



Warrumbungle Shire Council

Council meeting

Thursday, 17 October 2013

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

commencing at 10.00 am

Mayor

Councillor Peter Shinton

Deputy Mayor

Councillor Murray Coe

COUNCILLORS

Councillor Gary Andrews

Councillor Anne-Louise Capel

Councillor Fred Clancy

Councillor Victor Schmidt

Councillor Chris Sullivan

Councillor Ron Sullivan

Councillor Denis Todd

MANAGEMENT TEAM

Steve Loane (General Manager)

Rebecca Ryan (Director Corporate Services)

Kevin Tighe (Director Technical Services)

Chris White (Temporary Manager Communications &
Community Services)

Michael Marks (Manager Regulatory Services)

Warrumbungle Shire Council

Vision

Excellence in Local Government

Mission

We will provide:

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

We Value

Honesty

Frank and open discussion, taking responsibility for our actions

Integrity

Behaving in accordance with our values

Fairness

Consideration of the facts and a commitment to two way communication

Compassion

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

Respect

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

Transparency

Open and honest interactions with each other and our community

Passion

Achievement of activities with energy, enthusiasm and pride

Trust

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

Opportunity

To be an enviable workplace creating pathways for staff development

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 October 2013

NOTICE is hereby given that the **ORDINARY MEETING** of Council will be held on Thursday, 17 October 2013 at the Council Chambers, Coolah commencing at 10.00am

AGENDA

Welcome

Turn Off Mobile Phones

Order of Business

10.00am

Presentation – Forsyths – 2012/2013 Financial Statements

Forum

Apologies

Disclosure of Interest

Pecuniary Interest

Non Pecuniary Conflict of Interest

Reports

Questions and Matters of Concern

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STEVE LOANE
GENERAL MANAGER

WARRUMBUNGL SHIRE COUNCIL

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Item 1 Minutes of Special Council Meeting – 19 September 2013

Division:	Executive Services
Management Area:	Governance
Author:	Manager Administration & Customer Service – Sally Morris
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF2.1 Give communities of the shire opportunities to be informed about and involved in Council's activities and decision making.

PRESENT: Cr Peter Shinton, Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, Cr Todd, General Manager (Steve Loane), Director Corporate Services (Rebecca Ryan), Director Technical Services (Kevin Tighe), Chris White (Temporary Manager Communications & Community Services) and Michael Marks (Manager Regulatory Services)

In attendance: Manager Administration & Customer Service (S Morris) (minutes)

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

1S) Election of Mayor

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

The General Manager announced that one nomination had been received for the position of Mayor being a nomination for Councillor Shinton.

The General Manager declared Councillor Shinton re-elected unopposed to the position of Mayor for the period 19 September 2013 to September 2014.

2S) Election of Deputy Mayor

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

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

The General Manager declared Councillor Coe re-elected unopposed to the position of Deputy Mayor for the period 19 September 2013 to September 2014.

3S) Meeting Schedule

86/1314 RESOLVED that Council adopts the current Meeting schedule, being the third Thursday of each month, commencing at 10.00 am alternating between the Coolah and Coonabarabran Council Chambers as per the following schedule:

2013

Thursday 17 October	Coolah
Thursday 21 November	Coonabarabran

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2014	Thursday 19 December	Coolah
	Thursday 20 February	Coonabarabran
	Thursday 20 March	Coolah
	Thursday 17 April	Coonabarabran
	Thursday 15 May	Coolah
	Thursday 19 June	Coonabarabran
	Thursday 17 July	Coolah
	Thursday 21 August	Coonabarabran
	Thursday 18 September	Coolah

Capel/Schmidt
The motion was carried

There being no further business the meeting concluded at 10.08am.

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CHAIRMAN

RECOMMENDATION

That the resolutions contained in the Minutes of the Special Council meeting held on 19 September 2013 be endorsed.

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Item 2 Minutes of Ordinary Council Meeting – 19 September 2013

Division:	Executive Services
Management Area:	Governance
Author:	Manager Administration & Customer Service – Sally Morris
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF2.1 Give communities of the shire opportunities to be informed about and involved in Council's activities and decision making.

PRESENT: Cr Peter Shinton (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, Cr Todd, General Manager (Steve Loane), Director Corporate Services (Rebecca Ryan), Director Technical Services (Kevin Tighe), Temporary Manager Communications & Community Services (Chris White) and Manager Regulatory Services (Michael Marks).

In attendance: Manager Administration & Customer Service (S Morris) (minutes)

The Mayor thanked the members of the gallery for attendance.

10.09am

Forum

Bob Harper addressed the meeting regarding the Coonabarabran Men's Shed and license agreement of premises. Third year of licence agreement at council's works depot. Member numbers have increased. Would like to see a long term lease of premises and seeking consideration of that proposal along similar lines as previous years. Enquired about possibility of expanding the area to include shed near Castlereagh Street to store excess equipment.

10.14am

Apologies – Nil

Declaration of Pecuniary and Non-Pecuniary Interest

Director Corporate Services, Rebecca Ryan, declared Disclosures of Interest being a Pecuniary Interest in Item 40 Application to open up particular roads to B double Trucks and a Non-pecuniary interest in Item 28 External Audit Tender.

10.14am

REPORTS

Item 1 Minutes of Ordinary Council Meeting – 15 August 2013

87/1314 RESOLVED that the resolutions contained in the Minutes of the Ordinary Council meeting held on 15 August 2013 be endorsed.

Todd/Coe
The motion was carried

Item 2 Minutes of Traffic Advisory Committee Meeting held on 29 August 2013

88/1314 RESOLVED

1. That the minutes of the meeting held on Thursday, 25 July 2013 be confirmed.

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2. That due to RMS being unable to set speed limits on gravel roads investigations be undertaken to install appropriate warning signs on Hawkins Road.
3. That request by Salvation Army to conduct the R2R Educational Bike Ride on 24-28 October 2013 be referred to RMS for information and approval.

Capel/Andrews
The motion was carried

Item 3 Minutes Bushfire Appeal Advisory Panel – 13 August 2013

89/1314 RESOLVED

1. That the minutes of the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Meeting held on 8 July 2013 be accepted.
2. That reports provided by the ADRA, Barnardos, BlazeAid and St Vincent de Paul be accepted.
3. That Barnardos store the wash baskets at their Coonabarabran office and the four (4) partner agencies work together to distribute to those affected by the bushfire.

Schmidt/Coe
The motion was carried

Item 4 Minutes of Robertson Oval Advisory Committee Meeting - 21 August 2013

90/1314 RESOLVED

1. That a registered surveyor be engaged to accurately identify the boundaries of the Robertson Oval complex.
2. That consultation be undertaken with ARTC regarding encroachment of Robertson Oval complex onto railway land.
3. That any future upgrades or new amenities building in the Robertson Oval complex be undertaken on the site of the existing building, including the potential for an elevated viewing area above the existing building

C Sullivan/Coe
The motion was carried

Item 5 Minutes of Plant Advisory Committee Meeting held on 4 September 2013

91/1314 RESOLVED

1. That minutes of the Plant Committee meeting held on 1 May 2013 be accepted.
2. That Council does not proceed with the replacement of Plant Item No 82 due to the low residual value **FURTHER** that Plant Item No 82 is placed into the 2015-2016 Plant Replacement Program.
3. That Council purchase one (1) Volvo L110F Wheel Loader from CJD Equipment Pty Ltd that complies with the tender specifications at a price of \$315,000.00 (ex GST) and that Council trade in Plant Item No 96 to CJD Equipment Pty Ltd for \$132,000.00 resulting in a changeover price of \$183,000.00 being \$27,000.00 under budget.
4. That Council purchase one (1) MacDonald Johnston VS651 Road Sweeper fitted with the optional suction hose from MacDonald Johnston that complies with the tender specifications at a price of \$305,076.37 (ex GST) and that Council auction Plant Item No 186 through Pickles Tamworth with an auction estimate of \$63,636.36 resulting in a changeover price of \$241,440.01 being \$61,440.01 over budget.

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R Sullivan/Schmidt
The motion was carried

10.19am

Presentation: Mr Warwick Giblin regarding Cobbora Coal

Voluntary Planning Agreement will only take effect if construction commences. What represents commencement is questionable. No guarantee project will be built. The construction phase contributions are not really acceptable as \$400k shared equally between four (4) Local Government areas. Operational phase contributions seem acceptable. Important that Council secures agreement before government makes an approval. Agreement is modelled on large urban development.

VPA includes Infrastructure upgrade offer for funds towards Dunedoo Sewerage Treatment Plan and Water Treatment Plant

Cobbora Transition Fund – \$20m – projects expected to be submitted through tender process for funding.

11.23am

92/1314 RESOLVED that standing orders be suspended to break for morning tea.

R Sullivan/Schmidt
The motion was carried

11.45 am

93/1314 RESOLVED that standing orders be resumed.

Schmidt/Capel
The motion was carried

Item 6 Cobbora Holdings Corporation – Voluntary Planning Agreement

A motion was moved by Councillor Coe seconded by Councillor Capel that in consideration of Warrumbungle Shire Council (WSC) receiving an insufficient amount of funds, Council rejects the VPA. The use of worker domicile concept and the allocation of contributions during the construction phase do not accurately reflect the cost shifting being imposed on the residents and ratepayers of Warrumbungle Shire Council. **FURTHERMORE**, WSC is the host council of this project which imposes significant triple bottom line costs. **FURTHER** Council seeks an urgent meeting with Member for Barwon (Kevin Humphries MP) to expedite this matter and **FURTHER** that Council authorise the Mayor and General Manager to continue to negotiate strongly for significant consideration from the transition fund.

The motion was withdrawn

94/1314 RESOLVED that:

As the Council primarily responsible for the geographic area in which the proposed Cobbora Coal Project is to be located, Warrumbungle Shire Council unanimously rejects the VPA as tabled by the Proponent, Cobbora Holding Company, on the following grounds:

1. In general terms the VPA offer, as per the annual financial contributions and infrastructure upgrades, does not adequately offset the environmental, social and economic costs likely to be imposed by the Project on the residents and ratepayers of Warrumbungle Shire, in particular the community of Dunedoo and its environs;
2. Specifically, the worker domicile mechanism proposed to allocate annual financial contributions does not adequately reflect the costs likely to be imposed on Warrumbungle Shire Council and its community; and

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3. Specifically, the allocation of only 25% of the construction phase annual contributions to Warrumbungle Shire Council does not adequately reflect the costs likely to be imposed on Council and its community.

Council seeks an urgent meeting with the Local Member (Member for Barwon, Kevin Humphries MP) to outline its concerns and expectations on this matter and will be seeking his support for representations to the Minister for Planning & Infrastructure and the Treasurer (to whom Cobbora Holding Company reports) to redress the inadequacies.

FURTHER the Council also seeks a meeting with Cobbora Holding Company to amend the VPA document to address inadequacies and **FURTHER** that Council authorise the Mayor and General Manager to continue to negotiate strongly for significant consideration from the transition fund.

Coe/Capel

The motion was carried

Item 7 Federal Member of Parkes Mr Mark Coulton

95/1314 RESOLVED that Council congratulate Mr Coulton on his successful re election to the Federal seat of Parkes. Council looks forward to working with Mr Coulton in securing outcomes for the Warrumbungle Shire.

Coe/Todd

The motion was carried

Item 8 Local Supplier Preference

Local Supplier Preference

Motion withdrawn

96/1314 RESOLVED that Council publicise the current policy on local supplier preference.

R Sullivan/Coe

The motion was carried

Item 9 Responses to Questions from last meeting

Received.

Item 10 Brick Bats and Bouquets

Received.

Item 11 Australia Day 2014

97/1314 RESOLVED that Council participates in the Australia Day Program in 2014 hosting two (2) Ambassadors from the Australia Day Council **FURTHERMORE**;

1. Council administers and presents the following awards for Australia Day 2014;
 - Warrumbungle Shire Council Citizen of the Year
 - Young Citizen of the Year
 - Senior Citizen of the Year
 - Sportsperson of the Year and
 - Young Sportsperson of the Year Award
2. Council provides a contribution to each local organising Australia Day Committee in Baradine, Binnaway, Dunedoo, Coolah and Mendooran an amount of \$500 and Coonabarabran \$600. In addition the host community of the Warrumbungle Shire Council Citizen of the Year will receive an additional \$100 towards the function catering.
3. Council pools be opened free of charge throughout the Shire on Australia Day 2014 as in past years.
4. Council endorse the Australia Day guidelines and criteria along with the nomination form.

Clancy/Capel

The motion was carried

Item 12 Delegations of Authority to the General Manager

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98/1314 RESOLVED that Council endorse the following Delegations of Authority to the General Manager

DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER SECTION 377, 379 & 381 LOCAL GOVERNMENT ACT 1993

FUNCTIONS OF THE GENERAL MANAGER

In pursuance of Section 335 of the Local Government Act, 1993, the General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council. The General Manager shall have the following particular functions:

- (i) the day to day management of the Council;
- (ii) to exercise such of the functions of the Council as are delegated by the Council to the General Manager;
- (iii) to appoint staff in accordance with the organisation structure and resources approved by the Council provided the General Manager may appoint or dismiss Senior Staff only after consultation with the Council;
- (iv) to direct and dismiss staff; and
- (v) to implement the Council's equal employment opportunity management plan.

DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER

In pursuance of Section 377, 379 & 381 of the Local Government, 1993, the Warrumbungle Shire Council hereby delegates to the **GENERAL MANAGER**, the exercise of the powers, functions, duties and authorities contained in the Local Government Act, 1993 and the various other Acts listed in Schedule 1.

This instrument of delegation shall commence on the 2 May 2011 and remain in force until otherwise amended or revoked in writing.

Generally the following are delegated as well as schedules 1 and 2 hereto attached.

GENERALLY

Administration

To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council.

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

To exercise and implement the powers, authorities, duties and functions of the Council under the Local Government Act and any other Act of Parliament or any rule, regulation, ordinance or bylaw under or pursuant to any such Act, subject to compliance with Section 377 and Council's adopted policies.

To exercise and implement any resolution or policy of the Council subject to Section 377.

To control all correspondence of Council with all official mail to be addressed to the General Manager and for all outgoing mail, Section 603 Certificates of Local Government Act and Section

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149 Certificates of Environment and Planning Act to be signed by himself or other persons authorised by him in any emergent circumstances.

To determine the matters which are to be included in the business papers of Council in line with Council's policies and general practice and, in particular, matters to be referred to Closed Meeting in line with Council's policy in relation to confidentiality and the provisions of the Local Government Act, 1993, (Section 10). These would generally include:

- i reports on matters which cannot be determined under delegated authority;
- ii reports required to be submitted under any Act or Regulation.
- iii matters requiring a determination of Policy;
- iv reports directed by the Council to be submitted;
- v matters essential for the Council's information;
- vi matters requested by the Mayor;

To authorise the purpose and travel arrangements of Council's representatives and staff outside Council's area on Council business and the reimbursement of the associated expenses including the attendance of the General Manager and Directors to attend one only annual conference or their professional organisation each year ie the Local Government Managers Association, the Institute of Professional Engineers Association, the Health and Building Surveyors Association.

To authorise the purchase of stationery, seek quotes for office equipment, and acceptance of quotes for amounts covered within the budget.

To authorise the issue of letters of reference by the General Manager.

Accounts - Payment

Authority to pay all accounts as they fall due.

Cheques/Orders for Goods - Signing

To sign and or to specify the servants authorised to sign cheques and orders for goods of Council.

Complaints and Requests

Instruct staff to take any necessary action in connection with any complaints or requests received, subject to all major matters being reported to Council.

Correspondence

To reply to routine correspondence not involving a monetary vote by Council, not effecting Council policy and not requiring the consideration of Council. Further a reply is not necessary where the item is actioned and completed within 21 days of receipt.

Staff Matters

Exercise the powers of the Council in relation to:

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

Responsible Accounting Officer

To be or designate an appropriate employee of Council as the responsible accounting officer in accordance with Part 4 of the Local Government (Financial Management) Regulation 1993.

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Advances - Cash

To fix and vary the level of cash advances.

SCHEDULE 1

LOCAL GOVERNMENT ACT, 1993

(a) Chapter 6 - Services Function

(i) PART 2 - PUBLIC LAND

Section 54 - Issue of Land Classification Certificates.

(b) Chapter 7 - Regulatory Function

(i) PART 1 - APPROVALS

Section 68 - Approval of activities specified in the table (Section 68 Local Government Act), except in so far as the Local Government Act, 1993, the regulations or a local policy adopted by the Council allows the activity to be carried out without approval.

Section 82 - To modify provisions of Clauses 54 and 55 of the (Approvals) Regulations.

Section 94 - Determination of Applications by granting approval, either conditionally or subject to conditions, or by refusing approval.

Section 95 - Exercising Council's power for deferred commencement of approvals.

Section 96 - Exercising Council's power to grant Staged Approval.

Section 97 - Exercising Council's power to apply Conditions concerning security.

Section 98 - Exercising Council's power to impose Other Conditions.

Section 99 - Giving of notice to applicants of determination of Applications.

Section 100 - Review of Determination where made by a delegation of Council.

Section 106 - Exercising Council's power to amend an approval, in accordance with the procedures outlined in Section 106.

Section 107 - Exercise Council's power to extend or review an approval.

Section 108/109 - Exercise Council's power to revoke or modify an approval in any of the following circumstances:-

- (a) if the approval was obtained by fraud, misrepresentation or concealment of facts;
- (b) for any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the Council not to have granted the approval (or not have granted it in the same terms);
- (c) for any future failure to comply with a requirement made by or under the Local Government Act, 1993 relating to the subject of the approval; and

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(d) for any failure to comply with a condition of the approval.

(c) Chapter 7 - Regulatory Function

(i) PART 2 - ORDERS

Section 124 - Order a person to do or refrain from doing a thing specified in Column 1 Table No.2 (Chapter 7 - Orders) if the circumstances specified opposite in Column 2 of the Table exists and the person comes within the description opposite it in Column 3 of the Table.

Section 125 - Order a person responsible for a public nuisance to abate such nuisance.

Section 132 - Give notices of an Order under Section 121.

(d) Chapter 8 - Ancillary Functions

(i) PART 1 - ACQUISITION OF LAND

Section 186/187 - Negotiate on Council's behalf for the acquisition of land for the purpose of exercising any of the functions, up to the stage of presenting offers to Council for determination.

(ii) PART 2 - ENTRY ON TO LAND AND OTHER POWERS

Section 191/ 192 - Authorise Council employees (or other persons) to enter any premises for the purpose of enabling the Council to exercise its functions.

Section 194 - Authorise the use of force for the purposes of entering premises.

Section 201 - Make application to an authorised Justice for the issue of a Search Warrant.

(e) Chapter 11 – How Are Councils Staffed

(i) PART 3 – PUBLIC OFFICER

Section 342 - Designate a member of staff as a Public Officer.

Section 353 - Prohibit staff from engaging in private employment or contract work outside Council.

(f) Chapter 12 - Operation of Councils

(i) PART 3 - SALE OF COUNCIL PROPERTY - PLANT AND EQUIPMENT

To dispose of Council plant and equipment by way of sale at the best offer received when:

(1) the sale of such item of plant and equipment is approved in the current year's annual operating plan and budget or approved by the Asset Management Committee; or

(2) the item of plant, equipment or material is obsolete, unserviceable and/or surplus to Council's requirements and the sale of such item of plant or equipment represents the most cost effective option.

(ii) PART 4 - INSURANCE

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Section 382 - Make arrangements for adequate insurance against public liability and professional liability.

(g) Chapter 15 - Council Finances

(i) PART 3 - ORDINARY RATES

Section 525 – Application for change of category

Section 548A - Determine applications for aggregation of land values by Council and to adjust and re-levy accordingly.

(ii) PART 5 - LEVYING OF RATES AND CHARGES

Section 552 - Determination of what land may be subject to a water supply special rate or charge.

Section 553 - Determination of time at which land becomes subject to special rate or charge.

(iii) PART 6 - RATEABLE LAND

Section 555 - Determination of what land is exempt from all rates.

Section 556 - Determination of what land is exempt from all rates, other than water supply special rates and sewerage special rates.

(iv) PART 7 - PAYMENT OF RATES AND CHARGES

Section 564 - Approval of agreements as to periodical payment of rates and charges.

Section 569 - Issue and serve notices on occupiers for liability for payment of unpaid rates and charges.

(v) LOCAL GOVERNMENT GENERAL REGULATION (2005)

Clause 131 - To write off Rates and Charges in accordance with the regulation under this clause.

- To write off Rates and Charges up to \$10,000 in accordance with this clause (errors, at law or cost effectiveness).

- To write off debts to Council up to \$500.00 in accordance with this clause.

(vi) PART 13 - INVESTMENTS

Section 625 - Arrange the investment of money that is not, for the time being, required by the Council for any other purpose.

Money may only be invested in the following:-

- (a) in any security authorised by the Trustee Act; or

- (b) in a form of investment notified by order of the Minister published in the Government Gazette.

(vii) LOCAL GOVERNMENT GENERAL REGULATION, 2000

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Clause 144 - To apply water restrictions under the terms of this clause.

OTHER ACTS

The General Manager is further delegated to act specifically in terms of the following Acts and Regulations:

RURAL FIRES ACT 1997

Section 66 Issue Notices requiring owners or occupiers (not being a public authority) of land to carry out bush fire hazard reduction work.

Section 67 Resolve objections to Section 66 Notices.

Section 70 Enter on land and carry out bush fire hazard reduction work.

Division 2A Investigate bush fire hazard complaints.

Sections 100D,

100E, 100F, 100G Issue bush fire hazard Certificates.

Section 100H Remedy and restraint for breaches under Sections 100F and 100G by bringing proceedings in the Land & Environment Court.

Section 131 To serve penalty notices on a person.

COMPANION ANIMALS ACT, 1998

To authorise staff to carry out and undertake all Council's functions and take legal actions under the Companion Animals Act, 1998 and Regulations.

FOOD ACT, 2003 AND FOOD REGULATIONS 2004

Powers and authorities as the appropriate enforcement agency under the Food Act 2003 and Food Regulations 2004.

IMPOUNDING ACT 1993

To appoint designated Impounding Officers and carry out all Council's functions and take legal actions under the Impounding Act 1993.

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Section 91 Issue Clean Up Notices.

Section 92 Undertake clean up and recover costs in relation to reasonable costs and expenses.

Section 94 Recover costs.

Section 96 Issue Prevention Notices.

Section 98 Take action where a person does not comply with Prevention Notice.

Section 187 Appoint authorised officers

Section 224 Serve a Penalty Notice

Section 264 Issue Noise Control Notices

PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2002

Issue and revoke approvals for the Control of Burning under part 2A, subject to:

- Such conditions as may be specified
- Consideration of the matters as listed under Section 6G
- No approvals for burning vegetative matter being issued in village zones, industrial or rural residential zones except in exceptional circumstances as determined in consultation with the Department of Environment & Conservation, NSW Rural Fire Service or NSW Fire Brigade

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- No approvals for burning of vegetative matter being issued during periods in which a permit is required to be issued by the NSW Rural Fire Service or other authority unless a permit is issued
- No approvals being issued for burning during periods of Total Fire Bans.

PUBLIC HEALTH ACT 1991

Section 10 Exercise Functions
Section 10F Power to Enter and Inspect Premises of a Supplier of Water
Section 10I Closure of Water Supply
Section 47 Power of Authorised Officer under Part 4 – Microbial Control
Section 51 Power of Authorised Officer under Part 5 – Skin Penetration
Section 70 Inspection of Records
Section 72 Power of Entry

PUBLIC HEALTH (DISPOSAL OF BODIES) REGULATIONS 2002

Section 28 Supervision of Exhumations
Section 49 Power to Enter and Inspections

PUBLIC HEALTH (SKIN PENETRATION) REGULATIONS 2000

Section 4 Powers to Enter and Inspection

PUBLIC HEALTH (SWIMMING POOLS & SPAS) REGULATIONS 2000

Section 6 Powers of Entry and Inspection
Section 7 Powers to Close Swimming Pool or Spa

PUBLIC HEALTH REGULATIONS

Section 39 Supervision of Exhumations
Section 57 Power of Entry and Inspection

SWIMMING POOL ACT 2012

Section 27 Power to Appoint Inspector
Section 28 Power of Entry and Inspection
Section 24 Issue Compliance Certificates
Section 34 Serve Notices
Section 35 Issue Penalty Notices

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

- i) The authority to determine development applications lodged for consent under Part 4 of the Environmental Planning & Assessment Act, 1979 which:
 - a. comply with the provisions of any Environmental Planning Instrument;
 - b. are consistent with relevant Development Control Plans, Codes or Policies adopted by the Council;
 - c. may be considered under Part 4 Division 2 (Existing Use) of the Environmental Planning & Assessment Act, 1979;
 - d. are the subject of public submissions to which the objection relates;
[Section 90]
 - i. solely to the type of development proposed;

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- ii. to a design standard contained within an adopted Development Control Plan, Code or Policy;
- iii. to an issue that may be reasonably alleviated by the imposition of a condition of development consent.

- ii) The authority to, on behalf of the Director-General, prepare Section 65 Certificates and Section 69 Reports to the Minister to approve such amendments.

(N.B. Council must still apply to the Director to complete the relevant documents under Sections 65 and 69 of the Act).

- iii) The authority to impose conditions on a development consent granted under Part 4 of the Environmental Planning & Assessment Act, 1979, which are:

- (a) for a purpose identified in Section 80 and 80A of the Environmental Planning and Assessment Act 1979;
- (b) in accordance with the terms of any environmental planning instrument;
- (c) in accordance with any development control plan, code or policy adopted by the Council;
- (d) requirements specified by any public authority or public undertaking.

- iv) The authority to refuse a development application which:

- (a) is prohibited under the provisions of any environmental planning instrument;
- (b) does not comply with the statutory provisions of the Environmental Planning & Assessment Act, 1979;
- (c) does not contain adequate information to enable assessment under the relevant heads of consideration listed in Section 76(C) of the Environmental Planning & Assessment Act, 1979.

- v) The authority to determine any request for reconsideration or variation of a condition of development consent under Section 96 of the Environmental Planning & Assessment Act, 1979.

- vi) The authority to approve an extension of any development consent in accordance with the provisions of Section 95 of the Environmental Planning & Assessment Act, 1979.

- vii) The function of the Council in relation to Part 5 of the Environmental Planning & Assessment Act, 1979 for an activity which is not of a prescribed kind or an activity that is not likely to significantly affect the environment.

- viii) The authority to reject a development application within 7 days after its receipt if it is not clear as to the development consent sought or it is not easily legible.

- ix) The function of the Council under Section 118B of the Environmental Planning and Assessment Act 1979 to authorise a person to carry out inspections for the purposes of that Act, the regulations under that Act and any environmental planning instrument under that Act.

- x) The function of the Council under Section 123 of the Environmental Planning and Assessment Act 1979 to bring proceedings to remedy or restrain a breach of that Act.

- xi) Authority to forward a Draft Local Environmental Plan under Section 68 of the Environmental Planning & Assessment Act, 1979 to the Department of Planning where no public submissions are received as a result of the public exhibition required under Section 66 of the Act.

- xii) Authority to vary any numeric standard contained within any Council code, policy or development control plan by up to 10% provided the development still meets the objectives of the particular code, policy or development control plan.

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xiii) The authority to require the lodgement of a cash bond or bank guarantee for work outstanding in any partly completed development with the amount of the bond being sufficient to complete the approved work allowing for inflation and administration costs or as provided for in Council's policy.

xiv) The authority to act on Council's behalf in relation to legal proceedings lodged with the Land & Environment Court as follows:

(a) To determine the nature of action to be taken to defend the appeal and thereafter institute any action deemed necessary in the circumstances.

(b) To negotiate on matters in issue during conferences between parties when presided over by an assessor appointed by the Land & Environment Court and to delegate such authority to the Director - Works and/or the Director – Environmental & Community Services, where appropriate.

xv) The function of the Council under Section 149, 149A, 149C and 149D.

xvi) The authority to issue Certificates under Part 4A including Construction, Occupation, Compliance and Subdivision Certificates.

xvii) Part 6 - Division 1A Power of Entry onto Land and Other Powers.

xviii) Issue Notice of Intent under Section 21H for an Order under Section 121B.

ixx) Issue Orders under Section 121B.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATIONS 2000

Issue Fire Safety Orders, Notices, Schedules, Certificates and Offences under Part 9 – Fire Safety and Matters Concerning the Building Code of Australia.

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, 1988

To exercise the statutory role of the Principal Officer in accordance with Section 11 of the Independent Commission against Corruption Act, 1988, as and when considered appropriate.

PRIVACY AND PERSONAL INFORMATION PROTECTION ACT, 1998

To implement Council's functions under the Act.

ROADS ACT, 1993

To authorise the North West Weight of Loads Group to proceed or not proceed with prosecution for breaches of regulations made under Section 108(2) of the Roads Act, 1993.

The function under section 71 of the Roads Act to decide to carry out work on any public road in respect of which the Council is the roads authority under the Act and on any other land under its control.

The function under section 78 of the Roads Act to decide to construct bridges and tunnels across navigable waters.

The function under section 86 of the Roads Act to direct the owner of a private road to carry out work on the road or to decide that the Council is to carry out the work.

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The function under section 87(2) of the Roads Act to decide to carry out traffic control work on a classified road with the consent of the Roads and Traffic Authority (RTA).

The function under section 87(3) of the Roads Act to decide to carry out traffic control work on any unclassified road, and on any public street that is not a public road, except where otherwise notified by the RTA.

The function under section 92(1) of the Roads Act to decide to alter the landform of land adjoining a public road to ensure the stability of the road.

The function under section 93 of the Roads Act to direct the owner of any land adjoining a public road to fill in any excavation that, in the Council's opinion, threatens the stability of the road.

The function under section 94 of the Roads Act to carry out drainage work in or on any land in the vicinity of a public road.

The function under section 95 of the Roads Act to direct the occupier of land from which matter has been washed or blown onto a public road to take action to remove the obstruction and prevent its recurrence.

The function under section 96 of the Roads Act to direct the occupier of any land in the vicinity of a public road to alter a fence, provide floodgates in any such fence or repair any such fence or floodgates.

The function under section 97 of the Roads Act to direct any person who is entitled to place utility services in on or over a public road to locate new or replacement services in a conduit and to make payments in respect of the costs incurred by the Council in constructing the conduit.

The function under section 98 of the Roads Act to direct the person having control over any work or structure that is situated in on or over a public road to alter the work or structure or its location.

The function under section 99 of the Roads Act to direct a private body established under the legislation referred to in the section to repair or maintain any water supply or drainage work situated in on or over a public road and that is controlled by that body.

The function under section 100(1)(b) of the Roads Act to direct the owner of a private railway which is passed over under or across by a public road to repair or replace the bridge or level crossing or the road under an overbridge.

The function under section 101(1) of the Roads Act to direct any person by whom a public road is dug up to restore the road to its previous condition.

The function under section 101(4) of the Roads Act to decide to take such action as is necessary to restore a road that has been dug up to its previous condition instead of giving a direction under section 101(1).

The function under section 103(1) of the Roads Act to direct the owner or occupier of land to erect or install fences lights or other equipment on or around any premises in the circumstances set out in the section.

The function under section 107 of the Roads Act to direct any person who causes an obstruction or encroachment on a public road, or the owner of any land that is used or is able to be used in connection with an obstruction or encroachment on a public road, to remove the obstruction or encroachment.

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The function under section 115 of the Roads Act to decide to regulate traffic on a public road by means of barriers or notices conspicuously displayed on or adjacent to the road.

The function under section 122 of the Roads Act to decide to regulate traffic on specified or all public roads for which the Council is the Roads Authority under the Act in the manner set out in the section.

The function under section 125 of the Roads Act to grant an approval that allows a person who conducts a restaurant adjacent to a footway to a public road that is vested in fee simple in the Council to use part of the footway for the purposes of the restaurant.

The function under section 126(1) of the Roads Act to authorise the holder of an approval under section 125 to erect and maintain structures in on or over any part of the footway the subject of the approval or, if requested by the holder of the approval, erect and maintain any such structure.

The function under section 126(2) of the Roads Act to decide to erect and maintain structures in on over any part of the footway the subject of an approval for the protection of public health and safety.

The function under section 128 of the Roads Act to permit the occupier of any land through which an unfenced public road passes to erect a gate across the road at any place at which the road intersects a boundary fence.

The function under section 130 of the Roads Act to revoke a permit granted under section 128.
The function under section 133(1) of the Roads Act to permit the construction of a by-pass for vehicles as provided for in the section.

The function under section 136 of the Roads Act to revoke a permit granted under section 133(1).

The function under section 138 of the Roads Act to grant consent for works and other structures in respect of public roads.

The function under section 140 of the Roads Act to decide to revoke a consent granted under section 138.

The function under section 144 of the Roads Act to grant a permit to conduct a road event (as defined in the Act) on a public road.

The function under section 174 of the Roads Act to decide to apply to an authorised Justice to enter and inspect land for the purposes of the Act and in the circumstances set out in the section.

The function under section 242 of the Roads Act to decide to take proceedings in a Local Court for an offence against the Act or any Regulations made under the Act.

The function of deciding to bring, defend, appear in or settle such proceedings, as may be competently brought defended, appeared in or settled by Council.

Conditions and Limitations

This function may only be exercised with the concurrence of the General Manager.

The function of deciding to bring, defend, appear in or settle such proceedings, as may be competently brought defended, appeared in or settled by Council.

The function under section 246 of the Roads Act to decide to take such action as is necessary to rectify a contravention of the Act.

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Conditions and Limitations

The function under section 246 of the Roads Act may only be exercised with the concurrence of the General Manager.

The function under section 247 of the Roads Act to decide to recover money owed to the Council under the Act as a debt in a court of competent jurisdiction.

The exercise of all the functions of the Authority under:

1 Division 2 of Part 8 (Regulation of Traffic by Roads Authorities) of the Roads Act 1993

Conditions and Limitations

1 A council and its sub-delegate must not exercise a function:

(1) Outside the area constituted under the Local Government Act 1993 for which council is the council, or

(2) On a classified road under the Roads Act 1993 (except where exercising a function in respect of portable traffic control light signals).

2 A Council and its sub-delegate may only exercise a function in respect of any prescribed traffic control device (defined in clause 131 of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999 for the purposes of section 50 of the Road Transport (Safety and Traffic Management) Act 1999 being:

(1) any prescribed traffic control device contained in the document, "Regulatory Signs" Version 1.0 dated may, 2001 (Reference No RTA/Pub 01.038 issued by the Authority, but excluding those which are indicated as 'Not delegated to Council' as listed in that document, and

(2) any portable traffic control lights, and under no circumstances, that is, despite (1) above, will a council or its sub-delegate be permitted to exercise a function in respect of any internally illuminated traffic control device.

3 (1) A Council and its sub-delegate must not exercise a function in respect of the following activities including the referral of the matter to the Local Traffic Committee until a Traffic management Plan, which must include an assessment of the impact of the exercise of the function and proposed measures to ameliorate such impact, has been approved by the Authority:

(a) The prohibition of the passage of traffic on a public road or road or road related area to any one or more of the following classes of traffic:

- pedestrians
- vehicles
- motor vehicles

by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both;

(b) the installation or display of the following traffic control signs on roads or road related areas:

- No Right Turn
- No Left Turn
- No Entry
- No Turns
- Left Turn Only
- Right Turn Only
- No Trucks
- No Buses
- No Pedestrians

or the installation or display of any other sign or road marking prohibiting

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or compelling a turning movement;

(c) changing a two-way street into a one-way street or reversing the direction of a one-way street;

(d) the construction of a median strip including a painted island which prevents a turn by a vehicle at the intersection of public roads or roads or road related areas;

(e) reduction in the number of traffic lanes on a public road or road or road related area by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both.

(2) A Traffic management Plan is not required if council certifies to the Authority in writing that a No Trucks or No buses traffic control sign is to be erected solely for the purpose of protecting a road from damage by the passage of motor vehicles.

4 A council and its sub-delegate must not exercise a function in respect of portable traffic control light signals unless:

(1) the signals are used in connection with the carrying out of road work on public roads as authorised by the roads Act 1993; and

(2) no fixed equipment or fixed cables are used.

5 A sub-delegate must not exercise a function in respect of Division 2 or Part 8 (Regulation of Traffic by Roads Authorities) of the Roads Act 1993.

6 A council or its sub-delegate must not exercise a function until they have notified the Commissioner of Police and the Authority of any decision taken to exercise a function except where:

(1) the advice of the Local Traffic Committee is unanimous; and

(2) the council or its sub-delegate propose to follow such advice.

7 Where a council or its sub-delegate has notified or should have notified the commissioner of Police and the Authority of a decision to exercise a function, the council or its sub-delegate must not exercise a function for a period of fourteen (14) days from the date of notification.

8 Where an appeal has been made to the Chairperson of a Regional Traffic Committee in respect of a decision taken by a council or its sub-delegate to exercise a function, a council or its sub-delegate must not exercise the function until the Chairperson of the Regional Traffic Committee determines the appeal.

9 Where the chairperson of the Regional Traffic Committee has determined an appeal, the council and its sub-delegate must not exercise the function in respect of which an appeal has been made, otherwise than in accordance with the determination of the Chairperson.

10 Before installing or displaying a prescribed traffic control device, a council and its sub-delegate must authorise installation or display (or interference with, alteration or removal) of the device in writing in accordance with section 51 of the Road Transport (Safety and traffic Management) Act 1999.

11 A council or its sub-delegate shall keep a record of installation, display, alteration or removal of a traffic control device. Such a record must include the following:

- Type and location of the traffic control device;*
- Time and date of completion of installation, display, alteration or removal of the traffic control device.*

12 Where a council or its sub-delegate wishes to exercise a function in respect to a "Roadwork Speed Limit" traffic sign (Speed Series (R4) Sign No R4-212 in the document, "regulatory Signs" Version 1.0 dated may, 2001 reference No RTA/Pub 01.038, issued by the Authority), the following conditions apply:

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(1) *When the installation period of a 'Roadwork Speed Limit' sign is to be for 6 working days or less:*

a) authorisation of the use of the 'Roadwork Speed Limit' sign must be carried out by council or a sub-delegate who holds a current Traffic Control at worksites certificate issued by the Authority; and

b) the nearest office of the Authority is to be notified in writing of Council's intention to implement a roadwork speed limit prior to works commencing; and

c) the nearest Police Station is to be notified in writing of Council's intention to implement a roadwork speed limit prior to works commencing.

(2) *When the installation period of a 'Roadwork Speed Limit' sign is to be for more than 6 working days:*

a) authorisation of the use of the 'Roadwork Speed Limit' sign must be carried out by council or a sub-delegate who holds a current Traffic Control at Worksites Certificate issued by the Authority, and

b) the nearest office of the Authority is to be notified in writing of Council's intention to implement a roadwork speed limit 7 days prior to works commencing; and

c) the nearest Police Station is to be notified in writing of Council's intention to implement a roadwork speed limit 7 days prior to works commencing.

(3) *The need for a 'roadwork Speed Limit' sign shall be determined in accordance with the document, "traffic Control at worksites" Version 2.0 dated October 1998 (Reference No TTT-003) issued by the Authority;*

(4) *'Roadwork Speed Limit' signs shall be installed in accordance with the "Traffic Control at Worksites" document (as already referred to);*

(5) *Records maintained by a council and its sub-delegate in respect to a 'Roadwork Speed Limit' sign must include:*

a) council's or its sub-delegate's written authorisation of the installation [The sub-delegate's Traffic Control at Worksites Certificate number must be shown],

b) the location,

c) the installation time and date, and

d) the removal time and date.

(6) *The 'Roadwork Speed Limit' sign is to be removed as soon as practicable after the road works have been completed.*

13 Council and its sub-delegate must not exercise a function in respect to any of the roads within Sydney Olympic Park including the roads that are coloured mauve on the drawing marked "Sydney Olympic park Authority, Sydney Olympic Park, Drawing Number HS-J-L-006" dated 29 May 2001 and deposited in the office of the Sydney Olympic Park Authority (being all the roads referred to in section 41 of the Sydney Olympic Park Authority Act 2001).

