



Ordinary Council Meeting

Agenda

20 April 2023

**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 Coonabarabran Chambers, John Street,
Coonabarabran
on **Thursday, 20 April 2023** 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

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

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

16 March 2023

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

INDEX

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 9 March 2023 to 7 April 2023	6
RECOMMENDATION	7
Item 2 Councillors’ Monthly Travel Claims	8
RECOMMENDATION	9
Item 3 Minutes of Warrumbungle Road Network Advisory Group Meeting – 14 March 2023.....	10
RECOMMENDATION	12
Item 4 Minutes of Coonabarabran Sporting Complex Advisory Committee Meeting – 5 April 2023.....	13
RECOMMENDATION	15
Item 5 Minutes of Audit, Risk and Improvement Committee Meeting – 14 March 2023 .	16
RECOMMENDATION	17
Item 6 Revotes and High Value Projects Report.....	18
RECOMMENDATION	18
Item 7 Council Resolutions Report	19
RECOMMENDATION	20
Item 8 Draft Enterprise Risk Management Policy	21
RECOMMENDATION	22
Item 9 Draft Operational Plan 2023/2024	23
RECOMMENDATION	28
Item 10 Investments and Term Deposits – month ending 31 March 2023	29
RECOMMENDATION	34
Item 11 Temporary Occupation Licence and Permanent Acquisition of Warrumbungle Shire Council Roads for Inland Rail Project.....	35
RECOMMENDATION	37
Item 12 Natural Disaster Response and Recovery Monthly Report for April 2023	38
RECOMMENDATION	42
Item 13 Review of the Warrumbungle Shire Council Development Control Plan 2015...	43
RECOMMENDATION	44
Item 14 Drinking Water Quality Policy Report.....	45
RECOMMENDATION	46
Item 15 Adoption of Draft Managing Conflicts of Interest for Council-related Development Policy	47
RECOMMENDATION	48

WARRUMBUNGL E SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 16 Development Applications	49
RECOMMENDATION	49
Item 17 Reports to be Considered in Closed Council	50
Item 17.1 Human Resources Monthly Report	50
RECOMMENDATION	50
Item 17.2 Three Rivers Regional Retirement Community Information Report.....	50
RECOMMENDATION	51
Item 17.3 Tender for the Replacement of Black Gully Bridge on Leaders Road, Binnaway	51
RECOMMENDATION	51
Item 17.4 Tender for the Castlereagh River Rehabilitation Project	51
RECOMMENDATION	52
Item 17.5 Tender for the Provision of Sewer Relining Services for Coolah, Dunedoo and Coonabarabran	52
RECOMMENDATION	52
Item 17.6 Mayoral Minute – General Manager Interim Performance Review	53
RECOMMENDATION	53

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 9 March 2023 to 7 April 2023

MAYORAL MINUTE – MAYORS ACTIVITY

<u>Date</u>	<u>Type</u>	<u>In/Out</u>	<u>Activity</u>
9-Mar	Email	In	Lightsource BP - Proposed Sandy Creek Solar Farm
	Email	In	Vincent Young - TRRRC
10-Mar	Email	In	GM - TRRRC Case
	Email	Out	Rex Airlines - Service
	Email	Out	Graeme Fleming - GM review
13-Mar	Email	In	Ratepayer - Purlewaugh Road
	Email	In	Warwick Giblin - REZ
	Email	In	Ratepayer - Compliment re Digilah Road
14-Mar	Email	In	Warwick Giblin - re Solar Panel Waste
15-Mar	Email	In	Bess Graham - Road Funding for Barwon Electorate
	Email	In	Auditor General - Cyber Security in Local Govt
	Email	In	Ratepayer - Lawson Park Road
	Email	In	GM - TRRRC Case
17-Mar	Email	In	Gunnedah Mayor - Country Mayors Update
18-Mar	Email	In	Warwick Giblin - Community Commitments
20-Mar	Email	In	GM - Spicer Creek Windfarm
	Email	Out	GM - Dunedoo Infrastructure Renewal
21-Mar	Email	Out	Tunes on the Turf - Letter of Support
23-Mar	Email	In	GM - Dunedoo Infrastructure Renewal
	Email	In	EnergyCo - Planning Issues
	Email	In	Binnaway CDC - Binnaway Hall
24-Mar	Email	In	Director TS - Number 3 Oval Upgrades
27-Mar	Email	In	Dubbo GM - ReAlliance meeting
	Email	In	GM Dunedoo TRRRC
	Email	In	Warwick Giblin - REZ Overview
30-Mar	Email	In	DTS - Reservoir Street
	Email	In	DTS - No 3 Oval
	Email	Out	GM - ReAlliance
	Email	Out	DTS - Reservoir Street
31-Mar	Email	In	ReAlliance - meeting follow up
	Email	In	GM - Petition re Dunedoo Three Rivers Project
2-Apr	Email	In	Narromine Mayor - Bio Diversity Offsets
3-Apr	Email	In	Ratepayer - Goolhi Hall Community
	Letter	Out	Roy Butler MP - Re Election Results
	Letter	Out	Chris Minns MP - Re Election Results
	Email	In	Warwick Giblin - Sandy Creek Windfarm
4-Apr	Email	In	Ratepayer - Purlewaugh Road Upgrade
	Email	Out	GM - Purlewaugh Road Upgrade
6-Apr	Email	In	Louise Johnson - Inland Rail
7-Apr	Email	In	GM - Vincent Young Invoice

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Date of Journey		Purpose of Journey	Odometer		KM Travelled
Start Date	End Date		Start	Finish	
8-Mar	9-Mar	Sydney TRRRC Mediation	23742	24720	978
13-Mar	13-Mar	Coona Office - Meeting with Dubbo and Midwest Councils	24720	24750	30
16-Mar	16-Mar	Meeting GM & Deputy Mayor - Coonabarabran office	24750	24780	30
16-Mar	16-Mar	Council Meeting - Coolah Office	24780	24929	149
17-Mar	17-Mar	Coona Office - Meeting with Dubbo and Midwest Councils	24929	24964	35
27-Mar	27-Mar	Coolah Community Consultation Meeting	24964	25123	159
2-Apr	2-Apr	Coona Office - ratepayer meeting	25123	25167	44
3-Apr	3-Apr	Dunedoo Community Meeting	25167	25369	202
4-Apr	4-Apr	Binnaway Community Consultation Meeting	25369	25422	53
Total KM travelled for period 8 March 2023 - 4 April 2023					1,680

MAYORAL MINUTE - EXPENSES 9 March 2023 to 7 April 2023

<u>Date</u>	<u>Transaction Details</u>	<u>Comments</u>	
9 March	KDK Motel Pty Ltd Cessnock	Accommodation - TRRRC Mediation	\$115.00
10 March	SMP My Coffee	Meal - TRRRC Mediation	\$18.81
13 March	Ampol Wyong	Travel - TRRRC Mediation	\$72.45
13 March	McDonalds Cessnock	Meal - TRRRC Mediation	\$13.80
14 March	McDonalds Cessnock	Meal - TRRRC Mediation	\$14.80
29 March	Coolah Tops Service Station	Travel - Coolah Community Consultation Meeting	\$8.01
Total expenditure for period 09/03/2023 – 07/04/2023			\$314.87

RECOMMENDATION

That Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 9 March 2023 to 7 April 2023.
2. Notes the report on the Mayor's credit card expenses between 9 March 2023 and 7 April 2023 and approves the payment of expenses totalling \$314.87.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 2 Councillors' Monthly Travel Claims

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 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	310	0.78	\$241.80
Cr Holcombe	-	0.78	-
Cr Iannuzzi	-	0.78	-
Cr Kopke	443	0.78	\$345.56
Cr Newton	-	0.78	-
Cr Rindfleish	174	0.78	\$135.72
Cr Todd	748	0.78	\$583.44
		Total:	\$1,306.52

Issues

Nil.

