
96923	GCU	Community – General Community Use
97723	P	Community – Park
86105	P	Community – Park
89668	P	Community – Park
1997	P	Community – Park
91389	P	Community – Park
92335	P	Community – Park
97307	P	Community – Park
47862	GCU	Community – General Community Use
76398	P	Community – Park
86978	P	Community – Park
91071	P	Community – Park
53797	P	Community – Park
68100	P	Community – Park
81962	P	Community – Park
89588	P	Community – Park
520049	GCU	Community – General Community Use
85661	GCU/P	Community – General Community Use/Park
90681	P	Community – Park
87118	GCU	Community – General Community Use
95872	GCU	Community – General Community Use
98063	P	Community – Park
1591	P	Community – Park
1592	P	Community – Park
73370	P	Community – Park
77108	P	Community – Park
85682	GCU	Community – General Community Use
76877	P	Community – Park
78473	P	Community – Park
80278	P	Community – Park
97167	GCU	Community – General Community Use
1205	P	Community – Park

Legend: NA – Natural Area
S – Sportsground
P – Park
CS – Cultural Significance
GCU – General Community Use

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2. *Submit a Classification of Crown Land as Operational Land form to apply for Ministerial consent to classify the following Crown Reserves as Operational Land:*

Reserve No	Known As	Categorisation
85378	<i>Bandulla Rubbish Depot</i>	<i>GCU</i>
86971	<i>Rubbish Depot (closed in 2004)</i>	<i>GCU</i>
120056	<i>Baradine Bushfire Brigade & Rescue Station</i>	<i>GCU</i>
120110	<i>Rifle Range</i>	<i>NA</i>
44862	<i>Night Soil Depot</i>	<i>GCU</i>
51266	<i>Coolah Waste Transfer Depot</i>	<i>GCU</i>
65210	<i>Coolah Night Soil Depot</i>	<i>GCU</i>
44885	<i>Rifle Range (Part)</i>	<i>P</i>
86997	<i>Rubbish Depot</i>	<i>GCU</i>
69283	<i>Mendooran Night Soil Depot</i>	<i>GCU</i>
69431	<i>Rubbish Depot</i>	<i>GCU</i>
120081	<i>Uarbry Rubbish Depot</i>	<i>GCU</i>
86771	<i>Rubbish Depot</i>	<i>GCU</i>
69528	<i>Rubbish Depot</i>	<i>GCU</i>
60139	<i>Sanitary Purposes, Binnaway</i>	<i>GCU</i>
73778	<i>Rubbish Depot, Craboon Village</i>	<i>GCU</i>

Legend: NA – Natural Area
S – Sportsground
P – Park
CS – Cultural Significance
GCU – General Community Use

3. *In accordance with Section 3.23 of the Crown Land Management Act 2016, notification be provided to the Minister of Council’s categorisation of Crown Reserves shown in recommendations 1 and 2.’*

Crown Lands NSW has identified 71 Crown Reserves that must be managed by Council. The management process includes classification of the Reserves as either Community Land or Operational Land. In accordance with Section 36 of the Local Government Act, land that is classified as Community Land must then be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

The management process also involves preparing a Plan of Management (PoM) for Crown Reserves regardless of their classification.

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Classifying Crown Reserve as Operational Land is only possible upon approval from the Minister and Council's case must be compelling for an approval to be granted.

A Consultant was engaged to assist Council with the task of describing each Crown Reserve and preparing a PoM. Each Crown Reserve has been listed in a table which includes description of purpose and suggested classification and category, and this table along with maps is provided in Attachment 1.

The plan of management document was prepared in March 2021 and subsequently submitted to Crown Lands for comment.

Feedback was received in August 2021 and staff have responded to their queries.

At the time of writing this report, it is unclear when the consultation process with Crown Lands might be finalised.

Issues

The table in Attachment 1 also briefly describes justification for the proposed classification and categorisation of each Crown Reserve. The description covers potential issues such as existing use; endangered or threatened ecological communities, cultural heritage items and significant natural areas.

Options

Council may wish to review each Crown Reserve and change either the proposed classification or categorisation. The Crown Lands Office must be notified of Council's recommended classification and categorisation of each Crown Reserve before a PoM is prepared.

Financial Considerations

A grant of \$90,000 was received from the Office of Local Government to complete the task of preparing Plans of Management.

Engagement

The reserves are relevant to a large area of the Shire and there is moderate potential for some controversy. Therefore, the level of engagement is to inform + consult.

Attachments

1. Crown Land Reserves – table of descriptions and maps.

RECOMMENDATION

That:

1. Council Note the update report on Classification and Categorisation of Crown Reserves.
2. In accordance with Section 3.23 of the Crown Land Management Act 2016, notification be provided to the Minister of Council's categorisation of Crown Reserves shown in Item 1 and 2 of Resolution No 410/1920 of 21 May 2020.

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Item 16 Update Report on Management of Roadside Vegetation

Division:	Technical Services
Management Area:	Road Operations
Author:	Director Technical Services – Gary Murphy
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4 The long-term wellbeing of our community is supported by ongoing provision of high quality services, health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management.

Reason for Report

This report provides an update on the management and control of roadside vegetation Resolution 145/2122 of 18 November 2021.

Background

Council at its meeting on 21 May 2020 resolved the following:

'412/1920 RESOLVED that:

- 1. Council note the report on the management of roadside vegetation.*
- 2. When the opportunity arises applications are made through NSW Environmental Trust for funding to prepare a Roadside Vegetation Management Plan.*
- 3. Council not permit the collection of vegetation, including fallen timber within road reserves, by persons unless an environmental assessment is undertaken by a qualified person.'*

Issues

The management of road reserves is governed by the Roads Act 1993 and the Local Government Act 1993 and a range of other environmental legislation. Section 88 of the Roads Act states "A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard." This means that the Council as the Road Authority of the roads under its jurisdiction has the authority to remove or lop any tree, or clear vegetation on the road reserve, that pose a hazard to traffic.

In relation to compliance with environmental legislation, the process of vegetation identification, impact assessment and implementation of control measures is best done through a Roadside Vegetation Management Plan. Once adopted by Council a

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vegetation management plan not only covers activities on rural road reserves undertaken by Council, it also covers activities by individuals, community groups and commercial operators. For example, a Roadside Vegetation Management Plan will outline the locations and processes to be undertaken by commercial seed collectors. Local Government NSW has published model guidelines and a management plan framework for development and implementation of a Roadside Vegetation Management Plan. Councils that have developed a Plan include Parkes Shire, Orange City, Bathurst City and Mid-Western Regional. Without such a plan being in place individuals cannot collect firewood or seeds. Such a plan must be undertaken by a qualified person doing an environmental assessment.

A Vegetation Management Plan for Roadsides will take at least 12 months to develop and may depend upon grant funding being available.

Currently it appears that there is no grant program available through NSW Environmental Trust that could fund the development of a Roadside Vegetation Management Plan.

Options

Council can continue to explore all grant opportunities for the development of a Roadside Vegetation Management Plan or Council can decide that it is no longer a priority and defer the matter until grant funding is available. Alternatively Council may consider funding the project itself.

Financial Considerations

The budget allocation for roadside vegetation control is generally based on historical expenditure and not on predetermined plans or expected work accomplishments. Actual expenditure on roadside vegetation control depends upon seasonal conditions and is dominated by expenditure on the task of roadside slashing.

At this stage it is not known how much it would cost to develop a Roadside Vegetation Management Plan. Mid-Western Regional Council advised that it cost in the order of \$90,000 to develop their plan in 2011. They are currently in the process of reviewing that 2011 plan at a cost of a further \$100,000.

Community Engagement

Development of a Roadside Vegetation Management Plan would be relevant to a large geographical area of the Shire and may generate some controversy. Therefore, the level of community engagement would be inform + consult + involve.

Attachments

Nil

RECOMMENDATION

That Council:

1. Note the update report on the development of a Roadside Vegetation Management Plan.
2. Consider the funding to prepare a Roadside Vegetation Management Plan in the 2023-24 budget process.

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Item 17 Update Report on RFS Shed at Coonabarabran Aerodrome

Division:	Technical Services
Management Area:	Property
Author:	Director Technical Services – Gary Murphy
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4 The long-term wellbeing of our community is supported by ongoing provision of high quality services, health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management

Reason for Report

The reason for this report is to review the status of Resolution No 147/2122 of 18 November 2021.