To exercise Council's functions and responsibilities under the Roads Act, 1993.

Section 15 - Grant Approval for Structures on Footpaths.

WATER MANAGEMENT ACT 2000

The function under Section 306 of the Act, as a Water Supply Authority, to require an applicant for a certificate of compliance under Section 305 of the Act to do either or both of the following:

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(a) To pay a specified amount to the Water supply Authority by way of a contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both;

(b) To construct water management works to serve the development.

The function under Section 307 of the Act to grant a certificate of compliance for development:

(a) Within 60 days after an application under Section 305 of the Act for the Granting of such a certificate is made; or

(b) If, within the period, the Water Supply Authority imposes a requirement on the applicant, as soon as it is satisfied that the requirement has been complied with.

FREEDOM OF INFORMATION ACT 1989

To authorise the conduct of an internal review.

Authorisation to carry out the duties and functions of the Information Officer.

LEGAL AND OTHER DOCUMENTS

To sign and execute documents under the Common Seal of the Council in conjunction with the Mayor.

OCCUPATIONAL HEALTH & SAFETY ACT, 2002

To implement Council's responsibilities under the Act.

MEDIA STATEMENTS AND PRESS RELEASES

To make Media Statements and issue Press Releases in respect of Council resolutions and decisions.

MINES INSPECTION ACT, 1901

Authorisation to nominate the General Manager and Production Manager.

HERITAGE ACT, 1977

Section 25 - Make Interim Orders for items of local significance.

(i) To make Interim Heritage Orders for items in the Warrumbungle Shire Local Government Area in accordance with Section 25 of the Heritage Act, 1977, and subject to the following conditions:

1. A Council must not make an Interim Heritage Order (IHO) unless:

(a) an environmental planning instrument containing a schedule of heritage items derived from a heritage study and provisions for the management plan of those items is in force in the Local Government area;

(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the Council and considers that:

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- i) the items is or is likely to be found, on further enquiry and investigation, to be of local heritage significance;
- ii) the items is being or is likely to be harmed;
- iii) the IHO is confined to the item determined as being under threat; and

(c) where the IHO is made over land which includes an item which is likely to be found, on further enquiry and investigation, to be of significance to Aboriginal people, a Council must refer the proposal to make an IHO to the Heritage Office for assessment regarding significance and community consultation, before the IHO is made. Council must comply with the recommendations of the Heritage Office made in its assessment prepared pursuant to the referral.

2. A Council must not make an IHO where:

(a) the item is listed on:

- i) an environmental planning instrument as an item of environmental heritage;
- ii) the item is within a conservation area identified in an environmental planning instrument;

(b) the item is covered by an order under Section 130 or Section 136 of the Heritage Act 1977;

(c) the Council has previously placed an IHO on the item;

(d) the Court has granted development consent in relation to the item that permits the item to be harmed and the development consent is still in force.

3. A Council must not make an IHO in relation to item (s) that are located on land:

(a) that is Crown Land;

(b) which is being developed by or on behalf of the Crown;

(c) which is subject to a development declared to be State Significant Development under the Environmental Planning & Assessment Act, 1979.

For the purposes of this clause, “the Crown” includes State Government Agencies, State Owned Corporations, Statutory Corporations, Statutory Authorities and Ministerial Corporations. “Crown” is also taken to have the same meaning as specified in Section 57 (1A) (b) of the Heritage Act, 1977.

4. A Council must not make an IHO in respect of an item (which includes a building, work, relic or place) that is subject to an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Crown, an office or employee of the Crown or a Minister.

For the purposes of this clause, the “Crown” includes State Government Agencies, State Owned Corporations, Statutory Corporations, Statutory Authorities and Ministerial Corporations. “Crown” is also taken to have the same meaning as specified in Section 57 (1A) (b) of the Heritage Act, 1977. This clause does not apply to an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Council.

5. An IHO made by a Council must contain the following condition:

(a) “This Interim Heritage Order will lapse after six months from the date it is made unless the local Council has passed a resolution before that date;

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(b) in the case of an item which, in the Council's opinion is of local significance, to place the item on the heritage schedule of a local environmental plan (LEP) with appropriate provisions for protecting and managing the item; and

(c) in the case of an item which in the Council's opinion is of State heritage significance, to nominate the item for inclusion on the State Heritage Register."

6. A Council must ensure that the authorisation is carried out in accordance with guidelines issued from time to time by the Heritage Council and/or Heritage Office.

7. A Council must publish annually in its State of Environment Report or Annual Report a summary of all decisions regarding IHOs for that year and provide a copy to the NSW Heritage Office.

8. A Council will be responsible for defending proceedings in any Court relating to its decisions made under this authorisation (including the bearing of all costs).

(ii) That where it is considered that if upon further investigation of any item that Council may determine the item to be of local heritage significance and that it considers is being or is likely to be harmed.

Section 61 - To determine if public notice is to be given.

Section 62 - To determine applications for approval by granting approval either unconditionally or subject to conditions, or by refusing approval.

Section 63 - Determine deferred commencement approvals.

Section 63B - Grant particular conditional approvals.

Section 64 - Issue Notice of Determination

Section 65A - Determine applications for modification of approvals.

STATE EMERGENCY & RESCUE MANAGEMENT ACT, 1989

Carry out Council's functions under the State Emergency and Rescue Management Act, 1989 and authorised to appoint Local Emergency Management Officer.

CRIMES ACT 1996

Issue penalty infringement notices under the Fines Act 1996 in relation to all offences under any Act or Regulation which enables such notices to be issued by Council.

SCHEDULE 2

(1) The function of delegation and sub-delegation by the General Manager pursuant to Section 378 of the Local Government Act, 1993 shall be exercised in writing signed by the General Manager.

(2) The Council may by resolution, direct the General Manager in the exercise of any of the functions herein delegated.

(3) The General Manager shall exercise the functions herein delegated in accordance with and subject to:-

(i) the provisions of the Local Government Act, 1993 and other relevant legislation;

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(ii) Council Management Practices Manuals, Codes and Practices and Guidelines; and

(iii) each and every policy of the Council adopted by resolution and current at the time of the exercise of the function herein delegated.

THE RECREATION VEHICLES ACT, 1983

To regulate the off-road use of motor vehicles.

THE ROAD TRANSPORT ACT, 2013

To make provision with respect to road transport law in New South Wales.

Clancy/Capel
The motion was moved

Item 13 Tour De OROC

Received.

Item 14 Human Resources Report – September 2013

Received.

Item 15 Positive Council Award 2013

Received.

Item 16 Progress Report Delivery Program 2012-2016

99/1314 RESOLVED that Council accepts the 2012-2016 Delivery Program six (6) month Progress Report to 30 June 2013.


Schmidt/Coe
The motion was carried

Item 17 Council Resolutions Report September 2012 – August 2013

Received.

Item 18 Interaction Policy between Councillors and Staff

100/1314 RESOLVED that Council endorse the following Interaction Policy between Councillors and Staff and that it be included in the Strategic Policy Register.

	Interaction Policy between Councillors and Staff
	Strategic

1. Purpose

This policy will:

- provide clear communication channels to ensure the speedy provision of accurate information;
- recognise the particular circumstances of the council;
- require adequate training of staff and Councillors on the need for the policy and its requirements;
- provide appropriate avenues for non-compliance; and

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- be reviewed periodically to monitor its effectiveness and compliance

2. Objectives of the Policy

The objectives of this policy are to:

- provide a documented process on how Councillors can access Council records;
- ensure Councillors have access to all documents necessary for them to exercise their statutory role as a member of the governing body of Council;
- ensure that councillors receive advice to help them in the performance of their civic duty in an orderly and regulated manner;
- provide direction on Councillors' rights of access to council buildings; and
- provide a clear and consistent framework for the reporting of, and appropriate application of actions for breaches of this policy.

3. Policy Scope

Based on the provisions in the *Local Government Act 1993*, Councillors and staff have distinctly different roles to play in Council. Council is responsible for the strategic direction and for determining the policy framework of Council. Council also has a statutory role as the consent authority, under both the *Environmental Planning and Assessment Act* and the *Local Government Act*, for applications for development consent and local approvals. The General Manager with the senior officers of Council is responsible for the effective management of the organisation and the carrying out of Council's policies and strategic objectives.

However, the distinction between these two roles may, depending on the desires and aspirations of Council and the community, be unclear. There needs to be personal interaction between Councillors and senior officers, particularly regarding access to and provision of information, to effectively integrate policy making and service delivery. This has created the need for guidelines that help Councillors and staff to understand fully their respective roles and how they should operate, in order to perform their job effectively.

4. Background

Formalising procedures to specify how these rights should be exercised has been done without trying to restrict a Councillor's legal right to access staff and information. This policy is not intended to limit any statutory and common law rights Councillors have to access information. However, Councillors should avoid any perceptions of wrongdoing when exercising their rights as an elected representative, particularly the appearance of trying to improperly influence staff.

5. Definitions

5.1. Statutory provisions for Councillors and Staff

Chapters 9 and 11 of the *Local Government Act* set out the statutory roles and duties of Councillors and the General Manager. The introduction to Chapter 9 states that "each council is a statutory corporation. The Councillors are the governing body of the corporation and they have the responsibility of directing and controlling the affairs of the Council in accordance with this Act." Chapter 9 includes the following provisions.

The governing body (s.222)

The elected representatives, called 'Councillors,' comprise the governing body of the Council.

The role of the governing body (s.223)

The role of the governing body is to direct and control the affairs of the Council in accordance with this Act.

The role of the Mayor (s.226)

The role of the Mayor is:

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- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council (*for example, urgent demolition orders, authority to financially assist the community by the allocation of resources during natural disasters, commencement of urgent legal action*);
- to exercise such other functions of the council as the council determines (*for example, determining the appropriateness of holding a special event such as a fun run, approval of the general manager's annual leave*);
- to preside at meetings of the council; and
- to carry out the civic and ceremonial functions of the mayoral office.

The role of a Councillor as a member of the governing body (s.232(1))

The role of a Councillor is, as a member of the governing body of the Council is:

- to provide a civic leadership role in guiding the development of the Community Strategic Plan for the area and to be responsible for monitoring the implementation of Council's Delivery Program
- to direct and control the affairs of Council in accordance with this Act
- to participate in the optimum allocation of Council's resources for the benefit of the area
- to play a key role in the creation and review of the Council's policies and objectives and criteria relating to the exercise of Council's regulatory functions
- to review the performance of Council and its delivery of services, and the Delivery Program and revenue policies of Council.

The role of a councillor as an elected person (s.232(2))

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the community; and
- to facilitate communication between the community and Council.

The role of the General Manager (s.335(1))

The General Manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.

The functions of the General Manager (s.335(2))

The general manager has the following particular functions:

- to assist Council in connection with the development and implementation of the Community Strategic Plan and Council's Resourcing Strategy, Delivery Program and Operational Plan and the preparation of its Annual Report and State of the Environment Report
- the day-to-day management of Council
- to exercise such of the functions of Council as are delegated by Council to the General Manager
- to appoint staff in accordance with an organisation structure and resources approved by Council
- to direct and dismiss staff
- to implement Council's equal employment opportunity management plan.

The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act.

6. Policy Statement

6.1. Inappropriate interactions

Council's policy is that the following interactions are inappropriate:

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- Councillors approaching Council staff other than Directors for information on sensitive or controversial matters.
- Council staff approaching Councillors directly on individual staffing matters.
- Councillors approaching Council staff outside the council building or outside hours of work to discuss Council business.
- Council staff refusing to give information which is available to other Councillors to a particular Councillor because of the staff member's or Councillor's political views.
- Councillors who have lodged a Development Application with Council, discussing the matter with Council staff in staff-only areas of the Council building.
- Councillors being overbearing or threatening to Council staff.
- Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- Councillors approaching Council staff organisations; for example unions and associations; in relation to staffing matters that relate to individual staff members rather than broader industrial policy issues.
- Council staff meeting with developers alone and outside office hours to discuss development applications or proposals.
- Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor, exercising their power under section 226 of the Act.

6.2. During meetings

The interaction between Councillors and staff at Council meetings and committee meetings is regulated by:

- s.360 of the Local Government Act;
- cl.21 of the Local Government (Meetings) Regulation;
- Council's Code of Conduct and
- Council's Code of Meeting Practice

Section 360 of the Local Government Act enables Council to make regulations in regard to the conduct of meetings, adopt codes of meeting practice and states that meetings must be conducted in accordance with the Code of Meeting Practice.

Clause 21 of the Local Government (Meetings) Regulation details how, in Council meetings, Councillors can ask questions of other Councillors by going through the chairperson. The regulation also details the process Councillors must follow if they wish to ask a question of Council staff, by going through the General Manager.

6.3. Outside of meetings

The Meetings Regulation (cl.21) makes provision for a Councillor to obtain information at a Council meeting, or by a Question on Notice at a Council meeting.

- The General Manager is responsible to the Council for performance and direction of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council or Committee meeting, be directed to the General Manager, or person/s nominated by the General Manager.
- Only Directors (or Senior Officer as defined in s.332) and Managers nominated by the General Manager can provide advice to Councillors.

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- For all but straightforward advice on administrative matters, Councillors should put their requests for information or advice in writing to be answered by the General Manager or the appropriate Director. These written requests then form part of Council records and can be filed appropriately.
- A Director has the discretion to refer any request for information to the General Manager. The Director must indicate to the Councillor their reasons for the referral.
- If a Councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the Councillor is still dissatisfied they should request the information by way of a Question on Notice to Council.
- Councillors must not attempt to direct Staff as to the performance of their work. Staff must report all such attempts immediately to their Director or the General manager. Councillors must not request staff to undertake work for the Councillor or any other person.
- A Councillor, member of staff or delegate must not take advantage of their official position to improperly influence other Councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing private benefit for themselves or for some other person.

6.4. Access to Council Offices

- As elected members of the Council, Councillors are entitled to have access to the Council chambers, Committee Meeting and Training room, Mayor's office, Interview rooms and public areas of the Council's buildings during normal business hours and for meetings.
- Councillors who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.
- A Councillor has no rights to enter staff-only areas without the express authorisation of the General Manager or nominee or by resolution of Council.
- Councillors must ensure that when they are within a staff area they are cognisant of potential conflict or pecuniary interest matters and should conduct themselves accordingly.

6.5. Breaches of this Policy

For this policy to be effective and meaningful, appropriate reporting of breaches and conduct reviews need to be established and consistently applied. All parties need to have confidence that the policy will be complied with and breaches will be dealt with appropriately. Any cases of clear breaches of the policy that are not dealt with appropriately will erode confidence in the ability of Council to deal with complaints and reduce the efficiency of the council.

The policy is linked with Council's Model Code of Conduct and breaches dealt with accordingly.

6.5.1. Reporting

- All occasions of a Councillor or Staff member not complying with this policy should be immediately reported to the General Manager.
- Where the report relates to the conduct of a Councillor, the General Manager shall immediately assess and either informally resolve the complaint, refer to another agency or body or refer to the Complaints Coordinator as per the Model Code of Conduct Procedure.
- The Conduct Reviewer will undertake a preliminary investigation and either decline, resolve or refer the matter to the Mayor or General Manager or another body; or investigate or recommend a conduct review investigation.
- Where the report relates to the conduct of Staff, the General Manager shall deal with the matter according to the terms of employment of the staff member. Proven

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breaches should also be dealt with accordingly, that is, by counselling, disciplinary action or dismissal and make provision for procedural fairness including the right of an employee to be represented by their Union.

- Where a Councillor believes that the General Manager has failed to comply with the policy, the Councillor shall immediately report to the Mayor who will report the matter to the Complaints Coordinator.
- Before a report to Council by the Conduct Reviewer or Conduct Review Committee a preliminary assessment and investigation must be implemented as per the Model Code of Conduct procedures.

6.5.2.Sanctions

If a breach has been determined, the Conduct Reviewer or Conduct Review Committee will provide to Council a report of the investigation and a recommendation of the sanctions. If Council elects to not accept this recommendation the Complaints Coordinator will notify the resolution to the Division of Local Government.

Sanctions for staff depend on the severity, scale and importance of the breach and must be in accordance with any staff agreements, awards, industrial agreements and contracts, and may include:

- counselling the Staff member;
- instituting Council disciplinary proceedings; or
- dismissal.

6.6. Access to Council records by Councillors

6.6.1.Statutory provisions

Section 12 of the Local Government Act provides that Council must provide access to the current version of certain Council documents free of charge to all members of the public. These documents are:

- the model code prescribed under s 440(1) and code of conduct adopted by Council under s440(3)
- Council's Code of Meeting Practice
- Annual Report
- Annual Financial Statements
- Auditor's report
- Community Strategic Plan
- Delivery Program
- Operational Plan
- Resourcing Strategy – Workforce Management Strategy, Asset Management Plan and Long Term Financial Plan
- EEO Management Plan
- Council's Land Register
- Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors;
- Quarterly Budget Review Statement
- Investments Register
- Returns of the interests of Councillors, designated persons and delegates;
- returns as to candidates' campaign donations;
- Business Papers for Council and Committee meetings (but not including business papers for matters considered when a meeting is closed to the public);
- Minutes of Council and Committee meetings, but restricted (in the case of any meeting or part of a meeting that is closed to the public) to minutes of:

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- a) the recommendations of the meeting, other than recommendations concerning the proposed acquisition of land at a public auction; and
- b) such other matters as Council or committee resolves should be made public;
- any codes referred to in this Act;
- Register of Delegations;
- Annual Reports of bodies exercising delegated Council functions;
- local policies adopted by Council concerning approvals and orders;
- records of approvals granted and decisions made on appeals concerning approvals;
- records of building certificates under the Environmental Planning and Assessment Act 1979;
- applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents
- development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents
- plans of land proposed to be compulsorily acquired by Council;
- leases and licences for use of public land classified as community land;
- plans of management for community land;
- environmental planning instruments, development control plans and plans made under s.94AB of the Environmental Planning and Assessment Act 1979 applying to land within the council's area;
- the statement of affairs, the summary of affairs and the register of policy documents required under the Freedom of Information Act 1989; and
- departmental representatives' reports presented at a meeting of Council according to s.433.
- the register of graffiti removal work kept in accordance with s67C

The Local Government (Meetings) Regulation, provides a procedure for Councillors to obtain access to Council documents, without limiting any common law right of access. Clause 41 provides:

- 1) The General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.
- 2) If the General Manager refuses to allow a Councillor to inspect any such record, the Councillor may, at a meeting of the Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.
- 3) If Council passes a motion for the production of a Council record, Council must ensure that the record:
 - a) is produced immediately and laid on the table for inspection by the Councillors; and
 - b) is made available for inspection by any Councillor on reasonable notice to the General Manager during the council's ordinary office hours on any day that is within one month after the passing of the motion.

Sections 15(1) and 16(1) of the Freedom of Information Act 1989 also include provisions for members of the public to a general right of access to Council documents.

6.6.2.Procedures

- Access to a Council file, record or other document can only be provided according to this policy to ensure that access is obtained in ways that are legal and appropriate. This policy does not limit or restrict statutory or common law rights of access.
- Councillors can request the general manager, the public officer or a person nominated by the general manager to provide access to a particular council record.

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- Councillors who have a personal (as distinct from civic) interest in a document of council has the same rights of access as any other person.
- Councillors are entitled to access to all council files, records or other documents where that document is identified in s.12 of the *Local Government Act* or to a matter currently before the council.
- The general manager shall not unreasonably decide that a document is not relevant to the performance of the councillor's civic duty and deny access to a council document. The general manager must state their reasons for the decision if he refuses access.
- Councillors can request access to other documents of the council either by a Notice of Motion to the council or a Freedom of Information application.
- The general manager, public officer or a person identified by the general manager, shall keep a record of all requests by councillors for access to information (other than those listed in s.12 of the *Local Government Act*, the *Freedom of Information Act* or by a Notice of Motion at a council meeting). These requests must be reported regularly to the council.

7. Responsibilities

Executive Services: General Manager

Corporate Services: Director Corporate Services

8. Associated Documents

This Policy should be read in conjunction with the following:

Strategic Policies;

- Councils Model Code of Conduct
- Code of Meeting Practice
- Statement of Business Ethics
- Vision, Mission and Values
- Agency Information Guide

and the following Acts and Regulations

- Government Information (Public Access) Act 2009
- Local Government Act (1993)
- NSW Government (General) Regulations (2005)

9. Getting Help

Position: General Manager

Department: Executive Services

10. Version Control

Review Date: September 2018

Staff Member Responsible for Review: General Manager

Policy Name	Action	Resolution No.	Date
Interaction Policy between Councillors and Staff	Endorsed	140	21 April 2005
Interaction Policy between Councillors and Staff	Endorsed	100/1314	19 September 2013


Schmidt/Clancy
The motion was carried

Item 19 Policy – Code of Meeting Practice

101/1314 RESOLVED that Council endorse the following Code of Meeting Practice.

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	Code of Meeting Practice
	Strategic

CSP FOCUS AREA:

Local Governance and Finance

INTRODUCTION

This Code of Meeting Practice has been prepared in accordance with Section 360 of the Local Government Act 1993, and, subject to giving public notice and exhibition as required by Section 361 of the Act, will apply to all meetings of Council and committees of Council of which all the members are Councillors. Further the Code of Meeting practice as set out within the text also apply to Advisory Committees of Council

The Code incorporates the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's own decisions (Meeting Notices, etc.).

As required by the Local Government Act 1993 (Part 1 Section 10), all meetings of Council, Committees of Council and Advisory Committees of Council will be, as far as possible, open to the public, however, Council reserves the right (under Sections 10A (2) and 373) in accordance with current legislation to resolve itself into Committee and exclude the press and public to consider any matter of a confidential nature as determined from time to time.

In determining this Code of meeting Practice a distinction has been made between those committees that come under the provisions of Clauses 259 and 260 of the Local Government (General) Regulations and its consequent implications and other committees called 'Advisory Committees'.

The committees of Council that come under Clause 259 of the Regulations are those committees of which all the members are Councillors.

Advisory Committees are those committees which have at least one staff member or one community representative as part of its membership. This Code of Meeting Practice also covers Advisory Committees and details of that application are set out in this Code.

Definitions

1 In this Code:

Act, refers to the Local Government Act, 1993;

Amendment, in relation to an original motion, means a motion moving an amendment to that motion;

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Chairperson,

- (a) in relation to a meeting of a council - means the person presiding at the meeting as provided by Section 369 of the Act; and
- (b) in relation to a meeting of a committee of a council - means the person presiding at the meeting as provided by Clause 267 of the Regulation (also see clause 36 of this Code);

Committee, in relation to a council, means a committee established under Clause 260 of the Regulation or the Council when it has resolved itself into a committee of the whole;

Record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a committee of the Council;

Relative, in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partner of the person referred to in paragraph (a) above

the Code means the Warrumbungle Shire Council Code of Meeting Practice; and
the Regulation means the Local Government (General) Regulation 2005.

- 2 Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

Act and Regulation

- 3. (1) This Code is made pursuant to Section 360(2) of the Act.
- (2) It incorporates relevant provisions of the Regulation and Act.
- (3) In the event of any inconsistency between this Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

Note to Text

- 4. Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.

1 REQUIREMENT TO MEET (Sections 365 and 366 and Council Resolution)

- 1.1 The Council is required to meet at least ten (10) times each year, each time in a different month.
- 1.2 The Council shall, by resolution, set the time, date and place of ordinary meetings of the Council.

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The Council will meet on the third Thursday of each month for the purpose of holding its ordinary meetings.

Council meetings will alternate between Coonabarabran and Coolah.

- 1.3 The Council may, by resolution, set the time, date and place of special meetings of the Council.
- 1.4 The Mayor may call extraordinary meetings of the Council.
- 1.5 If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extra-ordinary meeting of the Council to be held as soon as practicable but in any event within fourteen (14) days after receipt of the request.
- 1.6 *For the purpose of subsection (5), a working day is a day that is not a Saturday, Sunday or public holiday.*
- 1.7 Council Committees and Advisory Committees shall meet from time to time as determined.
- 2 NOTICE OF AND ATTENDANCE AT MEETINGS** (Section 367 of the Act, Clause 232 of Local Government (General) Regulations 2005 and Council Resolutions)
 - 2.1 Written Notice, of Ordinary Meetings as well as Committee Meetings, (except as otherwise provided) of the business proposed to be transacted shall be given to Councillors in electronic format not later than the fifth day prior to the regular day for such meeting (Friday prior to the ordinary meeting day being a Thursday).
 - 2.2 Written notice of Extraordinary Meetings and (except as otherwise provided) of the business for consideration shall be posted or given to Members:
 - (a) in ordinary circumstances - **not less than three (3) days** prior to the proposed date of such meeting. and
 - (b) in circumstances which are urgent in the opinion of the Mayor - not less than 24 hours prior to the time of the commencement of such meeting.
 - 2.3 The written notice of all meetings must also specify the time, date and place at which the meeting will be held.
 - 2.4 A notice under this section and the agenda for, and the business papers relating to, the meeting, may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.
 - 2.5 A notice of a meeting of Council or of a committee of Council (of which all the members are councillors) must be published in a newspaper circulating in the area before the meeting takes place. The notice must specify the time and place of the meeting. Notice of more than one meeting may be given in the same notice. This requirement does not apply to an extraordinary meeting of Council or committee.
 - 2.6 (i) Everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors, and
 - (ii) a Council must ensure that all meetings of the Council and of such committees are open to the public.

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- 3 PROCEDURE FOR CLOSING MEETINGS TO THE PUBLIC – AND REPRESENTATIONS BY MEMBERS OF THE PUBLIC – closure of part of meeting**
(Section 10A of the Act and Clauses 252 and 264 of Regulation)
- 3.1 Copies of the business paper for Council and Committee meetings shall be available at the Council Chambers for inspection by the public from the Monday prior to the meeting being held. Written representations, by members of the public, on whether items proposed to be considered in committee should be closed to the public will be accepted by the General Manager up until the commencement time of the meeting as set out in the Business Paper.
- 3.2 After a motion to close part of the meeting has been moved and seconded the Mayor or chairman will then ask the General Manager if there are any written representation's from the public on the proposed closure. The General Manager will read out any such written representations.
- 3.3 Council, or a committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting would be closed.
- 3.4 A representation at a Council meeting or committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- 3.5 That period is fixed by this Code of Meeting Practice at five (5) minutes. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.
- 3.6 The Chairman will then ask if any person wishes to make verbal representations concerning the closure of the meeting. Each person who wishes to comment and has not made written representation will be invited to do so and will be selected at random to speak. The time limit allowed will be two (2) minutes per person on the motion before Council.
- 3.7 The Council or the Committee will in light of the representations made then determine what parts of the meeting will be considered in committee, if any.
- 3.8 In urgent cases the Council or committee may close a part of the meeting without prior notice where it becomes apparent during the course of debate that a matter should be considered in a closed meeting, and the matter is decided, by resolution of the council or committee, to be too urgent to defer. Such resolution to close the meeting will not be put to the vote until the public have been allowed to make verbal representations of the proposed closure.
- 4 QUORUM** (Section 368 of the Act and Clause 233 of Regulation)
- 4.1 The quorum for a meeting of the Council or Committee of Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.
- 4.2 A meeting of a Council or Committee must be adjourned if a quorum is not present:
- (a) within half an hour after the time designated for the holding of the meeting, or
 - (b) at any time during the meeting.
- 4.3 In either case, the meeting must be adjourned to a time, date and placed fixed

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- (a) by the Chairperson, or
 - (b) in his or her absence - by the majority of the Councillors present, or
 - (c) failing that, by the General Manager.
- 4.4 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council or Committee, together with the names of the Councillors present.
- 5 PRESENCE AT COUNCIL MEETINGS AND LEAVE OF ABSENCE**
(Clauses 235 and 235A Regulation)
- 5.1 A Councillor cannot participate in a meeting of a Council or Committee unless personally present at the meeting.
- 5.2 Councillors present at meetings are expected to refrain from leaving the meeting room during the course of the meeting, unless the concurrence of the Chair is obtained or they are absenting themselves because of a conflict of interest. Where any Councillor leaves the meeting while it is in progress the time at which they left, and the time at which they returned is to be recorded in the minutes of the meeting.
- 5.3 A Councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.
- 5.4 A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least two (2) days' notice of his or her intention to attend.
- 6 MEETING CHAIRMAN** (Section 369 of Act and Clause 236 Regulation)
- 6.1 The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor shall preside at meetings of the Council or Committee.
- 6.2 If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present will preside at a meeting of the Council or Committee.
- 6.3 If no Chairperson is present at a meeting of a Council or Committee of Council, at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election must be conducted
- (a) by the General Manager, or in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
 - (b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
 - (c) if, at an election of a Chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
 - (d) for the purposes of subclause (c), the person conducting the election must:
 - (i) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

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(ii) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

(e) the candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

7 MOTIONS - CHAIRPERSON'S DUTIES (Clause 237, 238, 246 and 247 of Regulations)

7.1 When the Chairperson rises during a meeting of a Council or Committee:

(a) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and

(b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

7.2 It is the duty of the Chairperson at a meeting of a Council or Committee to receive and put to the meeting any lawful motion that is brought before the meeting.

7.3 The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

7.4 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

7.5 A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chairperson to speak to the motion before calling of the motion to be seconded. (Mayoral/Official Minutes and a motion that the question be now put are excepted.)

7.6 The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

7.7 If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.

7.8 It is permissible to debate the motion and an amendment concurrently.

7.9 It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.

8 MOTIONS OF DISSENT (Clause 248 Regulation)

8.1 (a) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

(b) If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.

(c) Only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

9 VOTING ENTITLEMENTS (Sections 370 and 371 of the Act)

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- 9.1 Each Councillor is entitled to one vote.
- 9.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.
- 9.3 *A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council or Committee.*
- 10 AGENDA and BUSINESS PAPERS for Council meetings** (Clause 240, 242 and 244 of Regulation)
- 10.1 The General Manager is to ensure that an Agenda for any Ordinary Meeting of Council or Committee of Council states
- (a) all matters to be dealt with arising out of the proceedings of former meetings of the council or committee, and
 - (b) if the Mayor (or the Deputy Mayor if acting for the Mayor) is the Chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.
- 10.2 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- 10.3 The Agenda for a meeting of the Council or a committee of the Council is to be prepared as soon as practicable before the meeting.
- 10.4 The General Manager must ensure that the details of any item of business to which section 9(2A) [*see annexure*] of the Act applies are included in a Business Paper for the meeting concerned.
- 10.5 Nothing in this clause limits the powers of the Chairperson under Clause 243 of the Regulations.
- 10.6 If a confidential Business Paper is prepared, the business must be referred to in the ordinary agenda prepared for the same meeting.
- 10.7 The grounds on which a meeting of the Council or Committee of Council is closed to the Public must be specified in the decision to close the meeting and recorded in the minutes or report of the meeting.
- 10.8 The General Manager must ensure that the agenda for an extraordinary meeting of Council or Committee of Council deals only with the matters stated in the Notice of Meeting.
- 10.9 Despite subclause 10.8, business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

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10.10 Only the mover of a motion referred to in subclause 10.9 can speak to the motion before it is put.

10.11 When a report of a Departmental representative has been presented to a meeting of a Council in accordance with Section 433 of the Act, the Council must ensure that the report:

- (a) is laid on the table at the meeting; and
- (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

11 ORDER OF BUSINESS (Clause 239 Regulation)

11.1 The general order of business at a meeting of Council or Committee of Council (other than an extraordinary meeting) will be fixed by Council from time to time and in accordance with this Code of Meeting Practice. Business will be listed by the General Manager as follows:

- (i) Opening of ordinary meeting
- (ii) Forum
- (iii) Apologies
- (iv) Endorsement of Minutes of Previous Council Meeting/s and adoption or acceptance of Committee meeting minutes
- (v) Mayoral/Official Minutes
- (vi) Reports to Council by General Manager and relevant staff
- (vii) Reports to Closed Council
- (viii) The General Manager advises the meeting of the Resolutions from the Closed Meeting

11.2 It is an expectation that all Councillors, the General Manager and Council employees attending the meeting and the members of the public gallery turn all mobile phone and/ or electronic devices onto 'silent' or 'off'..

11.3 The order of business may be altered if a motion to that effect, which can be moved without notice, is carried. Only the mover of such a motion may speak to it before it is put.

12 NOTICE OF BUSINESS (Clause 241 Regulation)

12.1 In order for business to be transacted at a meeting of Council or Committee of Council:

- (a) A Councillor must give notice in writing of any business he/she wants discussed by the Monday, of the week prior to the Ordinary Meeting or Committee Meeting day to allow inclusion in the Agenda. Matters requiring investigation should be lodged as early as possible.
- (b) Notice of the business must be sent to Councillors in accordance with the provisions of Section 367 of the Act.

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- 12.2 Subclause 12.1 does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council, or
 - (b) is the election of a Chairperson to preside at the meeting as provided by clause 236(1), or
 - (c) is a matter or topic put to the meeting by the Chairperson in accordance with clause 243, or
 - (d) is a motion for the adoption of recommendations of a committee of the Council.
 - (e) reports of Committees of the Council;
 - (f) reports from officers which in the opinion of the Chairperson or the General Manager are urgent; and
 - (g) reports from officers placed on the business pursuant to a decision of a Committee that additional information be provided to the Council in relation to a matter before the Committee.
- 12.3 Business may be transacted at a meeting of Council or Committee of Council when due notice has not been given to Councillors, but only if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the motion is one that can be moved without notice, and
 - (c) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
- 12.4 Only the mover of a motion referred to in (12.3) can speak to the motion before it is put.
- 13 MAYORAL/OFFICIAL MINUTES** (Clause 243 Regulation)
- 13.1 If the Mayor (or Deputy Mayor if acting for the Mayor) is the Chairperson of a meeting of a Council, he or she is, by way of minutes signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or Committee of which the Council has official knowledge.
- 13.2 Such a minute, when put to the meeting, takes precedence over all business on the Council's Agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) (or the Deputy Mayor if acting for the Mayor) may move the adoption of the minute without the motion being seconded.
- 13.3 A recommendation made in a minute of the chairperson (being the Mayor) (or Deputy Mayor if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.
- 14 MINUTES** (Section 375 of the Act and Clauses 254 and 266 of Regulations)
- 14.1 The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council or Committee.

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- 14.2 The correctness of the Minutes of every preceding meeting, including extraordinary meeting, not previously confirmed must be dealt with at every ordinary meeting of the Council, in order that such Minutes may be confirmed.
- 14.3 A motion or discussion with respect to such Minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- 14.4 Minutes may be confirmed at an extraordinary meeting of the Council.
- 14.5 The minutes must, when they have been confirmed at a subsequent meeting of the Council or Committee, be signed by the person presiding at that subsequent meeting.
- 14.6 The General Manager must ensure that the following matters are recorded in the Council's Minutes:
- (a) details of each motion moved at a Council meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.
- 15 RESCINDING OR ALTERING RESOLUTIONS** (Section 372 of Act)
- 15.1 A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under Section 360 and Council's Code of Meeting Practice.
- 15.2 a) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (b) Where a notice of motion to rescind has been given at a meeting, formal notice must be submitted to the General Manager within three (3) working days and if no such notice is received, the resolution may be carried into effect.
- (c) At any time after the meeting at which it is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.
- 15.3 If a motion has been negatived by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.
- 15.4 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- 15.5 If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within three (3) months. This provision may not be evaded by substituting a motion differently worded, but in principle the same.
- 15.6 A motion to which this provision applies may be moved on the report of a committee of the council or advisory committee of Council and any such report must be recorded in the minutes of the meeting of the Council.

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- 15.7 The provisions of this section concerning negatived motions do not apply to motions of adjournment.
- 16 NOTICE OF MOTION - ABSENCE OF MOVER** (Clause 245 of Regulation)
- 16.1 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of a Council or Committee:
- (a) any other Councillor may move the motion at the meeting, or
 - (b) the Chairperson may defer the motion until the next meeting of the council or committee at which the motion can be considered.
- 17 NOTICES OF MOTION – MINIMUM NOTICE REQUIRED**
- 17.1 A formal Notice of Motion by a Councillor, not being the Mayor, which is to be included in the General Manager's report in a Business Paper, should be submitted in writing to the General Manager seven days before the meeting at which it is to be resolved; unless the matter is of an urgent nature.
- 17.2 If the Mayor wishes, because of importance or urgency, he/she may include the matter in a Mayoral minute. If the Mayor refuses to accept the motion for inclusion in a Mayoral minute, such a refusal shall be noted and recorded in the minutes of the meeting.
- 17.3 Staff, through the General Manager, may comment on a Councillor's Notice of Motion, but shall not make a recommendation.
- 17.4 Presentation of the Notice of Motion shall not be delayed beyond the next Ordinary meeting of Council without the consent of the Mayor and the Councillor lodging the Notice of Motion, or the Council in meeting.
- 17.5 The Mayor may, at the request of the Councillor giving notice of motion or with his consent, present the Notice of Motion to Council as a Mayoral minute.
- 18 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES**
(Clause 249 Regulation)
- 18.1 A Councillor:
- (a) may, through the Chairperson, put a question to another Councillor; and
 - (b) may, through the Chairperson and the General Manager, put a question to a Council employee.
- 18.2 However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 18.3 The Councillor must put every such question directly, succinctly and without argument.
- 18.4 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this section.
- 18.5 Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.
- 19 LIMITATION AS TO NUMBER OF SPEECHES** (Clause 250 Regulation)
- 19.1 A Councillor who, during a debate at a meeting of a Council or Committee, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

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- 19.2 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 19.3 A Councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 19.4 Despite subclauses 19.1 and 19.2, a Councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 19.5 The Chairperson must immediately put to the vote, without debate, a motion moved under subclause 19.4. A seconder is not required for such a motion.
- 19.6 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause 19.1.
- 19.7 If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 19.8 Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.
- 20 VOTING AT COUNCIL MEETINGS** (Clause 251 Regulation)
- 20.1 A Councillor who is present at a meeting of a Council or Committee but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This does not apply to a Councillor who has declared a pecuniary interest in the matter before Council.
- 20.2 If a Councillor who has voted against a motion put at a Council or Committee meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the minutes.
- 20.3 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) Councillors rise and demand a division.
- 20.4 When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.
- 20.5 Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for the Mayor or Deputy Mayor is to be by secret ballot.

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- 20.6 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
- 21 QUESTIONS OF ORDER** (Clause 255 Regulation)
- 21.1 The Chairperson, without the intervention of any other Councillor, may call any councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 21.2 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- 21.3 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 21.4 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.
- 22 ACTS OF DISORDER** (Clause 256 Regulation)
- 22.1 A Councillor commits an act of disorder if the Councillor, at a meeting of a Council or Committee of a Council:
- (a) contravenes the Act or any regulation in force under the Act or this Code
 - (b) assaults or threatens to assault another Councillor or person present at the meeting
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter
 - (d) insults or makes personal reflections on or imputes improper motives to any other Councillor
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.
- 22.2 The Chairperson may require a councillor
- (a) to apologise without reservation for an act of disorder referred to in subclause 22.1 (a) or (b)
 - (b) to withdraw a motion or an amendment, referred to in subclause 22.1 (c) and, where appropriate, to apologise without reservation
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause 22.1 (d) or (e).
- 22.3 A Councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause 22.2. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- 23 HOW DISORDER AT A MEETING MAY BE DEALT WITH** (Clause 257 Regulation)
- 23.1 If disorder occurs at a meeting of a Council or Committee of the Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide

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without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

- 23.2 A member of the public may, as provided by Section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.

24 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION (Clause 258 Regulation)

- 24.1 If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:

(a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or

(b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion – immediately after being directed by the person presiding to leave the meeting,

a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

25 COMMITTEE OF THE WHOLE (Clauses 259 Regulation)

- 25.1 The Council may resolve itself into a Committee of the whole to consider any matter before the Council.
- 25.2 All the provisions of this Regulation relating to meetings of a Council or Committee, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provision limiting the number and duration of speeches.
- 25.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 25.4 The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

26 RESOLUTIONS OF CLOSED MEETINGS TO BE MADE PUBLIC (Clause 253 Regulation)

- 26.1 When the Council passes a resolution during a meeting or part of a meeting, that is closed to the public, the Chairperson must make public the resolution as soon as practicable after the meeting or part of the meeting has ended.
- 26.2 Obviously, in some circumstances, commercial or legal issues will determine when it is practicable to release details. However, as a general rule, the public should be kept informed of committee or closed session resolutions in an adequate and timely manner.