Options

Nil.

Financial Considerations

Outlined above.

Community Engagement

To inform the community.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Attachments

1. Councillors Monthly Travel Claims

RECOMMENDATION

That the Councillors' monthly travel claims report in the amount of \$1,306.52 be noted for information.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 3 Minutes of Warrumbungle Road Network Advisory Group Meeting – 14 March 2023

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 to present minutes from the meeting of the Warrumbungle Road Network Advisory Group held at Coonabarabran on 14 March 2023.

Background

The Committee has as its primary purpose the responsibility to provide recommendations to Council on planning and priorities for Council's road network.

The core responsibilities of the Committee are to:

- provide input to the Delivery Program Strategies and Operational Plan Actions aligned with the Committee;
- consider the potential social, economic, environmental and financial impacts of Committee recommendations;
- engage the community and stakeholders on matters being considered by the Committee;
- consider and advise Council on any matter referred to the Committee; and provide input into the strategic direction of Warrumbungle Shire Council.

The core duties of the Committee are to:

- provide input into the strategic policies and plans that relate to the road network.
- seek information and feedback from the community on road network matters.
- provide comments and advice around the needs and wants of the Community at the strategic level.
- make recommendations to Council on any matter related to the strategic direction of the road network.

Issues

The following issues were considered and discussed by the Group:

- Policy Review – Upgrading of Roads Not Constructed or Maintained by Council
- Natural Disaster Recovery

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

The group discussed ways to improve consultation with residents about planned works on their roads. The following recommendation was put forward for the Council to consider.

'That Council conducts a trial for consultation with residents on rural roads by:

- *Selecting 2 roads to trial the consultation method.*
- *Inviting residents on the selected roads to participate in the trial by sending them a letter before work commences on their road informing them of the proposed start date of the works and the type of work to be completed.*
- *Residents would be required to consult between themselves and submit a plan as a group to Council before work commences.*
- *Council staff to consider the requested works from the residents.*
- *The trial would be monitored and evaluated by the:*
 - *Response level from residents*
 - *Expectations from the plan submitted vs actual work*
 - *Time taken to deliver this approach*
 - *Resources required to deliver this approach into the future*
 - *Impact on the budget.'*

To conduct the trial on two (2) rural roads would be approximately 42 hours to complete the above actions, 22.5 hours to prepare templates and guidelines and 16 hours to analyse and prepare a report after the trial period. Currently, Technical Services does not have available resources to undertake this trial. Options to proceed with the trial include enlisting the services of a consultant to assist the Council or diverting existing staff from their normal duties. Engaging a consultant is expensive and using existing staff means other tasks will not be completed unless overtime is utilised.

To implement this strategy across the Shire after the trial period finishes for all planned roadworks will require additional resources to:

Consultation Action	Estimated Hours Per Road
Prepare and distribute correspondence to residents on each road inviting them to participate in the consultation.	2
Site meeting with residents to explain the process and to listen to their initial thoughts.	4
Follow up with residents to ensure their plan is submitted on time.	1
Review each submitted plan and seek additional information from residents if necessary.	4
Adjust, if required, Council's work plan to cater to the requested works submitted by the residents.	4
Negotiate and organise any private works that may result from the submitted plan eg. driveways and grids.	4
Respond to each resident involved in preparing the plan of the works completed and provide feedback on why other suggested works were not carried out.	2
Total Additional Hours Per Road	21

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Council grades approximately 80 unsealed roads per year which means an additional 1,680 hours of work to implement the proposed strategy. There are approximately four (4) major projects on sealed roads annually adding another 126 hours of project management time to implement this strategy. There would also be work required to set up processes and templates and reporting requirements associated with the implementation and monitoring of the additional project management actions.

To make this proposed consultation strategy feasible, on a permanent basis Council would need to employ another full-time Technical Services staff member to meet the additional project management requirements. The additional work would need to be funded through existing budgets by decreasing services eg. reducing the number of roads graded annually or generating additional funds.

Options

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

Community Engagement Considerations

The level of engagement for this report is to inform.

Attachments

1. Minutes of the Warrumbungle Road Network Advisory Group Meeting – 14 March 2023

RECOMMENDATION

That:

1. Council notes the minutes of the Warrumbungle Road Network Advisory Group meeting held at Coonabarabran on 14 March 2023.
2. Council conducts a trial for consultation with residents on rural roads by:
 - Selecting 2 roads to trial the consultation method.
 - Inviting residents on the selected roads to participate in the trial by sending them a letter before work commences on their road informing them of the proposed start date of the works and the type of work to be completed.
 - Residents would be required to consult between themselves and submit a plan as a group to Council before work commences.
 - Council staff to consider the requested works from the residents.
 - The trial would be monitored and evaluated by the:
 - Response level from residents
 - Expectations from the plan submitted vs actual work
 - Time taken to deliver this approach
 - Resources required to deliver this approach into the future
 - Impact on the budget.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 4 Minutes of Coonabarabran Sporting Complex Advisory Committee Meeting – 5 April 2023

Division:	Technical Services
Management Area:	Urban Services & Facilities
Author:	Director Technical Services – Gary Murphy
CSP Key Focus Area:	SC3 A healthy and active community is supported by sporting and recreational infrastructure.
Priority:	SC3.4 Identify opportunities for innovative adaptation and/or sharing of open space and infrastructure for recreational purposes as well as regular maintenance and upkeep of parks, reserves, swimming pools and other recreational assets to ensure availability of such assets to residents of the shire.

Reason for Report

The purpose of this report is to present minutes from the extraordinary meeting of the Coonabarabran Sporting Complex Advisory Committee held at Coonabarabran on 5 April 2023.

Background

The purpose of the Committee is to assess the condition and usefulness of the existing amenities buildings and sporting facilities at Coonabarabran Sporting Complex and develop a strategy for these facilities based on existing and future sport and recreation demands.

Core responsibilities and duties of the Committee are to:

- Determine current and potential sport and recreation users of the complex facilities including volume and frequency of use;
- Develop a long-term strategy for the Sporting Complex in the form of a Master Plan including cost estimates and priorities of improvements;
- Investigate and obtain external sources of funding; and
- Make recommendations to Council on any matter related to improvements of the Sporting Complex.

Issues

The Committee has held several meetings to discuss the layout and location of the proposed new amenities facility. Scope of works in the deed is to construct a universally designed building incorporating change rooms, storage, a kiosk, referee and first aid room as well as public toilets. At a recent informal site meeting, an alternative location was proposed adjacent to the existing facilities.

This proposed location had a number of constraints such as encroachment into the overhead powerline easement and potential encroachment into the adjoining caravan

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

park. It was agreed that if these issues could be overcome, the site should be considered.

Cr Newton made a number of subsequent enquiries and an extraordinary meeting of the Committee was called on 5 April 2023 to allow the Committee to consider this alternative location.

The Committee was advised that by undergrounding the powerlines and making a boundary adjustment, it was technically possible to accommodate the proposed amenities adjacent to the existing amenities building.