Background

Council considered minutes from the Warrumbungle Aerodrome Advisory Committee meeting on the 21 February 2019 and made the following resolution:

'282/1819 RESOLVED that Council:

- 1. Accepts the Minutes of the Warrumbungle Aerodromes Advisory Committee meeting held at Coonabarabran on 5 February 2019.*
- 2. Lodge a Development Application for construction of a new two (2) bay Fire Brigade shed incorporating offices and equipment storage rooms at the Coonabarabran Aerodrome.*
- 3. Applies for funding through the Member for Parkes for both the feasibility and design of a sealed runway pavement at Baradine Aerodrome.'*

Council further resolved on the 16 July 2020:

'17/2021 RESOLVED that:

- 1. Upon completion of the LEP review and classification of Council land at the aerodrome as operational land, a Development Application be lodged for construction of a new two (2) bay Fire Brigade shed incorporating offices and equipment storage rooms at the Coonabarabran Aerodrome.*
- 2. This matter be removed from the Action List and become a target in the Delivery Program.'*

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Issues

A site for the proposed RFS shed at the Coonabarabran Aerodrome has been identified and basic building plans are available, however a Development Application may only be lodged if the Council owned land at the aerodrome is classified as operational land. A change in classification from community land to operational land is only possible through a change to the Local Environment Plan (LEP).

A planning proposal for a number of parcels of land was prepared and placed on public exhibition.

Public hearings were held on 27 October 2022 and a report will be prepared for Council by the end of 2022 or early in 2023.

Options

Council has the option of renewing the intent of the resolution, abandoning the resolution or modifying it in some way.

Financial Considerations

The cost of lodging a Development Application can be accommodated within existing budget allocations.

Community Engagement

The proposed development is of low complexity and a small change to the aerodrome facility. Therefore, the level of engagement is to inform. The planning proposal on the change in the land status from community to operational was subject to a community consultation process.

Attachments

Nil

RECOMMENDATION

That:

1. Council note the update report in relation to the proposed RFS Shed at Coonabarabran Aerodrome.
2. Upon completion of the LEP review and classification of Council land at the aerodrome as operational land, a Development Application be lodged for construction of a new two (2) bay Fire Brigade shed incorporating offices and equipment storage rooms at the Coonabarabran Aerodrome as resolved previously via Resolution 147/2122.

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Item 18 Update Report on Road Closure part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway

Division:	Technical Services
Management Area:	Property
Author:	Director Technical Services – Gary Murphy
CSP Key Focus Area:	Supporting Community Life
Priority:	SC3 A healthy and active community is supported by sport and recreational infrastructure

Reason for Report

To provide Council with an update on the status of Resolution 148/2122 relating to the Pump House Camping Ground located at Binnaway as the resolution has been outstanding for a period greater than 12 months.

Background

Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway.

Council at its meeting of 18 November 2021 resolved the following:

'148/2122 RESOLVED that Council:

- 1. Note the update report on the Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway.*
- 2. Continues the part road closure of Castlereagh Avenue, Binnaway updating the licence agreement and submitting a Development Application for the Pump House Camp Ground, Binnaway as resolved previously via Resolution 162/1718.'*

Issues

The current camp ground is located on part of the road reserve associated with Castlereagh Avenue, Binnaway. To formalise an approval for the site to be used as a Primitive Camping Ground the road reserve area needs to be acquired by Council. It is also necessary for a fresh Development Application (DA) to be issued as the previous approval contravened the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005. The contravention related to the number of camp sites approved for the hectare area available.

In November 2018, letters were sent to neighbours notifying of road closure and relevant advertisement lodged giving 28 days' notice.

In December 2018, upon closure of the notice period, no submissions were received.

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In May 2019, surveyor engaged to undertake survey work.

In April 2020, survey plan completed and plan registered.

In August 2020, solicitors commenced the road closure process and notification of the proposed road closure was sent to adjoining property owners.

In November 2020, solicitors prepared the application to Crown Lands for formal closure of public road.

In March 2021, solicitors initiated a process to respond to two objections and clarification of property ownership.

The objections have since been resolved.

Advice received from Council's solicitors is that this matter may take approximately six (6) months to finalise.

A subsequent Council report and resolution will be required to proceed. Council will then be in a position to prepare and lodge with Crown Lands the formal Public Road Closure application.

Options

Council has commenced implementation of the part road closure through the Department of Lands. Once the part road closure is finalised the remaining resolutions relating to the DA and licence agreement will be completed.

Financial Considerations

Costs for surveying and road closure application fees have been incurred to date – valued at \$13,257. The DA fees are expected to be in the vicinity of \$871, with the review of the licence condition likely to incur legal fees of approximately \$1,500.

Some work is also likely to be required to ensure the site addresses compliance requirements under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005. Works noted to date include necessary upgrades to the septic tank and wastewater disposal system, changes to powered sites, upgrades to fixtures within the amenities ie new basins – works are expected to cost approximately \$5,000. The extra legal cost related to the updating of the Licence Agreement is expected to be approximately \$1,500.

Community Engagement

This issue is of particular interest to the Binnaway community and is considered to be of moderate community impact. Therefore, the level of engagement is inform + consult.

RECOMMENDATION

That Council:

1. Notes the update report on the Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway.

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2. Continues the part road closure of Castlereagh Avenue, Binnaway updating the licence agreement and submitting a Development Application for the Pump House Camp Ground, Binnaway as resolved previously via Resolution 148/2122.

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Item 19 Update Report on Werribee Road Premer

Division:	Technical Services
Management Area:	Property
Author:	Director Technical Services – Gary Murphy
CSP Key Focus Area:	Civic Leadership
Priority:	SC4 The long-term wellbeing of our community is supported by ongoing provision of high quality services, health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management

Reason for Report

To update Council on Resolution 149/2122 of 18 November 2021 to apply for compulsory acquisition of Part Lot 7304, DP1159006, Black Stump Way, Premer to construct a legal access to Werribee Road. The access will cross Crown Land dedicated for a Travelling Stock Route Reserve 1697, therefore a compulsory acquisition of land is required to formalise access to Werribee Road.

Background

Council at its meeting of 13 December 2018 resolved the following:

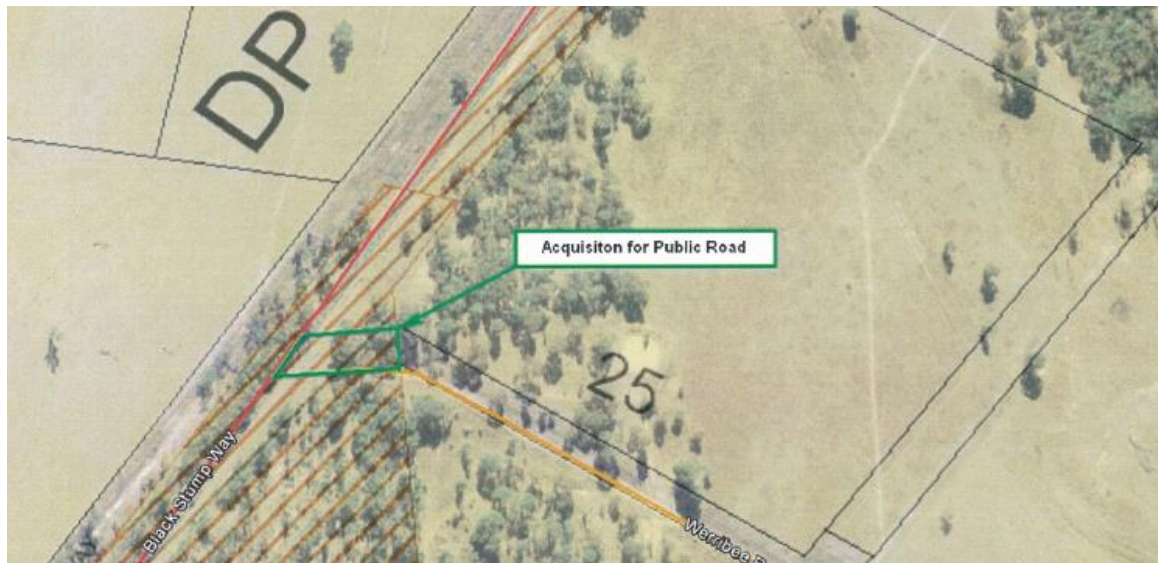
'245/1819 RESOLVED that Council:

- 1. Apply to the Department of Primary Industries – Lands for consent under section 11 of the Land Acquisition (Just Terms Compensation) Act 1991 to issue a proposed acquisition notice to acquire part of Lot 7304 DP1159006 to establish a roadway, subject to the approval of the Minister for Local Government.*
- 2. Make an application for the compulsory acquisition of part of the land described as Lot 7304 DP1159006 for the purpose of forming an access road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.*
- 3. Make an application to the Minister and Governor for approval to acquire the part of the land described as Lot 7304 DP1159006 by compulsory process under section 186 of the Local Government Act 1993.*
- 4. Authorise for the Common Seal of the Warrumbungle Shire Council to be affixed to any documentation required to effect acquisition of the land, if required.'*

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In June 1998, Terra Shell Pty Ltd applied for a 29 Lot Rural Subdivision located at 'Werribee' Black Stump Way, Premer. The proposed application was approved in January 1999 with conditions. In January 2002 the Acting Director Environmental Services signed an internal memo addressed to the General Manager to sign and release the linen plans. The subdivision plans indicated a new road which was to be named Werribee Road needed to be constructed in accordance with Council's requirements to ensure access to each lot was through a separate entrance. Once Werribee Road was constructed a compulsory acquisition should have been applied for to allow access from Black Stump Way, this however was not undertaken at the time. The proposed section of land to be acquired is indicated in green in the below map, the area is approximately 0.1ha.



Issues

Since the completion of the subdivision, Council has approved three (3) development applications along Werribee Road. Council was not aware at the time of the approvals that there was no legal access across the Crown Land from Black Stump Way to Werribee Road.

Before an application for the compulsory acquisition is lodged approval from the Department of Primary Industries – Lands needs to be received. The application requests if Council wants to acquire the whole or part of the lot or the land for an easement. Council will apply for the acquisition of part of the land for the construction of an access road. Once approval has been issued Council can commence the acquisition process.

To formalise the access to Werribee Road an application for the compulsory acquisition of part of the land will be required. The parcel of land is located along the Black Stump Way and is dedicated as a Reserve for Travelling Stock (R1697) notified 21 March 1881. There is also a current Aboriginal Lands Claim lodged 23 November 2005 – Claim No 8286.

A search of the Native Title Register will need to be obtained for submission with Council's application to the Office of Local Government.

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Council will need to obtain a search of the Aboriginal Land Claims (ALC) register to submit with its application to the Office of Local Government and will also need to address Aboriginal Land Claim No 8286 by obtaining either:

- the written consent of the NSW Aboriginal Land Council and the local Aboriginal Land Council for the compulsory acquisition of this Crown land to proceed, or
- the written agreement of the NSW Aboriginal Land Council and the Local Aboriginal Land Council to remove the Crown land subject to Council's application from the ALC existing claims.

In July 2019, a solicitor was engaged to prepare the acquisition application on behalf of Council.

In December 2020, an application for compulsory acquisition was lodged with the Office of Local Government for approval on 15 December 2020.

In May 2021, advice was received from solicitors that a survey plan is required and must be registered.

In July 2021, a surveyor was engaged to review and quote on the survey works.

In August 2021, the Crown Lands road acquisition team was to contact Council with further instructions on survey works.

In November 2021 an update report was provided to Council.

Since then a surveyor has been instructed by Council's solicitor and after some discussions with Crown Lands, the survey has been completed and the plan has been lodged.

Options

Council has the option of undertaking a compulsory acquisition of the land to allow access for the owners of properties on Werribee Road.

Council has the option of not undertaking a compulsory acquisition. If the acquisition is not undertaken there will be no legal access to Werribee Road, Premer.

Financial Considerations

Costs involved with the compulsory acquisition of land are not quantified at this stage as there are a number of steps that are required to be undertaken to acquire the parcel of land including costs for the consent from Crown Lands, solicitor's costs for the advice relating to the extinguishment of any Native Title Claims and surveyor's costs and Just Terms Compensation.

Once the costs are known, a supplementary vote will be prepared for Council to consider at the next available QBRS.

Council should be aware that once it gets to a certain stage of the process that it must follow through to completion, no matter the land value.

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Community Engagement

The community scale is low with a moderate risk of conflict given the nature of the proposed acquisition. The level of engagement is to inform + consult.

Attachments

Nil

RECOMMENDATION

That Council:

1. Apply to the Department of Primary Industries – Lands for consent under section 11 of the Land Acquisition (Just Terms Compensation) Act 1991 to issue a proposed acquisition notice to acquire part of Lot 7304 DP1159006 to establish a roadway, subject to the approval of the Minister for Local Government.
2. Make an application for the compulsory acquisition of part of the land described as Lot 7304 DP1159006 for the purpose of forming an access road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
3. Make an application to the Minister and Governor for approval to acquire the part of the land described as Lot 7304 DP1159006 by compulsory process under section 186 of the Local Government Act 1993.
4. Authorise the General Manager to sign all documents associated with the conveyancing transaction (including a Client Authorisation Form to affect the transaction), if required.

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Item 20 Little Timor Street Plaza

Division:	Technical Services
Management Area:	Projects
Author:	Manager Urban Services & Facilities – Nicole Benson
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4 The long-term wellbeing of our community is supported by ongoing provision of high quality services, health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management.

Reason for Report

The purpose of this report is to report back on the Notice of Motion – Little Timor Street Plaza.

Background

At the 15 September Council meeting, it was resolved:

'81/2223 RESOLVED that Council prepare a report/provide information on Little Timor Street plaza, including information on closing road, what approvals needed to use this community space, what are remaining funds to finalise project, lights, locked boxes for outdoor chess pieces.'

An application for funding for the Little Timor Street Plaza was submitted in June 2020 under the Streets as Shared Spaces (SaSS) Program. The application was a Category 2 Pilot project which is medium-term pilot projects that improve or activate streets as shared public spaces.

On 10 September 2020, the funding deed with the NSW Department of Planning Industry and Environment (the Department) was executed. The funding amount was \$233,358 (excl GST).

The funding agreement is included as Attachment 1 and the funded scope of works included:

- Area 1a - John Street
 - 3 large planter boxes of trees as bollards to mark the closing of the road entry
- Area 1
 - 15 metres of decking - gutter to gutter
 - 2 tree planter boxes and seating and large industrial umbrellas
- Area 2 – 12 metres of astro turf – gutter to gutter
- Area 3 – Parklet stage area complete with lighting and electricity

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- Area 3a – Bike-rack and a large tree planter box to provide shade and protection from summer sun at the rear of the parklet.
- Area 4 – Corrugated wall on southern side
- Area 5 – Cement rendered wall

In the application it states that the Plaza Project was proposed:

“...because Coonabarabran does not have an area VISIBLE from the CBD for local and travelling people to engage in the things we value (ie socialising, children's play, community interaction, audience appreciation of local talent and performance). Such a plaza would be a "dream come true" for residents and the travelling public. The proposed site is within 50 metres of a designated carpark. It would also be a place where exercise classes can be held, night entertainment and a socialising space where residents can take a break and rest.”

The proposal that was presented was based on all aspects of the project being semi-permanent fixtures in accordance with the Category 2 project criteria. The intention was to repurpose an area with a minimal traffic flow but high-level use by pedestrians and create a "people focused area". It was to be a stand-alone project, independent of ongoing funding.

The project was considered by Council's Traffic Advisory Committee on 22 July 2021 and resolved:

“The temporary closure of Little Timor Street between John Street and Robertson Street, Coonabarabran to accommodate the Little Timor Street Plaza was noted. Council to advertise the proposal and install barrier boards prior to project construction.”

The minutes of the Traffic Committee were presented to the 19 August Council meeting. Following this, Council advertised the temporary road closure outlining the rationale and scope of works.

The works were completed, with the exception of festoon lighting (awaiting landowner consent), and the project close out report was submitted to the Department on 21 June 2022.

In July 2022, Council staff received a request from Mission Australia to hold a BBQ event for members of the public at the Plaza as part of National Homeless Week.