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27 INFORMATION RELATING TO PROCEEDINGS AT CLOSED MEETINGS NOT TO BE DISCLOSED

27.1 If a meeting or part of a meeting of a Council or a Committee of a Council is closed to the public in accordance with Section 10A of the Act, a person must not, without authority of the Council or the Committee, disclose, otherwise than to the Council or to a Councillor, information with respect to the discussion at, or the business of, the meeting.

27.2 This clause does not apply

- (a) to the report of an Advisory Committee of Council when represented to the Council, or
- (b) to the disclosure of information referred to in subclause 27.1 by a Councillor or employee of the Council in the course of the Councillor's or employee's duties.

28 INSPECTION OF THE MINUTES OF COUNCIL, COMMITTEES OR ADVISORY COMMITTEES (Clause 272 Regulation)

28.1 An inspection of the minutes* of a council, committee of a council or advisory committee is to be carried out under the supervision of the General Manager or an employee of the council designated by the General Manager to supervise inspections of those minutes.

28.2 The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council or Advisory Committee are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

- * Section 12 of the Act confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a Council or Committee of a Council.

29 ACCESS TO RECORDS

29.1 The General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.

29.2 If the General Manager refuses to allow a Councillor to inspect any such records, the Councillor may, at a meeting of the Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.

29.3 If the Council passes a motion for the production of a Council record, the General Manager must ensure that the record

- (a) is produced immediately and laid on the table for inspection by the Councillors, and
- (a) is made available for inspection by any Councillor on reasonable notice to the General Manager during the Council's ordinary office hours on any day that is within one (1) month after the passing of the motion.

29.4 Nothing in this clause derogates from the common law right of Councillors to inspect any record of the Council relating to any business before the Council, except where the Councillor requesting inspection has a pecuniary interest in the matter.

30 TAPE RECORDING OF MEETING OF COUNCIL, COMMITTEE OR ADVISORY COMMITTEE PROHIBITED WITHOUT PERMISSION

(Clause 273 Regulation)

30.1 A person may use a tape recorder to record the proceedings of a meeting of a Council, a Committee of a Council or Advisory Committee only with the authority of the Council, the Committee or Advisory Committee.

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- 30.2 A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council or a Committee of a Council for using or having used a tape recorder in contravention of this clause.
- 30.3 If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering, that place.
- 30.4 In this clause “tape recorder” includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.
- 31 COUNCIL MAY APPOINT / ESTABLISH ADVISORY COMMITTEES**
(Clause 260 Regulation)
- 31.1 Council may, by resolution, appoint or establish such Advisory Committees as it considers necessary.
- 31.2 Advisory committees are bound by the provisions of this Code of Meeting Practice except for:
- Clause 3 relating to procedures to go into Closed Committee, and
 - Clause 2.3 relating to the requirement to advertise meeting dates times and places
- 31.3 Advisory Committees are to consist of such number of Councillors, Council employees and outside representatives, as the Council decides.
- 31.4 In all instances, except where specifically resolved by Council, Council employees shall have no voting rights.
- 31.5 The quorum for a meeting of an Advisory Committee is to be such number of members as the Council decides, or if the council has not decided a number - a majority of the members of the Advisory Committee.
- 31.6 A Council Committee must keep minutes. This, and section 12(1) of the Local Government Act, will ensure that Committee recommendations or decisions (made under delegated power) are available for public inspection.
- 32 FUNCTIONS OF ADVISORY COMMITTEES** (Clause 261 Regulation)
- 32.1 Council will specify the functions of each of its Advisory Committees when the Advisory Committee is appointed or established, but may from time to time amend those functions.
- 33 NOTICE OF ADVISORY COMMITTEE MEETING TO BE GIVEN**
(Clause 262 Regulation)
- 33.1 The General Manager, or Council employee as delegated by the General Manager, must send to each Advisory Committee member, at least **seven (7)** days before each meeting of the Advisory Committee, a notice specifying
- (a) the time and place at which and the date on which the meeting is to be held, and
 - (b) the business proposed to be transacted at the meeting.
- 33.2 However, notice of less than five (5) days may be given of an Advisory Committee meeting called in an emergency.

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34 NON-MEMBERS ENTITLED TO ATTEND ADVISORY COMMITTEE MEETINGS

(Clause 263 Regulations)

34.1 A Councillor who is not a member of an Advisory Committee of a Council is entitled to attend, and speak at, a meeting of the Committee.

34.2 However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting

34.3 The General Manager (or his representative), when all his or her nominees are at the Advisory Committee Meeting, is entitled to attend and speak at, but is not entitled to vote at, a meeting of the Advisory Committee.

35 PROCEDURE IN ADVISORY COMMITTEES (Clause 265 Regulation)

35.1 Each Advisory Committee of a Council may regulate its own procedure but must have regard to this Code of Meeting Practice

35.2 Without limiting subclause 35.1, an Advisory Committee of a Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote.

35.3 Voting at a Committee Meeting is to be by open means (such as on the voices or by show of hands).

36 CHAIRPERSON AND DEPUTY CHAIRPERSON OF ADVISORY COMMITTEES

(Clause 267 Regulation)

36.1 The Chairperson of each Advisory Committee of the Council must be

- (a) The Mayor, or
- (b) if the Mayor does not wish to be the Chairperson of an Advisory Committee - a member of the Committee elected by the Council, or
- (c) if the Council does not elect such a member - a member of the Advisory Committee elected by the Advisory Committee.

36.2 A Council may elect a member of an Advisory Committee of the Council as Deputy Chairperson of the Advisory Committee. If the Council does not elect a Deputy Chairperson of such an Advisory Committee, the Advisory Committee may elect a Deputy Chairperson.

36.3 If neither the Chairperson nor the Deputy Chairperson of an Advisory Committee of a Council is able or willing to preside at a meeting of the Advisory Committee, the Advisory Committee must elect a member of the Committee to be Acting Chairperson of the Advisory Committee.

36.4 The Chairperson is to preside at a meeting of an Advisory Committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

36.5 The Mayor is, by virtue of holding that Office, a member of each Advisory Committee of the Council except for the Occupational Health and Safety Advisory Committee and the Consultative Advisory Committee where there are legislative requirements concerning

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membership.

37 ABSENCE FROM ADVISORY COMMITTEE MEETINGS (Clause 268 Regulation)

37.1 A member (other than the mayor) ceases to be a member of an Advisory Committee if the member:

- (a) has been absent from three (3) consecutive meetings of the Advisory Committee without having given reasons acceptable to the Advisory Committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the Advisory Committee held during the immediately preceding year* without having given to the Advisory Committee acceptable reasons for the member's absences.

* *The expression "year" means the period beginning 1 July and ending the following 30 June.*

37.2 Subclause (37.1) does not apply in respect of a Committee that consists of all of the members of the Council.

38 REPORTS OF ADVISORY COMMITTEES (Clause 269 Regulation)

38.1 If in a report of an Advisory Committee of the Council, distinct recommendations are made, the decision of the Council may be made separately on each recommendation.

38.2 The recommendations of an Advisory Committee of the Council are, so far as adopted by the Council, resolutions of the Council.

38.3 If an Advisory Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:

- (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended,
- (b) report the resolution or recommendation to the next meeting of the Council.

39 DISORDER IN ADVISORY COMMITTEE MEETINGS (Clause 270 Regulation)

39.1 The provisions of the Act and of the Regulation relating to the maintenance of order in council meetings apply to meetings of Advisory Committees of the Council in the same way as they apply to meetings of the Council.

40 ADVISORY COMMITTEE MAY EXPEL CERTAIN PERSONS FROM ITS MEETING (Clause 271 Regulation)

40.1 If a meeting or part of a meeting of an Advisory Committee of a Council is closed to the public in accordance with Section 10A of the Act, any person who is not a Councillor may be expelled from the meeting as provided by Section 10 (2) (a) or (b) of the Act.

40.2 If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, Committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place, and, if necessary, restrain that person from re-entering, that place.

41 COUNCIL DECISIONS (Section 374 Local Government Act)

41.1 Proceedings at a meeting of a Council or a Council Committee are not invalidated because of:

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- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Councillor or Committee Member, or
- (c) any defect in the election or appointment of a Councillor or Committee Member, or
- (d) a failure of a Councillor or a Committee Member to disclose a pecuniary interest, or to refrain from the consideration or discussion of/ or vote on, the relevant matter, at a Council or Committee meeting in accordance with Section 451, or
- (e) a failure to comply with the Code of Meeting Practice.

42 RECORDING OF VOTING ON PLANNING MATTERS (Section 375A Local Government Act)

42.1 In this section, **planning decision** means a decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979:

- (a) including a decision relating to a Development Application, an Environmental Planning Instrument, a Development Control Plan or a Development Contribution Plan under that Act, but
- (b) not including the making of an order under Division 2A of Part 6 of that Act.

42.2 The General Manager is required to keep a register containing, for each planning decision made at a meeting of the Council or a Council Committee, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

42.3 For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

42.4 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.

42.5 This section extends to a meeting that is closed to the public.

43 ATTENDANCE OF GENERAL MANAGER AT MEETINGS (Section 376 Local Government Act)

43.1 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a Meeting of a Committee of the Council of which all the members are Councillors.

43.2 The General Manager is entitled to attend a Meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.

43.3 However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

44 COUNCIL SEAL (Clause 400 Regulation)

44.1 The seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.

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- 44.2 The seal of a Council may be affixed to a document only in the presence of:
- (a) the Mayor and the General Manager, or
 - (b) at least one Councillor (other than the Mayor) and the General Manager, or
 - (c) the Mayor and at least one other Councillor, or
 - (d) at least two (2) Councillors other than the Mayor
- 44.3 The affixing of a Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause 44.2) attest by their signatures that the seal was affixed in their presence.
- 44.4 The seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- 44.5 For the purposes of subclause 44.4, a document in the nature of a reference or certificate of service for an employee does not relate to the business of the Council.

Annexure

Extracts from Local Government Act

Section 9 provides:

- (1) A Council must give notice to the public of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors.
- (2) A Council and each such Committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:
 - (a) the Agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an Agenda or of a Business Paper made available under this section may in addition be given or made available in electronic form.

Section 10A provides:

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- (1) A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than Councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - (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,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Sections 10A (3) and (4) provides:

- (3) A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A Council, or a Committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed

PROCEDURE DOCUMENT CONTROL:

Procedure		Resolution	Date
Code of Meeting Practice	Endorsed	196	20 May 2005
Code of Meeting Practice	Amended	388	21 May 2009
Code of Meeting Practice	Amended	101/1314	19 September 2013

Schmidt/Capel
The motion was carried

Item 20 Conduct Review Panel - Warrumbungle Shire Council

102/1314 RESOLVED that the persons listed as follows be appointed as members to Warrumbungle Shire Council Code of Conduct Panel of Conduct Reviewers.

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First	Last	Company
Chris	Gallagher	Chris Gallagher (Bateau Bay)
Lee	Downes	Investigation Associates Australia (Liverpool)
Peter	Mulhall	
Mark	Pigram	TQC Solutions (Westmead)
Andrew	Fletcher	Andrew Fletcher Consulting (Bathurst)
Norman	Mann	Norman Mann (Bathurst)
Monica	Kelly	Prevention Partners
Kathy	Thane	Train Reaction Pty Ltd (Balmain)
Greg	Wright	Wright Associates (Picton)
Kath	Roach	Sinc Solutions (Glebe)
Kelvin	Kenney	O'Connor Marsden & Associates (Sydney CBD)
Paul	Crennan	Crenna Legal (Bathurst)

Clancy/Andrews
The motion was carried

Item 21 Bank Reconciliation for month ending 31 August 2013

103/1314 RESOLVED that Council accept the Bank Reconciliation Report for the month ending 31 August 2013.

Clancy/Schmidt
The motion was carried

Item 22 Investments and Term Deposits

104/1314 RESOLVED that Council accept the Investments Report for the month ending 31 August 2013.

Schmidt/Capel
The motion was carried

Item 23 Strategic Policy – Investment Policy

105/1314 RESOLVED that Council endorses the following Investment Policy to be included in the Strategic Policy Register.

	Investment Policy
	Strategic

Purpose

The purpose of this policy is to provide a framework for the investing of Warrumbungle Shire Council's surplus funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

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Objectives of the Policy

Council's investment policy is a governing document that guides the investment process and communicates Council's:

- Investment philosophy;
- Overall risk philosophy;
- Investment objectives and expectations;

Council's investment policy also identifies the roles for those involved in the investment process, and details the requirements for compliance with the policy's goals and procedures.

Policy Scope

This policy applies to all investments and funds managed by Council.

Background

The DLG's Investment Policy Guidelines which guides Council's investment decisions requires that councils maintain an investment policy that complies with the Act, the LGGR, and the Ministerial Investment Order and ensure it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

Council's investment policy has been prepared to adhere to the requirements of the Act, the Ministerial Investment Order, and the Investment Policy Guidelines, and to provide an overarching document that details Council's investment philosophy, overall risk philosophy, investment objectives and considerations, as well as detailing responsibilities and limits on what Council can and can't invest in.

Definitions

N/A

Policy Statement

Investment Considerations

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, diversification of investments, and maximizing the return of investment. Council therefore has four primary objectives for its investment portfolio:

- The preservation of the amount invested;
- Ensuring there is sufficient liquidity to meet all reasonably anticipated cash flow requirements;
- Ensuring there is sufficient diversification of investments to reduce risk (i.e. not putting all ones eggs in the one basket); and
- Achieving the maximum rate of return within Council's risk tolerance.

Legislative Requirements

All investments are to comply with the following:

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Ministerial Investment Order;
- Revised Ministerial Investment Order;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards; and
- Division of Local Government Circulars.

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

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The General Manager may in turn delegate the day-to-day management of Council's Investment to the Responsible Accounting Officer or senior staff, subject to regular reviews.

Officers' delegated authority to manage Council's investments shall be recorded and officers will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors (if appointed) are also required to declare that they have no actual or perceived conflicts of interest.

Approved Investments

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those allowed by the Ministerial Investment Order and include:

- Commonwealth/State/Territory Government securities eg bonds;
- Interest bearing deposits/senior securities issued by an eligible Authorised Deposit Taking Institution (ADI);
- Bills of exchange, (< 200 days duration) guaranteed by an ADI;
- Debentures issued by NSW Local Government;
- Deposits with NSW Treasury &/or Investments in T-Corp's Hour Glass Facility; and
- Investments grandfathered under the Ministerial Investment Order.

Prohibited Investments

In accordance with the Ministerial Investment Order, this investment policy prohibits any investment carried out for speculative purposes including, but not limited to:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Risk Management Guidelines

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;
- Credit risk – the risk that a council has invested in fails to pay the interest and or repay the principal of an investment.

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- Market Risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk – the risk an investor is unable to redeem the investment at a fair price within a timely period; and
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure to risk and volatilities.

Investment Advisor

Council may choose to appoint an investment advisor to assist Council in investing available funds.

The Council's investment advisor (if appointed) must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Measurement

As Council continues to hold grandfathered investments such as Capital Protected Notes (CPNs), the investment returns for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least yearly to coincide with annual reporting requirements.

Benchmarking

Performance benchmarks need to be established and should be based on a sound and consistent methodology. Council has chosen the 3 month Bank Bill Swap Reference Rate (BBSW) as the appropriate benchmark to measure its investment performance, and reports on the performance of its investments portfolio on a monthly basis.

Reporting and Reviewing of Investments

Documentary evidence must be held for each investment and details thereof maintained in an investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of that Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution.

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Responsibilities

Council's Finance Branch is responsible for the day to day application of the policy

Associated Documents

N/A

Getting Help

The staff member/s who can assist with enquiries about the policy

Position: Chief Financial Officer

Department: Finance

Version Control

Review Date: September 2014


Staff Member Responsible for Review: Chief Financial Officer

Policy Name	Action	Resolution No.	Date
Investment Policy	Endorsed	307	16 April 2009
Investment Policy	Endorsed	465	24 June 2010
Investment Policy	Endorsed	406	16 June 2011
Investment Policy	Endorsed	105/1314	19 September 2013

R Sullivan/Schmidt
The motion was carried

Item 24 Strategic Policy –Internally Restricted Assets Policy

106/1314 RESOLVED that Council endorses the following Internally Restricted Assets Policy to be included in the Strategic Policy Register.

	Internally Restricted Assets Policy
	Strategic

Purpose

Council's Internally Restricted Assets Policy details the type and level of internal restrictions that Council should set aside out of available funds to meet cash outgoings that Council will need to fund in future years.

Objectives of the Policy

The objective of this policy is to detail what items Council should be setting aside funding for and the desired level of funding to be set aside. The policy also details the rationale for the creation of each of Council's internally restricted assets.

Policy Scope

The policy applies to all internally restricted assets held by Council. Externally restricted assets such as funds held for Council's water and sewer fund, as well as unspent tied grant funds are managed per the respective grant agreements and DLG guidelines and do not fall under the scope of this policy.

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Background

Council in the interest of good financial management will restrict funds from time-to-time to either meet external statutory obligations (such as restrictions relating to grant funding or developer contributions), or in order to set aside funding for future commitments.

Restricted assets that are internally developed by Council to cover commitments or obligations that are expected to arise in the future and where it is prudent for Council to hold cash in restrictions to cover these obligations (despite there being no legislative reason to do so) are known as internally restricted assets.

Definitions

The following terms used within this policy are defined below:

- Restricted Asset – Restricted assets refers to funds that are kept restricted (i.e. can not be used for general purposes) as they are either subject to some form of external legislative or contractual obligation, or are kept for the purpose of covering Council commitments that are expected to arise in the future
- Internally Restricted Asset – Restricted assets that are internally developed by Council to cover commitments/obligations that are expected to arise in the future and where it is prudent for Council to hold cash in restrictions to cover these obligations
- Externally Restricted Asset - Restricted assets that relate to funds that are subject to external legislative or contractual obligations

Policy Statement

Council shall set aside in its accounts internally restricted funds for the following items:

- **ELE Reserve** – Council shall hold as an internally restricted asset funds to cover 30% of Council's accrued employee provisions. Council's employee provisions include liabilities for annual leave, and long service leave which are unpaid as at Council's annual reporting date.
- **Quarry Rehabilitation Reserve** – Council shall hold as an internally restricted asset funds to cover 20% of Council's liability to rehabilitate gravel pits during and after their operational life cycle. The total rehabilitation and remediation liability is sourced from Council's annual financial statements.
- **Plant Fund Reserve** – Council shall hold as an internally restricted asset the balance of Council's accumulated cash surplus relating to Council's plant fund. The amount to be restricted is the accumulated cash surplus from the fund. Plant funds are used by many Councils in order to ensure that plant charge outs are recouping the full cost of the fleet business, and in order to set aside funds for major capital purchases. These funds set aside are restricted for use only by the plant fund.
- **Capital Works Reserve** – Council shall hold as an internally restricted asset the balance of planned capital works unspent at the reporting date. These funds will be restricted for use in the completion of the revoted capital works, and a restriction has therefore been created to ensure that there is funding available to complete these works.

Council currently also holds as an internally restricted asset funding relating to bio solid provisions in Coolah and Dunedoo and an amount for work on Council's LEP. Other internally restricted assets can be set by Council as required.

Any funds removed from a restricted asset for another purpose, must be advertised for twenty eight (28) days to allow community comment.

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Responsibilities

Council's Finance Branch is responsible for the day to day application of the policy

Associated Documents

N/A

Getting Help

The staff member/s who can assist with enquiries about the policy

Position: Chief Financial Officer

Department: Finance

Version Control

Review Date:

Staff Member Responsible for Review: Chief Financial Officer

Policy Name	Action	Resolution No.	Date
Internally Restricted Assets Policy	Endorsed	166	14 December 2006
Internally Restricted Assets Policy	Endorsed	07	16 July 2009
Internally Restricted Assets Policy	Endorsed	106/1314	19 September 2013

Clancy/Schmidt


The motion was carried

Item 25 Local Infrastructure Renewal Scheme Round 2 TCorp Assessment

Received.

Item 26 Strategic Policy – Disposal of Council Assets

107/1314 RESOLVED that Council endorses the following Disposal of Council Assets Policy to be included in the Strategic Policy Register.

	Disposal of Council Assets Policy
	Strategic

Purpose

This policy is to acknowledge Council's charter that it is the custodian and trustee of public assets and is required to effectively account for and manage the assets for which it is responsible (Section 8 Local Government Act 1993).

Objectives of the Policy

The objectives of this policy are:

- To set out the principles, framework, responsibilities and processes for Council officers to account for and manage the disposal of Council assets;
- To identify, manage and mitigate the risks associated with the disposal of land and other assets;
- To ensure impartiality, transparency, accountability and the delivery of best value in the disposal of land and the disposal of other Council assets;

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- Provide appropriate levels of discretion and flexibility in achieving desired outcomes recognising the highly complex nature of the land transactions, the wide variety of circumstances and methods of sale available.

Policy Scope

This policy includes “**Land**” all real property whether vacant or improved however it must be classified as operational land under section 25 of the Local Government Act 1993. Only operational land may be sold.

In order to establish whether or not land is deemed to be surplus, a process of consultation is required to be completed across relevant divisions of Council prior to reclassification in accordance with the Local Government Act.

Other Assets including furniture and fittings, office equipment (including electronic equipment), minor plant and tools.

Background

This policy has been developed as Section 377 (l) (h) of the Local Government Act 1993 requires a specific resolution of Council to dispose of land. The decision cannot be delegated.

The resolution is to include reference (often contained within a confidential report) to the terms of the sale and the agreed price, or range for negotiations. The sale cannot proceed outside of such parameters (without a further Resolution).

The resolution should also provide for the General Manager to be issued with delegated authority to negotiate any outstanding, usually minor conditions, and to be authorised to execute any documents in relation to the matter deemed appropriate by Council’s legal advisors.

A copy of the report and resolution is to be provided to Council’s legal advisors upon instruction, as authority to act and to ensure compliance with the resolution.

No formal actions may be commenced in the disposal of land until a report has been considered by Council and an appropriate resolution adopted.

Informal pre-sale discussions/negotiations must always be qualified “subject to resolution of Council” if there is no current resolution of Council to dispose of land.

Contracts for the sale of land will usually contain standard conditions of sale. Any unusual or special conditions of sale require the delegated approval of Council or the General Manager as set out above. Any special conditions that materially alter the purchase price or settlement period require approval of Council.

Council’s solicitor is responsible to ensure Contracts for the Sale of Land satisfy statutory disclosure and warranty obligations (Conveyancing (Sale of Land) Regulation 2005)

Definitions

The following terms used within this policy are defined below:

- Best Value for Money – achieving the “best value” may include financial, social and environmental benefits.
- Transparency – processes are open to scrutiny, provide full information and the reasons behind the decisions.
- Accountability – demonstrate the best use of the public resources and the highest level of performance through appropriate record keeping and audit trails.

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- Impartiality – address perceived or actual conflicts of interests, ensuring fairness and equity.
- Land – includes all real property whether vacant or improved. Land may not be sold unless it is classified as “operational land “ under section 25 of the Local Government Act 1993.
- Other Assets – includes furniture and fittings, office equipment (including electronics).

Policy Statement

1.1 Valuation Processes for Land

At least one formal market valuation undertaken by a valuer registered to value such land/property is required to be commissioned prior to all land/property disposals.

Two valuations are required when the value of the land/property is likely to exceed \$50,000 and the process of disposal is not competitive (as defined below). The requirement for valuation(s) may be varied where, in the informed opinion of the General Manager such action is impractical. Common examples would include (but not be limited to), sales of small parts of land and road widening strips.

An internal review of the valuation(s) is to be carried out and reported, with specific attention to the valuation rationale, method of valuation, calculations and sales evidence used. After such review, the valuation is to be considered in the setting of an asking price for sale, reserve price for auction or benchmark for negotiations, tender or expression of interest.

When two valuations have been provided, averaging is the preferred method for considering the price, when any difference in the valuation is 10% or less. Differences in valuations of more than 10% require an assessment of the reasons why they are different, and more detailed justification of the price.

An updated valuation, or valuation advice is required after 12 months of the date of the original valuation if the land is not sold, or at any time there is considered to be a material movement in the value.

The valuation instructions must clearly state the following:

- The purpose of the valuation being “disposal”;
- The basis of valuation being “market value highest and best use”, unless an alternative basis is considered more appropriate in the circumstances;
- The agreed fee, update fee and completion date;
- That the valuation is marked confidential;
- That the valuation includes market commentary, details of sales evidence and adjustments, valuation rationale and methodology, a valuation range (for negotiations) and comments on marketability, most appropriate method of disposal and opportunities to add value.

In addition, the valuer must make a statement that there is no actual or perceived conflict of interest in undertaking the valuation.

1.2 Method of Disposal of Land

An open competitive process of disposal is required choosing one of the following methods:

- Expression of interest – usually used for unusual properties capable of a variety of development, difficult to determine a market value;
- Tender – least common and used predominantly in high value, limited market situations;
- Auction – the most open and public method, favoured by government, but reliant on high levels of competition. Often achieves a quick sale. Can fail in a poor market;

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- Private Treaty – most common, where an asking price is set and negotiated with individuals, usually through a real estate agent (who can be an independent third party to the negotiation process).

The General Manager may approve a non-competitive process of disposal such as direct negotiations, subject to clearly documented reasons and the employment of risk mitigation measures.

Risk mitigation measures for direct negotiations may include:

- Obtaining two valuations where the land may be valued at more than \$50,000.
- Pre-establishing a range for negotiation, having regard to the two valuations
- Managing conflicts of interest with declarations of no personal or financial associations

Establishing a Negotiation Protocol, describing the manner in which meetings, negotiations, decisions and progress reporting is to be managed *The body of the policy (main text)*.

1.3 Disposal of Land below Market Value

Land may be disposed of to achieve strategic outcomes. In such situations, “best value” may comprise financial, environmental or social elements, with the price falling below the “market value” range.

The report seeking resolution of Council should clearly state the reasons for such sale and quantify the amount below market value attributable to each element. The obligation to obtain a market valuation exists in accordance with the above, in order to provide a measure of the non-financial elements of the sale.

1.4 Sale of Land to Adjoining Owners

In circumstances where land is not able to be sold in isolation on the open market (such as small parcels, undersized lots, former road widenings, closed laneways, etc) and the only potential purchasers are adjoining owners; the land must be offered in equal proportions to each adjoining owner on identical sale terms and conditions.

Where an adjoining owner does not wish to purchase their proportion of the land, the land will be equally offered to the remaining adjoining owners.

The recommended method of determining the sale price is the “before and after” method as related to the purchaser’s land. For small portions of land, the “piecemeal” (\$ rate per square metre) method may be more appropriate.

An essential condition of sale is that the purchaser is required to consolidate the subject land with their existing holding at no cost to Council.

Where the purchase price is deemed by Council to be a “nominal consideration”, Council may impose a condition to recover all costs associated with the sale from the purchaser.

1.5 Sale of Roads – Roads Act 1993

No road can be sold until it is formally closed in accordance with the provisions of the Roads Act 1993.

For purchaser initiated closures and sales, the costs associated with the road closure will be borne up front by the prospective purchaser.

When Council initiates the road closure (in order to realise the value of surplus land), the costs will be borne by Council as development costs.

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The agreed purchase price and estimated costs will be reported to Council seeking resolution agreeing to make application to close the road and dispose of the land upon closure in accordance with the terms of sale.

In accordance with Section 43 of the Roads Act 1993, funds from the sale of roads are required to be set aside for acquiring land for public roads or for carrying out work on public roads.

1.6 Confidentiality

In the majority of disposals of land, the information contained in reports to council to sell land may confer an advantage upon a person with whom Council is, or proposes, to be conducting business. On balance, it would be contrary to the public interest for Council to deal with such matter in an open session because release of the information could prejudice Council's ability to obtain the maximum return on the property.

Therefore, it is acknowledged that reports to Council on the disposal of land will be generally deemed confidential under Section 10A(2)(c) of the Local Government Act 1993. This confidentiality may be lifted upon settlement, if considered to be in the public interest

1.7 Delegated Authority - Disposal of Other Assets

A resolution of Council should provide for the General Manager to be provided with delegated authority to determine whether the sale or disposal of assets (other than land) requires valuations to be undertaken of the various items for disposal and to determine whether disposal will be by way of expression of interest, tender or auction process.

1.8 Valuation Processes for Disposal of 'Other Assets'

A valuation of 'other assets' for disposal will only be obtained if in the opinion of the General Manager the value of each asset to be sold is not of a minor nature.

1.9 Method of Disposal of Other Assets

An open competitive process of disposal is required choosing one of the following methods:

- Expression of interest;
- Tender;
- Auction.

1.10 Departure from change this Policy

Any provision of this policy may be varied to meet the needs of a particular matter, by resolution of Council. The reasons for change will be clearly articulated within the report submitted for consideration by Council in adopting such resolution and will only apply to such matter.

Responsibilities

The staff member responsible for the day to day application of this policy is the Manager Finance.

Associated Documents

Nil

Getting Help

Should you have any further questions or queries please contact Manager Finance.

Version Control

Review Date:

Staff Member Responsible for Review: Manager Finance

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Policy Name	Action	Resolution No.	Date
Disposal of Council Assets Policy	Endorsed	27	21 August 2008
Disposal of Council Assets Policy	Endorsed	107/1314	19 September 2013

R Sullivan/Capel

The motion was carried

Item 27 Strategic Policy – Rating Policy

108/1314 RESOLVED that Council endorses the following Rating Policy to be included in the Strategic Policy Register.

	Rating Policy
	Strategic

Purpose

The purpose of this policy is to ensure effective controls, policies and procedures are in place with respect to Council's rating function, collection of overdue rates, and the granting of pensioner concessions.

Objectives of the Policy

The objectives of this policy are:

- To ensure all statutory requirements of the Local Government Act are adhered to;
- To ensure collection of rates, charges and sundry debtors is carried out in a transparent manner and complies with the Local Government Act and other relevant state and federal acts;
- To ensure that all applications for the statutory pensioner concession are managed equitably and in compliance with current legislation;
- To ensure that ratepayers experiencing genuine financial difficulties are treated sensitively on a case by case basis and ratepayers are assisted in meeting their rate commitments by providing mutually agreeable alternative repayment plans;
- To ensure that Council minimizes the amount of money owed in respect of overdue rates and charges;

Policy Scope

This policy applies to Council's processing of rates and annual charges, debt collection for rates and annual charges, approval of pensioner rebates, and all other rates and annual charges related issues.

Background

Roughly 30% of Council's funding is derived from rates and annual charges, and this revenue is used in the provision of a variety of services to the residents of the shire. It is important that Council ensures that all statutory requirements of the Local Government Act are adhered to in Council's making and levying of rates, and that the collection of rates and annual charges is both effective, transparent, and fair.

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Definitions

N/A

Policy Statement

6.1 Making and Levying of Rates and Charges

Council levies Rates and Charges in accordance with the provisions of the Local Government Act 1993 (hereafter the Act), and Council must make and levy an ordinary rate for each year on all rateable land in its area (s.494 of the Act).

Council's current rating structure is determined in accordance with Section 497 of the Act being a rate based on land value, together with a Base Amount.

Council issues its annual rates notice to all rateable properties in the Council's area in July of each year for the financial year. Supplementary rate levies may also be issued during the year.

The rate notice includes all ordinary rates, special rates and annual charges (excluding sewer access charges and water and sewer consumption charges) levied on the property. Rates and annual charges may be paid by a single instalment or by quarterly instalments. If the payment is made by quarterly instalments, the instalments are payable as follows:

Instalment	Due Date
1	31 August
2	30 November
3	28 February
4	31 May

If the payment is made by a single instalment, the instalment is payable by the 31 August of each year. Council issues instalment notices to those ratepayers who elect to pay by instalments and such notices are issued at least one month prior to the due date for the instalment. Where the Council levies rates and annual charges after an instalment was due, the amount payable is apportioned equally across the remaining instalments.

Council also issues a separate water notice which includes sewer access charges and water and sewer consumption charges. Water notices are payable as follows:

Water Notice	Due Date
1	31 October
2	31 January
3	30 April
4	31 July

6.2 Payment of Rates

The collection of rates and charges is to be carried out in a transparent manner, and in compliance with the Local Government Act.

6.2.1 Recovery Action

Recovery action will commence when rates and/or charges are not paid by the due date for each quarterly instalment unless arrangements have been entered into (in writing) to make periodical payments under section 564 of the Local Government Act.

Recovery action will commence if other debts (*other than amounts due from Government Departments*) are not paid within thirty (30) days unless arrangements have been entered into.

6.2.2 Agreements for Periodical Payments

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Ratepayers who are unable to pay rates and charges and/or water usage charges by the due date, either because of reasons beyond their control or because payment would cause hardship, may apply to enter into an agreement with Council to make periodical payments [henceforth called the 'Agreement']. The payments made under this said agreement should adequately repay the rates and charges levy.

In order for such an agreement to be considered a 'Payment Arrangement' form is to be completed subject to mutual agreement of payment amounts. The ratepayer is to specify the dates and the amounts that are to be paid and an appropriate contact number and address must be supplied to Council. Verbal agreements shall not provide a reprieve from the debt recovery process.

If a ratepayer fails to meet the terms of an agreement, the agreement shall be terminated and the full amount of the outstanding rates and charges and/or water usage and accrued interest shall be due and payable immediately. Recovery action shall be taken immediately for recovery of the amount due and payable.

If a sundry debtor fails to meet the terms of an agreement, the agreement shall be terminated and the full amount of the outstanding sundry debt shall be due and payable immediately. Recovery action shall be taken immediately for recovery of the amount due and payable.

6.2.3 Writing off of Accrued Interest

Applications for writing off accrued interest under the hardship provisions of the Local Government Act 1993 shall be determined on the merits of each individual case, on the basis of whether or not the hardship criteria have been satisfied by the applicant and a proper opinion can be formed.

All applications for writing off accrued interest must be made in writing.

6.2.4 Writing Off by Resolution

Rates and/or Charges (including accrued interest) or other debts can only be written off by resolution of Council.

6.2.5 Sale of Land for Overdue Rates

Should all avenues of recovery action be unsuccessful, Council is able, under Section 713 of the Local Government Act 1993 as amended, to sell land for overdue rates and charges where the rates and charges remain unpaid for a period of more than five years.

The Local Government Act 1993 as amended, and the associated Regulations detail the procedures to be followed should Council choose to follow this course of action.

6.3 Pensioner Concessions

Eligible pensioners are entitled to a statutory pensioner concession provided for under Section 575 of the Local Government Act, 1993.

6.3.1 Eligibility for Pensioner Concessions

6.3.1.1 Eligible Person

An eligible person must be an eligible pensioner. Eligible pensioners are those who receive any of the following:

- A pension, benefit, or allowance under Chapter 2 of the Social Security Act 1991 (Cth), and hold a pensioner concession card issued by or on behalf of the Commonwealth Government;
- A service pension under part III of the Veterans' Entitlements Act 1986 (Cth) and hold a pensioner concession card issued by or on behalf of the Commonwealth Government;

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- A pension from the Commonwealth Department of Veterans' Affairs, who are also eligible for a pensioner concession card from Centerlink;
- A general rate pension adjusted for extreme disablement under section 22(4) of the Veterans' Entitlements Act 1986 (Cth), or a special rate of pension under section 24 of that Act.

6.3.1.2 Other Conditions of Eligibility for Concession include

The pensioner concessions are granted where a pensioner/owner or joint pensioner/owners:

- Occupy a dwelling on the property, for which a concession is sought, as their sole or principal place of abode. Rebates are not granted for vacant or unoccupied land;
- Do not reside on the land subject to the rates in respect of which a rebate is claimed during periods of hospitalisation or convalescence (subject to eligibility reviews);
- Where an application is received for a rebate of rates payable on land held in joint ownership, the applicant pensioners are granted a rebate in accordance with the above and in accordance with the proportion of their interest in the premises;
- A rebate is granted to an eligible pensioner where the land is owned by the Estate of a deceased person and is occupied by the eligible pensioner, who is liable for the payment of rates. This is subject to the granting of probate and the production of documentary evidence of a life tenancy agreement by the eligible pensioner.

6.3.1.3 Liable for the Payment of the Rates

The eligible person must be solely liable, or a person jointly liable with one or more other persons for the rates and/or charges levied on that property.

6.3.2 Application for Concession

6.3.2.1 Application Form

The eligible person must fully complete the Pensioner Concession Application Form. Applicants must sign the customer consent, which allows Council to confirm with the appropriate Government agencies, the accuracy of the details provided by the applicant. Applicants who fail to sign this section will not be granted the rebate.

6.3.2.2 Evidence

Evidence in the form of the Pensioner Concession Card provided by Centerlink must be produced as evidence when applying for the concession. A rebate will not be granted without providing this evidence.

6.3.2.3 Confirmation

Council will from time to time, and at least annually, use the electronic Pensioner Confirmation Service provided by Centerlink to confirm eligibility.

6.3.3 Applying the Concession

6.3.3.1 Date of Grant

After first day of current financial year

If a person becomes an eligible pensioner after the first day of the current financial year, the amounts of the rebate will be proportioned to the number of full quarters remaining after the day on which the person becomes an eligible pensioner.

Before the first day of current year.

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If a person had become an eligible pensioner prior to the start of the financial year they will be eligible only for the full annual rebate for the current financial year. A pensioner concession rebate will not be back dated beyond the start of the current financial year.

6.3.3.2 Value of Rebate

The amounts of the concession available on an annual basis (current as the 1 July 2013) are:

- 1 Up to \$250.00 on all ordinary rates and domestic waste management service charges, and
- 2 Up to \$87.50 on the water supply service charge: and
- 3 Up to \$87.50 on the Sewer Access Charges.

6.3.3.3 Payment Options

Under Council's policy, eligible pensioners have three payment options:

- Pay the full amount of rates as set out on the Rates Notice by the due date;
- Pay the full amount of the rates as set out on the Rates Notice by four instalments. Details of this option and amounts payable each quarter and the due dates are included on the Rates Notice.
- Special payment arrangements can be made with Council whereby rates are paid over an extended period at an agreed amount. For example, a pensioner may request to pay their rates at \$50.00 per month, ensuring that the agreed amount paid will satisfy the total amount owing for rates.

Responsibilities

Council's Finance Branch is responsible for the day to day application of the policy

Associated Documents

N/A

Getting Help

The staff member who can assist with enquiries about the policy

Position: Senior Rates Officer

Department: Finance

Version Control

Review Date: 30/09/2015

Staff Member Responsible for Review: Senior Rates Officer

Policy Name	Action	Resolution No.	Date
Rating Policy	Endorsed	433	18/06/2009
Rating Policy	Endorsed	108/1314	19 September 2013

Schmidt/Clancy

The motion was carried

Item 28 External Audit Tender

109/1314 RESOLVED that Council appoint Forsyths Business Services Pty Ltd to provide external audit services to Warrumbungle Shire Council for a six (6) year term for the financial years 2013/14 to 2018/19.

Schmidt/Capel

The motion was carried

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12.59pm

110/1314 **RESOLVED** that standing orders be suspended to break for lunch.

R Sullivan/Capel
The motion was carried

1.51pm

111/1314 **RESOLVED** that standing orders be resumed.

Capel/C Sullivan
The motion was carried

Item 29 Request for Change of Category-Rates Assessment No 1608

112/1314 **RESOLVED** that Council approve the change of category for Property Assessment No 1608 from Business to Residential.

Clancy/Capel
The motion was carried

Item 30 Rates Report for Month Ending 31 August 2013

Received.

Item 31 Strategic Policy – Media Policy Councillors

113/1314 **RESOLVED** that Council endorses the following Media Policy - Councillors to replace the current policy and to be included in the Strategic Policy Register.