A layout diagram was tabled, along with a letter of support from the owner of the caravan park and an estimated cost of the undergrounding of the powerlines.

It was agreed that this alternate location was the preferred location however concerns were expressed about the additional costs to the project and consequently the ability to deliver the desired outcomes and meet the obligations of the funding agreements.

Additional sources of funding were discussed to supplement any potential funding shortfall.

In terms of the funding agreements, construction must commence by June 2023 and must be substantially complete by 30 June 2024.

This is an extremely tight timeframe given the requirements to obtain planning approvals, issue tenders and secure a contractor to deliver the project.

Options

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

Community Engagement

The level of engagement for this report is to inform.

Financial Considerations

The budget for the Coonabarabran No 3 Oval amenities project is \$889,716 made up of \$585,000 LRCI funds and \$304,716 Resources for Regions Round 9 funding. The estimated cost to underground the powerline was in the order of \$76,000. The survey cost to affect the proposed boundary adjustment was in the order of \$7,500. The potential costs could be in the order of \$90,000.

Attachment

1. Minutes of Extraordinary Coonabarabran Sporting Complex Advisory Committee Meeting – 5 April 2023.
2. Letter of Support and Cost Estimates (Confidential)

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

RECOMMENDATION

That:

1. Council notes the minutes of the Coonabarabran Sporting Complex Advisory Committee meeting held at Coonabarabran on 5 April 2023.
2. The proposed location of the new amenities facility be a minimum of 6m from the existing amenities block and 3m from the boundary to meet the requirements of the National Construction Code and relevant Australian Standards, subject to:
 - a. All costs associated with the relocation and undergrounding of the overhead powerlines, including but not limited to, the physical works, surveying and easements be funded from sources other than approved grant funding and Council funds;
 - b. The costs noted in 2a) above to be secured by 31 May 2023 to enable the project to meet the funding agreement milestones.
3. Should 2b) not be achieved, the proposed location of the new amenities facility to be located on the corner of the Number 3 Oval, listed as Option 2 on the attached plan.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 5 Minutes of Audit, Risk and Improvement Committee Meeting – 14 March 2023

Division:	Corporate and Community Services
Management Area:	Corporate Services
Author:	Manager Corporate Services – Jenni Maundrell
CSP Key Focus Area:	Civic Leadership
Priority:	CL2.2 Obtain structured independent assessment of Council's organisational compliance, practices and performance

Reason for Report

To present Minutes of the Audit, Risk and Improvement Committee meeting held at Coonabarabran on Tuesday 14 March 2023.

Background

The Audit, Risk and Improvement Committee was formed by Council Resolution 168/2122 (6 January 2022), comprising two independent members and one councillor delegate.

Issues

At the Audit, Risk and Improvement Committee meeting of 14 March 2023, the Committee discussed:

- Preparations for the 2022/23 external audit.
- Council's 'High Value High Risk' report.
- OLG's 'Guideline on the use and management of credit cards'.
- Project risk management.
- Service Review – public toilets.
- Penetration testing.

The Minutes of this meeting are provided as Attachment 1 to this report.

Options

Nil

Financial Considerations

Nil

Community Engagement

The level of engagement for this report is Inform.

Attachments

1. Minutes of the Audit, Risk and Improvement Committee meeting held at Coonabarabran on 14 March 2023

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

RECOMMENDATION

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held at Coonabarabran on 14 March 2023.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 6 Revotes and High Value Projects Report

Division:	Executive Services
Management Area:	Governance
Author:	Executive Service Administration Officer – 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.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 7 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

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

RECOMMENDATION

That the Council Resolution Report be noted for information.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 8 Draft Enterprise Risk Management Policy

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

Reason for Report

To seek Council adoption of the draft *Enterprise Risk Management Policy*.

Background

The Enterprise Risk Management (ERM) Policy, together with the ERM Plan, form Council's ERM framework. The framework was developed to ensure a consistent approach for identifying, analysing, evaluating, treating, reporting and escalating risks.

Council previously endorsed the draft policy for public exhibition (Resolution 107/2223).

Issues

An effective and efficient ERM framework promotes a positive risk culture and proactively manages enterprise-wide risks at all levels. The framework consists of policy, plan and procedures that ensure risk management practices are embedded into all activities.

The draft policy is a strategic policy of Council and supersedes the previous Risk Management Policy. The draft policy aims to:

- clearly communicate Council's commitment to maintaining an effective risk management framework;
- detail Council's overall intentions for managing risk, highlighting the core components of the ERM Framework; and
- assist Council to properly understand and manage risk within the boundaries of the organisation's risk appetite.

The draft policy was placed on exhibition and submissions invited. No submissions were received. No amendments are proposed following the public exhibition period.

Options

Council may adopt the policy as presented, or with amendments. Alternately, Council may opt not to adopt the policy.

Financial Considerations

Nil

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Community Engagement

The level of community engagement is Inform.

The community is informed through the Council business paper, website, social media, print media and customer service centres.

Attachments

1. Draft *Enterprise Risk Management Policy*.

RECOMMENDATION

That Council adopts the draft Enterprise Risk Management Policy.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 9 Draft Operational Plan 2023/2024

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

Reason for Report

In line with Section 405 of Local Government Act, the draft Operational Plan for 2023/2024 is presented to Council for consideration before placement on public exhibition for return at an extraordinary Council Meeting to be held on 30 May 2023.

The current draft consolidated income statement shows:

- Total revenue for 2023/2024 is projected to be around \$65.2m. This total includes Capital Grants and Contributions of \$9.6m and Operational Grants and Contributions of \$30.8m.
- A projected consolidated Result surplus of \$25k before Capital Grants and Contributions and a projected net Operating Result surplus of \$9.6m after Capital Grants and Contributions.

A copy of the draft Operational Plan 2023/2024 is provided as attachments to this report made up of two parts:

- Part 1 Operational Plan 2023/2024
- Part 2 The Revenue Policy and Fees & Charges (Appendix 1) incorporating the Annual Donations Policy (Appendix 2) and Rate Maps (Appendix 3).

A total of seven (7) external budget submissions were received; summary details are included within the report (copies of the submissions are also attached to this report).

Background

The draft 2023/2024 Operational Plan and Budget sets out Council's proposed budget for next financial year. The budgets are presented in the form of consolidated statements and schedules, together with a more detailed breakdown at a functional and/or by fund level.

The draft plans have been prepared following a series of Executive Leadership Team (ELT) and councillor budget workshop meetings and other input from various stakeholders over the past five (5) months.

There are also a number of other significant impacts that have affected Council's financial result in this financial year and will impact future financial year results. These include:

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

- The COVID-19 Pandemic;
- Numerous natural disasters
- Ongoing cost shifting from other levels of government although improved capital related grants are generally noted;
- Global economic uncertainty and the effect on cost of living
- The Advance payment of Financial Assistance Grants;

The *Local Government Act 1993* (NSW), section 8B, provides an overview of principles of sound financial management for Councils noting that the following principles of sound financial management apply to Councils:

- (a) *Council spending should be responsible and sustainable, aligning general revenue and expenses.*
- (b) *Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.*
- (c) *Councils should have effective financial and asset management, including sound policies and processes for the following:*
 - i. *performance management and reporting,*
 - ii. *asset maintenance and enhancement,*
 - iii. *funding decisions,*
 - iv. *risk management practices.*
- (d) *Councils should have regard to achieving intergenerational equity, including ensuring the following:*
 - i. *policy decisions are made after considering their financial effects on future generations,*
 - ii. *the current generation funds the cost of its services.*

The *Local Government Act*, section 405, also outlines requirements in relation to Operational Plans, stating that:

- (1) *A council must have a plan (its "operational plan") that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.*
- (2) *An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.*
- (3) *A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

- (4) During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.*
- (5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.*
- (6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.*

Following this meeting, it is intended to place the Draft Operational Plan 2023/2024 and associated documents on public exhibition closing no earlier than 28 days. The notice indicating the plans are on public exhibition will include a request to interested stakeholders that submissions may be made to the Council at any time during the period of public exhibition.