As a result of this request, investigations into the previous use of the Plaza for organised events were completed. This revealed that there was an event held by Yarn Support Connect entitled “An Evening in The Plaza” in the Plaza on Saturday 26 February 2022. The event was widely advertised on Social Media, events pages on the internet and through local schools. This event was not approved by Council and resulted in spill over of attendees onto the Newell Highway causing safety concerns.

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Mission Australia was advised that the Plaza was not considered suitable for their proposed event owing to the uncertainty of numbers and alternative venues such as the Town Hall were suggested.

On 2 August 2022 an email was received from Centacare Bathurst by Council seeking approval to use Council's logo on a promotional flyer for a proposed homelessness event planned to be held at Little Timor Street Plaza from 5-7pm on Friday 5 August 2022. Cr Brady made enquiries about event requirements and advised that it would be a low-key event with perhaps 20 people participating.

A Local Approval Section 68 application form was given to Cr Brady to complete. The form was not returned to Council and it is understood that the event did not proceed at the Plaza.

Issues

There are a number of issues to consider.

The first is that the project was funded as a Category 2 Pilot project which is medium-term "pilot" projects that improve or activate streets as shared public spaces. The Department describes the program as "*Piloting temporary interventions and pop-ups has allowed councils, the community and stakeholders to trial innovative ideas that test and build the case for more permanent changes.*"

Council should consider whether Little Timor Street Plaza should become a permanent project. The Department has a number of success factors that Council could consider as part of its decision making, these are included in the Project Completion Report in Attachment 2.

If Council was of a mind to make the project permanent, it will be necessary to close the section of Little Timor Street.

The first step is for the Council to be satisfied that the three circumstances in section 38A of the Roads Act 1993 are met. Section 38A provides as follows:

'38A When council may close council public road

A council may propose the closure of a council public road for which it is the roads authority if—

(a) the road is not reasonably required as a road for public use (whether for present or future needs), and

(b) the road is not required to provide continuity for an existing road network, and

(c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.'

A formal resolution of Council will be required to permanently close the section of road in Little Timor Street as per the following:

1. Agrees to close Little Timor Street from John Street to 35m west in accordance with Part 4 Division 3 of the Roads Act 1993.

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2. Advertise the proposed road closure stating that the land will vest in Council and delegate authority to the General Manager to consider any submissions and make a decision on the proposal under s38D Roads Act.

Secondly, as per the Funding Agreement, the stated purpose of the Plaza is:

1. *A designated walkway/cycleway.*
2. *A safe and cool place to rest.*
3. *A place of entertainment for children and adults.*
4. *A place where exercise classes can be held, night entertainment and a socialising space where residents can take a break and rest.*
5. *An area with a minimal traffic flow but high-level use by pedestrians and create a "people focused area".*
6. *A place for the visitor to break their journey and the general public who are simply looking for a space to meet.*
7. *The provision of a stage area to encourage self-expression and build confidence in individual abilities to perform by residents.*
8. *The open space provides for an area where exercise and BJP can be presented for community enjoyment and wellbeing.*
9. *An accessible public space for all people to enjoy.*

It is not evident that the Little Timor Street Plaza was funded to host events. The application further described the Plaza as a place to sit, eat, socialise, gather and interact. This is considered to be passive use of the space as opposed to active and organised events that may restrict general public access to and through the space during organised events.

There are practical considerations in relation to events in the Plaza and they relate to available space. While it is not a building, ingress and egress issues must be considered as well as potential capacity of the number of people that can physically safely fit in the space.

If not well managed, there could be spill over onto the Newell Highway which would be of concern to Transport for NSW and Council.

There are other event related issues such as escape routes in the event of an emergency, emergency services access, toilets (noting there are public toilets in the vicinity and signposted), waste and if the event involved food, there would be food handling considerations as well.

Council has a number of resources on its website for event organisers including an event checklist.

Currently for an event to be held at Little Timor Street Plaza, because it is still a road, the most appropriate approval process is use of footpath via the Business Use of Footpaths Policy and procedures.

If the road were to be closed, the land could be classified for community purposes. A s68 Approval under the Local Government Act would be required.

If Council were of a mind to approve organised events in the Plaza it is anticipated that an increase to levels of service would be expected by the community and event

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organisers. For example, cleaning and litter removal. Additional to this is the administration task of assessment and approvals of applications for use.

There are a number of other venues that may be better suited to the holding of events.

Options

Council could decide to remove the Little Timor Street Plaza and return the road to its original state. There has been no estimate of costs to do so and there is no allowance made in the current budget.

Council could decide to retain the Little Timor Street Plaza as a permanent structure. This would require the underlying portion of Little Timor Street to be closed. The cost of this is unknown and unbudgeted for. Road closures are generally a lengthy procedure. All going well it could take around 12 months to complete the steps required in the Council Road Closure Process between Council and the NSW Department of Planning Industry and Environment. Unfortunately, due to current circumstances this would be a low priority for resourcing unless Council directs otherwise.

Financial Considerations

Income	2021	\$233,358.00
Expenditure	2021	\$4,854.53
Expenditure	2022	\$228,393.75
Total Expenditure	2021 & 2022	\$233,248.30

In 2022 there was a Supplementary Vote approved for \$11,300 being Council's contribution to the project as per the Funding Deed which increased the project budget to \$244,658.

The funds remaining is the \$11,300 Council contribution which will be used for festoon lighting works. It is estimated that to procure and install these lights will be less than \$5,000. Landowner approval is required to install these lights and this is still in progress.

Funds could be made available for lockable boxes for chess pieces from the balance remaining. Alternatively, they could be used for the closure of the road.

Community Engagement Considerations

There has been community consultation leading up to the construction of the project. Should Council decide to make the project permanent, the community will need to be consulted.

Attachments

1. SaSS Funding Agreement for Little Timor Street Plaza
2. Project Completion Report for Little Timor Street Plaza

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RECOMMENDATION

That Council:

1. Note the report on Little Timor Street Plaza.
2. Continues to operate the space for passive recreational use by visitors and the community.

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Item 21 Warrumbungle Road Network Advisory Group – Nominations

Division:	Technical Services
Management Area:	Road Operations
Author:	Manager Road Operations – Kylie Kerr
CSP Key Focus Area:	Civic Leadership
Priority:	CL1 That Council is financially sustainable over the long term.

Reason for Report

The purpose of this report is for Council to consider the nominations to the Warrumbungle Road Network Advisory Group.

Background

On 20 October 2022, Council resolved as follows:

'112/2223 RESOLVED that Council:

- 1. Adopt the Terms of Reference for the Warrumbungle Road Network Advisory Group.*
- 2. Appoint Councillor Hogden, Councillor Newton and Councillor Todd as representatives, with Councillor Newton as the Chairperson of the Warrumbungle Road Network Advisory Group.*
- 3. Delegate authority to Councillor Hogden, Councillor Newton and Councillor Todd to consider nominations and make their recommendation for the Warrumbungle Road Network Advisory Group in accordance with the adopted Terms of Reference and report back to Council.'*

Issues

The Councillor representatives on the Warrumbungle Road Network Advisory Group have carefully considered the nominations received. The following persons have been recommended:

- Ms Debra Bell
- Mr Elliot Shannon
- Mr Greg Piper
- Mr Mark Prugger
- Mr Stewart Rodgers

Mr Mal Unicomb to be the representative of the Local State Member of Parliament.

The Local Federal Member of Parliament has been approached to nominate their representative should they choose to do so.

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Options

Council may accept all or some of the nominations.

Community Engagement Considerations

Council has engaged with the community across a range of media in seeking nominations.

Attachments

1. Nominations for Warrumbungle Road Network Advisory Group (Confidential)
2. Adopted Terms of Reference for Warrumbungle Road Network Advisory Group

RECOMMENDATION

That Council endorse the following nominees to be appointed to the Warrumbungle Roads Network Advisory Group:

- Ms Debra Bell
- Mr Elliot Shannon
- Mr Greg Piper
- Mr Mark Prugger
- Mr Stewart Rodgers
- Mr Mal Unicomb (Local State Member of Parliament representative).

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Item 22 Procurement of Contractor Services – Natural Disaster Response and Recovery

Division:	Technical Services
Management Area:	Road Operations
Author:	Manager Road Operations – Kylie Kerr
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4 The long-term wellbeing of our community is supported by ongoing provision of high quality services, health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management.