	Media Policy - Councillors
	Strategic

1. Purpose

To ensure all Councillors are aware of their responsibilities to Council in supporting communications with the Shire's communities, businesses and residents. The policy promotes a positive and professional public image to the community, strengthening community engagement, and manages the risk of negative community perceptions or misunderstandings.

2. Objectives of the Policy

This policy aims to ensure Council improves communications with the community whilst projecting a corporate image, and ensuring the accuracy of public comments. The policy will also manage the risk of a public liability or professional indemnity claim arising from comments made by a Councillor to the media, or any claims being made against Council or an individual Councillor.

3. Policy Scope

The policy applies to Councillors of Warrumbungle Shire Council.
The policy applies to any situations when dealing with Media.

4. Background

Council's current Media Policy – Councillors was endorsed on 26 June 2008 (Resolution 407).

5. Definitions

Media is defined as newspapers, radio, internet, social media and any other public forum.

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6. Policy Statement

- No Councillor (except the Mayor) is authorised to represent or speak on behalf of Council in any public comments, statements or press releases to the media.
- Councillors may speak to the media clearly indicating that they are portraying their own personal point of view and are not speaking on behalf of Council.
- A Councillor may be nominated by the General Manager or Mayor to speak on behalf of Council on a matter they have knowledge or expertise.

6.1 Disciplinary Action

Breach of this policy may constitute a breach of the Model Code of Conduct for Local Councils in NSW.

7. Responsibilities

The Manager Communication and IT is responsible for this policy

8. Associated Documents

Model Code of Conduct for Local Councils

9. Getting Help

The staff member/s who can assist with enquiries about the policy
Position: Manager Communications and IT

10. Version Control

Review Date: September 2017 or as per Council request.

Staff Member Responsible for Review: The Manager Communications and IT

Policy Name	Action	Resolution No.	Date
Media Policy – Councillors	Endorsed	406	26 June 2008
Media Policy – Councillors	Endorsed	113/1314	19 September 2013

Schmidt/Capel
The motion was carried

Item 32 IT – Managed Services for User Support and Infrastructure

114/1314 RESOLVED that Council contracts for Managed Support Program – User and Desktop to Tamworth Regional Council from 1 October 2013 to June 2014 at \$ 9,800/month.

Schmidt/R Sullivan
The motion was carried

Item 33 Strategic Policy – Itinerant Markets

115/1314 RESOLVED that Council deletes the Strategic Policy - Itinerant Traders 1.27 from the Policy Register.

R Sullivan/Andrews
The motion was carried

Item 34 StateWide Risk Management Excellence Award 2013

Received.

Item 35 Renewal of Coonabarabran Library Building Lease

116/1314 A motion moved by Councillors Clancy seconded by Councillor Schmidt that Council approves the General Manager and Mayor to affix Council's seal, sign and execute a Lease Agreement with Canray Holdings Pty Ltd for Option 3 (a 5 x 5 year lease) for \$4,150 per month to be indexed by CPI annually.

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The motion was put and LOST

117/1314 RESOLVED that Council approves the General Manager and Mayor to negotiate a Lease Agreement and affix Council's seal, sign and execute a Lease Agreement with Canray Holdings Pty Ltd for Option 2.

R Sullivan/Schmidt
The motion was carried

Item 36 Strategic Policy – Cemetery Management and Burial Policy

118/1314 RESOLVED that Council endorses the following Cemetery Management and Burial Policy to replace the two existing policies and to be included in the Strategic Policy Register.

	Cemetery Management and Burial Policy
	Strategic

1. Purpose

The purpose of this policy is to outline the management of cemeteries within the Warrumbungle Shire Local Government area and Council's Burial Policy.

2. Objectives of the Policy

The objective of this policy is to ensure that the cemeteries under Council's care are maintained and managed professionally and with consideration for the sensitive nature of their purpose.

3. Policy Scope

- a. This Policy applies to all cemeteries memorial gardens and columbarium's administered, operated and maintained by Council in the present and future.

This policy applies to the following cemeteries within the Warrumbungle Shire Council local government area;

- Baradine Cemetery
- Binnaway Cemetery
- Bomera Cemetery*
- Bugaldie Cemetery
- Cobborah Cemetery
- Coolah Cemetery
- Denison Town Cemetery*
- Dunedoo Cemetery
- Leadville Cemetery
- Mendooran Cemetery
- Native Grove Cemetery Coonabarabran
- Old Coonabarabran Cemetery**
- Turee Vale Cemetery*
- Uarbry Cemetery

* *Historic Cemetery closed to burials*

** *Closed to new burial bookings*

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- b. This Policy does not affect the operation of any Regulations under the Public Health Act 2012, part 8, Disposal of Bodies, relating to cemeteries and crematoriums.

4. Background

This policy will take over from the two previous policies regarding Public Cemetery (endorsed by Council 21 August 2008, resolution 57) and Burial Policy (a revised policy was endorsed by Council 15 April 2010, resolution 360)

The policy has been developed due to updated legislation and the need for a more extensive policy to cover all of Councils varied cemeteries across the shire.

5. Definitions

Applicant - the person making an application

- for a burial or memorial right
- for a work permit or other Council consent
- for burial or cremation

Appropriate fee - a fee fixed by Council

Cemetery or cemeteries - means an area containing one or more burial places

burial place - a grave site, vault site, crypt site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.

Burial right - exclusive right of entitlement to a burial place granted by Council to a person or persons.

Council - the Warrumbungle Shire Council

Grantee - the person to whom a right is granted.

Monument - any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.

Monument mason - is a tradesman mason or person possessing the skills to carry out monument masonry work.

Pre-need burial right - means a burial right granted prior to need.

Procedure Manual - Council's "Cemetery Management and Burial Procedures" plan of management for public cemeteries.

Reservations - a pre-need burial right.

Register - the Council's formal repository of data containing all the required details of a burial, cremation, memorial site, inurnment right or burial right.

The Policy - this Policy

6. Policy Statement

6.1 Management of Cemeteries

Planning, conduct and maintenance of cemeteries

Council will make such provisions as it considers necessary for the following:

- a) the setting aside of sections for different types and classes of burials;
- b) the establishment of standards of construction and design of for monuments and structures;
- c) the size, multiple use and location of burial places;
- d) interments;
- e) the erection or installation of structures and the making of inscriptions;
- f) the carrying out of work by monument masons;
- g) the qualifications required by, and the security deposits to be lodged by, monument mason;
- h) the removal, replacement and maintenance of structures;
- i) the improvement and maintenance of cemeteries;

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- j) the making of arrangements for the care of burial places on an annual or other basis;
- k) the supply of goods and services incidental to the conduct of burials and other matters relating to cemeteries;
- l) the conduct of religious or other ceremonies of burial, cremation, disposition or commemoration;

6.2 Refusal to grant exclusive rights of memorials

The Council may refuse to grant an exclusive right of burial to any person if, in the opinion of Council, the grant would create a monopoly or encourage dealings in such rights as a business.

6.3 Register of burial places and cremation

- 6.3.1 A register of burial, as required by the Regulations of the Public Health Act 2010, must be kept in respect of all burial places
- 6.3.2 A register of cremation, as required by the Regulations of the Public Health Act 2010, must be kept in respect of each cremation.
- 6.3.3 A register of pre-need burial rights.
- 6.3.4 Each register, which may be kept in written, printed or electronic form, must contain sufficient information to allow for simple cross-referencing of entries by-
 - (a) the name, age and last address of the person whose body or remains have been buried,
 - (b) the date of the person's death,
 - (c) the date of the burial,
 - (d) the section and allotment where the burial has been made,
 - (e) the name of the person (if any) who continues to hold any right of burial in that allotment,
 - (f) the name of the funeral director who transported the body to the cemetery,
 - (g) the fees paid to the cemetery authority for the burial.
- 6.3.5 Each register entry must contain the name and address of the owner of the burial right.
- 6.3.6 Each burial or cremation must be recorded in its respective register immediately after the service.
- 6.3.7 Registers may be amended to remove or correct inaccuracies.
- 6.3.8 The Council must, on application made by any person, make available to the person a copy of any entry made in the burial or cremation registers.
 - Such applications shall be made on an approved form
 - each form shall be limited to a single register entry
 - A fee, as approved by the Council from time to time, may be charged for each application.
- 6.3.9 The registers will be used in any proceedings requiring evidence of the identity of the holder of an exclusive right that has been granted in respect of any burial or memorial site.

6.4 Certificates of exclusive right of burial

- 6.4.1 The Council will issue to the owner of an exclusive right of burial certificate, clearly showing
 - the owners name and address
 - the amount paid

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- the date of issue
- A description of the physical location of the grave
- the terms and conditions under which the certificate is issued.

6.4.2 The application for a certificate must be made on a form approved by Council.

6.4.3 Any fees relating to the purchase and issue of the certificate must be paid at the time of application.

6.5 Reservations and Purchases of Burial Lots and Niches

Plots are to be purchased and paid for in full at the fee prescribed in Council's Operational Plan and Delivery Program (2013/14-2016/17) at the time the purchase is made. Council is under no obligation to buy back unwanted pre-purchased lots, however Council's adopted fees and charges may make provision for this to occur.

Niches may be purchased at the fee prescribed by Council's Operational Plan and Delivery Program (2013/14-2016/17) at the time of purchase. The purchase of a niche is limited to only those available at the time. Council is under no obligation to buy back unwanted pre-purchased niches, however Council's adopted fees and charges may make provision for this to occur.

Reservation applications must be made in writing to Council stating the reason for the reservation. Council is authorised to approve or deny applications based upon insufficient reasons or lack of prepared burial land or any other relevant Council policy.

Council resolved the following at a meeting held 21 May, 2009:

That Council adopts the following policy in all dealings relating to the reservation of grave sites in lawn cemeteries within Warrumbungle Shire effective immediately:

- (a) The right of burial reservation fee must be paid at the time of acquisition of the reservation, and
- (b) Burial rights (reservations) at all lawn cemeteries will only occur when a funeral is to take place, at this time a second adjacent site may be booked, i.e., a maximum of two (2) sites can be reserved with one to be used immediately. In the case of the burial of a child (under 18) two (2) sites immediately adjacent to the deceased child may be reserved, and
- (c) Double depth grave sites are to be encouraged by Council through appropriate concessional rates for the second interment within a grave site in Council's fees and charges structure.

6.6 Hours of Burial, Cremation and Exhumation

6.5.1 Burials, cremations and exhumations shall take place only during the hours approved by Council as set out in Council's Procedure Manual

6.7 Order for burials

6.7.1 Burials are not to take place unless a Burial Order has been issued by Council.

6.7.2 The issue of a burial order shall be in accordance with Council's Procedure Manual

6.7.3 Burial shall be in accordance with the Regulations of the Public Health Act 2010 (NSW) and Council's Procedure Manual.

6.8 Exhumation

6.8.1 Exhumations are not to take place unless

- prior written consent has been obtained from the Director-General of the Department of Health (NSW); and
- an Order for exhumation has been issued by Council

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6.8.2 This clause does not apply if an exhumation has been ordered by a Court.

6.9 Miscellaneous

6.9.1 A person must **not** do any of the following (within a cemetery)

- (a) damage, deface, interfere with or alter burial places
- (b) damage, deface, interfere with or alter monuments
- (c) bury, inter or exhume any human remains, whether cremated or not
- (d) enter or remain in a cemetery between sunset and sunrise
- (e) cause or permit an animal that is under the person's control to enter or remain in a cemetery without proper supervision
- (f) take part in any gathering, meeting or assembly, except for the purpose of religious, research, historical, educational or other ceremony of burial or commemoration; or
- (g) Engage in trade or commerce or distribute any circulars, advertisements, paper drawn or photographic material.
- (h) drive a vehicle at a speed of more than 5 kilometres per hour
- (i) drive a vehicle or a vehicle and trailer having an unladen weight of more than 3 tonnes
- (j) drive a vehicle through a cemetery for the purpose of travelling between places outside of the cemetery
- (k) park a vehicle on any known burial place, verge or plantation, or in a manner that is likely to impede traffic
- (l) teach, learn or practice driving a vehicle
- (m) camp or reside on any land
- (n) Possess or consume an alcoholic or intoxicating beverage or substance except from that directly associated with a funeral service.
- (o) urinate or defecate
- (p) bring into or leave any rubbish, refuse, scrap metal (including remains of vehicles), rock, soil, sand or any other such substances
- (q) remove any dead timber, logs, trees, flora, whether standing or fallen
- (r) kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced
- (s) Plant any tree, shrub, herbage or other plant without prior consent. Penalty: Offenders may be prosecuted under Common Law, Statute Law, The Heritage Act 1977, The Health Act (NSW) 1991, The Criminal Code
- (t) Bury any domestic pets or animals within the parameter of the cemetery

6.9.2 Subsection (1.e) does not prevent a person from leading or walking a dog on a leash

6.9.3 Council's written consent is required to legally carry out any act that might otherwise give rise to an offence under this clause.

6.10 Requirements for graves

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- 6.10.1 The dimensions of a grave shall be a minimum of
- 1000mm X 2400mm for adult graves
 - 900mm X 1500mm for children's graves;
- 6.10.2 The number of internments permitted in a grave shall be in strict accordance with the Regulations of the Public Health Act (NSW) 2010.
- 6.10.3 For the purpose of part 6.10, clause 2:
- prior written consent has been obtained from the Director-General of the Department of Health (NSW) to vary the number of interments.
 - Where a coffin containing the deceased remains is interred in a grave, the upper surface of the coffin shall be at a depth not less than that required by the Regulations of the Public Health Act (NSW) 2010 which is 900mm.
- 6.10.4 This section does not affect the interment of cremated remains.

6.11 Above ground entombment

All entombments above ground shall be considered on an individual basis upon a written application to Council.

6.12 Monuments and inscriptions

- 6.12.1 A person shall not, in a cemetery:
- construct or install any monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, railing or other structure, unless it is of
 - a material and design approved in writing by the Council; and
 - carried out to the standard of workmanship required by the Council
 - constructed in accordance with Australian Standards Association AS4425- "Monuments & Headstones" (1996)
- 6.12.2 Make any inscription or carry out any adornment, unless it is approved by the Council and made or carried out to the standard required by the Council.

6.13 Application for the approval

Application for the approval of the Council in accordance with Part 6.12, clause 1 shall:

- 6.13.1 Be made to the Council in writing
- 6.13.2 Be accompanied by sketches, drawings and other particulars of the design that may be required by the Council; and
- 6.13.3 Where the application relates to an inscription, be accompanied by a copy of the proposed inscription

6.14 Trades and contractors

No trade inscription shall be allowed on any masonry work unless approved, in writing, by the Council.

6.15 Monument masons

- 6.15.1 A person shall not carry out any work as a monument mason within a cemetery unless with the written consent of the Council
- 6.15.2 The Council may issue approval to undertake work as a monument masons to any person it considers to be suitably qualified to undertake such work.
- Any person may apply to work as a monument mason in a cemetery; provide the application is in writing

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6.15.3 The Council may suspend or cancel approval of any person by giving notice in writing

6.15.4 This clause shall not apply to employees of Council while engaged in their employment under the instructions of Council

6.16 Removal of structures

6.16.1 The Council may;

- remove, demolish, alter or require the removal, demolition or alteration of any structure or any adornment or
- erase, correct, or require the erasure or correction of wording of any inscription that has been constructed, installed, made or carried out
 - without the written consent of the Council; or
 - otherwise than in accordance with an approval given by Council.

6.16.2 Where any work that has been approved is not completed within a reasonable time, the Council may remove or demolish such partially finished work as it deems necessary to preserve the fabric of the cemetery and public safety.

6.17 Removal and replacement of structures on request

6.17.1 Where notice to open a grave or vault for a lawful purpose is given in accordance with Council's Procedure Manual, the Council may arrange after

- the lodgement of proof of ownership
- the payment of the scheduled fees and related costs)

6.17.2 the removal of any part of the structure to enable the safe opening of the grave or vault

- require the grantee or applicant to make good the repair of the structure affected within 14 days of the interment or service date.

6.18 Maintenance of structures

6.18.1 The ownership of monuments or other structures is deemed to be with the person or persons (or their heirs & successors) that caused the monument or structure to be constructed:

- the Council shall not be responsible for the upkeep, maintenance, repair etc. of any monument or structure.
- The owner is responsible for the upkeep, maintenance and repair of the monument.
- The Council may act to remove any structure which has become dilapidated or unsightly
- the Council may remove any trees, shrubs or other vegetation from any cemetery where, in its opinion, it is in the interest of the cemetery to do so.

6.19 Unsafe monuments

Any monument identified as posing a safety risk is accorded a category ranking:

CATEGORY	Criteria
1-	Monuments over 750mm in height that <ul style="list-style-type: none">• are likely to collapse or fall over at any time• Have significant sections or parts separating from the main monument, irrespective of cause (subsidence, deterioration etc.)
2-	Monument 750mm or less in height <ul style="list-style-type: none">• are likely to collapse or fall over at any time• Have significant sections or parts separating from the main monument,

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	irrespective of cause (subsidence, deterioration etc.)
3-	Monuments that are affected by subsidence and are leaning by more than 10 degrees, but are otherwise deemed to be in sound condition.

6.19.1 Identification and reporting
any identification of unsafe monuments and consequent actions under this clause will be thoroughly documented and supported with photographs. All actions will be recorded against the respective cemetery register entry.
Subsidence
where subsidence is evident, Council will fill and compact the ground in the normal manner.

6.19.2 Repair of monument

1. Council will not repair monuments. Council will only act to ensure public and employee safety.
2. Category 1 monuments:
 - (a) The area surrounding the monument is to immediately be secured with barriers and danger signs.
 - (b) The Council will make reasonable efforts to contact the grantee of the burial right and instruct the grantee to take immediate steps to repair the monument.
 - (c) A public notice, clearly identifying the grave
 - indicating Council's intent to make the monument safe unless the grantee acts within seven (7) days
 - reserving Council's right to recover the costs relating to the handling of the monument from the grantee is to be placed in the local press.
 - (d) If contact has not been made with the grantee within seven days of the public notice, the Council will take steps to make the monument safe.
Note: Making the monument safe will (usually) consist of laying the headstone face down on the ground of the grave. This method, which preserves the inscription, is recommended by the National Trust.

6.19.3 Category 2
Same as Category 1, except that the notice and action period will be extended from seven (7) to 14 days.

6.19.4 Category 3
The Council will make reasonable efforts to contact the grantee to the site and instruct the grantee to take steps to repair the monument.
A single public notice, clearly identifying the grave and indicating to the grantee that he or she should take steps to repair the monument will be placed in the local press.
Council will continue to monitor the site until such time as the monument is identified as Category 1 or Category 2.

6.20 Lawn Cemetery Sections

- 6.20.1 The Council will ensure that it
- maintains, preserves, and repairs lawn cemetery graves
 - graves are not enclosed with any railing or kerbing
 - cut and plastic flowers provided by families are left at burial places in Lawn Cemeteries
 - cut and plastic flowers provided by families are placed in vases of a type approved by Council,

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- approved vases are plastic flower vases or urns and metal vases only. Glass jars and other vases will be removed at Council's absolute discretion.
 - due to the effects of UV rays, discoloured and worn plastic flowers will be removed from memorials at Council's absolute discretion.
 - no headstone, statue or other structure is erected or constructed over a grave in a lawn section
 - no tree, shrub or other plant is placed or planted on any grave in a lawn section other than by Council at its absolute discretion
- 6.20.2 The Council shall place over each grave in the Lawn Section, as soon as practicable after a burial or interment has taken place in that grave, and upon receipt of written instructions from the grantee, a memorial plaque, of a standard size and type as determined by the Council.
- 6.20.3 The grantee may apply to privately supply and fix a memorial plaque in Lawn Cemetery Sections provided that:
- an application in accordance with part 6.2 of this policy has been lodged with Council
 - all fees as scheduled by Council for the lodgement of the application have been paid
 - the design and type of plaque is consistent with the requirements determined by Council
 - Council has given its written approval
- 6.20.4 Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a grave in a lawn cemetery under the provisions of part 6.17, clause 1 of this Policy.
- 6.20.5 That the provision of vertical burials in the lawn cemeteries be considered in accordance with cemetery practices.

5. Responsibilities

The Manager Property and Risk will hold responsibility over this policy

6. Associated Documents

Operational Plan and Delivery Program 2013/14 – 2016/17
Warrumbungle Shire Council Cemetery Management and Burial Procedures
Public Health Act NSW, 2010
Public Health Regulations 2012 (Part 8 Disposal of bodies)
Human Tissues Act NSW, 1983
Coroners Act NSW, 2009
Birth, Deaths and Marriages Act NSW, 1995
The Heritage Act 1977
Work Health and Safety Act, 2011

7. Getting Help

The staff member that can assist with enquiries about the policy
Position: Manager Property and Risk

8. Version Control

Review Date: September 2017 or when relevant legislation changes.
Staff Member Responsible for Review: Manager Property and Risk

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Policy Name	Action	Resolution No.	Date
Cemetery Management and Burial Policy	Endorsed	118/1314	19 September 2013

R Sullivan/Schmidt
The motion was carried

Item 37 Strategic Policy – Temporary Grazing Permit

119/1314 RESOLVED that Council endorses the following Temporary Grazing Permit to replace the current policy and to be included in the Strategic Policy Register.

	Temporary Grazing Policy
	Strategic

1. Purpose

The purpose of this policy is to outline the management of Temporary Grazing Permits within the Warrumbungle Shire Local Government area.

2. Objectives of the Policy

The objective of this policy is to ensure that the process of granting Temporary Grazing Permits under Council's care are maintained and managed professionally.

3. Policy Scope

This policy applies to Warrumbungle Shire Council Staff who engage in the assistance to issue Temporary Grazing Permits

4. Background

This policy will take over from the previous policies regarding Temporary Grazing Permits Policy (endorsed by Council 16 June 2005, resolution 235).

The policy need to be updated as a requirement of legislation changes including; the need for a more extensive policy to cover Council and the assistance Council gives in issuing Temporary Grazing Permits across the shire.

5. Definitions

LHPA - the Local Health and Pest Authority (LHPA) Coonabarabran, Dubbo and Mudgee-Merriwa LHPA for a district constituted under the Rural Land Protection Act;

Council – the Warrumbungle Shire Council;

Rural Lands Protection Act - the Rural Lands Protection Act 1998;

Local Government Act - the Local Government Act 1993;

Permit - a temporary grazing permit issued pursuant to Section 94 of the Rural Lands Protection Act;

RMS – Roads and Maritime Services;

MR – Main Road

6. Policy Statement

6.1 Issue of Permits

- The issue of a permit for a road is the responsibility of the Board.
- Council is not authorised to issue temporary grazing permits.

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- c) A permit may only be issued by a Board:
 - i) For those parts of the road not normally used by road vehicles; and
 - ii) With the prior approval of Council.
- d) Council will not unreasonably refuse to grant approval of a permit. In particular, but without limiting the generality of this provision, Council will, subject to its obligations as a road authority, provide as much assistance as possible in times of drought or other natural difficulty or disaster.
- e) Council may charge a fee, pursuant to Section 608 of the Local Government Act 1993, for the granting of an approval, but that fee shall be related to the actual cost to the Council of processing an application for the approval.

6.2 Conditions of Council Agreement to Issue Permits

- a) A permit is subject to the conditions prescribed in Section 94 of the Rural Lands Protection Act 1989.
- b) A permit shall be subject to such other conditions as the Board prescribes, including:
 - i) a requirement for the display of stock warning signs in accordance with Section 96 of the Rural Lands Protection Act 1998; and
 - ii) any conditions stipulated by the Council subject to its approval.
- c) Council will stipulate as a condition of its approval that the permit holder shall indemnify it from all claims arising as a result of the presence of the stock on the road reserve - the subject of the permit - meaning that Warrumbungle Shire Council must be shown as an Interested Party on the Public Liability Certificate of Currency (to the value of \$20,000,000)
- d) The provisions of Section 94 of the Rural Lands Protection Act 1998 are to be observed strictly.

6.3 General Conditions

- a) The Board will notify, by way of confirmation to Council of the issue of every permit, the name and address of the permit holder, the duration of the permit and the conditions to which the permit is subject.
- b) The Board will not issue a permit in cases where the Council objects to the issue of the permit.
- c) Council is not authorised to issue temporary grazing permits.
- d) Unless there is a drought declaration, approval for the issue of permits will not be given to any landowner unless the permit sought is to land adjacent to the applicant's property.
- e) That no fee is charged for the granting of approvals issued by Council.

The above conditions apply for applications to graze cattle only on local roads controlled by Council.

6.4 For approval to issue a permit on regional roads

Road and Maritime Services (RMS) Conditions of Permits – Regional Roads

The RMS controlled regional roads will only allocate Grazing Permits if there is a drought declaration for the region and the following additional conditions for applications for grazing on these regional roads apply:

- a) "Stock Ahead" signs – whatever sign is deemed appropriate by the LHPA is to be displayed on both sides of the road formation on both approaches to the occupied area; monitoring of signs during the day is required to ensure that they give a timely warning and clear display to approaching traffic,
- b) Stock at all times are to be under constant surveillance,
- c) Stock are to be kept off the road formation at all times,
- d) A hot wire is to be run for the extent of occupation to minimise the effect of cattle on road traffic movements. The hot wire is to be located behind the existing

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- guide post alignment,
- e) At night, cattle are to be removed from the road reserve and securely fenced to prevent any cattle from straying onto the road,
 - f) In the event of wet weather, all stock is to be removed from the road reserve,
 - g) The holder of the permit is to indemnify the RMS from all claims arising as a result of the presence in the road reserve of the stock subject to the permit – this means that both the RMS and Warrumbungle Shire Council must be shown as Interested Parties on the Public Liability Certificate of Currency,
 - h) The approval of the relevant Council is obtained.
 - i) At the end of the grazing period, all fencing materials including posts, wires and electric tapes are to be removed from the road reserve. Failure to do this will mean that Council will carry out these works at cost to the adjoining property owner and/or the person who made application for grazing rights.
 - j) Stay on designated regional roads unless specified by council

The Regional Roads in Warrumbungle Shire are:

MR 129 (Coonabarabran – Premer, Baradine - Coonamble)
MR 329 (Baradine – Gwabegar)
MR 4053 (Timor Road)
MR 396 (Coonabarabran – Coolah)
MR 55 (Coolah – Mullaley)
MR 618 (Coolah – Merriwa)
MR 7519 (Mendooran – Dubbo)

Applications to graze stock on the following Highways or MR 334 must be obtained direct from the RMS Parkes Office Ph.: 131 782 (PO Box 334 Parkes 2870)

Newell Highway
Oxley Highway
MR 334 (Mendooran Road)
Golden Highway (Merriwa – Dubbo)
Castlereagh Highway (Mudgee – Gilgandra)

Responsibilities

The Manager Properties will hold responsibility over this policy

Associated Documents

Operational Plan and Delivery Program 2013/14 – 2016/17
Warrumbungle Shire Council Temporary Grazing Permit Procedures
Rural Lands Protection Act 1998
Local Lands Services Bill 2013
Local Government Act 1993

Getting Help

The staff member/s that can assist with enquiries about the policy
Position: Manager Property and Risk

Version Control

Review Date: September 2017 or when relevant legislation changes.
Staff Member Responsible for Review: Manager Property and Risk

Policy Name	Action	Resolution No.	Date
Temporary Grazing Permits Policy	Endorsed	235	16 June 2005

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Temporary Grazing Permits Policy	Endorsed	119/1314	19 September 2013
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Schmidt/C Sullivan
The motion was carried

Item 38 2013/14 Technical Services Works Program

Received.

Item 39 Removal of Diseased Trees – Martin Street Coolah

120/1314 RESOLVED that Council proceed with removal of three disease affected iron bark trees in the avenue of trees in Coolah, dedicated to remembering the Battle of Long Tan in the Vietnam War, and investigate the replacement of trees in consultation with the Vietnam Veterans.

Capel/Schmidt
The motion was carried

2.33pm

The Director Corporate Services, Rebecca Ryan left the room having declared an interest in the next item before Council for consideration.

Item 40 Application to open up particular roads to B double trucks

121/1314 RESOLVED that the following roads are assessed for use by B Double trucks with a length greater than 19 metres but less than or equal to 26 metres and for use by trucks with a height not exceeding 4.6 metres. The proposal to allow B Double trucks and 4.6 metre high trucks to use the roads is advertised through the local paper. Determination of the application is delegated to the General Manager.

- Carmel Lane. between Baradine Road (West) and Dinby Lane
- Angus Road. between Goorianawa Road and Beers Road.
- Borah Creek Road. between Oxley highway and Rayak Road
- Rayak Road. full length from Borah Creek Road.
- Wyuna Road. between Oxley highway and Mt Nombi Road
- Mt Nombi Road. between Wyuna Road and Black Stump Way
- Mia Mia Road. between Purlewaugh Road and Mitchell Springs Road
- Sansons Lane. between Purlewaugh Road and Mitchell Springs Road
- Mitchell Springs Road. between Sansons Lane and Shire boundary.
- Merryula Road. between Warrumbungle Way and the village of Ulamambri.
- Box Ridge Road. between Ulamambri and Ropers Road (near Binnaway)
- Uphills Lane. between Brooks Road and Purlewaugh Road
- Brooks Road. between Box Ridge Road and Uphills Lane.
- O'Conner Road. full length from Newell Highway intersection.
- Leaders Road. full length from Renshaw street in Binnaway.

Coe/Andrews
The motion was carried

2.40pm

Director Corporate Services returned to the meeting.


Cr C Sullivan left the room

Item 41 Strategic Policy – Access Across Road Reserves to Properties

122/1314 RESOLVED that Council endorses the following Access Across Road Reserves to Properties to be included in the Strategic Policy Register.

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	Access Across Road Reserves to Properties
	Strategic

Purpose

To clearly define responsibilities for physical access to properties.

Objectives of the Policy

The issues of financial contribution, specifications and approvals regarding property access are clearly defined.

Policy Scope

This policy applies where property owners require vehicle access between property boundary and vehicle carriageway. This policy applies to driveway access and pedestrian access in urban areas. This policy also applies to property access in the rural area between vehicle carriageway and property boundary.

This policy also applies to situations where Council has altered levels and or drainage conditions on the carriageway which have affected property access levels.

Background

Council is a roads authority and has responsibility for management of activities and condition of road reserves. The area of land between property adjoining the road reserve and the formed or constructed carriageway may be used as a driveway entrance or exit to the property. The property owner and Council have different roles in relation to management of driveway entrances.

Definitions

Road Reserve - area of land designated as road and controlled by Council.

Property Access - sometimes referred to as driveway, driveway entrance, driveway exit. The area of land used by vehicles to cross between carriageway and property boundary.

Vehicle Carriageway - the section of road reserve used for vehicle travel. Where kerb and guttering exists, it is generally the area of road between kerb faces.

Approved Property Access - are access crossings either constructed by Council or constructed by the property owner in accordance with specifications and formal approval by Council.

Unauthorised Access - are those vehicle crossings that are either;

- 1) Constructed with prior permission and/or not in accordance with Council specifications; or 2) Creating an obstruction to a road or stormwater drain.

Policy Statement

The property owner is responsible for all costs associated with installation and maintenance of property access between vehicle carriageway and property boundary. Council is not responsible for any costs associated with upgrading or maintenance of property access.

Any upgrade, repair or maintenance works associated with the property access must first be approved by Council. Council may direct a property owner to undertake repairs to a property

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access where it can be shown that the access presents a public safety hazard or presents a hazard to the integrity of the road.

Roadworks undertaken by Council that change the condition or level of a property access will be remedied by Council.

The obstruction of drains or gutters with any objects or structures used by the property owner to obtain vehicle access will be considered unauthorised. Unauthorised accesses will be removed by Council staff after the property owner is given 28 days notice in writing.

The installation of a second property access by the property owner will not be permitted unless specifically authorised by Council.

Responsibilities

The following officers in Council have responsibility for implementation of this policy; Manager Road Operations, Manager Urban Services, Manager Asset & Design and Director Technical Services.

Associated Documents

- Roads Act 1993.
- Policy Document - Contributions for Kerb & Guttering and Paving.

Getting Help

Manager Urban Services and Manager Road Operations.

Version Control


This policy shall be reviewed every four years by the Director Technical Services.

Policy Name	Version	Resolution	Date
Access to Properties	1	116	22 October 2009
Access to Properties	2	122/1314	19 September 2013

Schmidt/Coe
The motion was carried

Item 42 Strategic Policy – Asset Management

123/1314 RESOLVED that Council endorses the following Asset Management to be included in the Strategic Policy Register.

	Asset Management
	Strategic

Purpose

Warrumbungle Shire Council manages a significant portfolio of assets and is committed to establishing a framework for implementation of asset management processes throughout the organisation.

Council's goal in managing its assets is to deliver the required level of service in the most cost effective manner to provide services and infrastructure which meets the social and economic needs of the community now and in the future.

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Objectives of the Policy

The aim of this policy is to ensure that asset management strategies and asset management plans are developed and implemented within an overall framework of Integrated Planning and Reporting. The expected outcomes of this policy are:

- Council services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Protection of assets for current and future generations.
- Development of long term cost effective management strategies.
- All legislative requirements in relation to asset management are identified and met.
- Identification of key roles and responsibilities for asset management in the organisation.

Policy Scope

This policy applies to all assets owned, leased or controlled by Warrumbungle Shire Council. Therefore, this policy applies to organisational areas that have the responsibility to manage, maintain, operate, or provide a service relating to Council's assets.

Initially asset management plans will be developed for the following asset groups; buildings, roads, water, sewerage and drainage. In time, asset management plans will also be developed for other infrastructure such as; passive and active recreation facilities, street trees, library books, waste facilities, cemeteries, street furniture, gravel quarries and fleet vehicles.

Background

As per Legislative requirements, Warrumbungle Shire Council must account for and plan for all of the existing assets under its ownership, and any new asset solution proposed in its Community Strategic Plan and Delivery Program. Warrumbungle Shire Council must prepare an Asset Management Strategy and Asset Management Plan to support the Community Strategic Plan and Delivery Program.

Definitions

Asset – a physical component of a facility, which has value, enables services to be provided and has an economic life of greater than twelve months.

Asset Management - the combination of management, financial, economic, engineering and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner.

Asset Management Plan - a plan developed for the management of one or more assets that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset in the most cost effective manner to provide a specified level of service.

Asset Register - a record of asset information considered worthy of separate identification including inventory, historical, financial, condition, and construction, technical and financial information about each.

Fair Value - the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction.

Level of Service - the level of asset service as identified by the quality and quantity of its services or output.

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Life Cycle - the cycle of activities that an asset (or facility) goes through from planning and design to decommissioning or disposal.

Renewal - works to restore, refurbish or replace, an asset to its original capacity or performance capability.

Strategic Plan - a plan containing the long term goals and strategies of an organisation, covering major portions of the organisation and identifying major targets, actions and resource allocations to support the organisation's efforts in an optimised and sustainable manner.

Useful Life - the period over which an asset is expected to be available for use by an entity (in the context of its service to the entity and not to the asset's actual physical life).

Policy Statement

6.1 General Principles

The following general principles will underpin implementation of this policy:

All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.

The strategic asset management plan must identify assets that are critical to Council's operations and outline risk management strategies for these assets.

Asset management principles will be integrated within existing planning and operational processes.

An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.

The asset management plan must contain long term projections of asset maintenance, rehabilitation and replacement costs.

Asset renewals required to meet agreed service levels and identified in asset management plans and long term financial plans will be fully funded in the annual budget estimates. Service levels agreed through the budget process and defined in Asset Management Plans will be fully funded in the annual budget estimates.

Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.

Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.

Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.

Future service levels will be determined in consultation with the community.

The strategic asset management plan must include specific actions required to improve Council's asset management capability and project resource requirements and timeframes.

6.2 Preparation of an Asset Management Plan

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The asset management plan developed for a particular asset category or group of assets, must have a direct link with Council's delivery program. The content and format of the asset management plan must clearly identify links with the delivery program.

"..there is no single right way to structure an Asset Management Plan..", but would typically include the following components:

- The purpose of the Plan, its relationship with other planning documents and timeframes of the Plan.
- A description of the asset group(s) and the services delivered.
- An outline of the type of information available on assets, information system used and key standards and guidelines which influence asset management activities.
- Levels of service (current and desired) and a system of performance measures.
- Factors influencing future demand and impact of changing demand on assets.
- Management of risk.
- Summary of lifecycle management strategies (operations, maintenance and renewal/disposal of assets).
- Financial summary – long term cash flow projections for each significant asset group.
- Links to the Community Strategic Plan and Long Term Financial Plan, capital works and maintenance programs.
- (DLG Planning and Reporting Manual p82)

6.3 Performance and Targets

Council's performance in meeting objectives of this policy will be regularly reviewed through the integrated planning and reporting process. The review will determine if:

- Funded actions arising from asset management plans are translated in delivery programs and operational plans.
- Service levels from assets meet expectations identified in the community strategic plan.
- There is common understanding of sustainable service levels between Council and asset users.

The strategic asset management plan and the various asset management plans developed in accordance with this policy must be for a minimum timeframe of ten (10) years.

Council must report on the condition of the assets in the annual financial statements in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

Responsibilities

Staff are accountable for implementing asset management policies, strategies and plans as follows:

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General Manager

Responsible for ensuring the development and resourcing of Council's strategic asset management plans and processes and for their integration with Council's Integrated Planning & Reporting framework under the Local Government Act.

Directors

Responsible for development and implementation of Council's strategic asset management plans and processes and for their integration with Council's Integrated Planning & Reporting framework under the Local Government Act.

Section Managers

Responsible for implementation of Council's strategic asset management plans, processes and activities, and for reporting on delivery performance.

Associated Documents

The following legislation and guidelines apply to Local Government within an asset management context:

- Local Government Act 1993 & Local Government (General) Regulations 2005 (NSW).
- Local Government Code of Accounting Practice & Financial Reporting and the Asset Accounting Manual.
- Best Practice Management of Water Supply and Sewerage Guidelines, Department of Energy, Utilities and Sustainability.
- Division of Local Government - Circulars on Asset Management Planning for NSW Local Government.
- Planning a Sustainable Future – Planning and Reporting Manual for Local Government in NSW, DLG January 2010.
- Australian Accounting Standards Board 116 (AASB116) – Property, Plant and Equipment.

Warrumbungle Shire Council acknowledges the following documents that were used to inform this policy:

- Templates from NAMS.PLUS suite of documents from the Institute of Public Works Engineering Australia 2010.
- Asset Management Policies from the following Councils; Waverley - December 2009; The City of Newcastle - April 2010; Willoughby City - September 2009; Albury City - May 2010; Port Stephens - May 2007; Ballina - January 2010, Penrith City Council - 2010.

Getting Help

Manager Asset and Design.

Version Control

This policy shall be reviewed every four years by the Manager Asset and Design.

Policy Name	Version	Resolution	Date
Asset Management Policy	1	260	20 January 2011
Asset Management Policy	2	123/1314	19 September 2013

Schmidt/Capel

The motion was carried

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2.45pm


Cr C Sullivan returned to the meeting.

2.47pm

Cr Todd left the room

Item 43 Strategic Policy – Contributions for Kerb & Guttering and Paving

124/1314 RESOLVED that Council endorses the following Contributions for Kerb & Guttering and Paving to be included in the Strategic Policy Register.

	Contributions for Kerb & Guttering and Paving
	Strategic

Purpose

To advise property owners of potential costs where kerb and guttering and footway paving is constructed adjacent to their property.

Objectives of the Policy

To recover contributions for the cost of kerb and guttering and footway paving from adjacent property owners.

Policy Scope

This policy applies when Council is constructing new kerb and guttering in an urban area.

Background

Council has authority under Section 217 of the Roads Act 1993 to recover the cost of constructing any kerbing, guttering or footway paving from adjoining property owners.

Definitions

Kerb and Guttering - concrete structure generally constructed to control stormwater and define boundary between vehicle carriageway and pedestrian footpath.

Layback Crossings - concrete structure to allow vehicles to cross between carriageway and footpath.

Footway Paving - constructed path for use by pedestrians, excludes cycleways and shared cycleway pedestrian facility.