Issues

The main features of the draft Operational Plan for 2023/2024 public exhibition are:

- The draft consolidated income statement shows that total revenue for 2023/2024 is projected to be around \$65.2m. This total includes Capital Grants and Contributions of \$9.6m and Operational Grants and Contributions of \$30.8m. A projected consolidated result surplus of \$25k before Capital Grant & Contributions and a projected net Operating Result surplus of \$9.6m after Capital Grant & Contributions.
- A projected General Fund Operating Result deficit of \$480k before Capital Grant & Contributions and a projected net Operating Result surplus of \$5.1m after Capital Grant & Contributions (includes Waste).
- A projected Water Fund Operating Result surplus of \$330k before Capital Grant & Contributions and a projected net Operating Result surplus of \$1.8m after Capital Grant & Contributions.
- A projected Sewer Fund Operating Result surplus of \$175k before Capital Grant & Contributions and a projected net Operating Result surplus of \$2.7m after Capital Grant & Contributions.

Rates, Annual Charges, and Fees & Charges

Sections 501 and 502 of the Local Government Act provide information on what services Council can impose an annual charge and charges for actual use

Section 501 FOR WHAT SERVICES CAN COUNCIL IMPOSE AN ANNUAL CHARGE?

- (1) A council may make an annual charge for any of the following services: provided, or proposed to be provided, on an annual basis by the council:*
 - *water supply services*
 - *sewerage services*
 - *drainage services*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

- *waste management services (other than domestic waste management services)*
- *any services prescribed by the regulations.*

(2) *A council may make a single charge for two or more such services.*

(3) *An annual charge may be levied on each parcel of rateable land for which the Service is provided or proposed to be provided.*

Section 502 CHARGES FOR ACTUAL USE

A council may make a charge for a service referred to in section 496 or 501 according to the actual use of the service.

In line with this, Council has developed its Revenue Policy, including fees and charges for the 2023/2024 financial year. Council has proposed a number of increases in fees and charges for the 2023/2024 financial year.

Rate Increase

In December 2022 IPART announced that the amount that councils will be able to increase the revenue they can collect from rates will depend on their level of population growth. The Warrumbungle Shire Council's approved rate peg for 2023/2024 a 3.7% increase.

Water Fund

In order for the Water Fund to be self-sufficient, as is required by the NSW Government, a change in fees and charges has been proposed at 3.7% for access charges and 5% for user charges. The 2023/2024 result has been modelled on achieving a net operating result before capital grants and contributions of a surplus of \$330k.

The 2023/2024 draft budget includes the final Mendooran Water Treatment Plant additional charge. This annual charge is \$295 per user and yields \$79,945 p.a.

Sewer Fund

In order for the Sewer Fund to be self-sufficient, as is required by the NSW Government, a change in fees and charges has been proposed at 3.7% for access charges and 5% for user charges. The 2023/2024 result has been modelled on achieving a net operating result before capital grants and contributions of a surplus of \$175k.

Waste

Section 496 of the Local Government Act, in relation to making and levying of annual charges for domestic waste management services, states that:

(1) *A council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available.*

(2) *A council may make an annual charge for the provision of a domestic waste management service for a parcel of land that is exempt from rating if:*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

- a. *the service is available for that land, and*
- b. *the owner of that land requests or agrees to the provision of the service to that land; and*
- c. *the amount of the annual charge is limited to recovering the cost of providing the service to that land.*

Further to this, section 504, in relation to domestic waste management services, states:

- (1) *A council must not apply income from an ordinary rate towards the cost of providing domestic waste management services.*
- (1A) *Subsection (1) does not prevent income from an ordinary rate from being lent (by way of internal loan) for use by the council in meeting the cost of providing domestic waste management services.*
- (2) *Income to be applied by a council towards the cost of providing domestic waste management services must be obtained from the making and levying of annual charges or the imposition of charges for the actual use of the service, or both.*
- (3) *Income obtained from charges for domestic waste management must be calculated so as to not exceed the reasonable cost to the council of providing those services.*

In line with these requirements, an increase in the service charge has been proposed, of 3.7%. The 2023/2024 result has been modelled on achieving a net operating result before capital grants and contributions of a surplus of \$298k. Waste is normally included as part of General Fund activities.

External Submissions

A total of seven (7) submissions were received towards the 2023/2024 Draft budget from members of the public for Council's consideration and are included in attachment 3. Submission towards the 2022/2023 which have been reassessed in formulating the 2023/2024 draft budget, and are included in attachment 4.

Annual Donations Policy applications

A total of 11 applications were received and these are currently being assessed against the Financial Assistance Grant Guidelines and the budget provision available in the 2023/2024 draft budget.

In line with the Donations Policy, requests for Annual Donations will be assessed based on the contribution the activities of the organisation and/or group make to the achievement of the aims and objectives of the Warrumbungle Shire Community Strategic Plan.

Options

Council may endorse the Operational Plan 2023/2024 as presented, or with amendments.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Financial Considerations

As set out in the attached documents.

Community Engagement

The level of community engagement for this item is Inform + Collaborate.

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

Community collaboration is by Public Exhibition, submissions, and Community Consultation Meetings.

Attachments

1. Operational Plan 2023/2024.
2. The Revenue Policy and Fees & Charges (Appendix 1) incorporating the Annual Donations Policy (Appendix 2) and Rate Maps (Appendix 3)
3. External budget submissions received to the 2023/2024 draft budget.
4. External budget submissions received to the 2022/2023 draft budget for re-consideration in the 2023/2024 draft budget.
5. Building our Warrumbungle Communities Action Plans

RECOMMENDATION

That Council:

1. Receive the report on the Draft Operational Plan 2023/2024
2. Endorse the Draft Operational Plan 2023/2024, including the Revenue Policy, to go on public exhibition for at least a period of 28 days commencing Friday 21st April 2023; and
3. Be presented with a further report following the exhibition period including any submissions made on the Draft Operational Plan 2023/2024.
4. That an Extraordinary Council Meeting be held on Tuesday 30 May 2023 to consider the adoption of the Operating Plan for 2023/2024 at 5pm.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 10 Investments and Term Deposits – month ending 31 March 2023

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 2021*, 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 s625 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 2021* (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, \$5,000,000.00 worth of term deposits matured, earning Council a total of \$43,347.57 in Interest.

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

- \$1,000,000 with MAQ at a rate of 4.72%
- \$1,000,000 with CBA at a rate of 4.40%
- \$1,000,000 with CBA at a rate of 4.01%
- \$2,000,000 with NAB at a rate of 4.40%

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

The balance of the term deposits at the end of the month was \$32,500,000.00.

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, \$0.77 interest was earned on the balances in the accounts and net transfers of \$600,006.00 were made from these accounts resulting in a month end balance of \$508,486.00.