Reason for Report

The reason for this report is to seek an exemption from Council's Procurement Policy in relation to the procurement of contractor services for natural disaster response and recovery.

Background

From 9 November 2021 onwards, the Warrumbungle Local Government Area (LGA), along with many other areas, experienced significant rainfall. In Coonabarabran 254mm of rain fell in November 2021, which is above the 95th percentile and not far off the highest recorded rainfall of 316mm in 2000.

The intensity of the rainfall coupled with above average rainfall in the preceding months, resulted in extensive damage to Council's road network.

A Natural Disaster was declared and Council's crews worked hard to carry out just under \$1 million worth of emergency and immediate restoration works as part of our immediate response.

In terms of the NSW Natural Disaster Essential Public Asset Restoration Guidelines, funding for councils is provided on the basis of actual expenditure for emergency works and immediate restoration works subject to eligibility, assessment of reasonability and co-funding arrangements.

For Essential Public Assets Reconstruction works, councils are offered a Total Upper Limit Grant amount, based on the estimated reconstruction cost, less the council co-funding amount and any ineligible costs.

A specialist consultant was engaged on 22 November 2021 to assess the condition of our network and submit applications for Essential Public Assets Reconstruction funding.

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This was done for two main reasons, firstly because we did not have the capacity internally to carry out the assessments and make submissions and the second was to ensure a degree of independence in the assessment and ensure that we were claiming the maximum funding allowable under the guidelines.

This consultant, Built Environment Collective (BEC) had previously provided similar services to Warrumbungle Shire Council following the 2017 bushfires.

They are on the Local Buy procurement panel for Queensland Councils.

The Local Government Procurement (LGP) Professional Consulting Services (LGP1208-4) is the NSW equivalent. BEC missed the last contract intake for LGP1208-4, which won't be renewed until after 30 September 2024.

The engagement was done as previously on an hourly rate basis and agreed scope.

The estimate for the initial assessment was \$17,000, however it soon became apparent that the extent of the damage was far greater than first thought.

With subsequent rain events, BEC was required to gather more information and this involved further site inspections and additional liaison with Transport for NSW (TfNSW) and Resilience NSW.

Over 1,770 defects have been identified. Each defect requires before and after photos, a description of the defect, a description and estimate of the proposed restoration works and all has to be checked before being entered into a portal.

As previously reported to Council, as at 20 October 2022, in addition to the emergency works claim nine (9) works packages to the value of \$12,767,871.13 have been submitted for restoration works.

This is the largest Natural Disaster claim ever submitted by Council.

Council's previous largest known application for Natural Disaster funding was in 2016, in the amount of \$643,477.

As at 12 August 2022, BEC has invoiced \$153,003.12. Further invoices for work completed in August and onwards are still to be received by Council.

Their costs as well as staff time are included in the costs for restoration works and are recoverable as part of the Natural Disaster funding.

At the 20 October 2022 Council meeting, Council resolved:

'113/2223 RESOLVED that Council:

1. *Endorses the Natural Disaster Recovery approach for the restoration of the Shire's road network with road priorities as:*

- *Priority 1 – Regional Roads*
- *Priority 2 – Local Arterial Roads*

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- *Priority 3 – Local Distributor Roads*
 - *Priority 4 – Local Collector Roads*
 - *Priority 5 – Local Access Roads.*
2. *Endorses that lower priority roads may be considered to be brought forward in the program if it is more practical or cost effective to deliver the works along with a higher priority road.*
 3. *Notes that all restoration works associated with the November 2021 natural disaster must be completed by 30 June 2024.'*

Issues

Since November 2021, there have been multiple rain events. Council submitted an assessment for a Natural Declaration of the 4 August 2022 event, which has been accepted. A further assessment for a Natural Declaration of the 21 and 22 September and 7 October 2022 wet weather events has been submitted.

The Natural Disaster Declarations for November 2021 was AGRN987, for August 2022 AGRN1030 and September 2022 AGRN1034.

The estimated damage as a result of these events is a further \$1.5m.

The NSW government has also announced \$50 million towards pothole repairs under the Fixing Local Roads Pothole Repair fund.

Council is expected to receive in the order of \$500,000 from this fund in addition to funding requests submitted.

Now that Council has determined the prioritisation process, Council staff are planning the proposed works in accordance with that prioritisation process and in anticipation of funding for the remaining packages being approved.

As noted in the 20 October 2022 Council report, the quantum of the works and the need to have them completed by 30 June 2024 will require the use of contractors – should they be available.

These potential contracts will be greater than the tender threshold in Council's Procurement Policy and in s55 of the Local Government Act.

On 10 June 2022, the Office of Local Government advised that the Local Government (General) Regulation 2021 has been amended to prescribe a tendering threshold of \$500,000 for contracts entered into by councils for the purpose of responding to, or recovering from, a Declared Natural Disaster within 12 months of the Declaration of the Natural Disaster.

While this amendment would have been welcomed by some councils, it offers little relief when potential contracts for flood restoration work will be in the millions of dollars.

There are provisions in s55 of the Local Government Act, where Council tendering is not required. The relevant provisions in this instance would be s55(3):

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'j) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders,'

'(k) a contract made in a case of emergency,'

It could be argued in the current situation, that both s55(3)(i) and s55(3)(k) are applicable.

With the majority NSW councils impacted by storms or flooding, there is an abnormal demand for goods and services to restore road infrastructure in particular. Being able to get suppliers to tender will be difficult as they will be focused on delivery not tendering.

Local Government Procurement, established in 2006, is a business arm of Local Government NSW (LGNSW). Local Government Procurement (LGP) has been prescribed under s55 of the *Local Government Act 1993* (NSW), allowing councils to utilise supply arrangements coordinated by LGP without the need to go to tender in their own right.

Councils can therefore procure goods or services from LGP contracts for values greater than \$250,000 (incl GST), without the need to tender themselves.

Warrumbungle Shire Council employs a range of procurement methods from open and selective tendering and panel contracts.

The benefits of using a supply arrangement include:

- Time – preparing tender documents, receiving and assessing tenders, reporting and tender award can take several months;
- Cost – there are costs in terms of staff and contractor's time in preparing and responding to tenders;
- Prequalification – all contractors are approved and have had their credentials checked which again saves time and money and lowers the risk to councils;
- Alternatives – because there are a number of pre-qualified contractors, councils have the opportunity to select an alternate contractor should a preferred contractor not be available.

Disbenefits of supply arrangements include:

- Inflexibility – the conditions of contract don't always offer local variations;
- Limited Opportunities for Local Contractors – the supply arrangements tend to favour larger organisations.

Council currently has a Casual Plant Hire Contract that is used to provide trucks, water carts and other plant to supplement Council resources. All of these contractors are considered local, that is, they have business addresses within the LGA.

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Options

There are options available to Council to deliver the Natural Disaster works once funding approval has been granted.

Given the quantum of work and the timeframe required in which to complete the works, procurement of contractors will be required to supplement Council staff.

Council could go out to tender for various packages of work bundled by location.

This tender process will be time-consuming. From the time funding approval is given to when a contractor (should they be available) can start on the ground could be several months. This will reduce the time available to complete the works within the deadline of 30 June 2024.

Council could determine that under the circumstances, using supply arrangements coordinated by LGP would result in a better outcome for Council in that the ability to secure contractors could be done quickly.

Council could take comfort that the contractors have been pre-qualified which reduces the risk to Council. For example, the LGP1208-4 Tender for Professional Consulting Services will allow Council to seek the services of suitably qualified consultants for civil engineering services including project management.

Financial Considerations

100% cost recoverable for services that directly relate to the restoration of essential public assets in accordance with the NSW Natural Disaster Essential Public Asset Restoration Guidelines.

The recoverable costs will be claimed from TfNSW via their normal invoicing process which includes submitting actual expenditure monthly.

Community Engagement Considerations

Inform.