Policy Statement

The owner of land adjoining a public road is liable to contribute 50% of the actual cost of constructing or paving any kerb, gutter or footway along the front of the land.

The owner of land adjoining a public road with a secondary frontage is liable to contribute 25% of the actual cost of constructing or paving any kerb, gutter or footway along the secondary frontage of the land.

Costs will be recovered on the basis of lineal length of the property frontage or property secondary frontage. Layback crossings constructed as part of the kerb and guttering works are considered part of the lineal frontage.

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Council will not recover any costs associated with constructing footway paving adjacent residential properties.

Responsibilities

The following officers in Council have responsibility for implementation of this policy; Manager Road Operations, Manager Asset & Design and Director Technical Services.

Associated Documents

- Roads Act 1993.
- Policy Document – Access to Properties.

Getting Help

Manager Road Operations.

Version Control

This policy shall be reviewed every four years by the Director Technical Services.

Policy Name	Version	Resolution	Date
Kerb and Gutter and Layback Crossing	1	129	16 November 2006
Contributions for Kerb & Guttering and Paving	2	124/1314	19 September 2013

Schmidt/R Sullivan
The motion was carried

2.49pm

Cr Todd returned to the meeting.

Item 44 Strategic Policy – Erection of Banners

125/1314 RESOLVED that Council delete the Erection of Banners Policy from the Strategic Policy Register.

Schmidt/R Sullivan
The motion was carried

Item 45 Strategic Policy – Signs as Remote Supervision

126/1314 RESOLVED that Council endorses the following Signs as Remote Supervision to be included in the Strategic Policy Register.

	Signs as Remote Supervision
	Strategic

Purpose

Council recognises that signs are used to convey various messages to reduce risk associated with a particular activity, service or feature undertaken in a public area. The purpose of this policy is to indicate Council's commitment to use of signs as a form of supervision and how the signs will be managed.

Objectives of the Policy

To minimise the risk of injury as a result of activities occurring in a public space, which are not directly supervised or controlled by Council, through the use of signage.

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Policy Scope

This policy applies to activities that may occur in public swimming pools, parks and reserves.

Background

There are many examples of liability claims lodged against Councils throughout NSW based on signage. Claims generally centre on complaints from, or injuries to, third parties due to the absence of appropriate signage, insufficient signage, or the wording or the location of signage being deficient.

Definitions

Supervision - refers to those activities undertaken in a public space where a Council officer is in attendance.

Remote Supervision - refers to signs which provide information to users of a public space.

Policy Statement

Council will manage signage used as remote supervision in accordance with the following principles:

- Council will install and manage signs that are used to provide safety advice in a public space in accordance with principles outlined in the document 'Signs as Remote Supervision Best Practice Manual'.
- Signs that do not meet current best practice and / or Australian Standards, shall be replaced as funds permit and in priority order based on risk assessment.

Responsibilities

All managers and directors within Warrumbungle Shire Council.

Associated Documents

- Policy Document - Risk Management
- Warrumbungle Shire Council's Risk Matrix
- AS/NZS 31000:2009
- Local Government Act.

Getting Help

Manager Urban Services.

Version Control

This policy shall be reviewed every four years by the Director Technical Services.

Policy Name	Version	Resolution	Date
Signs as Remote Supervision Policy	1	19	16 July 2009
Signs as Remote Supervision Policy	2	126/1314	19 September 2013

Clancy/Capel


The motion was carried

Item 46 Policy Upgrading of Roads Not Constructed or Maintained by Council

127/1314 RESOLVED that Council endorses the following Upgrading of Roads Not Constructed or Maintained by Council to be included in the Strategic Policy Register.

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	Upgrading of Roads Not Constructed or Maintained by Council
	Strategic

Purpose

This policy aims to set out the circumstances and procedures under which property owners are able to undertake roadworks on Council public roads within the Warrumbungle Shire Local Government Area.

Objectives of the Policy

The expected outcomes of this policy are as follows:

- To allow property owners to provide access to their land at reasonable cost.
- To minimise requests for Council to further upgrade or maintain a road provided by a property owner.
- An understanding by property owners of the conditions under which they are able to undertake roadworks when Council is not in a position to fund the works.
- That roadworks are undertaken in accordance with set guidelines and standards to minimise risk of injury or damage to users of the road.
- To ensure that the effects on the environment are considered and adverse impacts minimised.
- To ensure that de-facto land developers are required to provide a standard of road identical to that required by subdivision.

Policy Scope

This policy covers those public roads vested in Council, but not constructed or maintained by Council. Within the Warrumbungle Local Government Area, there are many hundreds of kilometres of road vested in Council but not maintained by Council.

Background

These roads often provide the only legal access to an owner's property, however they are not constructed or maintained by Council. In effect, these unformed roads are 'paper roads' or roads that are simply marked on a map. Often these roads traverse difficult terrain, such as flood prone areas and rocky ridges.

The relevant legal framework is contained in the Roads Act 1993.

- Council has no statutory duty to carry out works of construction or repair of public roads, or to keep them in repair.
- It is an offence to carry out any work on a public road without the consent of Council (Section 138).
- Council can give this consent subject to conditions (Section 139).
- Council can revoke this consent at any time and for any reason (Section 141).
- If the road is a Crown public road, the Land and Property Management Authority will only permit work on the road if Council accepts the road as public road. Council may impose identical conditions to those that would apply to a public road.

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Definitions

Crown Roads – public roads vested in the Crown and managed by the Land and Property Management Authority.

Council Public Road – public roads vested and managed by Warrumbungle Shire Council.

Property Owner – owner of land within Warrumbungle Shire Council.

Policy Statement

The expected outcomes of this policy are as follows:

- Council has an obligation to ensure that legal access is available to all lots. Council has no obligation to provide physical access to the lot(s).
- The market value of a lot reflects the amenities which benefit the lot, such as water supply, sewerage, sealed road access, etc.
- Council should not be required to provide vehicular access at its cost as this is effectively subsidising the purchase price of the lot.
- Owners of a lot on an unformed road who genuinely wish to build on the land should be able to do so at a reasonable cost, including the cost of provision of vehicular access.
- Council needs to minimise its exposure to subsequent complaints and requests for construction and sealing of the formed access road, by ensuring that it is built to an appropriate standard.
- Owners or developers of multiple lots located on an unformed road who intend to develop and resell the lots should be required to provide access to a standard that would apply to subdivision. In such cases, the developer should be prevented from the sequential extension of the road and sale of the lots one at a time, by 'bending' the policy.

If a property owner intends to gain vehicular access to their land along an unformed road, then the following procedures and conditions will apply:

- A written application to undertake roadworks by the property owner on a Council public road must be lodged clearly stating the reasons for the proposal. In the case of a Crown public road, the application must be accompanied by a letter of approval from the Land and Property Management Authority (Department of Lands).
- The application will be assessed and considered by Council at an Ordinary monthly meeting of Council. If an approval is given, the property owner must undertake the works in accordance with the following standard conditions:
 - In the case of access to a single lot or where vehicle movements are likely to be less than 10 per day on average:
 - Width – 4 metres.
 - Depth of compacted gravel – 100 mm.
 - Longitudinal grades greater than 1 in 6 are bitumen sealed.
 - Drainage pipes installed to convey 1 in 10 year storm event.
 - Adequate scour protection and table drains are constructed.
 - In the case of access to multiple lots or where vehicle movements are likely to be between 10 and 50 vehicles per day on average:
 - Width – 6 metres.
 - Depth of compacted gravel – 200 mm.
 - Road grades, horizontal and vertical curves designed for a design speed of 60 kph.

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- Longitudinal grades greater than 1 in 6 are bitumen sealed.
 - Drainage pipes installed to convey 1 in 10 year storm event.
 - Adequate scour protection and table drains are constructed.
 - Preparation of road construction plans.
- The upgrading of a road to Council standards does not automatically imply that Council will maintain that road. A formal resolution from Council is required before Council assumes responsibility for maintenance of the road.

Responsibilities

The following officers in Council have responsibility for implementation of this policy; Manager Road Operations, Manager Asset & Design and Director Technical Services.

Associated Documents

- Roads Act 1993.

Getting Help

Manager Road Operations.

Version Control


This policy shall be reviewed every four years by the Director Technical Services.

Policy Name	Version	Resolution	Date
Upgrading of Roads Not Constructed or Maintained by Council	1	143	21 October 2010
Upgrading of Roads Not Constructed or Maintained by Council	2	127/1314	19 September 2013

Schmidt/Capel
The motion was carried

Item 47 Strategic Policy – Public Pools

128/1314 RESOLVED that Council endorses the following Public Pools to be included in the Strategic Policy Register.

	Public Pools
	Strategic

Purpose

The aim of this policy is to establish clear guidelines and procedures for the management of public pools within the Shire.

Objectives of the Policy

- a) To conserve and enhance for future generations public swimming pools as items of local and cultural significance.
- b) To provide public swimming pools within the Shire that meet the needs of the general public as a learning and recreational facility.

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- c) To enhance community development and social interaction by providing a facility that can be utilised by sporting and recreational/educational organisations as well as private hire.

Policy Scope

This policy introduces a set of procedures for management of Council owned public pools in the towns of; Baradine, Binnaway, Coolah, Coonabarabran, Dunedoo and Mendooran.

Background

Public swimming pools provide an important venue for many forms of water sports, fitness and other recreational activities, and are enjoyed by significant numbers within the community throughout the year and particularly in summer.

Councils have a responsibility to ensure that adequate safeguards are in place to minimise the risks that can be associated with aquatic locations under their care and control. Therefore to ensure the health and safety of staff and patrons at the shire pool's Council has endorsed Legislative Acts and Guidelines relevant to this policy.

Definitions

Nil

Policy Statement

- To put in place Procedures that preserves and enhances the local, social and cultural heritage significance of these public assets.
- To put in place Procedures which provide for the fair and equitable access to these facilities, without compromising safety, efficiency or sustainability.
- To put in place budget allocations that will enable the safe and efficient operation of Council's Public Swimming Pools in accordance with public health guidelines, community expectations and legislative requirements.

Responsibilities

The staff member responsible for the day to day application of this policy is Manager Urban Services.

Associated Documents

Practice Note 15 (produced by the NSW Department of Local Government) and the Royal Lifesaving Guidelines for Safe Pool Operation will provide guidance on any standard not specifically discussed in the management procedures.

Other relevant documents include:

- Public pool management procedures attached to this policy.
- Child Protection (Working with Children) Act 2012 No 51
- Enclosed Lands Protection Act 1901 Section 4 (1).
- Smoke Free Environmental Act 2000 Section 15 (7).
- NSW Dept. of Local Government: Practice Note 15.
- Royal Life Saving Association: Guidelines for Safe Pool Operations.

Getting Help

Manager Urban Services and Supervisor Pools.

Version Control

Review Date: September 2016.

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Staff Member Responsible for Review: Manager Urban Services.

Policy Name	Version	Resolution	Date
Public Pools	1	57	21 August 2008
Public Pools	2	128/1314	19 September 2013

R Sullivan/Capel

The motion was carried

Item 48 Collection and Recycling of E-Waste


129/1314 RESOLVED that Council resolve to engage Reverse E-Waste for an initial period of two years for the collection and recycling of E-Waste from Council's Waste Facilities and further that authority be granted to fix Council's seal to all associated contract documents.

R Sullivan/Capel

The motion was carried

Item 49 Rural subdivision policy- requirements for electricity

130/1314 RESOLVED that Council adopt the amended Rural Subdivision Policy- Requirements for Electricity- Strategic 1.25

	Rural Subdivision Policy – Requirements for electricity
	Strategic

1. Purpose

This policy sets out Warrumbungle Shire Council's requirements for the supply of power to land subdivided for the purpose of residential and rural residential lots.

2. Objectives of the Policy

- a) To establish a consistent and coordinated approach to the creation of residential and rural residential lots throughout the Shire
- b) To adopt standards for residential lots which will ensure that each lot is provided with a suitable level of amenity and services.

3. Policy Scope

The policy applies to all development applications for the subdivision of land for residential and rural residential development, located on land zoned R1, R5 & RU5, within the Warrumbungle Shire and excludes lots created by State Environmental Planning Policy (Rural Lands) 2008

4. Definitions

Accredited Service Provider: A company who is accredited with the Department of Energy, Utilities and Sustainability to carry out electricity supply works in NSW.

Notice of Arrangement: A letter from an accredited service provider outlining acceptance for the arrangement to connect an electricity supply to the development.

5. Policy Statement

A basic reticulated power supply must be provided to all newly created lots for residential subdivisions located on land zoned R1, R5 & RU5.

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The power supply must be provided by the developer and all adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

Prior to the issue of a Subdivision Certificate a notice of arrangement from an accredited service provider must be provided to the Principal Certifying Authority.

All necessary easements required within the development must be created and registered on the title in accordance with the requirements of Essential Energy.

6. Responsibilities

The Environmental Services Department of Council is responsible for enforcing this policy through imposing conditions as part of the development consent, and ensuring that an agreement to connect has been entered into between the service provider and the property developer, prior to the issue of a subdivision certificate.

7. Version Control


This policy is subject to regular review at a maximum of 2 year intervals.

Policy Name	Action	Resolution No.	Date
Rural Subdivision Policy – Requirements for water and electricity	Adopted	130	22 October 2009
Rural Subdivision Policy – Requirements for electricity	Draft	130/1314	19 September 2013

R Sullivan/Todd
The motion was carried

Item 50 Outdoor Smoke-Free Areas Policy

131/1314 RESOLVED that Council adopt the Outdoor Smoke-Free Areas Policy to be included in the Strategic Policy Register.

	Outdoor Smoke-Free Areas Policy
	Strategic

Objectives of the Policy

The objectives of Warrumbungle Shire Council banning smoking in various Council areas are to:

- Improve the health of community members;
- Improve public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned waterways, parks and other open space areas.

Principles

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;

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- A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces;
- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas;
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts, cigarette derived particles accumulating on clothing and skin, and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

Policy Scope

This policy applies to:

- Within 10 (ten) metres of all children's playgrounds, youth centre facilities and children's services/childcare centres;
- Within the immediate areas of all sporting and playing fields including grandstands, canteens/kiosks and immediate environs;
- At all swimming pool complexes;
- Within 4 (four) metres of a pedestrian access point to a building (excluding licensed premises and restaurants under the Liquor Act 2007)

This policy will apply to the following areas from 6 July 2015

- Within 4 (four) metres of a pedestrian access point to a licensed premises or restaurant;
- A commercial outdoor dining area.

Signage

The smoke-free areas identified in Section 3 of this Policy will be signposted wherever practicable in prominent places. The signage will include the smoking prohibited symbol, the words "NO SMOKING", a reference to the name of the Smoke-Free Environment Act and the words "penalties may apply".

Responsibilities

This policy will be enforced by "authorised persons", on any leases, licenses or other estates that apply to Council owned and managed lands and properties.

Definitions

Authorised Persons: For the purpose of this policy Council Rangers and Lifeguards are deemed to be "authorised persons" and may serve a penalty notice upon any person reasonably suspected of failing to comply with the terms of any notices.

Enforcement of Ban

In implementing Council's Smoke-Free policy, a program of community education and awareness, specifically targeting residents and visitors, is to be undertaken. Enforcement of this Policy will be supported by persuasion and self-policing rather than punitive enforcement.

Relevant Legislation

Local Government Act 1993 – Section 632
Local Government (General) Regulation 2005
Smoke-Free Environment Act 2000
Smoke-Free Environment Regulation 2007
Liquor Act 2007

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Associated Documents

Staff 4.13 – Smoke Free Workplace Policy
Strategic 1.15 – Public Pools Policy
Strategic – Enforcement Policy

Version Control

This policy is subject to regular review at a maximum interval of two years.

Policy Name	Action	Resolution No.	Date
Outdoor Smoke-Free Areas Policy	Adopted	318	11 March 2010
Outdoor Smoke-Free Areas Policy	Revised	416	20 May 2010
Outdoor Smoke-Free Areas Policy	Adopted	131/1314	19 September 2013

Schmidt/Andrews
The motion was carried

Item 51 Development Applications

132/1314 RESOLVED that Council note the Applications and Certificates Approved, during August 2013, under Delegated Authority

Todd/Capel
The motion was carried

QUESTIONS AND MATTERS OF CONCERN

Cr C Sullivan

- Request for directional signage for Catholic Church at Coolah
- Cobbora Coal – media responses – would Council be involved in bringing media highlight to the community – communication between

Cr Andrews

- Visit to Sewerage systems in Parkes area if anyone would like to join them.

Cr Capel

- Thanks to staff for magnificent ground – Bowen Oval
- Meeting for coming events in Coolah – invitation to councillors/staff to attend
- Radio advertising regarding recycling pick up

Cr Todd

- St Lawrence's and Baradine School Horse Sports Day — requesting donation from Council of mowing and garbage collection – 10 and 11 October – advised Schools would need to apply for financial assistance in February
- Baradine resident seeking to take possession of gates from Coonabarabran No 1 oval

Cr R Sullivan

- Lease for Men's Shed at Coonabarabran – discussions to take place regarding new lease terms and conditions
- Was letter received from resident regarding unpaid rates and water flow

Cr Schmidt

- Development application and fencing issues relating to that development
- Napier Lane – condition of road and proposed maintenance program
- Graffiti issues in Coonabarabran – removal of graffiti

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Cr Clancy

- Mary Jane Cain bridge area – exercise equipment to go into area – request whether Council could purchase equipment – informed Council could purchase equipment
- Old Police House site – current status
- Staff farewells

Cr Coe

- Montague Bridge – approaches - needs some maintenance
- Wallaroo Road – road access to properties – investigations to be undertaken to identify road works being undertaken.

Director Technical Services

- Cr C Sullivan enquiry regarding signage for church – going to be considered by traffic committee meeting next week
- 16 October 2013 – RMS Regional Consultation Meeting - one Councillor can attend with DTS – interested Councillor to advise DTS

General Manager

- Rob Gordon - meeting at 6.30pm tonight at St Lawrence's School

There being no further business the meeting closed at 3.45 pm.

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CHAIRMAN

RECOMMENDATION

That the resolutions contained in the Minutes of the Ordinary Council meeting held on 19 September 2013 be endorsed.

WARRUMBUNGL SHIRE COUNCIL

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Item 3 Minutes of Traffic Advisory Committee Meeting – 26 September 2013

Division:	Technical Services
Management Area:	Technical Services Management
Author:	PA to Director Technical Services – Tracy Cain
CSP Key Focus Area:	Public Infrastructure and Services
Priority:	P13 – Road networks throughout the shire need to be safe, well-maintained and adequately funded.

PRESENT: Cr Peter Shinton (Chair), Senior Sergeant Mal Unicomb (NSW Police Force), Ms Jackie Barry (RMS), Mr Kevin Tighe (Director Technical Services), Mr Ken Smith (Road Safety Officer) and Mr Colin Harper (Community).

IN ATTENDANCE: Mrs Tracy Cain.

APOLOGIES: Mr Bikram Joshi (Manager Asset & Design) and Sergeant Peter Trow (NSW Police Force).

CONFIRMATION OF MINUTES:

09/1314 RECOMMENDED that the minutes of the Traffic Advisory Committee meeting held on Thursday, 29 August 2013 be confirmed.

Barry/Harper

BUSINESS ARISING FROM THE MINUTES

The following matters were noted as outstanding:

- Modification of Over Dimension Route in Coonabarabran to prevent over dimension parking in Edwards Street. Installation of unbroken centre line.
- School Bus Parking at Mendooran Central School – Council and RMS to consult on preparing a design for the school bus parking area in front of the school.
- Design Plan for Traffic Calming in Bandulla Street, Mendooran – lodgement of the design plan and additional information for traffic calming devices to be brought back for further consideration by the Traffic Committee.
- Incorrect installation and location of 'Exhaust Brake' sign on Newell Highway – RMS to investigate.
- Council to upgrade road approaches to the new cattle grid located on Caigan Road, including road widening, removal of existing grid and restoration of site.
- B Double route sign 'forward and left' direction to be installed on Baradine Road at the intersection of Namoi Street.
- Old Coolah Saleyards – Placement of 2 unbroken lines in the carpark at the entrance to property, Lot 3, DP787413.
- RSO to implement an education campaign on responsible use of skateboards, scooters and bicycles to school aged children and the wider Baradine community.
- Coolah Caravan Park – Direction signs to be installed on the eastern approach to Coolah and at the intersection of Campbell Street and Binnia Street.
- Intersection of Charles Street and Binnia Street, Coolah – Removal of black chevron sign; relocate direction sign to northern side of service station entrance; install edge lines on pavement in Binnia Street between Queensborough Street and Booyamurra Street. Linemarking completed on 27 August 2013.

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- Wool Road intersection signs on the Oxley Highway to be referred to RMS. Black and white sign more appropriate.
- Further investigations to be undertaken with Council and RMS on options for crossings in Dalgarno Street in front of St Lawrences School. Matter to be formally referred to the RMS Safety Around Schools Officer.
- Council investigate relocating 'One Way' sign closer to the intersection of Essex Street and Charles Street.
- Signs in Little Timor Street on the eastern and western side of John Street are to be replaced and upgraded as required.
- Investigations to be undertaken to install appropriate warning signs on Hawkins Road.
- 'Concealed Entrance' signs to be installed at driveway accesses on Baradine Road within the 50kph speed zone area.
- Centre linemarking on MR55 (Black Stump Way) north of Coolah is faded.
- RSO to forward works request to RMS for removal of second 70 kph repeater sign and replacement of 50 km area sign with 50 kph speed zone sign on Newell Highway, south of Coonabarabran.

AGENDA ITEMS

- a) St Michael's Parish Dunedoo – Street Signs Indicating the Location of the Catholic Church in Coolah

10/1314 RECOMMENDED that Sacred Heart Catholic Church direction signs be erected, as per Australian Standard, at the intersections of Binnia Street and Charles Street and, Charles Street and Church Street, Coolah.

Barry/Harper

- b) Dubbo City Council – Approval of Event Management Plan Toyota Tour de OROC 2013

11/1314 RECOMMENDED that request by Dubbo City Council to conduct the Toyota Tour de OROC Bike Ride along the Newell Highway, MR129 and various town streets within Coonabarabran and Baradine on 7-8 October 2013 be approved subject to compliance with RMS and NSW Police Force guidelines.

Unicomb/Harper

- c) RSO Monthly Report – August 2013

RSO Monthly Report for August 2013 was received and noted. The following items of interest were discussed without Resolution:

- RMS Speed Trailer in Eden Street relocated to Moree.
- Council's Speed Advisory Sign radar is currently under repair.
- Graduated Licensing Scheme for Parents workshop dates – Coolah on 9 October 2013, Dunedoo on 17 October 2013 and Coonabarabran in February 2014.
- Free Cuppa due to commence on 1 May 2014.
- Liquor Accord Committee – AGM. Currently experiencing difficulties in forming a committee and conducting meetings.
- Driver Reviver Program – RSO involvement with Driver Reviver includes volunteering and making arrangements for the erection of banners. Program commended on its operation in Coonabarabran.
- Anomaly of speed signs south of Coonabarabran, facing northbound traffic. Reduction of speed from 70 kph to 50 kph may be confusing to the motorist. Matter discussed at Traffic Committee meeting on 29 August 2013. Works request forwarded to RMS for removal and replacement of signage.

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- Eden Street Survey – RSO confirmed that manual surveys were undertaken. NSW Police Force to patrol area commencing October 2013. Survey to be conducted in November 2013.

GENERAL BUSINESS

Coonabarabran RSL – Request for Closure of John Street and Dalgarno Street for Remembrance Day Service on 11 November 2013

12/1314 RECOMMENDED that request by Coonabarabran RSL to close John Street and Dalgarno Street between 11.00 am and 11.15 am on 11 November 2013 to conduct the annual Remembrance Day Service be approved subject to compliance with Council's Road Closure Policy and approval from RMS and NSW Police Force.

Unicomb/Harper

Coonabarabran Pony Club – Closure of Newell Highway for Annual Horse Parade on 27 September 2013

Letter received from RMS approving closure of the Newell Highway on 27 September 2013 for the Coonabarabran Pony Club Annual Horse Parade. Information noted.

Coolah Lions Club - Request for Closure of Binnia Street for Annual Christmas Parade on 14 December 2013

13/1314 RECOMMENDED that request by Coolah Lions Club to close Binnia Street between 4.30 pm and 9.00 pm on 14 December 2013 to conduct the Annual Christmas Parade be approved subject to compliance with Council's Road Closure Policy and approval from RMS and NSW Police Force.

Unicomb/Barry

Billy Kings Crossing No 1 – Purlewaugh Road

Maintenance works to shoulders have recently been completed on the Purlewaugh Road. Recent works have highlighted the fact that the Billy Kings Creek Crossing No 1 is now much narrower with the causeway only being 5.45 metres wide.

14/1314 RECOMMENDED that Billy Kings Creek Crossing No 1 causeway on Purlewaugh Road be better delineated through the use of advance warning signs and guideposts.

Shinton/Unicomb

Proposed Development at Former Caltex Site, Newell Highway, Coonabarabran

Letter received from RMS providing preliminary advice on driveway access in relation to a proposed development at the old Caltex Service Station site on the Newell Highway in Coonabarabran. Information noted.

The following matters were raised without Resolution:

- Advance warning sign required for Goolhi Road – Coonabarabran end.
- Excessive speed used by motorists in Dalgarno Street, past the St Lawrence's School near the recently completed roadworks. Request for police to patrol the area.
- Footings for Banner Poles – RMS noted their disappointment that they had not been advised of Council's decision to install banner poles in the centre median of John Street.

RMS had previously raised safety concerns in relation to driver distraction and locations, particularly installation near pedestrian crossings and intersections. RMS to forward Council a letter advising their concerns.

- Coonabarabran Pony Club Annual Horse Parade to be conducted between 2.45 pm and 3.15 pm on Friday, 27 September 2013. Alternate route gazetted with all traffic, including B Doubles, to be directed via the OD Route for approximately 1 hour.

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Apology for Next Traffic Advisory Committee Meeting – 24 October 2013

Cr Peter Shinton advised that he would be an apology for the next Traffic Advisory Committee meeting to be held on Thursday, 24 October 2013. Cr Victor Schmidt and/or Cr Ron Sullivan to be contacted to attend the next meeting as an alternate delegate.

There being no further business the meeting closed at 11.55 pm.

The next meeting is to be held on Thursday, 24 October 2013 commencing 10.45 am.

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CHAIRMAN

RECOMMENDATION

- 1 That Council accepts the Minutes of the Traffic Advisory Meeting held on 26 September 2013 at Coonabarabran
- 2 That Sacred Heart Catholic Church direction signs be erected, as per Australian Standard, at the intersections of Binnia Street and Charles Street and, Charles Street and Church Street, Coolah.
- 3 That request by Dubbo City Council to conduct the Toyota Tour de OROC Bike Ride along the Newell Highway, MR129 and various town streets within Coonabarabran and Baradine on 7-8 October 2013 be approved subject to compliance with RMS and NSW Police Force guidelines.
- 4 That request by Coonabarabran RSL to close John Street and Dalgarno Street between 11.00 am and 11.15 am on 11 November 2013 to conduct the annual Remembrance Day Service be approved subject to compliance with Council's Road Closure Policy and approval from RMS and NSW Police Force.
- 5 That request by Coolah Lions Club to close Binnia Street between 4.30 pm and 9.00 pm on 14 December 2013 to conduct the Annual Christmas Parade be approved subject to compliance with Council's Road Closure Policy and approval from RMS and NSW Police Force.
- 6 That Billy Kings Creek Crossing No 1 causeway on Purlewaugh Road be better delineated through the use of advance warning signs and guideposts.

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Item 4 Minutes of the Audit and Risk Management Committee Meeting – 5 September 2013

Division:	Corporate Services
Management Area:	Corporate Management
Author:	Acting Director Corporate Services – Stefan Murru
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4 – Ensure that Council's governance, practices, policies and procedures respond effectively to the long-term goals of the Community Strategic plan.

PRESENT: Andrew Fletcher (Chair), David Honner, Peter Shinton (Mayor)

ATTENDING: Steve Loane (General Manager), Stefan Murru (Chief Financial Officer), Jeff Shanks (Luka Group) and

APOLOGIES: Rebecca Ryan (Director, Corporate Services)

The Chair welcomed everyone to the ARMC meeting.

1. MINUTES

RECOMMENDED that the minutes of the ARMC meeting held on Wednesday 13 March 2013 be adopted.

P Shinton/D Honner

2. ACTION LIST UPDATE

The progress on action list items was reviewed by the Committee and it was requested that the Internal Audit action list report be re-written so that each internal audit recommendation is separately identified, and that another column indicating the original due date be added to the report with the old due date changed to revised due date.

RECOMMENDED that the progress on action list items be noted.

P Shinton/D Honner

3. Internal Audit Report May 2013

Morse Group and General Manager reviewed the report with ARMC.

Item 2 on page 13 of the report was adjusted to read "Council test the Business Continuity Plan on 2 yearly cycles and record the results of the test".

Council's high outstanding rates balance was noted, although the policies in place were deemed sufficient by Internal Audit. It was requested that Internal Audit look into Council's outstanding rates balance and methods to reduce this balance at the next audit visit.

WARRUMBUNGL SHIRE COUNCIL

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The Committee also requested that Council provide a copy of its Risk Management Strategy and Draft Risk Group Charter for comment at the following meeting;

RECOMMENDED:

1. That the Internal Audit Report as amended be noted;
2. That the action items list be updated to reflect completion dates for Management Letter Points;

P Shinton/D Honner

4. General Business

Three responses were received for the ARMC questionnaire. Items touched upon in the survey included:

- Roles of the General Manager, Council and the ARMC;
- Audit Charter – Lack of understanding of items in the Charter;
- The need for updates between meetings;
- The need for professional development of members;
- Confusion around reporting lines to Council;
- Induction process.

Council's internal auditor Morse Group has now split and the Dubbo office is now a stand alone entity named Luke Group. Luka Group will be writing to Committee members to inform them of the changes.

Next Meeting: December 2013 (date to be confirmed)

Meeting Closed: 11.35am

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Chairperson

RECOMMENDATION

1. That Council accepts the Minutes of the Audit and Risk Management Committee meeting held on 5 September 2013 at Coonamble;
2. That the progress on action list items be noted;
3. That the Internal Audit Report as amended be noted;
4. That the action items list be updated to reflect completion dates for Management Letter Points.

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Item 5 Minutes of the Baradine Memorial Hall Advisory Committee

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

PRESENT: Councillor Denis Todd (Chair), Narrelle Wood, Nea Worrell, Matthew Bunner, Ted Hayman, John Farrell, Jennifer Parker

ATTENDING: Rebecca Ryan, Liz Cutts

APOLOGIES: Lorretta Masman

Chair – Councillor Todd

Introduction to the Advisory Committee – Rebecca Ryan

Information only – Why the Baradine Advisory Committee has been set up. Explaining Council's responsibilities being the owner of the hall and the ability to present the minutes to Council, keeping the Council informed about the issues with the Hall.

Budget – Jennifer Parker

Information only – The current budget shown to the committee to explain Council's funding of the hall. Confirmed capital budget of \$75,000 in 13/14 and \$75,000 in 14/15 financial year budgets for refurbishment of the toilets facilities at the site.

Grants – Rebecca Ryan/Liz Cutts

Building Projects - \$20,000 towards electric rewiring with a \$20,000 to be put forward for RDAF Round 5.

Grain Corp – Application to repair the floor. Committee was quoted \$13,000 just to replace floor without sanding. Two separate quotes to be requested.

Moved Worrell/Farrell

Repairs and Maintenance - Major Projects

Roof needs work – sealing the eaves to stop possum access and cost to fix roof needed.

Committee made aware that the changes to the Disabled Access Code means that any work done on the building would require disabled access to be made to the front entry of the building and that with this we would need extra funding.

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Switches to be moved to the front of the building so exiting after an event would require the person turning of the main light to go through a darkened building.

Moved Wood/Farrell

Lighting Issues – look into the possibility of dimmable lights affordability.

Repairs and Maintenance - Minor Projects

RECOMMENDED Folding tables - \$1,193.43 and we need at least 10 – also look into getting a Table Trolley and the cost involved.

Worrell/Hayman

Emergency door locks, quoted \$6,980 for the repairs. Council will get their Carpenter to look into repairing them.

Painting the stage has been quoted \$957.00 by a local trade person.

Other issued to be investigated by Council:

Aesthetics, Risk Assessment on the site, back door and steps, cost of cleaning, windows to be looked at to see if a winding mechanism can be installed, and look into the cost to Air Condition the Building.

Upcoming Events –

Moorambilla this year starts on the 14th August 2013 for 10 days and then 20th September 2013.

NYE Ball will also be going ahead.

General Business –

150 year Anniversary of Baradine - RSL to be contacted about grant funding for the Hall, photos and Memorial Boards with a possible History Board.

Fund raising done by Baradine Progress Association raising money for the Hall with street stalls and Food for Moorambilla is at \$1,600.

Liz Cutts is to arrange a press release about the new Advisory Committee and the Hall.

Next Meeting –

October 15th, RTC Baradine at 2:30pm

Meeting Closed – 3.35pm

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CHAIRPERSON

RECOMMENDATION

That the minutes of the Baradine Advisory Committee held on 30 July 2013 be accepted.

WARRUMBUNGL SHIRE COUNCIL

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Item 6 Responses to Questions from last meeting

Cr C Sullivan

Request for directional signage for Catholic Church at Coolah

Response From: Director Technical Services

Response: Matter considered by Traffic Committee on 26 September 2013. Letter of approval for erection of signs forwarded via post on 2 October 2013. Signs listed on task register.

Cobbora Coal – media responses – would Council be involved in bringing media highlight to the community – communication between

Response From: General Manager

Response: Completed

Cr Andrews

Request regarding visit to Sewerage systems in Parkes area if anyone would like to join them.

Response From: Director Technical Services

Response: Noted.

Cr Capel

Request - Thanks to staff for magnificent ground – Bowen Oval

Response From: Director Technical Services

Response: Acting Manager Urban Services to advise relevant staff of appreciation.

Meeting for coming events in Coolah – invitation to councillors/staff to attend

Response From: General Manager

Response: Debrief completed

Radio advertising regarding recycling pick up

Response From: Manager Regulatory Services

Response: Communication strategy developed for bulky goods pickup

Cr Todd

Request – St Lawrence’s and Baradine School Horse Sports Day — requesting donation from Council of mowing and garbage collection – 10 and 11 October – advised Schools would need to apply for financial assistance in February

Response From: Acting Director Corporate Services

Response:: Council’s donations policy allows community groups to apply for financial assistance at the February and August ordinary meetings. The mowing and garbage collection for the event in October will need to be carried out by the participating community groups, although a request for financial assistance to reimburse a portion of these costs could be put to Council in February 2014.

WARRUMBUNGL SHIRE COUNCIL

Ordinary Meeting – 17 October 2013

Request - Baradine resident seeking to take possession of gates from Coonabarabran No 1 oval

Response From: Director Technical Services

Response: Letter to resident forwarded 18 September 2013. Gates to be used when fence around No 1 Oval has been replaced.

Cr R Sullivan

Lease for Men's Shed at Coonabarabran – discussions to take place regarding new lease terms and conditions

Response From: Acting Director Corporate Services

Response: Men's shed lease – Report provided at the October 2013 Council meeting.

Was letter received from resident regarding unpaid rates and water flow

Response From: Acting Director Corporate Services

Response: Under investigation

Cr Schmidt

Development application and fencing issues relating to that development

Response From: Manager Regulatory Services

Response: Section 82A review application being assessed by Panel on 15 October 2013.

Request – Napier Lane – condition of road and proposed maintenance program

Response From: Director Technical Services

Response: Awaiting further information from Cr Schmidt.

Request – Graffiti issues in Coonabarabran – removal of graffiti

Response From: Director Technical Services

Response: Currently undertaking investigations into the removal and reporting of all graffiti within the Shire.

Cr Clancy

Request – Mary Jane Cain bridge area – exercise equipment to go into area – request whether Council could purchase equipment – informed Council could purchase equipment

Response From: Director Technical Services

Response: Awaiting further information from Coonabarabran Rotary Club

Old Police House site – current status

Response From: Acting Director Corporate Services

Response: Mudgee LAC informed that the asset will be disposed

Staff farewells

Response From: General Manager

Response: Two staff did not want a farewell and one is undecided

WARRUMBUNGLA SHIRE COUNCIL

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Cr Coe

Request – Montague Bridge – approaches - needs some maintenance

Response From: Director Technical Services

Response: Referred to Works Program.

Request – Wallaroo Road – road access to properties – investigations to be undertaken to identify road works being undertaken.

Response From: Director Technical Services

Response: No roadworks have been undertaken.

RECOMMENDATION

For Council's information.

WARRUMBUNGL SHIRE COUNCIL

Ordinary Meeting – 17 October 2013

Item 7 Brick Bats and Bouquets

Division:	Executive Services
Management Area:	Executive Services
Author:	Executive Assistant – Melissa Bennett
CSP Key Focus Area:	Public Infrastructure and Services
Priority:	Ensure the long-term provision and retention of high quality services for our community

Reason for Report

To notify Council of any letters received from community members expressing their appreciation of dissatisfaction.

Background

Nil

Issues

Nil

Options

Nil

Financial Considerations

Nil

RECOMMENDATION

For Council's information.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 October 2013

1.

FROM : z

FAX NO. :

Sep. 25 2013 04:25PM P1

Warrumbungle Shire Council.

General Manager.
Mr Steve Loane,

I am a resident of Baradine I would like to commend the Baradine council workers on the wonderful effort they put into maintaining our town, it is a pleasure to walk around to a well kept town. Please pass on my congratulation to team.

Betty Olsen
20 Narren Street,
Baradine 2396

2.

Mendooran

From : Marg 'm_mckenzie@iprimus.com.au'

To : Records Officer 'info@warrumbungle.nsw.gov.au';

Sent : 19 September 2013 19:03:47

WARRUMBUNGLE SHIRE COUNCIL

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Hi,

We wish to convey our thanks for the provision of the rest area at Mendooran. This was a really nice place to stay, lovely siting, and with toilets, bins, and water. Very nicely maintained too. Although we didn't eat at the pub, we did buy some eggs from someone selling free range.

Thank you!

Regards

Margaret and David from Camden.

3.



ALL COMMUNICATIONS
TO BE ADDRESSED TO
THE "SECRETARY"

COUNTRY WOMEN'S ASSOCIATION OF N.S.W.

BINNAWAY BRANCH

RECEIVED
12 OCT 2013

BY:.....

To

Mr Steve Loane
General Manager
Warrumbungle Shire Council
PO Box 91
Coonabarabran 2357

Dear Sir

Binnaway CWA would like to thank Dubbo City Council, Macquarie Regional Library and Warrumbungle Shire Council for the recent day and time changes made for our small branch.

The library is a service many in Binnaway cherish. Our pensioners count on library day as an outing to socialise with others who may be out and about. Working people now have access to it during the afternoon and probably just as important is the school children now have the chance to use the service as well.

Our first time on a Thursday and the new time slot has been very successful, with a few new members joining and more children coming to see what the Library has to offer.

Our Librarian, Sue, has had nothing but positive responses from the community, so here's hoping all will go well.

Once again thank you for supporting our small community it is very much appreciated.

BINNAWAY BRANCH CWA

Lyn Petherbridge

Handwritten signature of Lyn Petherbridge in cursive script.
Secretary.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 October 2013

Item 8 Pecuniary Interest Returns

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

Reason for Report

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

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

Background

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

Issues

The Register is now tabled.

Options

Nil

Financial Considerations

Nil

RECOMMENDATION

That Council note the tabling of the Register of Disclosures.

WARRUMBUNGL SHIRE COUNCIL

Ordinary Meeting – 17 October 2013

Item 9 Council Resolutions Report September 2012 – September 2013

Division:	Executive Services
Management Area:	Governance
Author:	Corporate Services Administration Officer, Erin Morley
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

The Council Resolution Report includes Council resolutions from September 2012 to September 2013. This report is attached under separate cover. Items completed are noted then deleted from the report in the following month.

Background

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

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

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

Issues

This feedback is provided to Council for information purposes.