Cash at bank balance

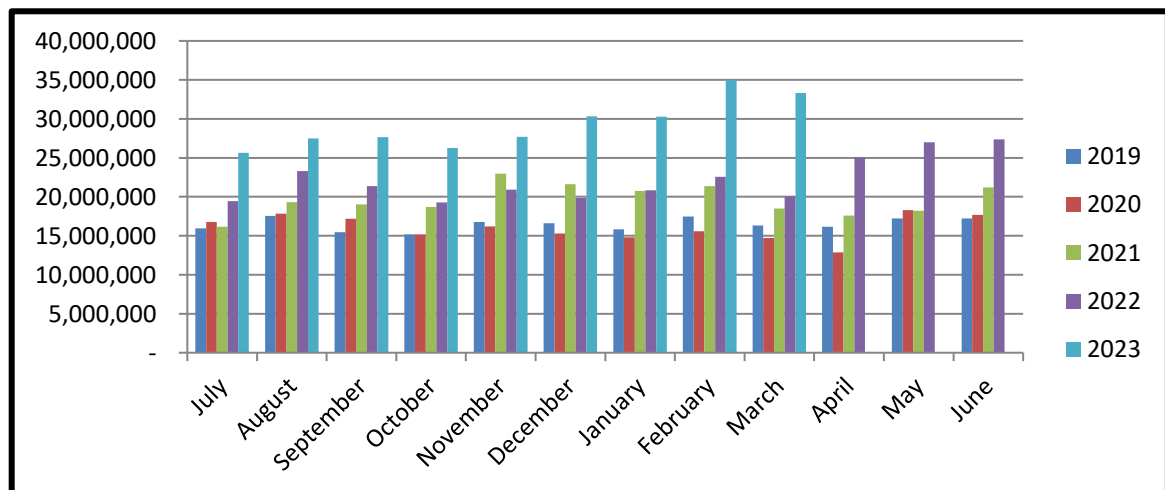
In addition to the at call accounts and term deposits, as at 31 March 2023, Council had a cash at bank balance of \$316,936.75.

Income Return

The average yield on Investments Council held for March 2023, of 3.9960%. Council uses the Bank Bill Swap Rate (BBSW) supplied by the Australian Securities Exchange (ASX) which was 3.6983% for the month of March. The performance of investments for March, based on the comparison, was the portfolio exceeded the benchmark by 0.2977%.

Council's budget for year 2022/23 for interest on investments is \$147,000.00. At the end of March 2023, the amount of interest received and accrued should be around 75% of the total year budget, i.e. \$98,000.00 On a year to date basis, interest received and accrued totals \$289,059.90, which is 196.64% of the annual budget. Council's budget for interest on investments will be reviewed in the March Quarterly Budget Review.

Graph by Month Investments



WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Table 1: Investment Balances – 31 March 2023

Financial Institution	Lodgement Date	Maturity Date	Total Days	Original Rating	Current Rating	Yield (%)	Investment Amount (Redemption Value)
At Call Accounts							
NAB	1-Mar-23	At Call	at call	ADI	ADI	0.05%	1,218.70
ANZ	1-Mar-23	At Call	at call	ADI	ADI	0.01%	6,555.66
CBA At Call 1	1-Mar-23	At Call	at call	ADI	ADI	0.02%	335.34
CBA At Call 2	1-Mar-23	At Call	at call	ADI	ADI	3.10%	500,376.30
							508,486.00
Term Deposits							
NAB	30-Sep-22	03-Apr-23	185	ADI	ADI	4.00%	2,000,000.00
WBC	01-Dec-22	03-Apr-23	123	ADI	ADI	3.72%	1,000,000.00
NAB	10-Jan-23	10-Apr-23	90	ADI	ADI	4.10%	1,000,000.00
MAQ - Sewer Fund	03-Mar-22	20-Apr-23	413	UMG	UMG	0.95%	500,000.00
NAB	23-Dec-22	24-Apr-23	122	ADI	ADI	3.95%	3,000,000.00
NAB	05-Dec-22	04-May-23	150	ADI	ADI	3.88%	1,000,000.00
WBC	29-Apr-22	10-May-23	376	ADI	ADI	2.50%	1,000,000.00
CBA	21-Mar-23	17-May-23	57	ADI	ADI	4.01%	1,000,000.00
NAB	28-Feb-23	19-May-23	80	ADI	ADI	4.15%	500,000.00
MAQ	19-Jan-23	22-May-23	123	UMG	UMG	4.04%	1,000,000.00
AMP	30-Nov-22	29-May-23	180	LMG	LMG	4.45%	1,000,000.00
WBC	29-Apr-22	31-May-23	397	ADI	ADI	2.50%	1,000,000.00
CBA	02-Feb-23	06-Jun-23	124	ADI	ADI	4.24%	1,500,000.00
NAB	14-Dec-22	13-Jun-23	181	ADI	ADI	4.10%	1,000,000.00
CBA - Sewer Fund	20-Dec-22	20-Jun-23	182	ADI	ADI	4.26%	2,000,000.00
MAQ	29-Apr-22	21-Jun-23	418	UMG	UMG	2.05%	1,000,000.00
WBC	27-Feb-23	27-Jun-23	120	UMG	UMG	4.27%	500,000.00
NAB	28-Feb-23	04-Jul-23	126	ADI	ADI	4.26%	500,000.00
WBC	29-Apr-22	12-Jul-23	439	ADI	ADI	2.55%	1,000,000.00
CBA	08-Mar-23	08-Aug-23	153	ADI	ADI	4.40%	1,000,000.00
MAQ	21-Feb-23	22-Aug-23	182	UMG	UMG	4.52%	1,000,000.00
WBC	27-Feb-23	28-Aug-23	182	UMG	UMG	4.63%	1,000,000.00

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

CBA	27-Feb-23	25-Sep-23	210	ADI	ADI	4.74%	1,000,000.00
WBC	31-Jan-23	31-Oct-23	273	ADI	ADI	4.44%	2,000,000.00
MAQ	01-Mar-23	17-Nov-23	261	LMG	LMG	4.72%	1,000,000.00
AMP	24-Nov-22	24-Nov-23	365	LMG	LMG	4.60%	1,000,000.00
NAB	23-Mar-23	19-Dec-23	271	ADI	ADI	4.40%	1,000,000.00
CBA	27-Feb-23	27-Feb-24	365	ADI	ADI	5.06%	2,000,000.00
						Sub-Total	32,500,000.00
						Total	33,008,486.00

Credit Rating Legend

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Table 2: At Call and Term Deposits – Monthly Movements