Attachments

1. OLG Circular No 22-17 – Increase in tendering threshold for natural disaster response and recovery related contracts

RECOMMENDATION

That:

1. Due to the impact of multiple 'Declared Natural Disasters', Council recognises the ongoing urgent need to repair and make safe road networks across the Shire;
2. Council notes the applications for joint State and Federal DRFA funding for works arising due to the impact of Declared Natural Disaster Events have been made;

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3. Works associated with AGRN987 (November 2021), AGRN1030 (August 2022) and AGRN1034 (September 2022 onwards) are for the purpose of response to, or recovery from, 'Declared Natural Disasters';
4. Council notes the Office of Local Government Circular No 22-17 dated 10 June 2022 provides that the Local Government (General) Regulation 2021 has been amended to prescribe a tendering threshold of \$500,000 for contracts entered into by councils for the purpose of responding to, or recovering from, a Declared Natural Disaster within 12 months of the declaration of the natural disaster;
5. To assist in the recovery process Council endorses the engagement of contractors for the restoration of public assets;
6. Council determines that due to the unprecedented demand for the services of relevant consultants and contractors following recent rain and flood events throughout the State is an extenuating circumstance under s55(3)(i) of the LGA;
7. Council delegates authority to the General Manager (or his delegate) to execute the contracts that exceed \$250,000 referred items 4, 5 and 6 above, in consultation with the Mayor. Such works are to be carried out within the approved and funded Declared Natural Disasters AGRN987, AGRN1030 and AGRN1034.
8. Council receive monthly progress reports on the Disaster Recovery process.

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Item 23 Installation of Manufactured of Relocatable Dwelling or Building Policy

Division:	Environment and Development Services
Management Area:	Planning and Regulatory Services
Author:	Director Environment and Development Services – Leeanne Ryan
CSP Key Focus Area:	Civil Leadership
Priority:	CL2 Council meets its legislative compliance requirements and implements opportunities for organisational improvement.

Reason for report

To seek Council adoption to rescind the strategic *Installation of Manufactured of Relocatable Dwelling or Building Policy*.

Background

Council resolved to adopt the modified *Installation of Manufactured of Relocatable Dwelling or Building Policy* at the Ordinary Council Meeting of 21 September 2017. The policy is due for review.

Issues

The policy provides information that is covered by legislation already enforceable by Council.

Prior to the recent review and updates to the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* manufactured homes, relocatable dwellings and buildings were managed through different legislation with definitions scattered across different Acts and Regulations.

Manufactured homes are no longer noted in the *Environment Planning and Assessment Act 1979* but are still referred to in the *Local Government Act 1993*. With changes to *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (now updated 2021 version) there were changes made to the definitions of building types.

With the changes and updates to the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* the definition of a manufactured home is as below:

Relocatable home means a manufactured home or other moveable dwelling, other than a tent, caravan, campervan or vehicle capable of being registered—

(a) whether or not self-contained, and

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(b) that consists of at least 1 major section, including an associated structure forming part of the dwelling.

Council's current policy is at odds with the requirements of the new legislation, and originally in essence was developed to capture the differing definitions that were spread across differing legislation, and provided a pathway forward for the type of development consent that was required for each different type of building (of the relocatable/moveable type).

The type of development dictates the type of approval required for the installation of the home or building. Relocatable homes are approved via a Development Application and Local Government Section 68 approval process, and manufactured buildings are through a Development Application and Construction Certificate. While some tiny homes and relocatable homes are exempt from development approval under the Act and Regulations.

With the changes in legislation to the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* Council can regulate the installation of relocatable homes, pre-owned homes, manufactured buildings and tiny homes through this Regulation, and also via Council's Development Control Plan (DCP).

The updated Regulations have aided to clear up confusion with the varying definitions, and on this basis, there is no need for the current Council policy to be required any more.

Options

Council can either accept the proposal to rescind the *Installation of Manufactured of Relocatable Dwelling or Building Policy* or continue with the current policy, where a doubling up of literature material (that is already captured in legislation) would be adopted.

It is recommended that the policy be rescinded as updated legislation provides clarity on the types and definitions associated with the varying structures.

Financial Considerations

Nil

Community Engagement

The level of engagement is 'Inform'.

Attachments

1. Current *Installation of Manufactured of Relocatable Dwelling or Building Policy*

RECOMMENDATION

That Council:

1. Notes the information contained in the *Installation of Manufactured of Relocatable Dwelling or Building Policy* report.

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2. Rescinds the current *Installation of Manufactured or Relocatable Dwelling or Building Policy*.

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Item 24 Planning Proposal for Reclassification of Land

Division:	Environment and Development Services
Management Area:	Planning and Regulatory Services
Author:	Director Environment and Development Services – Leeanne Ryan
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4 The long-term wellbeing of our community is supported by ongoing provision of high quality services, health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management.

Reason for report

This report presents the results of the public exhibition and public hearings for a Planning Proposal relating to Council owned land at 18 sites within the Warrumbungle LGA. The Planning Proposal seeks to amend the *Warrumbungle Local Environmental Plan 2013* in order to reclassify land from Community to Operational.

Background

At the Ordinary Meeting of Council held on 21 September 2017, it was resolved to support a planning proposal to reclassify a range of Council owned public lands from community to operational. On 19 May 2022, the matter was further considered by Council and a fresh resolution to proceed with preparation of a planning proposal to reclassification land was made.

A Gateway determination was received from Department of Planning and Environment (DPE) on 7 July 2022 to enable public exhibition for a minimum of 28 days, and advising a public hearing must be held.

The below list identifies the subject sites of the proposed reclassification:

1. Lot 2 DP 113998, Lot 2 DP 133154, Lot A DP 418899, Lot 7,13 and 34 in DP 750246 and Lot 35 DP 750319, **Baradine Aerodrome**, Aerodrome Road, Baradine
2. Lot 1 and Lot 2 DP 873702, **Baradine Sewerage Treatment Plant**, 211 Barwon Street, Baradine
3. Lot 1 DP 1038014, **Dapper Bushfire Shed**, 1006 Spring Ridge Road, Dunedoo
4. Lot 2 DP 1052767, **Gowang Bushfire Shed**, 48 Nashs Road, Coonabarabran
5. Lot 1 Section 6 DP 2649, **Leadville Bushfire Shed**, Corner Cox and Plumb Street, Leadville
6. Lot 7 Section 5 DP 759016, **Ulamambri Bushfire Shed**, South Street, Ulamambri

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7. Lot 821 DP 1188971, **Yaminbah Bushfire Shed**, 17048 Oxley Highway, Dandry
8. Lot 1 DP 219211, Lots 103, 105 & 106 DP 753405 and Lot 9 DP 793646, **Coonabarabran Aerodrome**, 380 David Knight Drive, Coonabarabran
9. Lot 8 Section 4 DP 758281, **Sewerage Pump Station**, 24-26 Robertson Street, Coonabarabran
10. Lots 1 & 2 DP 1006511, **Coonabarabran Works Depot and Sewerage Ponds**, 2-6 Gardener Street, Coonabarabran
11. Lot 2 DP 414144, **Former RFS Control Centre**, 51 King Street, Coonabarabran
12. Lot 245 DP 753378, **Sanitary Depot**, Off 35 Dandry Road, Coonabarabran
13. Lot 2 DP 234563, Lot 321A DP 938173 & Lot 321C DP 938174, **Sewerage Reuse Area – Dunedoo**, Wargundy Street, Dunedoo
14. Lot 1 DP 653078, **Town Wells Road**, Town Wells Road, Coolah
15. Lot 2 DP 1030763 and Lot 402 DP 1077124, **Waste Depot – Coonabarabran**, 4202 Baradine Road, Coonabarabran
16. Lot 7 DP 785902, **Water Access from Castlereagh River**, 944 Merryula Road, Coonabarabran
17. Lot B DP 403064, **Works Depot – Dunedoo**, 40 Sullivan Street, Dunedoo
18. Lot 1 DP 248906, **WSC Connect Five**, Robertson Street, Coonabarabran

The lots comprise of Council assets that have either not been classified, or have been missed in previous reclassification planning proposals. It is not intended to change the land zoning, minimum lot size or other provisions under the *Warrumbungle Local Environmental Plan 2013 (WLEP)*.

Issues

As required, the planning proposal was placed on public exhibition from 10 August 2022 to 16 September 2022. One written submission was received during this time, summarised as follows:

Issue	Response
Staunchly opposed to reclassification of lands due to transfer from freehold ownership	The reclassification of land from community to operational will not transfer the land from freehold tenure. All parcels of land will remain as freehold tenure after reclassification
Concern that freehold title would allow Council to dispose of lands.	The land was already freehold tenure, and no change to tenure is being sought as part of the planning proposal
Clearing of land with existing native vegetation would be expedited by Council's freehold ownership and not be compliant with any community consultation that might be necessary under community title	The land was already freehold tenure, and no change to tenure is being sought as part of the planning proposal. Clearing of any native vegetation would be subject to state legislation requirements.