Options

Nil.

Financial Considerations

Nil.

RECOMMENDATION

For Council's Information.

WARRUMBUNGL SHIRE COUNCIL

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Item 10 LGNSW Annual Conference 2013

Division:	Executive Services
Management Area:	Executive Services
Author:	General Manager – Steve Loane
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

Reason for Report

To inform Council of the newly elected LGNSW Board since the Local Government Association of NSW and the Shires Association of NSW merged to become one united association on 1 March 2013.

At the March Council meeting it was resolved 274/1213 that the Mayor, General Manager, two Councillors attend the first annual conference of Local Government NSW Conference.

Background

The Local Government Association of NSW and the Shires Association of NSW have formed one association: Local Government NSW. This means that there will be only one annual conference held by the new association. The conference was held at the Sydney Town Hall from 1 – 3 October 2013.

The new Local Government NSW (LGNSW) Board has been elected at the first annual LGNSW Conference at the Sydney Town Hall.

Issues

Coffs Harbour Councillor Keith Rhoades AFSM was elected as the new President of LGNSW, and will lead the newly elected Board of Local Government NSW for the next two years.

The following councillors have been elected to serve as Directors on the first LGNSW Board:

Metropolitan/Urban Directors

Khal Asfour - Bankstown City Council
Zoe Baker - North Sydney Council
George Greiss - Campbelltown City Council
Michael Hawatt - Canterbury City Council
Paul Hawker - Campbelltown City Council
Julie Hegarty - Pittwater City Council
Leo Kelly - Blacktown City Council

WARRUMBUNGL SHIRE COUNCIL

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Scott Lloyd – Parramatta City Council
William (Bill) Pickering – City of Ryde Council
Emanuel Tsardoulis – Marrickville Council

Regional/Rural Directors

Jodie Harrison – Lake Macquarie City Council
Chris Manchester – Harden Shire Council
Greg Matthews – Dubbo City Council
Phyllis Miller – Forbes Shire Council
Denise Osborne – Greater Hume Shire Council
Lindsay Renwick – Deniliquin Council
Ben Shields – Dubbo City Council
Fergus Thomson – Eurobodalla Shire Council
Darriea Turley – Broken Hill City Council
Maria Woods – Walcha Shire Council

On Wednesday 2 October 2013 the following Office Bearers of LGNSW were elected:

President - Cr Keith Rhoades AFSM, Coffs Harbour City Council
Treasurer - Cr Paul Braybrooks OAM, Cootamundra Shire Council
Vice President (Regional / Rural) - Cr Bruce Miller, Cowra Shire Council
Vice President (Metropolitan/Urban) - Cr Con Hindi, Hurstville City Council

The LGNSW elections were managed by the Australian Electoral Commission. The Results showing candidates in ballot order can be found at:

<http://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference/election-lgnsw-board-directors>

Record of Decisions

The Record of Decisions from the LGNSW Conference are available on the LGNSW website.

This first LGNSW Conference provided NSW mayors and councillors the opportunity to come together to discuss significant issues impacting the Local Government sector and the communities they serve.

LGNSW identified five strategic themes that were the focus of the 2013 Local Government NSW (LGNSW) Annual Conference.

These themes were:

- Local Government Review.
- Local Government Financial Sustainability.
- Waste.
- The New Planning System.
- Local and State Government Relations.

For the record of decisions surrounding these themes and all other LGNSW Conference paperwork, please see the LGNSW website.

Options

Nil

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Financial Considerations

Nil

RECOMMENDATION

For Council's information.

WARRUMBUNGL SHIRE COUNCIL

Ordinary Meeting – 17 October 2013

Item 11 Restart NSW Cobbora Transition Fund

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

Reason for Report

To update Council on the Restart NSW Cobbora Transition Fund announced by the NSW State Government in September 2013.

Background

NSW Treasurer Mike Baird announced in July 2013 that the Cobbora Coal project will no longer be developed by the state government owned Cobbora Holding Company. Instead, the Cobbora Coal project will be developed until planning stage approval with the intention to sell the project.

The change to the Cobbora Coal project has impacted the Dunedoo community economically, socially and environmentally. This includes a reduction of residents in the Dunedoo area of around 90 residents and a loss of customers for local business houses. The State Government has established an Advisory Committee comprising of Member for Orange Andrew Gee, Member for Barwon Kevin Humphries and chaired by Member for Dubbo Troy Grant.

The Advisory Committee attended Dunedoo on 9 October. Three separate meetings were held with the first session including representatives from local government, a second session with landholders from the Cobbora project area and a third session with the community. The day was hosted and facilitated by Infrastructure NSW. Representatives from NSW Trade & Investment, NSW Treasury, Infrastructure NSW and Orana RDA were present.

The local government session included General Managers and Mayors from Dubbo City, Wellington, Mid-Western and Warrumbungle Shire Councils. The session was hosted by Jenny Davis of Infrastructure NSW who explained the purpose of the \$20 million Transition Fund as not being a compensation fund for the changes to the Cobbora Coal Project, but rather as funding to recycle capital to create economic growth, productivity, and jobs for the region.

Open for application from now, \$1 million is allocated to each of the four Councils to internally decide how to select projects that will stimulate economic activity and reflect

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the community's views. A Council resolution for each project submitted is required as evidence for community support.

The remaining \$16 million will be open for applications from 1 November 2012 until tentatively 28 February 2014 by Expression of Interest. Nominations may be from LGAs, community groups, industry and business, Non-Government Organisations, educational institutions and government agencies. The projects need to align with NSW Government priorities including the NSW 2021 Regional Action Plan, the NSW Government State Infrastructure Strategy, the Long Term Transport Master Plan and the NSW Freight and Ports Strategy in addition to the WSC Community Strategic Plan. Assessment of EOI submissions will be undertaken by the Advisory Committee and assessed on merit. Guidelines will be released by Infrastructure NSW on 1 November, and feedback provided by attendees of the community session will contribute towards the guidelines.

The landholder session was addressed by representatives of Cobbora Holding Company and provided information on the Integrated Land Management Plan (ILMP) recommended by the Planning Assessment Commission.

The community session had around 80 attendees and was facilitated as a forum for contribution of ideas towards infrastructure projects for the Transition Fund. Attendees were invited to complete a feedback form and return to Infrastructure NSW. Community feedback will contribute towards the Transition Fund guidelines, and also towards the final recommendations prepared by NSW Infrastructure to the NSW Government.

The Government expects to announce the successful projects in the 2014-15 budget.

Issues

Council will need to determine allocation of the \$1 million to forward to the Advisory Committee.

Council to consult with the Dunedoo community in regards to ideas and prioritisation of projects for EOI submission for the \$16 million.

Options

To not apply for projects.

Financial Considerations

Revenue of \$1 million available in the current budget year to Council for determination on project expenditure as per the guidelines presented by NSW Infrastructure and the Advisory Committee at the 9 October LGA meeting.

Revenue in the 2014/15 financial year budget of up to \$16 million for Council to determine EOI applications for projects as per guidelines to be released by Infrastructure NSW on 1 November.

RECOMMENDATION

That Council will form and lead a community committee to formulate and investigate submissions to the NSW Restart Cobbora Transition Fund.

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Item 12 Human Resources Report on Activities

Division:	Executive Services
Management Area:	Human Resources
Author:	Manager Human Resources – Val Kearnes Learning & Development Coordinator- Glennis Mangan Workplace Health & Safety Officer – Frances Perry
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF7 Council is presented with a range of organisational challenges including its ageing workforce, skills shortages, increasing regulatory demands and the management of risk.

Reason

Report on activities undertaken by the HR Department

Background

Nil

Issues

Nil

Options

Nil

Financial Considerations

Nil

RECRUITMENT

Since the September 2013 Council Meeting ten positions have been advertised either internally or externally:

PA to Director Corporate Services- Maternity Leave – External
Graduate Accountant - External
Mechanic – Coolah – Internal
Plumber – Dunedoo – External
Sewer Operator – Dunedoo - External
Supervisor Water & Wastewater South - External
Pre School Teacher - External
Project Officer – Internal
Part Time VIC Officer - Internal
2 x Trainee Plant Operators – Internal
The following positions have been filled:
Roller Driver
Child Care Assistant

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RESIGNATIONS

One – Environmental Services
One – Yuluwirri Kids
One – Visitor Information Centre

INDUSTRIAL DISPUTES

Three industrial disputes received – Matter settled

LEARNING AND DEVELOPMENT

The Certificate IV in Frontline Management will recommence after the school term break. There are 16 Staff from various areas of the shire undertaking this course, which guides the Supervisors through management styles and their appropriateness for the organisation.

A total of 5 new existing worker or new entrant traineeships have commenced in Civil Construction and Horticulture. These staff will attend monthly workshops in either the Coonabarabran Training room or the Coolah RFS workshop.

Chainsaw Operations training was delivered in Coonabarabran for staff from Parks and Gardens and Urban Services, as well staff attended a Playground Safety and Inspection Workshop in Moree.

Further training for October and early November includes Building Regulation and Workplace Health and Safety HSR (Work Cover Accredited) training for all elected representatives. Manual Handling training will also be undertaken in the near future.

WORKPLACE HEALTH AND SAFETY

Attended several meetings with Management, RMCC Representative and RMS regarding Safe Work Method Statements and the RMCC. Director of Technical Services has signed off on SWMS for the RMCC. Organised and attended several meetings with Technical Services supervisors and staff to review and edit the SWMS and to conduct training in their use. SWMS have now been signed off by staff using them. The SWMS are now ready to be distributed to staff via supervisors. In consultation with the Senior Supply Officer regarding the Chemical Management Plan and procedure and is progressing. Training in the procedure use will be held in November.

Involved in investigating 4 workplace incidents.

The first Work Health and Safety Committee Meeting held on Friday 20 September with the new committee.

The following documents were presented to the WHS Committee and will be presented to MANEX for approval:

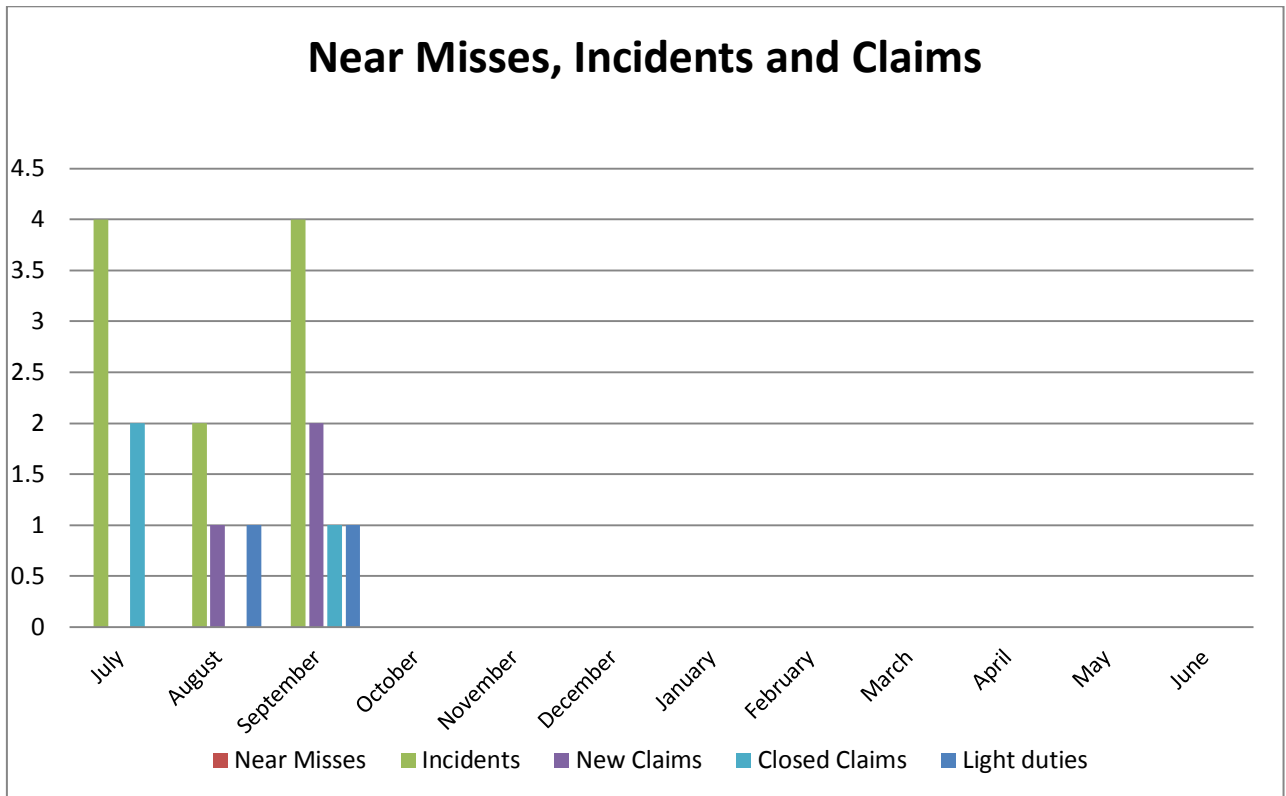
- Work Health & Safety Policy
- Hazard Issue Resolution Policy and Procedure
- WHS Committee Constitution
- Chemicals in the Workplace Policy
- PPE and Clothing Policy

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Workers Compensation and Incidents:

Directorate	Near Misses	Incidents	Claims
Corporate Services		3	2
Executive Services			
Environmental & Community Services			
Technical Services		1	



RECOMMENDATION
For Council's information.

WARRUMBUNGL SHIRE COUNCIL

Ordinary Meeting – 17 October 2013

Item 13 Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors

Division:	Executive Services
Management Area:	Governance
Author:	Manager Administration & Customer Service – Sally Morris
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

Background

Under Section 252 of the Local Government Act, Council is required to adopt within five (5) months after the end of each year, a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor and the other councillors in relation to discharging the functions of civic office.

Issues

The amendments to the policy relate to the limits identified in Clause 2.1 and Appendix A being the updating of expenses in line with the Australian Tax Office's Taxation Determination TD 2012/17.

Options

Under Section 253 of the Local Government Act, Council must place the amended Policy on public exhibition for a period of 28 days seeking public submissions.

Financial Considerations

Provision is made within the budget relating to provision of expenses and facilities to Mayors and Councillors.

Summary

The review of the policy and updating of the references to the current Taxation Determination and insertion of updated Appendix A tables, allows clarity in calculation of provision of the expenses to be paid under this policy.

The Draft Policy is included for review and consideration marked Attachment A.

RECOMMENDATION

That the Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors as amended by Council at the October 2013 meeting, be placed on public exhibition, providing public notice of the intention to adopt a policy, and seek public submissions. **FURTHER** that the Policy and any submissions received be considered at the November 2013 Council meeting.

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Attachment A

DRAFT Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors

(Pursuant to Sections 12, 23A, 252, 253 and 254 of the Local Government Act and Clauses 217 and 403 of the Local Government (General) Regulation 2005)

Part 1 - INTRODUCTION

Title and Commencement of the Policy

This Policy shall be cited as the Policy for the Payment of Expenses and Provision of Facilities to Councillors and is effective from **** November 2013 and replaces the previous policy titled Policy for the Payment of Expenses and Provision of Facilities to Councillors adopted by Council on 21 February 2013.

Purpose of the Policy

The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Councillors. The Policy also ensures that the facilities provided to assist and support the Councillors to carry out their civic functions are reasonable.

Objectives and Coverage of the Policy

The objectives of this Policy are to:

- Provide a guide to councillors expenses and facilities
- Outline the process for paying expenses so that they can be properly recorded, reported and audited
- Comply with the guidelines issued by the Department of Local Government.

In this Policy, unless otherwise stated, the expression “Councillor” refers to all Councillors of Warrumbungle Shire Council including the Mayor and Deputy Mayor.

Basis of this Policy

The relevant legislative provisions for this policy are set out below. In this legislation the expression “year” means the period from 1 July to the following 30 June.

Local Government Act 1993

252 Payment of expenses and provision of facilities

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*

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- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*
- 253 Requirements before policy concerning expenses and facilities can be adopted or amended**
- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
- (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

Part 2 - PAYMENT OF EXPENSES

Allowances and expenses

Council does not provide general expense allowances to Councillors. Councillors are entitled to the expenses set out in this policy provided that they satisfy the stated requirements.

This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office.

The payment of expenses and reimbursement of expenses under this Policy shall only be in respect of costs directly associated with discharging the functions of civic office.

2.1 Establishment of Monetary Limits and Standards

This policy identifies and publishes monetary limits and standards applicable to the payment of various expenses to Councillors. This allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids the situation where Councillors incur expenditure that is unforeseen or considered unreasonable by other Councillors and the public.

Monetary limits prescribed in this Policy set out the maximum amount payable in respect of any expense or facility.

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Where a Councillor incurs expenses in the course of discharging their civic office responsibilities, such expenses will be reimbursed. Typical examples of such expenses include:

- Course fees
- Fares / parking / tolls
- Accommodation
- Meals
- Incidentals, including telephone or facsimile charges, internet charges, laundry and dry cleaning etc. while attending conferences, seminars etc.

Wherever possible, every effort should be made to minimise the extent of such expenses to a reasonable level. Furthermore, in the majority of cases course/conference fees and accommodation will be pre-booked, negating the need for out-of pocket expenses to be incurred.

For accommodation or meals that Council has not prepaid, and for incidental expenses, Council will reimburse expenses incurred while at conference, seminars or official functions to the limits of the allowances set out in the Australian Tax Office's Taxation Determination TD 2012/17 or such determinations or policies of the Australian Tax Office that supersede it.

The limits will be applied as follows:

- Where Councillors' meals are not prepaid by Council or are not included in the seminar, conference, event or briefing fee, the monetary limits per day for meals are those set out under 'Food and Drink' in Table 3 paragraph 11 of TD 2012/17 (see Appendix A attached) or such determination or policies of the Australian Tax Office that supersede it. (As at October 2013 – Meal Allowance (per day) Breakfast \$31.30; Lunch \$44.25; Dinner \$62.00)
- Where Councillors incur incidental expenses, such as phone call and similar expenses, the monetary limits per day for those expenses are the rates set out under 'Incidentals' in Table 3 of paragraph 11 of TD 2012/17 or such determinations or policies of the Australian Tax Office that supersede it. (As at October 2012 – Incidental Expenses (per day) \$25.50)
- Where Councillors' accommodation expenses are not prepaid by Council or are not included in the seminar, conference, event or briefing fee, the monetary limits per day for those expenses are those set out under 'Accommodation' in Tables 3 and 4 (see Appendix A attached) of paragraph 11 of TD 2012/17 or such determinations or policies of the Australian Tax Office that supersede it.

With the approval of the Mayor and General Manager, a Councillor may expend more than the individual monetary limits per day for meals and incidental expenses, provided that the overall monetary limit per day in that case will be the sum of all of the monetary limits per day for meals and incidental expenses.

On completion of a discretionary trip or attendance, Councillors should provide a written report to Council on the aspects of the attendance that are relevant to Council's business and/or the local community. A report is not required for the annual conference of the Local Government and Shires Associations.

WARRUMBUNGL SHIRE COUNCIL

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Where applicable the standard of any equipment, facility or service to be provided shall be to the maximum standard prescribed in this Policy.

2.2 Requirement for receipts

Council will not reimburse any expenses unless a receipt or tax invoice is produced and the necessary claim forms completed.

2.3 Payment of Reimbursed claims

Councillors are to submit all claims for reimbursement, including all travel expenses, to the General Manager or delegate in a form and manner acceptable to the General Manager in the circumstances to enable full assessment of the claim on a monthly basis and these will be paid with their monthly allowance. Tax invoices and receipts are to be supplied to support claims. All payments to Councillors will be via direct deposit to their nominated bank account. Councillors are to seek reimbursement for their expenses within three (3) months of the expense being incurred.

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

In the event of a dispute at any time regarding this Policy, the parties to the dispute shall provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next meeting of Council to have the dispute determined by a resolution of Council having regard to this Policy, the Act and any other relevant law. The decision of Council shall be binding on all of the parties.

2.4 Accommodation and meal expenses

Councillors shall be accommodated in the hotel where the conference, seminar, or training course is being held or the nearest hotel to it that is of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area. Accommodation shall be provided at the rate of a double room.

Such attendance to be confirmed by Council with reimbursement of costs and expenses to be made upon the production of appropriate receipts and/or tax invoices and completion of the required claim forms. Alternatively, accommodation can be booked by Council order form and allowance for incidental expenses as provided under clause (2.5).

2.5 Incidental Expenses

Incidental expenses such as public transport fares, parking fees, phone/fax expenses and expenses incurred as the result of the purchase of refreshments during meetings related to council business or meals not included in the registration fees for conferences or similar functions, will be reimbursed by Council on production by the Councillor of the relevant receipts together with an approved claim form in accordance with Table 3 of paragraph 11 of TD 2012/17 (see clause 2.1).

Council will not meet any expenses for alcohol, cigarettes or personal requirements. Council will not fully fund any activity where the Councillor is not in attendance for at least 90% of the specified activity. Other than in the most exceptional circumstances, where Councillor's expenses have been met by Council but the Councillor does not

WARRUMBUNGL SHIRE COUNCIL

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attend at least 90% of the activity, that Councillor will be required to show cause why they should not reimburse Council for any costs incurred.

2.6 Payment of expenses for spouses, partners and accompanying persons

In this clause accompanying person means a person who has a close personal relationship with a Councillor and/or provides carer support to the Councillor. Where the attendee is accompanied at a conference or seminar by his or her spouse or partner or accompanying person, the attendee will be required to meet all costs associated with their spouse or partner or accompanying person's travel expenses, additional accommodation expenses, tours and attendance unless otherwise resolved by Council.

Council will meet the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature. Examples would be Australia Day award ceremonies, citizenship ceremonies and civic receptions. Such functions would be those that a Councillor's or General Manager's spouse, partner or accompanying person could be reasonably expected to attend.

By resolution of Council, costs and expenses incurred by the Mayor, Councillors (or General Manager or nominee) for other events or functions on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal, travel and accommodation and/or direct cost of attending the function. A total pool of \$4,510 per year per term is available for this purpose.

2.7 Payments in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home or for the cost of service associated with a civic duty. Councillors must fully reconcile all expenses against the cost of the advance.

Within one (1) week of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The level of the supporting documentation is to be commensurate with the nature of the expenditure. The maximum value of a cash advance is \$563.20.

2.8 Approval arrangements

Approval for discretionary trips and attendance at conferences and the like should be where possible, approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of council meetings it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

2.9 Attendance at seminars and conferences

Council will allocate up to \$24,000 per year (including GST) to fund attendance at conferences, investigatory delegations and similar events. However, Council may agree to allocate additional funds in specific cases where it decides that there is a benefit to council from the attendance.

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The following seminars, conferences and meetings are endorsed for attendance by council representatives:

- C Division Conference (Any Councillors and General Manager)
- Annual conference of the Local Government and Shires Association / One Association - (Three (3) Councillors and General Manager)
- Roads Congress (Two (2) Councillors and General Manager)
- OROC meetings
- Country Mayor's Association meetings
- Mining Related Councils (Mayor and General Manager)
- Australian Local Government Association (Mayor)

After returning from the conference, Councillors or a member of council staff accompanying the councillor/s, should provide a written report to council on the aspects of the conference relevant to council business and/or the local community.

No written report is required for the Annual Conferences of the Local Government and Shires Association.

Requests for attendance at other conferences or seminars should be lodged in writing outlining the benefits for Council.

Council will meet the costs of conference / seminar registration fees including the costs of related official lunches and dinners and associated tours where they are relevant to the business and interests of the Council. Council will also meet the reasonable cost of transportation and accommodation associated with attendance at the conference and Council shall meet the cost of breakfast, lunch and dinner for Councillors where any of the meals are not provided as part of the conference, seminar or training course.

2.10 Registration fees

Registration fees for attendance at Council approved conferences and seminars will be paid by Council. These fees will include the costs of related official lunches and dinners and associated tours where they are relevant to the business and interests of the council.

2.11 Travel Expenses

Council will meet all reasonable costs of transportation to and from conferences and seminars when they are not included in the conference fees. Councillors are entitled to use Taxis provided that the cost of a single trip does not exceed \$100 (including GST) unless approval is granted by the General Manager in exceptional circumstances.

All travel by councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Travel arrangements can include the use of a private vehicle, public transport, taxis, or travel using a council vehicle. Costs associated with parking fees and road tolls will be refunded on production of a receipt. The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

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Claims for travelling expenses under this Policy shall include details of:

- Date and place of departure
- Date and place of arrival
- Distance travelled
- Fares and parking fees paid
- Amount claimed as travelling allowances
- Total amount of claim

Travel in a Councillor's own vehicle to Council and Committee meetings, formal or social functions or activities or other meetings involving the community whilst representing Council where attendance is approved by the Mayor and/or General Manager is to be paid at the per kilometre rate payable for claims by staff in the Local Government (State) Award.

Where the approved meeting, function or activity is within the Warrumbungle Shire Council boundary, reimbursement shall be on the basis of the distance from the Councillor's principal place of residence (if it is within the Warrumbungle Shire Council boundary) to the venue or, if the Councillor resides outside the Warrumbungle Shire Council boundary, from the Warrumbungle Shire Council boundary to the venue.

Where the Councillor uses his/her own vehicle to travel to an approved function that is outside the Warrumbungle Shire Council boundary then council's reimbursement will be based on the total distance travelled from residence to venue and return if the Councillor resides within the Warrumbungle Shire Council boundary. If the Councillor does not reside within the Warrumbungle Shire Council boundary, then Council will reimburse the distance either:

- a) from the Councillor's residence to the venue, or
- b) from the Warrumbungle Shire Council boundary closest to the Councillor's residence to the venue, whichever is the lesser.

Claims for the above expenses require the submission of a claim form signed by the claimant detailing date, distance and reason for journey(s) with such claims to be submitted monthly.

Travel associated with authorised conferences, seminars and meetings may be undertaken by Council vehicle (where available) subject to prior approval by the General Manager, with fuel expenses etc. to be met by Council.

Council will meet the cost of return economy air travel or equivalent payment for attendance at authorised conferences/seminars.

Elected members using private vehicles will be paid the kilometre rate to a maximum payment, which is not to exceed economy class air fares to and from the particular destination.

All travel by Councillors that involves an overnight stay of one or two nights must be authorised in advance by the Mayor and General Manager (or in the event that the

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Mayor requires approval to travel outside of council meetings approval should be given jointly by the deputy mayor or another councillor and the general Manager.) All travel by Councillors that involves an overnight stay of more than two nights must be authorised in advance by the Council.

Where travel for Council business or approved activities outside of the local government area is to be undertaken – arrangements for both travel and accommodation must be made through the General Manager and will be by the most practical method.

Prior approval of travel should generally be required for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

Overseas travel on behalf of council must be approved by a meeting of the full council prior to a councillor undertaking the trip.

2.12 Attendance at dinners and other non-council functions

The costs of attendance by Councillors at dinners and other non-council functions which provide briefings to councillors from key members of the community, politicians and business will only be met by Council when the function is relevant to the council's interests and authorised by Council in advance.

No payment shall be made by Council for attendance by a councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit. Any expenses to be incurred that would be directed towards such events and activities will not be approved for payment.

2.13 Gifts

Where it is appropriate for councillors **to give** a gift or benefit, these gifts and benefits will be of token value and in accordance with council's Code of Conduct.

2.14 Training and Educational expenses

Council will only meet the costs of training or attendance at an educational course that is directly related to the Councillor's civic functions and responsibilities and is approved by Council prior to undertaking such training or attendance. Council will allocate up to \$1,500 per year per councillor (including GST) to fund relevant training and educational courses and attendances at briefings.

2.15 Telephone and internet expenses

Except as otherwise set out in this policy, Council will not reimburse Councillors for telephone expenses incurred in using their private/mobile phones for Council business. Phones are available for Councillors' use at the Coolah and Coonabarabran offices of Council.

2.16 Mobile telephone

Council shall meet the cost of a mobile telephone for the Mayor, for which Council shall pay rental and 100% of metered calls charged against that service, to a limit of \$205 per month for Council business calls and \$20 per month for incidental personal calls, provided that the number is available to be given out for general public information.

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2.17 Internet

Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor by an allowance of \$50.00 per month to cover Councillors' costs of communication via computer OR provision of an ipad with internet connectivity.

2.18 Insurance Provisions

Council will maintain adequate insurance against public liability and professional indemnity for matters arising out of Councillors' performance of their civic duties and/or exercise of their council functions.

Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

2.19 Legal Expenses and Obligations

Council shall, if requested, indemnify or reimburse the reasonable legal expenses to a maximum of \$200,000 of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act; or
- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act, provided that the outcome of the legal proceedings is favourable to the councillor; or
- a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter before investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a councillor, legal costs will only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government. Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This can include circumstances in which a matter does not proceed to a finding.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act shall be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain is not covered by this provision.

Council shall not meet the costs for any legal assistance in respect of legal proceedings initiated by a Councillor in any circumstances.

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Council must not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Council shall not meet the costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.

2.20 Special requirements of Councillors – Care and Other Related Expenses

Council shall meet reasonable expenses associated with any special requirements of a Councillor, such as disability and access needs, in order to discharge the functions of civic office.

Council will meet reasonable costs of facilitating access to council premises, functions and activities where, by reason of disability, care-giver role or other special need, a councillor would not otherwise have equity of access with other councillors. Such support will allow the fullest participation reasonably possible. Council will reimburse the reasonable cost of care arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of councillors to allow councillors to undertake their council business obligations.

The total amount paid to a Councillor under this provision shall not exceed \$800 per year of term.

Part 3 – PROVISION OF FACILITIES

Councillors shall not generally obtain private benefit from the provision of equipment and facilities. However, incidental personal use of Council equipment and facilities may occur from time to time without requiring reimbursement of the cost by a Councillor. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

Unless otherwise authorised in this Policy, if a Councillor does obtain a private benefit for the use of a facility provided by Council the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the private benefit shall be determined by Council in non-confidential session of a Council meeting.

Equipment, facilities and services provided under this Policy shall not be used to produce election material or for any other political purposes.

3.1 Mayoral Expenses, Facilities, Equipment and Services

The Mayor will be entitled to receive the following benefits:-

- a) Provision of a Council vehicle for appropriate use by the Mayor to carry out his duties as Mayor. Council to meet all costs associated with the provision of the vehicle. The Mayor will have no right of private use of this vehicle with the exception that he may use the vehicle for limited private use travel within the Shire only when attending different functions on the same day.

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- b) Secretarial services relating to the discharge of his/her civic functions, including use of official stationery, writing pads, pens, diaries, folders and postage of official correspondence.
- c) Administrative assistance associated with civic functions, meetings and the like.
- d) Office refreshments
- e) Supply of Name Badges, Business Cards, Diaries and Attaché Case.

3.2 Elected Members – Facilities, Equipment and Services

The Councillors including the Deputy Mayor are entitled to receive the following benefits:-

- a) Use of Council Chambers, telephone and limited hospitality facilities (tea and coffee) for Council business or functions or community consultation.
- b) Secretarial services relating to the discharge of his/her civic functions, including use of official stationery where authorised by Mayor or General Manager.
- c) Postage of official correspondence dealing with Council business.
- d) Access to facsimile and photocopying facilities for Council related business.
- e) Transport to official functions when deputising for the Mayor (ie) Use of Mayoral vehicle if required.
- f) Supply of Name Badges and Note Books.

3.3 Bluetts Handbook

Provide all Councillors with a copy after their election.

3.4 Policies

Provide all Councillors with a full and up to date copy of policies and manuals.

Part 4 – OTHER MATTERS

4.1 Acquisition and return of equipment and facilities by Councillors

At the completion of their term of office, during extended leave of absence or cessation of civic duties, Councillors are to return equipment and other facilities to the General Manager.

At the cessation of their duties, the option to purchase at a fair market price or written down value of equipment previously allocated to Councillors will be subject to determination by Council.

4.2 Status of the Policy

This is the fourth version of the Policy. This Policy replaces the previous version of the Policy adopted by Council on 21 February 2013 Minute No. 235/1213.

The Policy shall only be amended at a subsequent meeting of Council, subject to compliance with the Act.

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Appendix A

Table 3: Employee's annual salary - \$186,521 and above				
Place	Accomm . \$	Food and drink \$ B'fast 31.30 Lunch 44.25 Dinner 62.00	Incidentals \$	Total \$
Adelaide	209	137.55	25.50	372.05
Brisbane	236	137.55	25.50	399.05
Canberra	232	137.55	25.50	395.05
Darwin	284	137.55	25.50	447.05
Hobart	195	137.55	25.50	358.05
Melbourne	265	137.55	25.50	428.05
Perth	309	137.55	25.50	472.05
Sydney	265	137.55	25.50	428.05
Country centres	\$190, or the relevant amount in Table 4 if higher	137.55	25.50	Variable - see Table 4 if applicable

Table 4: High cost country centres - accommodation expenses			
Country centre	\$	Country centre	\$
Alice Springs (NT)	150	Horn Island (QLD)	169
Bourke (NSW)	165	Jabiru (NT)	192
Bright (VIC)	136	Kalgoorlie (WA)	159
Broome (WA)	210	Karratha (WA)	347
Bunbury (WA)	155	Katherine (NT)	134
Burnie (TAS)	135	Kununurra (WA)	202
Cairns (QLD)	140	Mackay (QLD)	141
Carnarvon (WA)	151	Mount Isa (QLD)	160
Castlemaine (VIC)	133	Newcastle (NSW)	143
Chinchilla (QLD)	133	Newman (WA)	195
Christmas Island (WA)	150	Norfolk Island	190
Dampier (WA)	175	Port Hedland (WA)	259
Derby (WA)	182	Port Pirie (SA)	140
Echuca (VIC)	123	Thursday Island	180

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		(QLD)	
Emerald (QLD)	141	Wagga Wagga (NSW)	134
Exmouth (WA)	255	Weipa (QLD)	138
Geelong (VIC)	136	Wilpena-Pound (SA)	167
Geraldton (WA)	135	Wollongong (NSW)	136
Gladstone (QLD)	187	Whyalla (SA)	145
Gold Coast (QLD)	149	Yulara (NT)	244
Halls Creek (WA)	165		

POLICY DOCUMENT CONTROL:

Policy		Resolution	Date
Payment of Expenses Policy	Endorsed	233	16 June 2005
Payment of Expenses Policy	Amendment	49	18 August 2005
Payment of Expenses Policy	Amendment	393	18 May 2006
Payment of Expenses Policy	New Policy endorsed	199	17 December 2009
Payment of Expenses Policy	Revised Version	123	21 October 2010
Payment of Expenses Policy	Revised Version	181/1112	24 November 2011
Payment of Expenses Policy	Revised Version – 4	235/1213	21 February 2013
Payment of Expenses Policy	Revised Version – 5		

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Item 14 Bank Reconciliation for month ending 30 September 2013

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

Reason for Report

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

Background

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

Issues

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

Unpresented cheques refers to cheques that have still not been cashed by the cheque recipient but are recorded as being paid in Council's General Ledger.

Options

Nil

Financial Considerations

Nil

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Summary

Balance per General Ledger – 30 September 2013

Bank	Account Number	Balance
General Fund	5410-3000-0001	780,440
Trust Fund	9000-3000-0000	248,620
WSC Mayor's Bushfire Appeal	9200-3000-0000	320,946
Investments - General	5220-3001-3001	6,689,316
Investments - General	5220-3001-5001	2,520,000
Investments Movement - General	5220-3003-0000	(480,869)
Investments - Water Fund	7085-3001-0001	4,270,894
Investments Sewerage Fund	8085-3001-0001	641,102
Total per General Ledger		14,990,449

Balance as per Bank Account – 30 September 2013

Bank	Balance
<u>General</u>	
Commonwealth	673,308
Westpac	40,851
NAB	8,887
Total - General	723,046
<u>Trust</u>	
Commonwealth	264,460
Total - Trust	264,460
<u>WSC Mayors Bush Fire Appeal Trust</u>	
Commonwealth	64,432
Commonwealth	337,836
Total - WSC Mayors Bush Fire Appeal Trust	402,268
<u>Investments</u>	
Securities	3,000,000
IBD	10,640,443
Total Investments	13,640,443

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Total All Bank Accounts	15,030,217
<i>Add:</i>	
Outstanding Deposits - General	130,721
Outstanding Deposits - Trust	885
Outstanding Deposits – WSC Mayors Bushfire Appeal	-
<i>Less:</i>	
Unpresented cheques - General	73,328
Unpresented cheques - Trust	16,725
Unpresented cheques- WSC Mayors Bushfire Appeal	81,321
Balance adjusted for outstanding deposits & Unpresented cheques (Final Bank Balance)	14,990,449
Variance between Final Bank Balance and General Ledger	-

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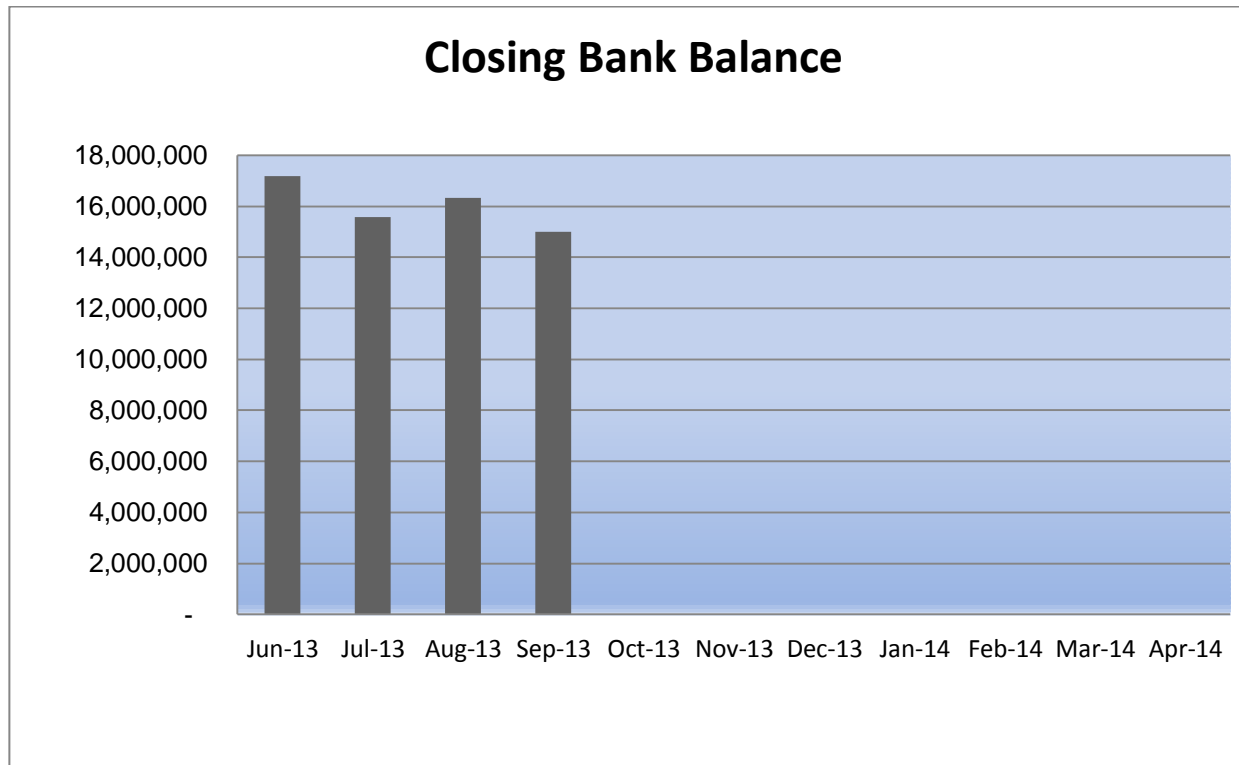
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Balance as per Bank Account History as at 30 September 2013

Month	Funds Held in General Account	Funds Held in Trust Account	Mayors Bushfire Appeal Trust Account	Investment	TOTAL	Net of Outstanding Deposits and Unpresented Cheques	End of Month Closing Bank Balance
Jun-13	613,393	267,283	377,447	15,904,221	17,162,344	6,273	17,168,617
Jul-13	1,354,197	269,335	368,794	13,552,995	15,545,321	37,033	15,582,354
Aug-13	1,237,351	272,549	372,478	14,270,308	16,152,686	175,034	16,327,720
Sep-13	723,046	264,460	402,268	13,640,443	15,030,217	(39,768)	14,990,449

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RECOMMENDATION

That Council accept the Bank Reconciliation Report for the month ending 30 September 2013.