Bank	Opening Balance	Interest Added to Investment or Redeemed	Net Placements/ Withdrawals	Closing Balance
NAB	1,217.99	0.71		1,218.70
ANZ	6,561.60	0.06	(6.00)	6,555.66
CBA At Call 1	335.34			335.34
CBA At Call 2	1,100,376.30		(600,000)	500,376.30
Total at call	1,108,491.23	0.77	(600,006)	508,486.00
MAQ	1,000,000.00	4,750.00	(1,004,750.00)	
CBA	1,000,000.00	17,119.73	(1,017,119.73)	
CBA	1,500,000.00	14,675.36	(1,514,675.36)	
NAB	1,000,000.00	8,823.02	(1,008,823.02)	
MAQ	500,000.00	6,279.45	(506,279.45)	
NAB	2,000,000.00			2,000,000.00
WBC	1,000,000.00			1,000,000.00
NAB	1,000,000.00			1,000,000.00
MAQ - Sewer Fund	500,000.00			500,000.00
NAB	3,000,000.00			3,000,000.00
NAB	1,000,000.00			1,000,000.00
WBC	1,000,000.00			1,000,000.00
CBA	-		1,000,000.00	1,000,000.00
NAB	500,000.00			500,000.00
MAQ	1,000,000.00			1,000,000.00
AMP	1,000,000.00			1,000,000.00
WBC	1,000,000.00			1,000,000.00
CBA	1,500,000.00			1,500,000.00
NAB	1,000,000.00			1,000,000.00
CBA - Sewer Fund	2,000,000.00			2,000,000.00
MAQ	1,000,000.00			1,000,000.00
WBC	500,000.00			500,000.00
NAB	500,000.00			500,000.00
WBC	1,000,000.00			1,000,000.00
CBA	-		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
CBA	1,000,000.00			1,000,000.00
WBC	2,000,000.00			2,000,000.00
MAQ	-		1,000,000.00	1,000,000.00
AMP	1,000,000.00			1,000,000.00

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

NAB	-		1,000,000.00	1,000,000.00
CBA	2,000,000.00			2,000,000.00
Total Term deposits	33,500,000.00	51,647.56	(1,051,647.56)	32,500,000.00
Total	34,608,491.23	51,648.33	(1,651,653.56)	33,008,486.00

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	6,555.66	0.02%	33.30%	Compliant
CBA	ADI	9,000,711.64	27.27%	33.30%	Compliant
WBC	ADI	7,500,000.00	22.72%	33.30%	Compliant
NAB	ADI	10,001,218.70	30.30%	33.30%	Compliant
	Total ADI	26,508,486.00	80.31%	100.00%	Compliant
MAQ	UMG	4,500,000.00	13.63%	20.00%	Compliant
	Total UMG	4,500,000.00	13.63%	60.00%	Compliant
ME	LMG	-	0.00%	10.00%	Compliant
AMP	LMG	2,000,000.00	6.06%	10.00%	Compliant
	Total LMG	2,000,000.00	6.06%	10.00%	Compliant
	Grand Total	33,008,486.00	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 2021* and Council's Investments Policy.



Responsible Accounting Officer – Lisa Grammer

RECOMMENDATION

That Council accept the Investments Report for the month ending 31 March 2023 including a total balance of \$33,325,422.75 being:

- \$508,486.00 in at call accounts.
- \$32,500,000.00 in term deposits.
- \$316,936.75 cash at bank.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 11 Temporary Occupation Licence and Permanent Acquisition of Warrumbungle Shire Council Roads for Inland Rail Project

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 seek a resolution of Council to facilitate execution deed agreements with ARTC / TfNSW for the temporary occupation and subsequent acquisition of part of various Council Public Roads for the Inland Rail Project.

Background

The Australian Government is investing up to \$14.5 billion to develop and build Inland Rail, which will operate as an inland freight route from Melbourne to Brisbane. The project involves the augmentation of existing rail assets, and the construction of new – part of which cross through Warrumbungle Shire Council's LGA.

The Australian Rail Track Corporation (ARTC) was appointed by the Australian Government to deliver Inland Rail under the Department of Infrastructure, Transport, Regional Development and Communications portfolio.

In NSW, ARTC is acquiring land on behalf of Transport for NSW (TfNSW), who will subsequently lease the land / rail infrastructure back to ARTC to operate the Inland Rail.

Small sections of:

- Cumbil Road;
- Berdeen Road;
- Kenebri Road;
- Baradine Road; and
- 7 x Unformed Roads.

have been identified as being permanently required for the Inland Rail – *refer Attachment 1.*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

As a result, ARTC has approached Council and proposed two legal mechanisms to facilitate early access / construction, and subsequently transfer of ownership of the required sections:

1. Licence to perform works on a public road - Section 138 Roads Act 1993 (NSW) – *refer Attachment 2.*
2. Deed of Compulsory acquisition by agreement - Section 29 Land Acquisition (Just Terms Compensation) Act 1991 (NSW) – *refer Attachment 3.*

Issues

The proposed licence and acquisition areas are minor. They essentially ensure the new rail corridor will be continuous across the roads thus facilitating construction and operation of new level crossings (on formed roads only), and to comply with the Rail Safety National Law.

In the instance of Cumbil Road, the road itself will be deviated to ensure the level crossing is perpendicular to the railway. The effort and costs associated with the acquisition of new road reserve and construction of the deviation will be borne by ARTC and are included in the Main Inland Rail Interface Agreement (MIRDA) with Council.

The Section 138 Licence is an agreement directly between Council and ARTC – to facilitate early access and construction of the Inland Rail until the transfer of land occurs. Similarly, ARTC is required to consult with Council via the MIRDA to ensure traffic and construction management is acceptable.

Staff and external legal counsel have reviewed the terms of the licence and are satisfied that Council's ongoing statutory obligations as a Road Authority are maintained, and liability is acceptable.

The Section 29 Deed is an agreement between Council and TfNSW to compulsorily acquire the road by agreement. This mechanism automatically 'closes' the sections of Public Road, so that a subsequent road closure process does not need to occur.

Again, staff and external legal counsel have reviewed this deed and are satisfied that the terms are acceptable.

Options

Council does have the option to refuse ARTC's proposal and process at this time however, various legislation exists which could be utilised to achieve the same outcome:

- Section 5.24(1)(f) of the Environmental Planning and Assessment Act 1979 states that an s138 application cannot be refused if it is necessary for carrying out State Significant Infrastructure works.
- Section 29 of the Land Acquisition (Just Terms Compensation) Act 1991 gives an authority of the State (in this case TfNSW) the powers to compulsorily acquire land from the Crown (in this case Council), without agreement.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Financial Considerations

It should be noted that the compensation to be paid to Council under each agreement is nominal. Council's entitlement to compensation for the acquisition is restricted by the Roads Act to:

- The money (if any) that the council paid for the acquisition of the land in the first place; and
- The money that the council initially spent on the construction of the road (or other supporting structures).

It does not extend to any money spent on maintenance, replacement or repair of the road (or structures within the road corridor), since construction.

Similarly, the area and impact of the construction licence is such that it does not warrant the valuation and administration process required to establish a licence fee.

Council's costs associated with negotiating, executing, and operating the deeds are reimbursable.

Other costs and impacts to Council resulting from the works are dealt with under the MIRDA.

Engagement

High level engagement has occurred through the various Environmental Impact Statement advertisements and submissions periods by ARTC.

Operation of the s138 licence during construction will require more specific consultation to ensure road users are aware of any changes to road use. There are requirements within the Main Inland Rail Interface Agreement (MIRDA) that require ARTC or its contractors to allow Council input to their construction and traffic management plans – this process presents an opportunity for Council and ARTC to refine specific consultation strategies for each road.

Attachments

1. Acquisition Maps
2. Licence to perform works on a public road - Section 138 Roads Act 1993 (NSW)
3. Deed of Compulsory Acquisition by Agreement - Section 29 Land Acquisition (Just Terms Compensation) Act 1991 (NSW)

RECOMMENDATION

That Council:

1. Execute the Licence to perform works on a public road - Section 138 Roads Act 1993 (NSW) with ARTC, via an Authorised Delegate.
2. Finalise and execute the Deed of Compulsory acquisition by agreement – Section 29 Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with TfNSW via an Authorised Delegate.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 12 Natural Disaster Response and Recovery Monthly Report for April 2023

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 provide a monthly update on the natural disaster response and recovery.