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No changes were made to the Planning Proposal in response to the submission.

Sections 29 and 47G of the Local Government Act 1993 requires that for reclassification of properties from Community to Operational, an independently chaired public hearing be held and that the chair of the hearing produces a report considering any submissions received.

Two public hearings for the Planning Proposal took place on 27 October 2022. The first one was held at Coonabarabran Council Administration Building commencing at 9am. The second one was held at Coolah Council Chambers commencing at 1.00pm. Four (4) community members attended the Coonabarabran hearing, and one (1) community member attended the Coolah hearing. No written submissions were received at the public hearings.

The following matters were raised at the Coonabarabran public hearing by the members of the community that were present:

Site 1 - Baradine Aerodrome

- Operational land classification may enable Council to generate new revenue streams particularly by providing access to securing longer term leasing opportunities for the general aviation sector including a wide range of aviation businesses like air spraying.
- Inland Rail project may provide new commercial opportunities.
- Any new aerodrome revenues need to be reinvested into airport infrastructure improvements like runway maintenance.
- Council needs to improve and develop the aerodrome including provision of water.
- Clarification requested on the process of how Council establishes aerodrome fees and charges like landing fees and lease fees for hangar space.
- Council may need to consider the establishment of an Aerodrome Advisory Committee to review strategic options for the growth and development of the aerodrome.
- Clarification requested on the wording “No financial benefit for Council is expected. Reclassification to operational is not expected to generate funds for Council” at page 17 of the WSC Planning Proposal – Reclassification of Land 2022.

Site 8 - Coonabarabran Aerodrome

- Operational land classification may enable Council to generate new revenue streams particularly by providing access to securing longer term leasing opportunities for the general aviation sector including a wide range of aviation businesses like air spraying. Hangar leases could be based on a m² rate.
- Any new aerodrome revenues need to be reinvested into airport infrastructure improvements like runway maintenance.
- Council may need to consider the establishment of an Aerodrome Advisory Committee to review strategic options for the growth and development of the aerodrome.
- Council should undertake a comprehensive strategic review of the aerodrome and give consideration to:

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- Amendments to the LEP like rezoning to encourage residential allotments to accommodate and encourage investments from the general aviation sector.
- An onsite aerodrome caretaker position.
- Better onsite fuel supply arrangements.
- Transport options to provide improved access to and from town.
- The potential for a rural focused Skypark development.

Site 9 - Sewerage Pump Station

- It was noted that there was some public interest in parts of this site being made available for a community gardens project.
- Advice was provided of a correction in the Planning Proposal document at page 33 where “Dunedoo” to be replaced with “Coonabarabran”.

Site 14 – Town Wells Road

- Advice was provided of a correction in the Planning Proposal document at page 42 where Functional Use “Radio Repeater Station” be replaced with “Town Bores” and further at page 43 where “Dunedoo” be replaced with “Coolah”.

Site 16 – Water Access from Castlereagh River

- Discussion on the purpose of the site and that the site provided truck access to the river for water. It was further noted that staff will check all property details as the lot contains a paper road reserve.

No matters were raised at the Coolah public hearing by the members of the community that were present.

The final Public Hearing Report was received from the independent chair of the public hearing on 2 November 2022 and was made publicly available on 4 November 2022. The Council website has been updated and social media placed on Council Facebook page, and copies of the report are available for viewing at Council offices located in Coonabarabran and Coolah. The report is provided as Attachment 1.

A summary of the Public Hearings Report recommendations is provided below:

1. That the Independent Public Hearings Report be received and noted and further, that Council investigates and actions all the key outcomes from the Public Hearings as described in this report.
2. As identified in the Independent Public Hearings Report there are no matters arising from the Public Hearings that prevent Council from continuing with the processes involved with the reclassification of lands, subject to meeting all statutory provisions and the requirements of the Minister.
3. That it be noted that no written submissions were lodged at the Public Hearings.

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4. That it be noted that one (1) written submission was lodged as part of the formal notification period and further that Council consider all matters raised in its final report to Council and the Minister.
5. That Council consider all the strategic ideas and issues raised by the community as part of the land classification process including all the key outcomes from the Public Hearings as identified in this report including the Public Hearing Minutes.
6. That within four (4) days of receiving the final version of this report, a copy be made available for inspection by the public via the following means:
 - Publishing an electronic copy on Council's website;
 - Hard copy made available for inspection at Council's administration buildings.
7. That Council write to each person that attended the Public Hearings advising them of the availability of this report (or providing a copy of the report to them) and thanking them for their interest and participation.
8. That a report be prepared and presented to Council on the submissions received during the formal notification period and the outcomes of the Public Hearings.
9. That this report be included in further submissions and/or documentation submitted to the NSW Department of Planning and Environment in its final review and determination of the Planning Proposal.

The report concluded that the Public Hearing and Reporting process has satisfied all relevant legislative requirements to date.

A number of small changes to correct minor anomalies within the Planning Proposal are necessary as outlined above, and these changes have been made to the final version of the Planning Proposal as attached.

Options

If Council adopts the proposed recommendations below, the following next steps will be undertaken:

1. Council officers submit the Planning Proposal to DPE, in accordance with the plan making process for proposals where Council has not received delegation as the plan making authority.
2. DPE refer the Planning Proposal to the Parliamentary Counsels Office for drafting and finalisation, and make the amendment to the *Warrumbungle Local Environmental Plan 2013*.

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Financial Considerations

Council's current budget has an allocation for LEP Review (Landuse Strategy) of \$58,000, with costs for independent chair being \$4,713, and staff cost incurred of \$4,000.

Community Engagement

The level of engagement is 'Inform'.

Attachments

1. *Public Hearings Report* from Independent Chair
2. *Planning Proposal for Reclassification of Land*

RECOMMENDATION

That Council:

1. Notes the information contained in the Planning Proposal for Reclassification of Land report.
2. Adopts the *Planning Proposal – Reclassification of Land 2022* to reclassify 18 sites of Council owned land from Community to Operational.
3. Delegates to the General Manager to make any necessary minor changes required to the *Planning Proposal – Reclassification of Land 2022* before submitting it to the Department of Planning and Environment.
4. Forwards the *Planning Proposal – Reclassification of Land 2022* to the Department of Planning and Environment seeking the necessary amendments to *Warrumbungle Local Environmental Plan 2013* be made to reclassify Council owned land at 18 sites from Community to Operational.

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Item 25 Planning Amendments for Agritourism Nominations

Division:	Environment and Development Services
Management Area:	Planning and Regulation
Author:	Kelly Dewar – Manager Planning and Regulation
CSP Key Focus Area:	Strengthening the Local Economy
Priority:	LE1.1 Local agencies, peak bodies and agricultural enterprises work together to ensure the long-term viability of our farming sector

Reason for report

To inform Council of the requirement to submit a final nomination form for the planning amendment for Agritourism. This nomination will allow Council to nominate to adopt revised additional clauses for farm stay accommodation and farm gate premises in the *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021* (LEP Order).

Background

Council previously submitted a nomination to the Department of Planning and Environment (DPE) in April 2022 which outlined the clauses and numerical standards that Council nominated to be included in the LEP Order.

DPE has made changes to the standards that removed the numerical standards in relation to gross floor area, number of guests and number of movable dwellings used for farm stay accommodation.

DPE made these changes to allow for flexible provisions within each Councils Local Environmental Plan (LEP). Councils can include the numerical standards in their Development Control Plan (DCP) and the Department are working on a set of standards that Council can use in their DCPs.

Council has the opportunity to include the numerical standards in the LEP by undertaking a Planning Proposal to include the numerical standards if they wish, however if Council wishes to make changes to these numerical standards at any time a new Planning Proposal will be required.

Issues

It is proposed that Council permit agritourism (including farm gate premises and farm experience premises) as being permissible with consent where agriculture is permitted, in the RU1 zone.

Council can nomination additional rural land zones to be included for the agritourism land use table; Council only has two rural zones being RU1 Primary Production and RU5 Village.