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Item 15 Rates Report for Month Ending 30 September 2013

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

Reason for Report

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

Background

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

The Division of Local Government (DLG) recommends (via their accepted benchmark) a ratio of less than 5% for Urban and Coastal Councils and less than 10% for Rural Councils. Council's outstanding ratio as at 30 June 2013 was 13.3% which is above the DLG recommended benchmark.

Some factors that affect this indicator should be considered when assessing Warrumbungle Shire Council's performance against this indicator such as the socioeconomic characteristics of the area, and previous changes to Council's Rating Policy.

Issues

The outstanding rates and annual charges ratio as at 30 September 2013, is 14.31%. This figure is higher than the 10% benchmark proposed by the DLG.

Options

N/A For Council Information

Financial Considerations

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

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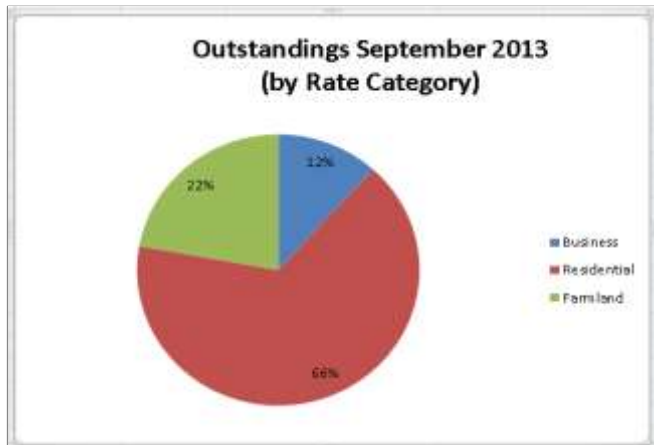
RATE/CHARGE TYPE	RATE ARREARS 2012/13	2013/2014 LEVY	PENSIONER WRITE OFF	ABANDONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTANDING 2013/2014	COLLECTION % 2013/2014	Total Arrears as at EOM	Outstanding Rates and Annual Charges %
General	675,157	7,159,839	179,867	5,037	7,650,092	2,543,912	5,106,180	33%	707,848	10%
Water	191,749	1,315,882	72,597	53	1,434,980	499,405	935,575	35%	216,961	16%
Sewerage	444,871	1,222,928	56,210	2,142	1,609,447	289,116	1,320,330	18%	202,413	17%
Garbage	176,185	1,804,023	89,578	32	1,890,598	690,272	1,200,326	37%	206,443	11%
TOTAL RATES AND ANNUAL CHARGES	1,487,961	11,502,673	398,252	7,264	12,585,118	4,022,707	8,562,411	32%	1,333,666	12%
Water Consumption	608,369	1,224,000	-	5	1,832,364	351,366	1,480,997	19%	319,250	26%
Sewer Consumption	78,637	120,000	-	-	198,637	51,695	146,942	26%	30,910	26%
TOTAL WATER SUPPLY SERVICES	687,006	1,344,000	-	5	2,031,001	403,061	1,627,940	20%	350,160	26%
LEGAL FEES	124,995	35,759	-	83	160,671	31,541	129,130	20%	164,568	-
INTEREST	269,421	34,546	-	-	303,967	-	303,967	-	-	-
GRAND TOTAL	2,569,383	12,916,978	398,252	7,352	15,080,756	4,457,309	10,623,447	30%	1,848,394	14.31%

- Interest charges in the 'Total Arrears' column are classified under the relevant charge type above, as opposed to being recorded separately per the 'Total Outstanding' column.
- The outstanding figures for sewer consumption, water consumption and sewerage rates and charges need to be viewed in total as Council's finance systems is currently grouping a majority of the arrears amounts for these items under sewer consumption. Total arrears at End of Month, include interest in arrears under the relevant Rate/Charge Type and is not separately disclosed as interest.

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Analysis by Council staff has indicated that a majority of the rates and annual charges outstanding amount 66% relates to residential properties, while 22% relates to farmland and 12% to business. See graph to the right, and table of outstanding balances by rate group and rate/charge type below for further details.

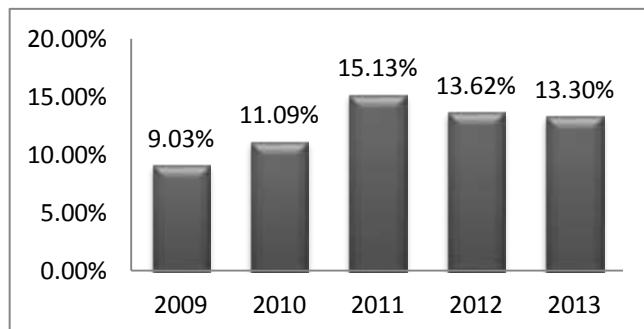


Of the amount outstanding, Council currently has a total of 262 assessments with a total of \$399,211 outstanding under an arrangement to pay the outstanding rates and annual charges on a weekly, fortnightly or monthly basis.

Rates Type	Rates levy			Water levy			Legal	Grand Total
	General	Domestic Waste	Water Access	Sewer Access	Water Usage	Sewer Usage		
Business	58,085	24,233	17,340	30,934	51,679	30,910	3,049	216,231
Residential	291,495	170,605	199,621	171,479	267,571	-	121,491	1,222,263
Farmland	358,268	11,605	-	-	-	-	40,027	409,901
Total	707,848	206,443	216,961	202,413	319,250	30,910	164,568	1,848,394

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

Graph 1: Ratio by year

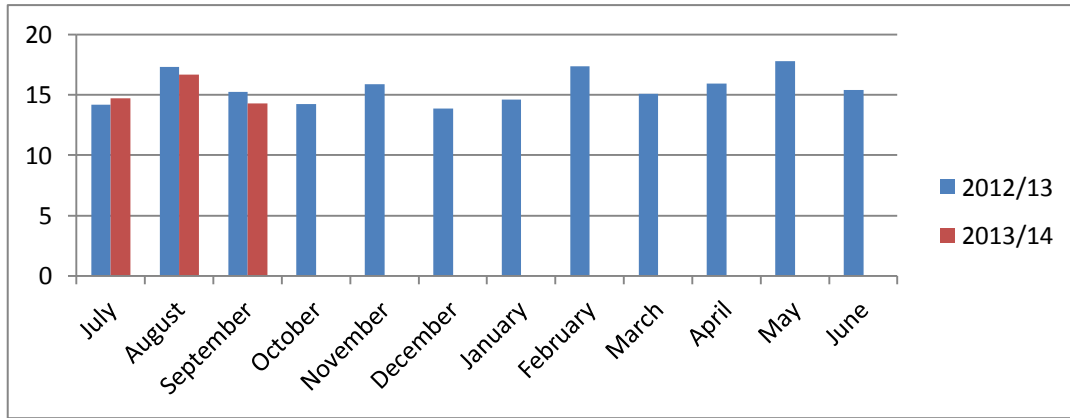


Collection of outstanding rates commences with an overdue letter which is received from Council giving 14 days to pay or contact Council requesting an arrangement, if no payment or contact is made a letter of demand is sent out by Council's Debt Recovery Agency giving 7 days to make a payment or contact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

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Graph 2: Ratio Month by Month



RECOMMENDATION

For Council's information.

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Item 16 Investments and Term Deposits

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

Reason for Report

As required by Clause 212 of the Local Government (General) Regulation 2005, the details of all monies invested by Council under Section 625 of the Local Government Act 1993 must be reported to Council at each monthly ordinary meeting.

Background

Council currently benchmarks its investment performance against the three (3) month Bank Bill Swap Reference Rate (BBSW) as per Council's Investment Policy. The September BBSW 3 month rate was 2.58%. Council's term deposits returned an average rate of 3.64% for the month of September, outperforming Council's benchmark.

During the month of September one (1) of Council's Term Deposits totalling \$1m fell due, earning Council \$10,240 in interest revenue (over the life of the deposit), which was transferred into Council's NAB At Call Account.

A net value of \$350k was transferred into Council's NAB At Call account and \$3m was transferred from ANZ At Call and re invested in Term Deposits in order to diversify Council's investment portfolio.

All of Council's investment securities are currently not paying coupons although all of the remaining two (2) investments are expected to be redeemed at higher than original purchase price. Council's investment securities underperformed against Council's benchmark

Issues

Reconciliations are being completed monthly and balanced, payments and receipts reconcile to monthly investment statements and investment interest is recorded. This is completed by Senior Finance Officer and signed off by Chief Financial Officer for referral to Director Corporate Services for final review as part of Council's monthly checklist procedures.

Options

Nil

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Financial Considerations

As Council no longer receives monthly reports on the performance and analysis of each of the long term investment funds from investment advisors, Amicus Advisory Pty Ltd (formerly Structured Credit Research and Advisory Pty Ltd), the latest analysis of Council's two outstanding investments dates back to 30 June 2013. This information is provided below.

FIIG All Seasons CPPI	Council is essentially holding a Swedish Export Bond rated AA+. Will pay \$4 above par at maturity. Bid price well short of fair value.
Octagon Ltd Linked	Backed by International Bank for Reconstruction & Development rated AA. Few concerns if any. Bid well below fair value. Low risk.

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Summary

Investment Securities: Council currently holds the following investment securities:

Bank	Purchase Price	Indicative Bid	Valuation based on indicative bid as at 30 September 2013	ISIN Number	Lodgement date	Maturity Date	Rating	Coupon Payments
FIIG All Seasons CPPI Note	1,500,000	95.00%	1,425,000	AU300SEKA021	29.08.2008	29.08.2014	AA+	0%
Octagon Ltd Linked	1,500,000	89.00%	1,335,000	XS023170158	25.10.2005	25.10.2015	AA	0%
Total:	3,000,000		2,760,000					0%

Term Deposits: Council currently holds the following Term Deposits:

Bank	Current Investment	Opening Balance	Buy/(Sell)	September Interest Earned/ Accrued	Closing Balance	Lodgement date	Maturity Date	Rating	Current Yield
NAB Cash Maximiser #	1,538,099	1,182,544	350,000	5,555	1,538,099	At Call	At Call	AA-	2.35%
ANZ At Call	6,102,344	9,087,764	-3,000,000	14,580	6,102,344	At Call	At Call	AA-	3.90%
Westpac	-	1,009,896	-1,010,240	344	-	3/06/2013	2/09/2013		4.07%
Bank Of Queensland	1,500,000	-	1,500,000	-	1,500,000	30/09/2013	1/04/2014		3.80%
NAB Term Deposit	1,500,000		1,500,000	-	1,500,000	30/09/2013	6/01/2014		3.78%
Total:	10,640,443	11,280,204	-660,240	20,479	10,640,443				3.64%

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Certification of Responsible Accounting Officer

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

Responsible Accounting Officer

RECOMMENDATION

That Council accept the Investments Report for the month ending 30 September 2013.

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Item 17 Local Infrastructure Renewal Scheme – Round 3

Division:	Corporate Services
Management Area:	Finance
Author:	Chief Financial Officer – Stefan Murru
CSP Key Focus Area:	Local Government and Finance
Priority:	GF 6 That Council is financially sustainable over the long term.

Reason for Report

To inform Council of the Local Infrastructure Renewal Scheme (LIRS) program Round 3 and provide commentary as to the financial costs/benefits and implications of taking out a further loan for infrastructure funding.

Background

The LIRS program provides an interest subsidy to assist councils with legitimate infrastructure backlogs to cover the cost of borrowing. The subsidy aims to provide an incentive to councils to make greater use of debt funding to accelerate investment in infrastructure backlogs and augment funding options already available to councils.

Council has already applied for and been granted the LIRS interest subsidy in both Rounds 1 and 2, and will be funding Timber Bridge replacement on local roads with \$5.3m worth of loan funding under this scheme. These projects are now underway and will be completed by mid 2015.

The State Government has now opened the third round of LIRS and will be accepting applications until 31 December 2013. This round is similar to previous rounds in that it provides a 3% subsidy for loans entered into to address legitimate infrastructure backlogs and will also apply to loans used for projects that enable new housing.

The LIRS Round 3 Guidelines states that borrowings to be subsidised under the LIRS should be incurred for the purpose of funding specific new works, upgrades, or renewal of infrastructure of the Council that meets a core purpose of local government and is intended for community use.

The guidelines also state that preference will be given to projects/programs or groups of projects/programs with a total cost of at least \$1million, although smaller Councils with a project of at least \$500K will be considered.

The Guidelines prohibit borrowings for the following purpose:

- Disparate projects that comprise an entire program that serves different functional purposes, e.g. projects listed as part of an annual works program for general asset maintenance or rehabilitation;
- Projects that don't relate to a core service delivery area of local government responsibility to the community, e.g. council premises;

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- Projects which largely result in commercial profits to private parties;
- IT projects (unless as an integral part of an infrastructure system e.g. computer monitoring systems for dams);
- Projects already in progress at the date of publication of these guidelines.

Issues

The key issue in regard to Council's choice to either enter or not enter into Round 3 of the LIRS program is financial sustainability.

It is without doubt that Council does have capital backlogs in certain areas, and there are many valid new projects that Council could enter into for the benefit of the community. However, Council does not currently have the funds to expand on its current capital program, and any increase in borrowings will only reduce the amount of monies available for other services.

There are also no larger projects in the current capital program that could be funded by loan funding under the LIRS scheme. Council could bring forward some major water/sewer projects and fund these through LIRS; however the water and sewer funds already have large cash balances that could be utilised for this purpose.

Council could also easily find several capital expansion projects and building of new assets such as:

- Completing Coolah-Neilrex and Piambra road seals;
- Purchase and fitout of a building for the Coonabarabran Library; or
- Construction of a 25m heated swimming pool in Coonabarabran.

The Coonabarabran Library project would also be eligible for NSW Library Development Grant Funding, since Council would own the building. The heated swimming pool project in Coonabarabran was a repeated 'wish list' item from Community Strategic Planning Forums held in 2011.

However, Council quite simply does not currently have the funding to undertake any of these projects and would need to cut services elsewhere to fund such works. If Council wishes to provide new assets to the community, the LIRS program is the ideal vehicle to do this. However, given Council's current financial position, any new assets will come at either the cost of other services or increased rates.

Options

Council can either choose to apply for the loan subsidy under the LIRS program to fund projects either in the current capital program, or new projects not currently in the program, or can choose not to take part in the LIRS program.

Financial Considerations

The LIRS program is an effective means of funding capital works that have a long term benefit to the community as the use of loan funding spreads the cost of the infrastructure over several years ensuring inter-generational equity. The 3% LIRS loan subsidy combined with historically low interest rates means that Council's loan repayments on monies borrowed will be close to the current inflation rate of 2.5%, and lower than what Council currently gets in interest from its investments.

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However, Council must note that monies borrowed today will need to be repaid tomorrow. Council's loan exposure has increased over the last few years and Council now incurs loan servicing costs (loan interest and repayments) totalling roughly \$950k per annum (including forecast repayments of LIRS Round 2 loan still not entered into).

The maximum LIRS loan term is ten years, which means a \$2.5m loan will result in loan repayments of \$250k per year, and average yearly interest (post discount) of roughly \$39k, resulting in total additional loan servicing costs of close to \$300k per year.

If Council wishes to apply for funding under the LIRS Round 3, it will need to carefully consider the extra burden of loan servicing costs involved, and ensure that any capital works engaged in with this funding are actually needed.

Assuming the funding does not relate to capital projects already in Council's Delivery Program (DP) and Long Term Financial Plan (LTFP), expenditure on other areas of Council's business would need to be wound back to service this cost.

It should also be noted that Council has been successful to date in its LIRS applications because the Timber Bridge program had been adopted by Council, were essentially shovel ready projects and were identified in our LTFP. If Council were to apply for funding in future LIRS rounds, the projects to be funded would also need to be shovel ready and identified in some way in Council's IP&R documents.

RECOMMENDATION

That Council does not apply for funding under LIRS Round 3. However in planning for the next update and review of the current Delivery Program (2013-2017), that community input be sought as to priority for new infrastructure as identified in the Community Strategic Planning Forums.

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Item 18 Warrumbungle Quarry

Division:	Corporate Services
Management Area:	Finance
Author:	Chief Financial Officer – Stefan Murru
CSP Key Focus Area:	Local Government and Finance
Priority:	GF 6 - That Council is financially sustainable over the long term.

Reason for Report

To provide Council with an overview of the financial performance of the Warrumbungle Quarry during the 2012/13 financial year.

Background

Warrumbungle Shire Council entered into a lease arrangement with Boral Resources (Country) Pty Ltd for the old Boral Quarry in the 2012/13 financial year. This lease arrangement grants Council control over the product within the quarry for the term of the lease in exchange for an annual royalty fee.

At the time of Council entering into the lease, any product already blasted by Boral and left on sight could be used by Council, although the use of this product would result in a fee becoming payable to Boral Resources. No material was blasted by Council in the 2012/13 financial year, although blasting did commence in August 2013. A detailed income statement showing the financial performance of the quarry business in the 2013/13 financial year is provided below:

Warrumbungle Quarry Income and Expenditure 2012/13

Operating Income

Product Sales	316,339
Total Operating Income	<u>\$316,339</u>

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Operating Expenditure

Salaries & Wages	25,543
Materials	5,986
Contracts	12,140
Plant	19,613
Royalties Paid	23,656
Cost of Goods Sold (Boral Product)	36,195
Other	529
Total Operating Expenditure	\$123,662

Profit/(Loss) for the Year

\$192,677

Issues

Although the Quarry business was extremely profitable in its first year of operations, this is partially due to one off events such as:

- Blasting activities occurring in the 2013/14 financial year, the cost of which is significant and was not included in the 2012/13 year;
- Council only recognising the portion of royalties incurred from product sold as an expense in the 2012/13 financial year, with the remainder of the minimum lease payment to be recorded in the 2013/14 financial year.

As at 30 September Council's quarry business was still in the black (over the combined 2012/13 and 2013/14 financial years) despite the large outgoings made by Council to carry out blasting, and assuming sales trends continue, the quarry business will continue to provide Council with much needed revenue as well as a local source of road materials.

Options

Nil

Financial Considerations

The quarry business has been profitable to date, although Council must ensure that sales volumes continue in order to ensure the quarry remains profitable into the future. Council has set up internal charges and on-costs within its finance system to ensure that it captures the full cost to Council of running the quarry business, including staff entitlements and back office administrative costs.

RECOMMENDATION

That Council accepts the 2012/13 Income Statement for the Quarry business.

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Item 19 Coonabarabran Men's Shed request for new Licence on Lot 1 DP 1171050

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

Reason for Report

Coonabarabran Men's Shed has requested a new licence for the premises they use at the Old Coonabarabran Depot, Lot 1 DP 1171050. They would like to increase the space they use and the term of the licence.

Background

At the ordinary Council meeting on 19 November 2009 Council resolved after considering a request from the Coonabarabran Men's Shed that the old works depot site in Essex Street Coonabarabran would be withdrawn from sale. (**Resolution 161**)

At the 20 May 2010 ordinary Council meeting it was resolved that Council enter into a Licence Agreement for three (3) years with the Coonabarabran Men's Shed following their incorporation for a section of the old works depot site in Essex Street Coonabarabran (**Resolution 403**).

The licence was enacted 16 July 2010, to last for three years. The licence gave the Coonabarabran Men's Shed Incorporated the formal right to use the older half of the main shed that fronts Essex Street. That Licence ensured that Council was indemnified from Public Liability by the Coonabarabran Men's Shed Incorporated and that the property would be looked after and maintained by the Coonabarabran Men's Shed Incorporated.

Bob Harper addressed the council meeting in August 2013 seeking consideration of that proposal along similar lines as previous years be continued by council. Member numbers have increased. They would like to see a longer term lease of the premises and seeking permission to expand the area to include shed near Castlereagh Street to store excess equipment (refer diagram1).

Issues

The Coonabarabran Men's Shed Incorporated has requested a new licence for a longer period than three years and asked for other areas on the site to be made available for their exclusive use. They have requested to utilise part of the weatherboard shed behind their current premises and half of the old blacksmith's shed and tyre store (highlighted in blue in diagram1.).

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The site they use is the Old Council Depot on Essex Street which is shared with the Rural Fire Services and Community Care. On the site there are four (4) unused buildings and it is two of these the Coonabarabran Men's Shed Incorporated wish to use. Both the RFS and Community Care have no issue with the Men's Shed sharing the site with them. The RFS shed on the site has not been commissioned yet and it is hoped this will occur before the end of the year.

Other buildings on the site are the old Oil Store and Power House which are at the moment vacant. The old Power House is budgeted this year to have work done to make it a usable public space for the Arts or a Museum.



Diagram1. Old Coonabarabran Depot Essex Street, Coonabarabran

Proposed extra space to be used by The Men's Shed.

Options

One of the options being put to council are to propose a licence with the Men's Shed Incorporated for another three years under the same arrangement as they have had previously.

Council also has the option to make a three year licences with the option for another three year licence increase the licence from three to six years.

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The licence offered to the Coonabarabran Men's Shed Incorporated should also include public liability insurance to the value of \$20 million and the following special conditions;

- (a) The Licensee shall effect and maintain all other insurance as may be required by the Workers' Compensation act or any other Act or Acts of Parliament in regard to the conduct of activities of the Licensee on the demised premises. Copy of such is to be forwarded to the Licensor upon request.
- (b) No relationship of landlord and tenant is or is intended to be created between the parties hereto by virtue of this Licence or in any way whatsoever.
- (c) The Council reserves the right to remove from or refuse entry to the land to any person regardless of any arrangements or contract with the Licensee.
- (d) The Licensee shall not interfere with any other person authorised by the Licensor to use the land or any part thereof
- (e) The Licensee shall keep the said area and buildings clean and tidy and all papers and other rubbish shall be collected and removed to Council's landfill site. The Licensee shall control noxious weeds as directed by Castlereagh Macquarie County Council. The licensee shall immediately repair and make good damage occasioned by their use of the said area.
- (f) The Manager, or other authorised employee of the Licensee, responsible for supervising activities, must be a person approved by the appropriate controlling body.

Councils also has the option not to approve this request to a licence on the site Lot 1 DP 1171050

Financial Considerations

The site Lot 1 DP1171050 is operational land. Council has waste and water that are charged to this site at approximately \$1,850 for the year. Council also insures the buildings at a cost of \$3,477. A portion of these costs are met by the RFS and Community Services who also used the site.

The licence will have the token annual fee of \$1.

RECOMMENDATION

Council offer a three (3) year license to the Coonabarabran Men's Shed Incorporated with the option to extend to a six (6) year Licence and that the lease be drawn up to include the extra space requested.

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Item 20 Bushfire Surveillance Camera

Division:	Technical Services
Management Area:	Emergency Services
Author:	Emergency Services Coordinator-Phil Southwell
CSP Key Focus Area:	Public Infrastructure and Services
Priority:	P12 Provide support to Emergency Services Agencies

Reason for Report

To allow the Bushfire Surveillance Camera project to proceed using Councils auditable accounting system.

Background

After the Wambelong Bushfire in January, the Australian National University (ANU) at Siding Springs initiated a consultant to conduct a debriefing (Siding Springs Observatory Bushfire Lessons Learnt Workshop).

At this meeting a recommendation was made for the Australian National University (ANU) and Australian Astronomical Observatory (AAO) to peruse the installation of a Bushfire Surveillance Camera at Siding Springs.

To facilitate these goals a Bushfire Camera Committee made up of the ANU, AAO, National Parks the Rural Fire Service (RFS) was formed. The shire's Emergency Services Coordinator acted as a facilitator for the project. The inaugural meeting was conducted on the 13 April 2013.

Issues

The committee has after various meetings agreed upon all aspects of the project including location, type of camera, access to the camera via the web and more importantly, the financing of the project.

The committee has agreed upon an Memorandum of Understanding (MOU) between the agencies. The MOU has been forwarded to Councillors under separate cover.

Options

All options were perused by the committee and the attached MOU agreed upon by all parties.

Financial Arrangement between parties

The committee has agreed upon the method of funding this project. The RFS will contribute an in kind contribution equivalent to \$ 10,000 in the form of a new Radio Tower that was previously planned for this site. This tower will be ideal for this camera.

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The AAO and ANU will cover the remaining costs with their share in the camera approximately \$7,500 each. There are other in kind contributions by AAO and ANU to this project.

Financial Considerations

To coordinate this arrangement, Council can facilitate the management of the funds transferred between agencies and the Camera distributor. The process involves receiving a quotation from the camera distributor and issuing two invoices to both the ANU and AAO. On receipt of this money a payment to the Camera Distributor will be made. The camera will be gifted to the RFS for maintenance and insurance purposes.

There is no direct financial cost to Council.

RECOMMENDATION

That Council allow this project to proceed using Council's auditable accounting system and approves the General Manager to sign the MOU.

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Item 21 2014/15 Regional Road REPAIR Program

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

Reason for Report

Council resolution is sought on priority projects for funding under the regional roads REPAIR program.

Background

Roads & Maritime Services are inviting funding submissions from Councils for eligible projects under the 2014/15 REPAIR program. Submissions close 31 October 2013. All 28 Councils in the RMS Western Region have an opportunity to submit a project on any regional road in their Shire. A project assessment sheet must be completed for each proposal and points are determined based on a range of assessment criteria. RMS western region is allocated funding for the REPAIR program and only projects with points above a determined cut off score are allocated funding from the pool. Funding is only available for 50 percent of the estimated total project cost.

Issues

The cut off score for projects last year was 25 points. Last year Council obtained funding for rehabilitation of Black Stump Way (MR55), which received a project assessment of 31 points. Council is encouraged to submit a number of projects in order of priority to ensure a better chance of obtaining funding should RMS disagree with assessment of Council's preferred project.

Council receives funding assistance for maintenance of regional roads through what is known as the RMS block grant. Traditionally, Council has used funding from the block grant to fund Council's 50 percent contribution to the REPAIR program. The primary purpose of the REPAIR program is to improve network efficiency, hence there is some conflict in purpose when funds from the block grant are used on road improvement projects.

Options

Council has the option of making a submission for projects on any road within the regional road network. Council has traditionally made submissions for projects on either MR129 (Purlewaugh Road) or MR55 (Black Stump Way). Last year, Council also included a submission for Mow Creek on MR396 (Binnaway Road).

Council has discretion in this matter and may wish to consider projects from the following list for submission under the 2014/15 program.

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Project Location	Project Description	Indicative Point Score under current assessment criteria
<i>MR55 Segments 64,63,62,61(north of Coolah</i>	<i>Rehabilitation including culvert widening, pavement widening and overlay.</i>	<i>31</i>
<i>MR55 Segments 60,59,58 (north of Coolah</i>	<i>Rehabilitation including culvert widening, pavement widening and overlay.</i>	<i>31</i>
<i>MR55 Segments, 28,29, 30 (south of Coolah)</i>	<i>Rehabilitation including culvert widening, pavement widening and overlay.</i>	<i>31</i>
<i>MR55 Segments 69,68, 67 (north of Coolah</i>	<i>Rehabilitation including culvert widening, pavement widening and overlay.</i>	<i>31</i>
<i>Blackburn's Hill MR 4053</i>	<i>Drainage and pavement rehabilitation</i>	<i>20</i>
<i>McGanns Crossing MR129</i>	<i>Medium sized culvert structure</i>	<i>22</i>
<i>Mow Creek, MR396</i>	<i>Construction of a new bridge over Mow Creek including realignment of vertical and horizontal approaches.</i>	<i>26</i>

Financial Considerations

The maximum amount that any one Council can receive from RMS under the REPAIR program is \$400,000, that is, total project cost of \$800,000. In previous years, most of Council's matching 50% contribution is funded from the block grant and from the Roads to Recovery program.

The cost of rehabilitation on MR55 north of Coolah will vary between \$250,000 and \$400,000 per km. Factors that influence the cost this type of roadworks include culvert widening, access to suitable road base and roadworks necessary to improve road safety.

Concept designs and options have been prepared for the Mow Creek project, however the options have not been fully costed.

RECOMMENDATION

That Council's priority for REPAIR programme funding in 2014/15 and forecast programme is as follows:

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Project No.	Project Description	Total Project Cost			
		2014/15	2015/16	2016/17	2017/18
1	<i>MR55 Segments 64,63,62,61(north of Coolah) Rehabilitation including culvert widening, pavement widening and overlay.</i>	\$800,000			
2	<i>MR55 Segments 60,59,58 (north of Coolah) Rehabilitation including culvert widening, pavement widening and overlay.</i>		\$800,000		
3	<i>MR55 Segments 69,68, 67 (north of Coolah) Rehabilitation including culvert widening, pavement widening and overlay.</i>			\$800,000	
4	<i>Mow Creek, MR396 Construction of a new bridge over Mow Creek including realignment of vertical and horizontal approaches.</i>				\$800,000
Total		\$800,000	\$800,000	\$800,000	\$800,000

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Item 22 2013/14 Technical Services Works Program – Road Operations, Urban Services & Water Services

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

Reason for Report

The works program for the technical services division of Council is presented for information

Background

The 2013/14 works program for all projects in Technical Services is presented in Attachment 1.0. The report includes projects included in the 2013/14 budget and projects carried over from 2012/13.

The program also lists unsealed roads that have received maintenance grading since 1 July 2013 and roads scheduled for maintenance over the next two months.

Issues

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

Options

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

Financial Considerations

The works program in Attachment 1.0 contains budget allocations and year to date expenditure for all projects.

RECOMMENDATION

That 2013/14 works program presented in Attachment 1.0 is noted for information only

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Attachment 1.0

Task Name	Start	Finish	Budget	YTD exp	% Work Complete
Technical Services	Wed 26/06/13	Wed 7/01/15	\$10,165,274	\$2,426,840	12%
Asset Design Services	Wed 10/07/13	Wed 10/07/13	\$40,900	\$3,071	0%
Survey Equipment	Tue 1/04/14	Wed 2/04/14	\$12,000	\$411	0%
Software Upgrades	Tue 1/04/14	Wed 2/04/14	\$18,000	\$2,660	30%
Road Safety Program	Mon 19/08/13	Wed 7/01/15	\$10,900	\$0	0%
Keep our kids safe	Mon 2/09/13	Thu 9/10/14	\$3,000	\$0	0%
Just slow down	Mon 19/08/13	Fri 22/08/14	\$4,000	\$0	0%
Watch out people about	Mon 16/09/13	Fri 25/10/13	\$1,200	\$0	0%
Free Cupp for the driver	Mon 3/03/14	Fri 30/05/14	\$1,500	\$0	0%
Wkshps Sup of L Drivers	Fri 10/10/14	Wed 7/01/15	\$1,200	\$0	0%
Fleet Services	Wed 10/07/13	Wed 24/07/13	\$2,265,000	\$1,250,861	6%
Minor Plant Purchases	Tue 1/04/14	Wed 2/04/14	\$15,000	\$4,452	0%
Plant Purchases	Tue 1/04/14	Wed 2/04/14	\$2,250,000	\$1,246,409	12%
Road Contracts	Sat 28/09/13	Fri 23/05/14	\$1,029,500	\$14,514	0%
RMS Work Orders	Sat 28/09/13	Fri 23/05/14	\$0	\$14,514	0%
Rehabilitation	Sat 28/09/13	Fri 23/05/14	\$0	\$0	0%
Reseals	Fri 1/11/13	Mon 18/11/13	\$1,029,500	\$0	0%
Baradine reseals	Thu 7/11/13	Fri 8/11/13	\$17,200	\$0	0%
Binnaway reseals	Mon 11/11/13	Tue 12/11/13	\$15,400	\$0	0%
Coolah reseals	Wed 13/11/13	Thu 14/11/13	\$25,600	\$0	0%
Coonabarabran reseals	Fri 1/11/13	Mon 4/11/13	\$82,000	\$0	0%
Dunedoo reseals	Fri 1/11/13	Tue 5/11/13	\$23,100	\$0	0%
Mendooran reseals	Fri 1/11/13	Wed 6/11/13	\$15,400	\$0	0%
Local roads reseals	Fri 1/11/13	Fri 15/11/13	\$420,300	\$0	0%
Regional Rd reseals	Fri 1/11/13	Mon 18/11/13	\$430,500	\$0	0%
Road Operations	Wed 26/06/13	Mon 30/06/14	\$5,469,514	\$921,077	20%
Local Roads	Wed 26/06/13	Mon 30/06/14	\$3,141,469	\$808,720	30%
Bridge - Grandchester	Thu 11/07/13	Thu 31/10/13	\$200,000	\$0	0%
Bridge - Tongy	Thu 11/07/13	Fri 16/08/13	\$116,689	\$186,891	95%
Bridge - Bugaldie Ck	Thu 11/07/13	Fri 11/10/13	\$116,689	\$85,150	100%
Bridge-Baby Creek	Thu 11/07/13	Fri 30/08/13	\$20,000	\$0	90%
Garrawilla Ck (fld damage)	Thu 11/07/13	Fri 16/08/13	\$164,791	\$222,722	90%
Premer Estate Cwy	Mon 21/04/14	Fri 16/05/14	\$38,300	\$21,268	0%
Bridge - Barad/Aero Rd	Mon 29/07/13	Mon 30/06/14	\$250,000	\$0	0%
Bridge- Baradine Creek	Mon 29/07/13	Mon 30/06/14	\$1,500,000	\$0	0%
Borambitty Rd Crest	Mon 5/08/13	Fri 6/09/13	\$25,000	\$16,148	100%
Coolah Ck Rd Rehab	Tue 1/10/13	Fri 21/02/14	\$110,000	\$3,607	0%
Bridge - Kenebri	Mon 29/07/13	Mon 30/06/14	\$600,000	\$0	0%
Gravel Road Resheeting	Mon 26/08/13	Fri 13/06/14	\$765,000	\$272,934	3%
Tothills Rd	Mon 21/10/13	Mon 4/11/13	\$45,000	\$33,048	5%
Salacks Rd	Tue 20/05/14	Mon 2/06/14	\$45,000	\$22,689	5%
Narrawa Rd	Mon 26/08/13	Mon 9/09/13	\$45,000	\$14,596	5%

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Task Name	Start	Finish	Budget	YTD exp	% Work Complete
Borambitty Rd	Tue 4/02/14	Mon 3/03/14	\$100,000	\$70,196	5%
Guinema Rd	Mon 11/11/13	Fri 27/12/13	\$180,000	\$79,718	10%
Keerrawah Rd	Mon 2/09/13	Fri 27/09/13	\$50,000	\$0	0%
Goolma Rd	Mon 23/09/13	Thu 5/06/14	\$45,000	\$4,526	0%
Gollan Rd	Mon 31/03/14	Fri 11/04/14	\$45,000	\$4,553	0%
Flags Rockedgial Rd	Mon 30/09/13	Thu 16/01/14	\$75,000	\$35,623	0%
Collier Rd	Mon 26/05/14	Fri 13/06/14	\$25,000	\$902	0%
Box Ridge Rd	Tue 4/03/14	Fri 18/04/14	\$110,000	\$7,083	0%
Regional Roads	Thu 11/07/13	Fri 28/02/14	\$1,563,045	\$112,357	20%
Bridge - Saltwater Crk No 2	Thu 11/07/13	Mon 3/02/14	\$594,045	\$112,357	40%
MR55 Pavement Rehab	Mon 11/11/13	Fri 7/02/14	\$800,000	\$0	0%
MR129 Pavement Rehab	Fri 28/02/14	Fri 28/02/14	\$169,000	\$0	0%
Urban Services	Thu 11/07/13	Fri 30/05/14	\$1,360,360	\$132,387	12%
Horticulture	Tue 1/10/13	Mon 31/03/14	\$160,000	\$5,000	1%
Binnaway Progress Ass'n	Mon 31/03/14	Mon 31/03/14	\$5,000	\$5,000	100%
Milling Park Playground	Tue 1/10/13	Fri 13/12/13	\$70,000	\$0	0%
Mendooran Park Toilets	Tue 1/10/13	Fri 13/12/13	\$35,000	\$0	0%
Milling Park Toilet	Tue 17/12/13	Mon 27/01/14	\$50,000	\$0	0%
Ovals	Thu 11/07/13	Fri 28/03/14	\$133,947	\$3,170	8%
Robertson Oval, irrigation	Thu 11/07/13	Fri 27/09/13	\$38,947	\$1,909	0%
Bowen - Turf Wicket	Mon 13/01/14	Fri 24/01/14	\$8,000	\$0	0%
Baradine Grandstand	Mon 3/03/14	Fri 14/03/14	\$40,000	\$0	0%
Binnaway Grandstand	Mon 17/03/14	Fri 28/03/14	\$47,000	\$0	75%
Bowen oval design	Tue 23/07/13	Wed 24/07/13	\$0	\$0	0%
Bowen Oval - construct			\$0	\$1,261	0%
Robertson oval design	Mon 5/08/13	Thu 15/08/13	\$0	\$0	0%
Swimming Pools	Mon 2/09/13	Fri 27/12/13	\$72,000	\$40,000	87%
Coona Concrete repairs	Mon 2/09/13	Fri 27/09/13	\$20,000	\$40,000	100%
Coolah pool cover	Mon 30/09/13	Mon 23/12/13	\$12,000	\$0	50%
Baradine leak prevent	Mon 16/12/13	Fri 27/12/13	\$40,000	\$0	20%
Town Streets Baradine	Thu 11/07/13	Fri 18/04/14	\$164,932	\$5,052	9%
Street light - Lachlan Street	Thu 11/07/13	Fri 26/07/13	\$4,632	\$5,052	100%
Flood Levee Invest	Mon 2/12/13	Fri 18/04/14	\$120,000	\$0	0%
Baradine Foot Rehab	Mon 9/09/13	Fri 27/09/13	\$10,300	\$0	0%
Walker street k&g	Mon 10/03/14	Fri 28/03/14	\$30,000	\$0	0%
Town Streets Binnaway	Thu 20/02/14	Fri 25/04/14	\$60,000	\$0	0%
David street k&g	Mon 7/04/14	Fri 25/04/14	\$60,000	\$0	0%
Town Streets Coolah	Thu 11/07/13	Fri 30/05/14	\$231,100	\$10,478	41%
Binnia St kerb blisters			\$44,286	\$0	0%
Coolah cycleway	Thu 11/07/13	Fri 30/08/13	\$10,814	\$10,478	100%
Binnia St. kerb blisters	Mon 7/04/14	Fri 9/05/14	\$46,000	\$0	0%
Booyamurra St. rehab	Mon 5/05/14	Fri 30/05/14	\$110,000	\$0	0%
Coolah Foot Rehab	Mon 4/11/13	Fri 15/11/13	\$20,000	\$0	10%
Town Streets Coona	Thu 11/07/13	Fri 9/05/14	\$331,381	\$48,031	0%

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Task Name	Start	Finish	Budget	YTD exp	% Work Complete
Footpath Const. Baths	Thu 11/07/13	Fri 27/09/13	\$18,271	\$0	0%
Culvert Ext Dalgarno St	Thu 11/07/13	Tue 27/08/13	\$78,110	\$42,689	0%
Admin Building - car park	Thu 11/07/13	Mon 27/01/14	\$0	\$0	0%
Admin Building - footpath	Fri 12/07/13	Tue 18/02/14	\$0	\$5,342	0%
Dalgarno Foot Rehab	Tue 1/10/13	Mon 28/10/13	\$45,000	\$0	0%
Dalgarno keb rehab	Mon 4/11/13	Fri 29/11/13	\$70,000	\$0	0%
Cycleway Newell Hwy	Mon 19/08/13	Fri 13/09/13	\$120,000	\$0	5%
Town Streets Dunedoo	Wed 21/08/13	Fri 21/02/14	\$192,000	\$0	3%
Walleroo St construction	Mon 2/09/13	Fri 20/12/13	\$150,000	\$0	5%
Dish drain Tucklan	Mon 18/11/13	Fri 29/11/13	\$22,000	\$0	0%
Dunedoo Foot Rehab	Mon 9/12/13	Fri 20/12/13	\$20,000	\$0	0%
Town Sts Mendooran	Mon 7/10/13	Fri 18/10/13	\$15,000	\$20,656	100%
Mendooran Foot Rehab	Mon 7/10/13	Fri 18/10/13	\$15,000	\$20,656	100%
Water	Thu 1/08/13	Fri 22/01/16	\$771,000	\$93,847	0%
Baradine	Thu 1/08/13	Wed 11/03/15	\$150,000	\$1,417	0%
Meter replacements	Thu 1/08/13	Wed 21/05/14	\$5,000	\$0	0%
WTP building renovations	Fri 25/07/14	Wed 18/02/15	\$50,000	\$1,417	0%
WTP clarifier rehab	Thu 19/02/15	Wed 11/03/15	\$95,000	\$0	0%
Binnaway	Thu 1/08/13	Thu 21/08/14	\$65,000	\$0	0%
Meter replacements	Thu 1/08/13	Thu 8/05/14	\$5,000	\$0	0%
Main Replac. Napier St	Fri 25/07/14	Thu 21/08/14	\$60,000	\$0	0%
Coolah	Thu 1/08/13	Fri 22/01/16	\$55,000	\$10,103	0%
Meter replacements	Thu 1/08/13	Wed 30/04/14	\$5,000	\$0	0%
Main extension - rem dead end	Mon 28/12/15	Fri 22/01/16	\$50,000	\$10,103	0%
Coonabarabran	Thu 1/08/13	Thu 24/07/14	\$240,000	\$11,446	0%
Meter replacements	Thu 1/08/13	Thu 24/07/14	\$10,000	\$1,534	0%
Main replacement	Mon 7/04/14	Fri 2/05/14	\$70,000	\$6,620	0%
Main extension, Robertson/John	Mon 2/09/13	Fri 27/09/13	\$60,000	\$3,292	0%
Main extension, Queenie Street	Mon 14/10/13	Fri 8/11/13	\$100,000	\$0	0%
Dunedoo	Thu 1/08/13	Fri 25/12/15	\$226,000	\$70,881	0%
Meter replacements	Thu 1/08/13	Mon 26/01/15	\$5,000	\$0	0%
Main. Bolaro (Tallawang-Merrygoen)	Mon 26/10/15	Fri 27/11/15	\$60,000	\$0	0%
Main. Ext (Evans street)	Mon 30/11/15	Fri 25/12/15	\$50,000	\$0	0%
New Bore	Thu 1/08/13	Sat 28/12/13	\$50,000	\$70,881	0%
Reservoir rehab.	Mon 2/12/13	Fri 10/01/14	\$61,000	\$0	0%
Mendooran	Fri 2/08/13	Fri 23/10/15	\$35,000	\$0	0%
Meter replacements	Fri 2/08/13	Fri 23/10/15	\$5,000	\$0	0%
water pressure project	Mon 9/09/13	Fri 11/10/13	\$30,000	\$0	0%
Sewerage	Mon 14/10/13	Thu 24/07/14	\$193,000	\$11,083	0%
Baradine	Mon 14/10/13	Thu 24/07/14	\$10,000	\$0	0%
Replac. vacuum components	Mon 14/10/13	Thu 24/07/14	\$10,000	\$0	0%
Coonabarabran	Mon 3/02/14	Sat 28/06/14	\$133,000	\$6,795	0%
Mains relining	Mon 3/02/14	Fri 21/03/14	\$130,000	\$0	0%
Replace steel rods	Fri 27/06/14	Sat 28/06/14	\$3,000	\$6,795	0%

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Task Name	Start	Finish	Budget	YTD exp	% Work Complete
Coolah	Mon 2/06/14	Fri 6/06/14	\$25,000	\$3,624	0%
STP upgrade	Mon 2/06/14	Fri 6/06/14	\$25,000	\$3,624	0%
Dunedoo	Mon 23/06/14	Fri 27/06/14	\$25,000	\$664	0%
STP upgrade	Mon 23/06/14	Fri 27/06/14	\$25,000	\$664	0%

Maintenance Grading on Unsealed Roads has occurred on the following roads since 1 July 2013

Flags Rockedgial, Sleightholmes, Beni Crossing, Reddens, Wyuna, Mt Nombi, Kilchurn, Angus, Box Ridge, Yuggel, Willicombes, Sandy Creek, Dapper, Danabar, Bald Hil, Lambing Hill, Deihm, Narrangarie, Mt Nombi, Premier Estate, Nullawa, Coolah Neilrex, Piambra, Yuggel, Wangmans, Indians Lane, Baradine streets, Borah Creek, Jerrys Lane, Deihm, Lambing Hill, Brooklyn, Cobborah, Gamble Creek, Ropers, Goolhi, Amey's, Keech's, Bakers, Schumacks, Bellings, Heads, Eastburns, Merebene, Digilah West, Wongoni.