Background

Council at its meeting on 16 November 2022 resolved the following:

'150/2223 RESOLVED 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;*
- 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;*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

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.'

As previously reported to Council, as at 21 November 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. As the submissions have been assessed and adjusted this value is now \$11,319,936 including emergency and immediate restoration (emergent) for November 2021 event and \$1,261,741 for September 2022 event. The variance between the original submission amount and current submission amount is due to a number of urban streets being removed from the submission due to Council being unable to meet the proof of damage criteria. Several of the causeways have also been moved from the November 2021 submission to September 2022 submission due to additional damage. September 2022 AGRN 1034 current estimate is \$1,261,741 with further defects still to be included. The estimate numbers will continue to move as each defect is assessed.

As of 5 April 2023, there are 1,773 defects for the November 2021 event and 80 defects for the September 2022 event identified. There will be no restoration defects for August 2022 event as this claim will be emergency works only.

To date the amount of \$6,454,368 has been approved for restoration and works have commenced.

National Disaster Event	Approved	Queried	Submitted	Grand Total
Road – bridge / structure	\$71,737			\$71,737
Road – culvert / floodway	\$50,257	\$7,184	\$4,761	\$62,202
Road – sealed	\$772,821	\$1,082,048	\$668,394	\$2,523,263
Road – unsealed – formed	\$4,753,977	\$666,446	\$2,436,735	\$7,857,158
Road – unsealed – unformed	\$10,916			\$10,916
Stormwater Infrastructure	\$6,919			\$6,919
Emergent Works	\$787,741			\$787,741
AGRN 987	\$6,454,368	\$1,755,678	\$3,109,890	\$11,319,936
Road – bridge / structure		\$661,590	\$528,198	\$1,189,788
Road – culvert / floodway			\$57,992	\$57,992
Road – unsealed – formed		\$13,961		\$13,961
AGRN 1034		\$675,551	\$586,190	\$1,261,741
Grand Total	\$6,454,368	\$2,431,229	\$3,696,080	\$12,581,677

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

- Approved refers to defects that have been assessed by TfNSW and the upper funding limiting has been set.
- Queried refers to defects that have been submitted and TfNSW are asking for additional information.
- Submitted refers to defects that have been submitted to TfNSW and are currently being assessed.

Note:

The estimated cost may change as Transport for NSW assesses each defect in the submitted packages and sets upper limit for the restoration works.

Expenditure to the 5 April 2023 for AGRN 987, 1030 and 1034 is \$3,385,838 and includes emergent and full restoration works.

AGRN 897 Natural Disaster Restoration Works carried out in March 2023 on the following roads (in order of expenditure):

- Cobborah Road
- Nullawa Road
- Narrawa South Road
- Pinehurst Road
- Gamble Creek Road

AGRN 1034 Natural Disaster Emergency Works carried out in March 2023 on the following roads (in order of expenditure):

- Sandy Creek Road
- Baradine Road
- Borambitty Road
- Quaker Tommy Road
- Bourke Road
- Warrumbungles Way (MR 396)

Emergency works include urgent repairs to make the roads safe and accessible, installing and removing road closure signs, removal of debris on bridges and causeways and immediate restoration works to return the asset to pre-disaster condition.

During March 2023, we are also delivering the following grant funded projects concurrently with the Natural Disaster Restoration Works:

- Pothole Repair Program – as of 29 March 2023 there has been 2,005 potholes repaired on 304km of local rural roads under this program.
- Regional and Local Road Repair Program
- Regional Road Repair Program
- Regional Road Block Grant
- Fixing Local Roads – Tooraweenah Road Sealing Project
- LCRI Causeway Upgrades

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

- RMCC Maintenance, Heavy Patching, Guardrail Installation and Flood Restoration Works.

The road crews are working six days a week most weeks on our local rural roads performing pothole repairs. Crews are also working longer hours where necessary to get the works completed quicker. The additional hours staff are working are being monitored for negative safety impacts such as manual handling incidents as a result of fatigue and physical stress on the body.

As the packages are approved, our strategy will be to carry out the approved works in accordance with the prioritisation process approved by Council.

‘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*
 - *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.’*

We will be using Council work crews as much as we can supplemented with contractors when available.

Issues

While we wait for our applications to be approved, Council can only carry out emergency works.

It is also important to note that the restoration works are to restore the damaged roads and road related infrastructure to pre-disaster conditions, there is no allowance for any improvements to the road network.

The funding submissions for ARGN 1030 and 1034 are currently being prepared with 90% of the inspections being completed. The submissions are required to be submitted to Transport for NSW by the 30 September 2023. Our submissions are currently being prepared and will be submitted between July and September 2023 once the emergent works period has finished at the end of June.

At the time of writing this report two roads remain closed to general vehicles while a further nine roads are partially closed.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

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.

As resolved by Council, contractors will be engaged for various packages of work bundled by location.

Financial Considerations

Council's costs are 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. Council is also required to submit the corresponding Form 306 when submitting a claim for payment.

As per Council's resolution from the 16 February 2023 Council meeting, the nominated projects for Category D funding were submitted to the Office of Local Government. We were only able to submit a maximum of \$1 million. The 7 projects nominated totalled \$1.7 million so we had to remove the seventh project. Staff were assured that should one or more of the nominated projects not meet the criteria the seventh project could be reintroduced. While Council has received the \$1 million funding, the submission process for the nominated projects is not yet open.

Community Engagement Considerations

The level of community engagement is to inform.

Attachments

Nil.

RECOMMENDATION

That Council note the Natural Disaster Response and Recovery Monthly Report for April 2023.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 13 Review of the Warrumbungle Shire Council Development Control Plan 2015

Division:	Environment and Development Services
Management Area:	Planning and Regulation
Author:	Kelly Dewar – Manager Planning and Regulation
CSP Key Focus Area:	Caring for the Environment
Priority:	CE6 Sustainable growth and respectful planning acknowledges the rural character of the areas, values the natural environment and encourages ecological sustainable development

Reason for report

To seek Council adoption of the draft *Warrumbungle Shire Council Development Control Plan 2015*.

Background

The DCP was prepared to support the broad objectives of the Warrumbungle Local Environmental Plan 2013 (WLEP 2013) by:

- Supporting the provisions of the WLEP 2013
- Providing clear and concise development guidelines for various forms of development
- Encouraging a high standard of development that respects and maintains the Shire's existing urban, rural and natural environment
- Outlining Councils development application submission and application notification requirements
- Guiding members of the public in the development process,
- Expediting development approvals by providing clear direction on Councils intent and criteria in the development process
- Providing certainty of development outcomes for developers and the community.

The relevant provisions of the DCP are considered by the public when preparing their Development Applications and by staff in the assessment and determination of Development Applications received by Council.

The DCP enables Council to depart to a minor extent, from the provisions of the plan where circumstances warrant. Any request for departure requires a written request from the applicant with submission of their Development Application.

Issues

The *Warrumbungle Shire Council Development Control Plan 2015* was presented at the February Ordinary Council Meeting held on 16 February 2023 seeking endorsement to place the plan on public exhibition for 28 days.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

The draft plan was exhibited from 3 March 2023 to 4 April 2023. No submissions were received during the exhibition timeframe. There are no proposed changes to the amended draft plan.