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As the RU5 Village zone is provided for in the smaller communities around the LGA, allowing agritourism in these areas could create land use conflicts, and as such it is not recommended to be included in our the RU5 Village zones.

Council can nominate to adopt the revised optional clause for farm stay accommodation and farm gate premises in the LEP Order. On this basis, Council is nominating to include an additional clause in farm stay accommodation as follows:

To cluster the location of building to be used for farm stay accommodation to maintain the principal use of the land for primary production.

Options

Council has the following options:

1. To include the optional clause for farm stay accommodation or to remove the optional clause.
2. Allow for Agritourism within the RU1 Primary Production Zone only.
3. Allow for Agritourism within the RU1 Primary Production and RU5 Village zones.
4. Prepare a Planning Proposal to include numerical standards in the *Warrumbungle Local Environmental Plan 2013* for gross floor areas, maximum number of guests and maximum number of moveable dwellings allowed onsite.
5. Include numerical standards in the *Warrumbungle Development Control Plan 2015* for gross floor areas, maximum number of guests and maximum number of moveable dwellings allowed onsite.

Financial Considerations

The amendments have been drafted externally by DPE through State Government and have incurred minimal costs to Council to date, with staff time to be involved in the changes the only expense.

Community Engagement

The level of community engagement for this report is to inform.

Attachments

Nil

RECOMMENDATION

That Council:

1. Notes the report on Planning Amendments for Agritourism Nominations.

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2. Includes the optional clause for farm stay accommodation in Schedule 1 of the *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021* under Clause 5.23.
3. Allows for Agritourism within the RU1 Primary Production zone only of the *Warrumbungle Local Environmental Plan 2013*.
4. Includes the numerical standards in the *Warrumbungle Development Control Plan 2015* for gross floor areas, maximum number of guests and maximum number of moveable dwellings allowed onsite.
5. Informs the Department of Planning and Environment of the above inclusions.

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Item 26 Development Applications

Division:	Development Services
Management Area:	Regulatory Services
Author:	Administration Assistant Environment and Development Services – Jenni Tighe
CSP Key Focus Area:	Strengthening the Local Economy
Priority / Strategy:	LE5 Opportunities exist for the establishment of light industries and range of housing options

Development Applications

(i) Approved – October 2022

Development Application / Complying Development	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type of Development	Referral Days	Stop the Clock Days
DA 31/2022	09/09/2022	28/10/2022	Warrumbungle Steel Buildings	23 Martin Street	Coolah	Demolition and Replacement of Shed	14	0
DA 32/2022	13/09/2022	31/10/2022	John Bowman	Collie Blue 841 Vinegaroy Road	Coolah	Alterations and Additions	10	0

Note: The applicant lodges the DA via the NSW Planning Portal, Council makes all referrals to Government Agencies within two (2) days via the Concurrence and Referral dashboard through the NSW Planning Portal.

No agency referrals for this month.

RECOMMENDATION

That Council notes the Applications and Certificates approved during, October 2022 under Delegated Authority.

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Item 27 Notice of Motion – Drum Muster Collection Point

Notice of Motion – Drum Muster Collection Point

I hereby advise that I propose to move the following Notice of Motion at the Council meeting:

That the Sporting and Social Clubs in the Warrumbungle Shires be granted permission to manage a Drum Muster Collection Point at the Waste Management Sites which do not currently already have the facilities.

RATIONALE:

Baradine already has two Sporting and Social Clubs who have expressed interest in Drum Muster Collection sites.

I have taken the liberty of speaking to the Drum Muster representative about the system and how it will operate.

The collection proposed sites will be enclosed and require a person to operate the site which will be provided by the Clubs on a volunteer basis. The cages for the drum collection will be supplied and set up by the Drum Muster Company.

At present Coolah Lions Club operate the site in Coolah one day a month with members of the Lions Club checking in the drums and doing all of the paperwork required and it is operating successfully. The drum Muster will collect all of the drums for the correct disposal.

This is an excellent way to collect and dispose of the drums on all of the properties in the Shire which are usually left laying around and an opportunity for local clubs to fundraise as well as providing a community service. It also gives farmers a means of safely disposing of all of their chemical drums and containers reducing the risk of chemical spillage and accidental contamination incidents.

The Clubs are keen to instigate the programme within the Shire and I applaud their initiative.

**DENIS TODD
COUNCILLOR**

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Item 28 Notice of Motion – Asset Management Plans

Notice of Motion – Asset Management Plans

I hereby advise that I propose to move the following Notice of Motion at the Council meeting:

That Warrumbungle Shire:

1. Review/update all asset management plans. And develop an asset management strategy that is practical and useful, and therefore more likely to be used by Warrumbungle Shire to improve asset management performance.
2. Develop a asset management and maintenance priorities report that can be considered for the next year budget.

**KATHRYN RINDFLEISH
COUNCILLOR**

General Manager's comment:

Earlier this year Council staff formed a strategic asset management group who are working towards an Asset Management Strategy. This is expected to lead to the production of asset management plan for all classes of assets. An estimate of cost as a budget submission is to be included in the 2023-24 budget process.

It is expected that the full process will take two to three years to complete, however various components will be completed before then.

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Item 29 Reports to be Considered in Closed Council

Item 29.1 Human Resources Monthly Report

Division: Executive Services

Author: Manager Human Resources – Chris Kennedy

Summary

The purpose of this report is to update Council in relation to activities undertaken by Human Resources including Staffing and Recruitment, Training and Workplace Health and Safety (WHS).

In accordance with the *Local Government Act 1993* (NSW) (*'the Act'*) and the *Local Government (General) Regulation 2005* (NSW), 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 personnel matters concerning particular individuals (other than councillors) and is classified **CONFIDENTIAL** under section 10A(2)(a) of the Act, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councillors)

RECOMMENDATION

That the Human Resources Monthly Report be referred to Closed Council pursuant to section 10A(2)(a) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with personnel matters concerning particular individuals (other than councillors).

Item 29.2 Three Rivers Regional Retirement Community Information Report

Division: Environment and Development Services

Author: Director Environment and Development Services – Leeanne Ryan

Summary

The purpose of this report is to provide Council with an update on the Three Rivers Regional Retirement Community (TRRRC) project.

In accordance with the *Local Government Act 1993* (NSW) (*'the Act'*) and the *Local Government (General) Regulation 2005* (NSW), 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and is classified **CONFIDENTIAL** under section 10A(2)(g) of the Act, which permits the meeting to be closed to the public for business relating to the following:

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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RECOMMENDATION

That the Three Rivers Regional Retirement Community Information Report be referred to Closed Council pursuant to section 10A(2)(g) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 29.3 Future Operations at Property ‘Red Hill’, Coonabarabran

Division: Technical Services

Author: Director Technical Services – Gary Murphy

Summary

The purpose of this report is to report back to Council on Resolution No 161/2021 in relation to acquisition of Crown Road that adjoins the Boral Quarry and Council's Property ‘Red Hill’.

In accordance with the *Local Government Act 1993* (NSW) (*‘the Act’*) and the *Local Government (General) Regulation 2005* (NSW), 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 advice concerning commercial information and is classified **CONFIDENTIAL** under section 10A(2)(c) of the Act, 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)

RECOMMENDATION

That the Future Operations at Property ‘Red Hill’ Report be referred to Closed Council pursuant to section 10A(2)(c) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct).

Item 29.4 Regional Tender for Supply & Delivery of Hardware (Industrial Supplies)

Division: Technical Services

Author: Manager Urban Services & Facilities – Nicole Benson

Summary

The purpose of this report is to make a resolution in respect of recommendations for the ‘Supply & Delivery of Hardware (Industrial Supplies)’.

In accordance with the *Local Government Act 1993* (NSW) (*‘the Act’*) and the *Local Government (General) Regulation 2005* (NSW), 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.

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The item relates to advice concerning commercial information and is classified **CONFIDENTIAL** under section 10A(2)(c) of the Act, 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)

RECOMMENDATION

That the Regional Tender for Supply & Delivery of Hardware Report be referred to Closed Council pursuant to section 10A(2)(c) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct).

FURTHER that Council resolve that:

1. Council go into Closed Council to consider business relating to confidential information.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993* (NSW), 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) as outlined above.
3. 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* (NSW).