Options

To adopt the Development Control Plan as presented or with amendments.

Financial Considerations

Nil

Community Engagement

The level of community engagement is 'Inform' and 'Consult' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

Attachment 1: Amended *Warrumbungle Shire Council Development Control Plan 2015* for Council endorsement prior to exhibition

RECOMMENDATION

That Council adopt the Warrumbungle Shire Council Development Control Plan 2015 as amended.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 14 Drinking Water Quality Policy Report

Division:	Environment and Development Services
Management Area:	Warrumbungle Water
Author:	Manager Warrumbungle Water – Tom Cleary
CSP Key Focus Area:	Supporting Community Life
Priority:	SC4.4 The future requirements for water and power are identified and adequately planned for by service providers

Reason for report

The reason for this report is to seek Council endorsement of the reviewed *Drinking Water Quality Policy*.

Background

The *Drinking Water Quality Policy* is a strategic policy that outlines Council's responsibility and mission in the delivery of drinking water services across the LGA.

Issues

Council has a *Drinking Water Quality Policy* that was endorsed under Resolution 336/1819.

The recent review conducted by Council staff noted some minor changes were needed to the policy to update legislation titles and to reference the *Warrumbungle Water Drought Management Plan (2019)* that was endorsed by Council.

The remainder of the policy has not changed.

Options

Following the Mendooran boil water alert incident (a number of years ago), a Water Quality Incident Review Report was prepared as per Council Resolution 196/1718; recommendation 10 of the Report recommended that Council prepare and formally adopt a *Drinking Water Quality Policy*. As a result, the policy was generated and presented to Council for adoption.

Financial Considerations

Nil

Community Engagement

The level of engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

Attachment 1: Draft *Drinking Water Quality Policy*

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

RECOMMENDATION

That:

1. Council endorses the Draft *Drinking Water Quality Policy* for the purpose of public exhibition for a minimum of 28 days, with submissions invited for a minimum of 42 days.
2. A further report be presented to Council on the Draft *Drinking Water Quality Policy* after the public exhibition period is completed.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 15 Adoption of Draft Managing Conflicts of Interest for Council-related Development Policy

Division:	Environment and Development Services
Management Area:	Planning and Regulatory Services
Author:	Manager Planning and Regulation – Kelly Dewar
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 seek Council adoption of the draft *Managing Conflicts of Interest for Council-related Development Policy*.

Background

The NSW Ombudsman has recognised that Councils often rely on informal and ad hoc processes and procedures to deal with council-related development, and was concerned that many councils did not have documented procedures to follow when they were assessing and regulating their own DAs.

In addressing these concerns, the Department of Planning and Environment (DPE) have introduced changes to ensure the planning system remains transparent and accountable, via changing the *Environmental Planning and Assessment Regulation 2021* (EP&A Reg) requiring councils to:

- have a formal policy that sets out how they will manage any potential conflicts of interest that may arise in relation to council-related development.
- publicly communicate any management approach that the council will implement (if any) for each development – Council must complete a management strategy and publish it on the NSW Planning Portal together with the DA when it is exhibited.

Issues

The draft *Managing Conflicts of Interest for Council-related Development Policy* was presented to Council in February 2023 seeking endorsement to place on public exhibition for 28 days.

The draft policy was exhibited from 23 February 2023 until 24 March 2023. No submissions were received. There are no changes proposed to the draft policy.

Options

To adopt the policy as presented, or with amendments.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

Attachment 1: Draft *Managing Conflicts of Interest for Council-related Development Policy*.

RECOMMENDATION

That Council adopt the *Managing Conflicts of Interest for Council-related Development Policy*.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 16 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 – March 2023

Development Application / Complying Development	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type of Development	Referral Days	Stop the Clock Days
DA35/2022	06/10/2022	02/03/2023	Pastoral Properties (NSW) Pty Ltd	999 Myall Plains Road	Coonabarabran	New Earthworks/Change in Levels	36	24
DA43/2022	07/12/2022	13/03/2023	Matthew Gleeson	50 Farnell Street	Mendooran	New Shed	37	0
DA44/2022	09/12/2022	13/03/2023	Neil Mumme	19 Oban Street	Coolah	New Dwelling	48	0
DA5/2023	17/03/2022	29/03/2023	Warrumbungle Steel Buildings	7 Hilton Place	Coonabarabran	New Shed	0	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.

RECOMMENDATION

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

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

Item 17 Reports to be Considered in Closed Council

Item 17.1 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 17.2 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)(e) of the Act, which permits the meeting to be closed to the public for business relating to the following:

- (e) information that would, if disclosed, prejudice the maintenance of law

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

RECOMMENDATION

That the Three Rivers Regional Retirement Community Information Report be referred to Closed Council pursuant to section 10A(2)(e) 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 17.3 Tender for the Replacement of Black Gully Bridge on Leaders Road, Binnaway

Division: Technical Services

Author: Project Manager – David Sturtridge

Summary

The purpose of this report is to make a resolution on tenders received for the replacement of Black Gully Bridge on Leaders Road, Binnaway.

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)(d) of the Act, which permits the meeting to be closed to the public for business relating to the following:

- (c) commercial information of a confidential nature that would, if disclosed:
 - i. prejudice the commercial position of the person who supplied it, or
 - ii. confer a commercial advantage on a competitor of the council, or
 - iii. reveal a trade secret.

RECOMMENDATION

That the Tender for the Replacement of Black Gully Bridge on Leaders Road, Binnaway be referred to Closed Council pursuant to section 10A(2)(d) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the council or reveal a trade secret.

Item 17.4 Tender for the Castlereagh River Rehabilitation Project

Division: Technical Services

Author: RMCC Technical Officer – Krista Holmesby

Summary

The purpose of this report is to make a resolution on tenders received for the Castlereagh River Rehabilitation Project, riparian zone weeding and planting works.

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

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)(d) of the Act, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
 - i. prejudice the commercial position of the person who supplied it, or
 - ii. confer a commercial advantage on a competitor of the council, or
 - iii. reveal a trade secret.

RECOMMENDATION

That the Tender for the Castlereagh River Rehabilitation Project be referred to Closed Council pursuant to section 10A(2)(d) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the council or reveal a trade secret.

Item 17.5 Tender for the Provision of Sewer Relining Services for Coolah, Dunedoo and Coonabarabran

Division: Environment and Development Services

Author: Manager Warrumbungle Water – Tom Cleary

Summary

The purpose of this report is to make a resolution on tenders received for the Provision of Sewer Relining Services for Coolah, Dunedoo and Coonabarabran.

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)(d) of the Act, which permits the meeting to be closed to the public for business relating to the following:

- (c) commercial information of a confidential nature that would, if disclosed:
 - i. prejudice the commercial position of the person who supplied it, or
 - ii. confer a commercial advantage on a competitor of the council, or
 - iii. reveal a trade secret.

RECOMMENDATION

That the Tender for the Provision of Sewer Relining Services for Coolah, Dunedoo and Coonabarabran be referred to Closed Council pursuant to section 10A(2)(d) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 20 April 2023

commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the council or reveal a trade secret.

Item 17.6 Mayoral Minute – General Manager Interim Performance Review

Division: Executive Services

Author: Mayor – Cr Ambrose Doolan

Summary

The purpose of this report is to provide information to councillors on the General Manager's Interim Performance Review.

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 Mayoral Minute – General Managers Interim Performance Review 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).