Total length of maintenance grading on unsealed roads (km)	293.77
Total cost of maintenance grading on unsealed roads (\$)	\$406,614
Average Cost on maintenance grading on unsealed roads (\$/km)	\$1,384

Roads scheduled for maintenance grading in the next two months

Kilchurn, A'Becketts, Round Mountain, Saltwater, Werribee, Gamble Creek, Brooks, Iona, Whitfield, Boomley, Goolma, Schumacks, Yaminbah.

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Item 23 DHS Agency Services

Division:	Environmental & Community Services
Management Area:	Community Services
Author:	Manager, Community Care – Fiona Luckhurst
CSP Key Focus Area:	Community and Culture
Priority:	CC2 - Identify the constraints in service provision and create partnerships that address those gaps across all demographic and special needs groups in the area.

Reason for Report

To provide Council with an overview the Department of Human Services (DHS) Agency services, funding and issues.

Background

The DHS agency provides face to face services which assist customers to access DHS services. The agency is based in the Warrumbungle Community Care building and is open Monday to Friday, 8.30 am till 12.30 pm. Between 12.30 pm and 3.30pm clients are able to access phone, fax and DHS on line services on a self serve basis.

Issues

The funding from DHS is minimal and does not meet full costs of the Agency, however, the Agency is seen as an important service in the Coonabarabran community. The Agency is the only location in the Shire which provides dedicated phone lines, fax and internet to access DHS services such as Centrelink, Medicare and the Child Support Agency, and to provide face to face verification of customer ID. DHS services are available through home phone and internet. Residents also access the DHS via phone through Centacare and internet at the library.

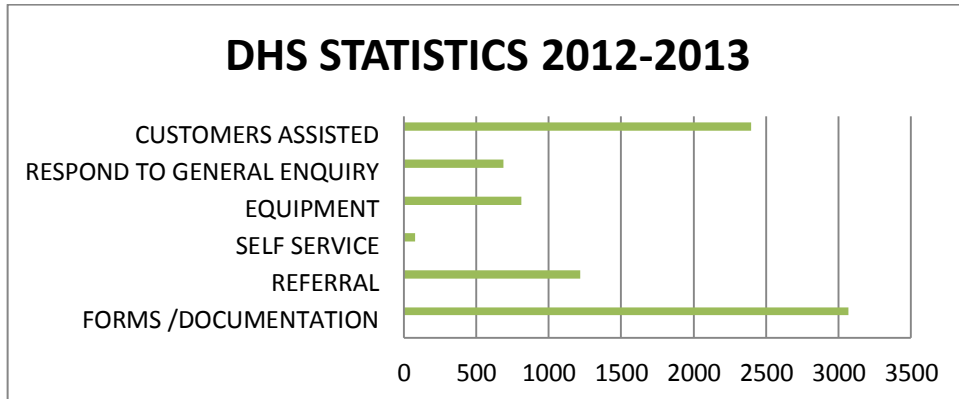
Since the Agency relocated into the Community Care building staff have raised a number of WHS issues in relation to staff security and safety.

Community Benefit

The DHS Agency is an important service in Coonabarabran for residents without access to home phone, internet and fax as the closest Centrelink and Medicare offices are in Dubbo. The Agency also verifies ID for DHS customers which has to be done in person.

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Options

The Agency as is can continue to operate at minimal cost to Council. WHS implications continue to concern staff. There may be opportunities for other local businesses or Community Services to take on the Agency. These have not been investigated.

Financial Considerations

Income

DHS Grant	30 508
Total Income	<u>30 508</u>

Expenditure

Salaries and Wages	26,900
Electricity and Heating	547
Printing and Stationery	87
Telephone and Communications	587
Internal Charges -rent	<u>1,285</u>
Total Expenditure	<u>29,407</u>

Profit/(Loss)	<u>1,102</u>
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Funding for the DHS Agency has remained constant, with a small increase annually since Council took on the Agency

2013-2014 Funding

Council holds a one year contract with DHS to run the Agency. Funding for 2013/14 is \$37,529. This funding covers wages for 17.5 hours per week, an annual training support fee of \$487.37 and weekly incidental fees of \$44.36.

The DHS Agency funding does not cover WSC Human Resources or Finance expenses. Incidental fees of \$44.36 per week paid by DHS are to cover rent, electricity, contribution towards phone for worker and stationery. These costs are currently subsidised by WCC.

RECOMMENDATION

That Council accepts the 2012-2013 Financial Statements and review of the DHS agency.

WARRUMBUNGLA SHIRE COUNCIL

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Item 24 Connect Five Children's Services Review

Division:	Environmental & Community Services
Management Area:	Community Services
Author:	Manager, Family Support Services Jane Nelson-Hauer
CSP Key Focus Area:	Community and Culture
Priority:	CC1 opportunities and support mechanisms are developed across the shire attract and retain young people and families

Reason for Report

To provide Council with an overview of Connect Five Children's Services, funding and issues.

Background

Connect Five is a mobile children's Service operating in the Shires of Coonamble, Gilgandra and Warrumbungle to assist children 0-5 years to provide support to them and their families. Based in the Family Support Services (FSS) office in Coonabarabran Connect Five operates 9 play sessions each fortnight and a Toy Library.

The service has been auspiced by the Shire Council since it commenced in 1999. Initially the aim was to cover the gaps in identifying and building skills in children with special needs. Since the introduction of SCAN (Supporting Children with Additional Needs) funding, there has been a shift in focus toward addressing issues of isolation for rural areas.

In 2012 -13 there were 97-110 families using the service in any one term. Attendance at sessions varies considerably, however, an average 13 children attend each session.

Connect Five is dependent on grant funding through the State Department of Education and Communities.

Issues

Connect Five has operated with a surplus every year until now.

Each year the grant funding increases by the CPI (1.9%), however costs increase by more than that each year. Staff costs alone increase 3.2%. The time has arrived where there is no room for cost savings.

Connect Five has been a free service until the beginning of the new financial year when membership and attendance fees were introduced. In the recent survey most parents (65%) indicated that this would not change their attendance pattern. Due to the seasonal nature of attendance, it may take some time to determine if in fact attendance patterns have changed because of the introduction of fees.

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Options

Council Contribution

Although the Connect Five is fully self funded, Council does provide financial assistance through the waving of rent for the office, shared with Castlereagh Family Day Care and Youth Services as well as rates and insurance costs (see below):

Assistance Type	Amount
Insurance (shared with FDC, & Youth Services)	\$3,336
Rates (not rateable)	N/A
Waiving of rent for use of office	N/A
Total (combined FDC, Youth & Connect 5):	\$3,336

All staff expenses have an oncost to cover Workers Compensation, Superannuation and Leave Entitlements, as well as payroll processing costs. Costs of financial audits are also directly allocated to the service.

A breakdown of funding received is provided below:

Funding Body	Funding Period	Funding Received 2012-2013
NSW Department of Education and Communities	Annual Payments received quarterly	186,348

Community Benefit

Connect Five meets the needs of rural families with young children, particularly where there is no child care centre. The local social structure has been changing over the past 15 years. In a recent survey 63% of Connect Five mothers are now in working outside the home. This means they no longer have time to be involved in committees and running of play groups. When Connect Five began there was a parent run play group in each of the towns now visited. Since then all of those parent run play groups have closed (except for Coolah) due to lack of leadership.

In the recent survey parents indicated that they appreciate the work of Connect Five for many reasons but the thing most people mentioned was the opportunity for social interaction for them and their children. Connect Five has a great reputation in the community and represents a very positive image of Council.

Connect Five service is flexible and can cater to the many different situations, particularly where there is no other child care operating in the locality. In addition to normal play sessions where parents are also in attendance, parents have the option of leaving their children in the care of Connect Five (which is a licensed service) for a couple of hours so parents can take a break or get some jobs done at home. Parents also like to use the Connect Five child care option as a stepping stone to Pre-school to help the child become accustomed to attending on their own.

The Local Government Act (2003) and Charter ensures that Councils 'promote and to provide and plan for the needs of children'.

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Financial Considerations

As for all of Council's grant funded programs, accounts are maintained in a separate ledger and surplus or deficit monies held in Restricted Asset each year and carried forward the following year.

The Connect Five vehicle is usually replaced every second year. Until 2012 approximately half the cost of the vehicle changeover was saved each year and placed in restriction for the following year. Unfortunately this was not possible given the grant money has not kept up with increasing costs. The cost of the new vehicle, due in 2015 will have to come from restricted assets.

Connect Five Children's Services Income and Expenditure 2012/13

OPERATING INCOME

Grants	186,348
User Charges	404
Vehicle Sales	(4,246)
TOTAL INCOME	<u>182,506</u>

OPERATING EXPENDITURE

Salaries & Wages	159,431
Training	1,637
Materials	3,515
Vehicle running	243
Contracts	6,436
Vehicle 52 Fuel	3,930
Vehicle 52 Rego	1,244
Advertising	39
Electricity	1,183
Insurance	711
Postage	431
Stationery	541
Subscriptions	616
Telephone	1,365
IT - Internal	17,171
C5 Building	100
TOTAL EXPENDITURE	<u>198,593</u>

PROFIT/(LOSS)	<u>(16,087)</u>
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Restricted Asset Movements

Restricted Asset Opening Balance	64,594
Add: Profit/Loss transferred to Restricted Asset	(16,087)
Add: Non-cash expenditure to be backed out	20,157
Less: Capital Expenditure from Restricted Assets	(31,632)
Restricted Asset Closing Balance	<u>37,032</u>

WARRUMBUNGLA SHIRE COUNCIL

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RECOMMENDATION

That Council accepts the 2012-2013 Financial Statements and review of Connect Five Children's Services.

WARRUMBUNGL SHIRE COUNCIL

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Item 25 Coonabarabran After School and Vacation Care (OOSH) Review

Division:	Environmental & Community Services
Management Area:	Community Services
Author:	Manager, Family Support Services Jane Nelson-Hauer
CSP Key Focus Area:	Community and Culture
Priority:	CC1 opportunities and support mechanisms are developed across the shire attract and retain young people and families

Reason for Report

To provide Council with an overview of Coonabarabran After School and Vacation Care, funding and issues.

Background

Coonabarabran After School Care (Out of School Hours/OOSH) operates five days a week from 3.00 to 5.30pm during school terms at St. Lawrence's School in Coonabarabran. Children from Coonabarabran public school catch the bus to St. Lawrence's. The service provides safe, caring fun and affordable child care for children enrolled in primary school.

Vacation Care operated at a loss during the 2010 financial year and it has been decided at this stage that with the holiday programs run by Council under Youth Development it is not a viable proposition to restart Vacation Care.

At the end of 2011 parents were once again requesting an After School Care Service and after conducting expressions of interest it was decided to begin after School Care at St. Lawrence's School in 2012.

In July of 2012 there were 29 places per week. Patronage has now increased so that at the end of June 2013 there were 50 booked places per week. Currently there are 12 families using the service, all of which have two parents working.

OOSH receives sustainability funding through DEEWR. Parents pay daily fees which are subsidised by the Child Care Benefit (CCB). A 50% tax rebate on all Child Care fees (not means tested) is also available and makes it affordable to working parents.

Issues

OOSH Services became licensed under the new national regulations from January 2012. OOSH services must also now become accredited under the National quality assurance scheme. These changes provide for better services for children and families, however, it has added considerably to the workload required, particularly in creating individual policies and a quality improvement plan to meet these requirements.

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All staff are employed as casuals until OOSH is proven to be a financial viability. Casuals are less committed and often decide at the last minute they have other priorities. It is difficult to find staff who want to work OOSH hours. It generally precludes women with children. Staff turnover is high as staff move on to longer hours.

Under the regulations a certified person must be present at all times. This person must have qualifications and experience and cannot be certified at short notice. Currently the OOSH coordinator is certified. When she is unable to be present Staff must be taken from FDC and C5 as these are the only other certified people.

There is a turnover in clients as parents juggle their work and parenting commitments. Naturally parents will choose the cheapest option, which is care by family members, or attendance at other activities such as dancing, guides or football. It is therefore necessary to maintain our advertising presence in the community.

Two staff are employed for OOSH each day. The Coordinator and an assistant. At any one time it is planned to have 3 casuals sharing the role of assistant. In this way sufficient staff are trained and may be used as replacements when required. The aim is to have 3 OOSH staff (Coordinator and two assistants) who are certified so that they do not need to use staff from the other services(C5/FDC) who already have commitments.

Options

Historically children were cared for after school either by a stay at home Mum or by extended family. Community standards were different and neighbours would often keep an eye out for children who were home on their own for a couple of hours. Times have changed, mothers are more likely to be working after school hours, extended family are more likely to live in another town and relationships with neighbours often don't extend to caring for children. City issues around children's safety and care have now become country issues and for parents to have peace of mind while they are at work they require quality, licensed care. Out of School Hours Care has been growing all over the state and is held in schools in most towns in NSW.

As Coonabarabran looks to bring new skills and talent to town, it needs to continue to have the option of child care after school in the same way that, schools, libraries and pools are part of the infrastructure that attracts people. After School Care must be valued and promoted in Coonabarabran or the town will miss out on the benefits of assimilating new young families. The Local Government Act (2003) and Charter ensures that Councils 'promote and to provide and plan for the needs of children'.

Financial Considerations

As with any business there is a period of time required to build confidence and a clientele hence the service ran at a loss during the first 6 months.

During the 2013 financial year the financial result was just under break even. During the 2014 year, it is anticipated that the service (given current enrolments) will take on more financial responsibility (eg contribute to rent at St. Lawrence's School) and continue to break even. Should numbers remain the same or increase in 2015 it is anticipated that the service will begin to make a small profit.

WARRUMBUNGL SHIRE COUNCIL

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As for all of Council's grant funded programs, accounts are maintained in a separate ledger and surplus or deficit monies held in Restricted Asset each year and carried forward the following year.

OOSH Income and Expenditure 2012/13

OPERATING INCOME

Grants	11,742
Benefits	8,104
User Charges	16,244
TOTAL INCOME	36,090

OPERATING EXPENDITURE

Salaries &Wages	33,277
Materials	568
Contracts	645
Advertisement	235
Postage	11
Subscriptions	897
Telephone mobile	771
TOTAL EXPENDITURE	36,404
PROFIT/(LOSS)	(314)

Restricted Asset Movements

Restricted Asset Opening Balance	-
Add: Profit/Loss transferred to Restricted Asset	(314)
Restricted Asset Closing Balance	(314)

All staff expenses have an oncost to cover Workers Compensation, Superannuation and Leave Entitlements, as well as payroll processing costs. Costs of financial audits are also directly allocated to the service.

A breakdown of funding received is provided below:

Funding Body	Funding Period	Funding Received 2012-2013
Department of Education, Employment and Workplace Relations (DEEWR) – Child Care Benefit	Ongoing- weekly instalments	8,104
DEEWR – Operational Support	Annual – quarterly payments	11,742

WARRUMBUNGL E SHIRE COUNCIL

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RECOMMENDATION

That Council accepts the 2012-2013 Financial Statements and review of Coonabarabran After School and Vacation Care.

WARRUMBUNGLE SHIRE COUNCIL

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Item 26 Warrumbungle Community Care 2012-2013 Review

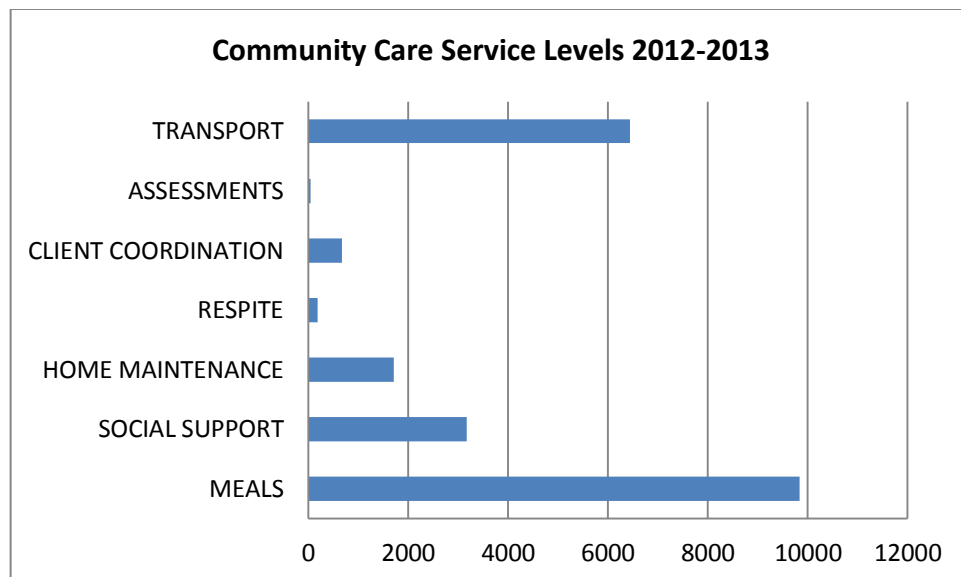
Division:	Environmental & Community Services
Management Area:	Community Services
Author:	Manager, Community Care - Fiona Luckhurst
CSP Key Focus Area:	Community and Culture
Priority:	CC2 Issues arising from social isolation in communities across the shire are identified and the causes effectively addressed.

Reason for Report

To provide Council with an overview of the 2012-2013 Financial Statements, funding, programs and challenges of the Warrumbungle Community Care (WCC) Programs.

Background

WCC provides a range of services across the shire to assist the frail aged, people with a disability and carers. Services include Community Transport, Meals on Wheels, Respite, Social Support and Home Maintenance. These services support people to continue to live independently in their own homes. WCC provides services to 765 clients across the shire and has 179 volunteers.



Issues

Although funding for Aged and Disability services has been steadily increasing due to the ageing population a number of significant changes will be occurring in the next couple of years.

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Disability Funding

Due to implementation of the NDIS (National Disability Insurance Scheme), Family and Community Services through Ageing Disability and Homecare (ADHC) will be phasing out block funding to services with cessation of funding to occur by July 2015. The NDIS will provide funding directly to clients to purchase services from disability agencies of their choice. Disability services will be required to meet the National Disability Standards and have Quality Management Framework in place. WCC has received one off funding to develop a QMF. WCC currently receives approximately \$78,300 funding from ADHC. Cessation of ADHC block funding would reduce the income and eliminate the provision of services to disability clients unless WCC offered services for 'purchase' from clients. Other disability agencies may also offer services in the area, competing for the client dollar.

Aged Care Funding

It is uncertain whether recurrent Aged Care funding to services will continue or whether this funding will move to mirror the NDIS model, with clients 'purchasing' services such as Aged Care Packages. The NDIS model supports client directed choice and is also a move towards clients, particularly self funded retirees, funding a greater percentage of service costs. If the changes did occur, Council may decide to provide aged care packages using the current services provided by WCC and brokering other services (such as domestic assistance and homecare) from other agencies. Other aged care services would also most likely offer aged care services in the area and clients would choose which service to utilise. There has been some discussion that block funding will continue for rural and remote services such as WCC.

With the change in government, the Department of Health and Ageing now no longer exists. There is now a Department of Health. Ageing responsibilities now fall under the Department of Social Services.

Community Transport Funding

At a recent briefing on the future of Community Transport Funding it was advised that ADHC will not be providing funding to TfNSW for disability clients as they will access funding through NDIS to access transport after 30 June 2015. This will mean reduction in our core funding by approximately \$11K for 2015-2016.

These changes in funding offer both risk (of ongoing financial viability of WCC) and possible opportunities for expansion and growth.

Options

Aged Care, Disability and Community Transport services are essential to ensure the well being of our community and assist people to stay at home rather than be admitted into residential care. WCC provides a locally based service which focusses on local needs and issues. The service has a good reputation and provides a positive image of Council services to the community.

WCC has received funding from both State and Commonwealth Agencies for service improvement projects such as the development and implementation of a Quality Management Framework, full review of all Policy and Procedures, Development of Workplace Health and Safety Management System and review of financial recording and reporting.

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The implementation of these service improvement strategies will ensure that if changes to funding occur, WCC will be in a prime position to continue to provide quality services in line with Aged Care and Disability Standards to Aged and Disability clients, albeit under a different model. Council will need to decide on whether or not it wishes to provide disability services under the NDIS closer to the July 2015 cut off date for ADHC funding. Further decisions would need to be based in relation to changes to Aged funding if the NDIS model is implemented.

Financial Considerations

WCC is funded by a number of Commonwealth and State Government Agencies to provide services to the frail aged, people with a disability, their carers and transport isolated residents of Warrumbungle Shire. These services are provided throughout the Shire and coordinated by staff employed in WCC offices in Coolah and Coonabarabran.

2013-2014 Funding per Program

Program	Department of Health and Aging (DoHA)	Aging Disability and Home Care (ADHC)	NSW Health	Transport for NSW	TOTAL
Social Support	\$119,980	\$22,853			\$142,833
Meals Service	\$116,610	\$22,212			\$138,822
Respite	\$67,633	\$12,883			\$80,516
Home Maintenance	\$57,109	\$10,878			\$67,987
Community Transport -HACC (DOHA)	\$127,671	\$9,496			\$137,167
Community Transport -CTP				\$47,584	\$47,584
Community Transport -HRT			\$7,600		\$7,600
TOTAL	\$489,003	\$78,322	\$7,600	\$47,584	\$622,508
Length of Current Funding Agreement	30/06/15	30/06/15	30/06/14	30/06/15	

As for all of Council's grant funded programs, accounts are maintained in a separate ledger and surplus or deficit monies held in Restricted Asset each year and carried forward the following year.

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Income and Expenditure 2012-2013

COMMUNITY TRANSPORT (CT)

INCOME

Grants	188,985
Client Contributions	47,846
DVA Income	16,066
Other Income	925
Sale of motor vehicle	52,272

TOTAL INCOME

306,094

EXPENDITURE

Salaries & Wages	116,501
Training Costs	734
Raw Materials & Consumables	15,348
Contracts	1,708
CBN CT - Legal Fees	126
Building Rent	3,356
Fuel	13,649
Registration	3,029
Advertising	2,020
Doubtful Debts Community Care	949
Electricity & Heating	1,795
Insurance	386
Postage	741
Printing & Stationery	404
Subscriptions & Publications	1,384
Telephone & Communication	2,082
Internal Charges - Expenditure	27,870
Plant Hire Charges	57
Wages	255
Materials	865
Motor Vehicle Exp Non Plant	81
Fuel	12,985
Registration	2,176
Vehicle Insurance	1,994
WDV of vehicles sold (non-cash)	18,889

TOTAL EXPENDITURE

229,383

PROFIT/(LOSS)

76,711

MULTI SERVICE OUTLET (MSO)

INCOME

ADHC - Recurrent Grants	69,713
DOHA Recurrent Grants	432,557
Client Contributions	76,732
Other income	993
MPC Leaseback income	4,646
WAGS Revenue	1,296
MSO Coolah-WAGS Rev	15
Minor Equipment Sales	2,765

TOTAL INCOME

588,717

EXPENDITURE

Salaries & Wages	321,522
Training Costs	928
Raw Materials/Consumables	13,644
Contracts	68,618
MSO Legal Costs	502
Building Rent	6,505
Vehicle Costs - Non Plant	1,279
Conferences	623
Apprentices	51
Advertising	2,842
Electricity & Heating	9,260
Insurance	1,525
Postage	2,101
Printing & Stationery	2,440
Subs & Publications	956
Telephone & Comms	2,817
Internal Charges – Exp	30,744
Plant costs	4,253
Materials	245
Contracts	113
Fuel	6,739
Registration	2,777

TOTAL EXPENDITURE

480,484

PROFIT/(LOSS)

108,233

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Restricted Asset Movements

	CT	MSO
Restricted Asset Opening Balance	240,038	132,974
Add: Profit/Loss transferred to Restricted Asset	76,711	108,233
Add: Non-cash expenditure to be backed out	18,889	-
Less: Capital Expenditure from Restricted Assets	(175,161)	(6,196)
Restricted Asset Closing Balance	160,477	235,011

WCC meets its annual financial obligations each year and has a healthy restricted balance which will ensure ongoing viability of the service under the current funding model. A proportion of the restricted assets in MSO is earmarked for service improvement initiatives to be undertaken in 2013-2014 to support the services transition from State to Commonwealth funding and additional requirements due to this change.

Restricted Assets Balance Multiservice Outlet

Vehicles Replacement Fund	58,974
Capital works	5,000
Office Equipment	32,000
Handyman Equipment	28,195
MOW Equipment	46,807
Volunteer/Staff Training	19,000
Transition	48,465
TOTAL	\$ 235,011

Restricted Assets Balance Community Transport

Vehicle Replacement Fund	110,477
Capital works	10,000
Bus	25,000
Other	15,000
Total	\$ 160,477

All staff expenses have an oncost to cover Workers Compensation, Superannuation and Leave Entitlements, as well as payroll processing costs. Costs of financial audits are also directly allocated to the service.

WCC pays Council for rental of the WCC Coonabarabran Office in John St and IT services and equipment.

RECOMMENDATION

That Council accepts the 2012-2013 Financial Statements and review of Warrumbungle Community Care.

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Item 27 Castlereagh Family Day Care 2012-2013 Review

Division:	Environmental & Community Services
Management Area:	Community Services
Author:	Senior Coordinator, Castlereagh Family Day Care - Meredith Shannon
CSP Key Focus Area:	Community and Culture
Priority:	CC1 Opportunities and support mechanisms are developed across the shire attract and retain young people and families.

Reason for Report

To provide Council with an overview of the 2012/13 Financial Statements, funding, programs and challenges of Castlereagh Family Day Care (CFDC).

Background

CFDC is federally funded, with Operational Support, by the Department of Education, Employment and Workplace Relations (DEEWR) to provide a quality childcare service for children aged 0 –12 years in the private homes of registered Educators within the Warrumbungle, Gilgandra and Coonamble Shires. This service is provided throughout the three LGAs with support from the Coordination Unit staff, based in the Family Support Services (FSS) office in Coonabarabran.

The service has a long history in the shire and commenced operations as Council auspiced children's services program over 15 years ago. In January 2010, the area increased to encompass Coonamble.

There are currently 17 Educators, and approximately 219 children were enrolled from 163 families.

Funding is received weekly and is based on total hours of care charged during the applicable period.

The formula for calculating FDC Operational Support based on the number of care hours provided per week and accounts for approximately \$2,000 per week.

A snap shot of Castlereagh Family Day Care Numbers as at 30/09/2013 is as follows;

Shire	Number of Educators	Number of families	Number of Children	Families on waiting list
Warrumbungle	8	72	102	0
Gilgandra	5	49	68	0
Coonamble	4	42	49	0
TOTAL	17	163	219	0

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CFDC also oversees an In Home Care Service (IHCS), which is an educative In-Home Care brokerage model funded by the Department of Education, Employment and Workplace Relations. NSWIHCS outsources In-Home care for families who meet the DEEWR eligibility criteria.

It appoints a licensed child care service, in this case CFDC, called the In-Home Child Care Service Provider (IHCSP), that can demonstrate and commit to overseeing the best practice aspects of care provision, including recruiting and training educators, interviewing eligible families and providing day to day support and monitoring of the In-Home care placement.

To provide this service CFDC receives funding quarterly from DEEWR via IHC.

Summary of In Home Care Numbers

Shire	Number of Educators	Number of families	Number of Children	Families on waiting list
Warrumbungle	3	4	11	0
Gilgandra	3	2	6	0
Coonamble	3	3	8	0
Warren	1	1	2	0
TOTAL	10	10	27	0

Options

Castlereagh Family Day Care is essential in ensuring that families have a choice and can make childcare decisions based on their individual needs and in some circumstances may even be the only childcare option in their community.

This childcare service is flexible and can cater to the many different working situations, providing a great range of childcare options, including weekend and overnight care, where available. Castlereagh Family Day Care has a great reputation and provides a positive image of Council services to the community.

The Local Government Act (2003) and Charter ensures that Councils 'promote and to provide and plan for the needs of children'.

Issues

There have been a number of changes in the past year and significant changes to come in January 2014 with a drop in child to Educator ratio from 1:5 to 1:4. This will mean Educators are likely to implement significant fee increases for care.

The ratio change affects the coordination unit as well, anticipating a 20% decrease in income, in turn having to assess and increase fees charged to Educators and families.

The Coordination Unit relies on Educator and Family levies to assist in meeting funding short falls. Funding is based on child Equivalent Full Time (EFT) utilised places and although numbers are down slightly the EFT has remained fairly steady at around 60 – 65.

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A recent decline in Educator numbers, in fact the lowest in four (4) years or more is presenting challenges for the future. Recruitment of new Educators is somewhat more difficult with the new qualification requirements beginning 1 January 2014.

Financial Considerations

As for all of Council's grant funded programs, accounts are maintained in a separate ledger and surplus or deficit monies held in Restricted Asset each year and carried forward the following year.

Castlereagh Family Day Care Income and Expenditure 2012/13

Operating Income

Child Care Benefit	443,854
DEEWR - Operational Support Funding	108,107
RTAG Grant	3,817
Admin levy	76,233
User Charges	1,350
In Home Care	12,903
IHC Admin levy	11,368
Sundry Income	4,563
Total Operating Income	<u>662,194</u>

Operating Expenditure

Educators Benefit	448,796
Other contracts	3,729
Postage	1,299
Advertising	739
Resource/ Other Materials	2,160
Training Costs/Seminars/Workshops	6,550
Stationery	1,281
Subscriptions	2,285
Telephone	939
Plant Running	4158
Electricity	1183
Sundry Sales	135
Insurance	742
Internal – Computers & IT Support	17,272
Salaries/Wages	173,677
Total Operating Expenditure	<u>664,946</u>

Profit/(Loss) for the Year	<u>(2,752)</u>
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Restricted Asset Movements

Restricted Asset Opening Balance	38,078
Add: Profit/Loss transferred to Restricted Asset	<u>(2,752)</u>
Restricted Asset Closing Balance	<u>35,326</u>

Although CFCD is fully self funded, Council does provide financial assistance through the waving of rent for the office, shared with Youth Services and Connect 5 Children's Services as well as rates and insurance costs (see below):

Assistance Type	Amount
Insurance (shared with Youth Services, & Connect 5)	\$3,336
Rates (not rateable)	N/A
Waiving of rent for use of office	N/A
Total (combined FDC, Youth & Connect 5):	\$3,336

All staff expenses have an oncost to cover Workers Compensation, Superannuation and Leave Entitlements, as well as payroll processing costs. Costs of any financial audits are also directly allocated to the service.

Castlereagh FDC meets its annual financial obligations each year and has a relatively healthy restricted assets balance, which will ensure ongoing viability of the service under the current funding model, for the time being.

A breakdown of funding received is provided below:

Funding Body	Funding Period	Funding Received 2012-2013
Department of Education, Employment and Workplace Relations (DEEWR) – Child Care Benefit (CCB)– N.B. this amount is then passed directly on to Educators as family fee reductions	Received Weekly Ongoing annually	443,854
DEEWR – Operational Support	Received Weekly Ongoing annually	108,107
DEEWR – RTAG for CFDC	Received Quarterly Ongoing annually	3,817
IN HOME CARE DEEWR – Operational Support and RTAG	Received Quarterly Ongoing annually	12,903

RECOMMENDATION

That Council accepts the 2012-2013 Financial Statements and review of Castlereagh Family Day Care.

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Item 28 Youth Development Program Review

Division:	Environmental & Community Services
Management Area:	Community Services
Author:	Youth Development Officer - Mike Myers
CSP Key Focus Area:	Community and Culture
Priority:	CC1 Opportunities and support mechanisms are developed across the shire attract and retain young people and families.

Reason for Report

To provide Council with an overview of the 2012-2013 Financial Statements, funding, programs and challenges of the Youth Development Program.

Background

A change in the existing funding program meant a shift from Council's community development program to a youth focussed community development model.

Commencing in January 2012, the Youth Development Program is under the auspice of Council, externally funded by the NSW Department of Community Services under the Community Builders Grant Program. The Youth Development Program is responsible for encouraging, engaging and empowering community youth between the 12 to 18 age, across the shire, for the continued enhancement of the long-term social, economic, and environmental conditions of their community.

There is funding available for the employment of a full time permanent Youth Development Officer.

Through local community youth led action, engagement of youth in community decision making processes, advocacy with and for young people relating to youth issues, identifying and addressing service gaps, connectivity between the community youth of the shire and working with young people at a community leadership level, the Youth Development program focusses on developing and building upon a culture of positive youth community capacity building. Theoretically, building the future community leaders within all aspects of the Warrumbungle Shire's social, economical, and environmental future.

The Youth Development Program works cohesively with the existing youth services across the shire, improving dialogue and best practice sharing between services, opening communication around service delivery and addressing wider community youth issues holistically, breaking down barriers around community perceptions and access, and raising the positive profile of young people across the shire.

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There have been noticeable differences in engagement levels since the Youth Development Officer commenced in January 2012; however the need for extensive and constant exposure to young people has been necessary.

	2012	2013
No of Activities facilitated National Youth Week	12	25
No of young people involved in planning / development National Youth Week	Approx. 30	74
Participation across the Shire National Youth Week	400 - 450	1250 – 1300
No of activities – School holidays	57	64
No of communities – School Holidays	1	6
No of participants – School Holidays	1,086	692

(Unfortunately the Bushfires in January 2013, and a major health concern in the family during the first week of the September / October 2013 school holiday impacted the number of activities and participation for 2013).

Issues

Due to the uniqueness of each community, and the internal dynamics, the time needed to develop and maintain the different relationships within each of the individual communities has been and continues to be very time consuming. Attending night time meetings, facilitating programs whilst developing skills and communication with both young people and the organisations in the community, working with schools to build a presence in the community requires flexibility and time considerations.

Decline in volunteerism has had a significant impact on programming especially in regard to risk management. Even with the new changes to the “Working with Children Check” making it easier for adults wanting to work with children and young people, finding appropriate people willing to volunteer their time has been challenging. Having casual staff to assist with the school holiday program is possibly the best solution, but it is not sustainable. Thankfully a small contingent of parents of Youth Action Group members from each community has assisted by attending meetings and volunteering their time during programs. Without appropriate role modelling by adults, the longer term impact is a reduction of young people becoming involved in volunteering.

Funding for school holiday programs does not exist, due to the nature of such programs. Whilst the argument for social integration through activity based programs during the school holiday period is solid, unless the program focuses on educational based outcomes, funding will not be provided for the facilitation of school holiday programs. In larger metropolitan and community centres, the population base can support self-sustaining school holiday programs through local organisations, by placing a cover charge for attendance, which can be a barrier for families from lower socio economic backgrounds.

It is unknown at this time if the current Community Builders Funding for the Youth Development role will continue past June 2014.

There is a strong need for a Community Development Coordinator for the Coonabarabran community, as well as a Youth Development Officer. The Warrumbungle (Coonabarabran) Interagency and subsequent community programs

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coming out of it, are absolutely vital for shire community organisations (non government and government) providing an avenue for invaluable information sharing, best practice examples and networking. Current projects include updating the community service directory, and engaging with the community Elders to address issues. Recently, the Youth Development Officer took over the facilitation of the Interagency, and has introduced new processes that all members have appreciated. Whilst youth development is essentially community development with a youth focus, there is a gap in Coonabarabran. Coolah, Mendooran and Baradine all have extremely successful Community Development Coordinators, who not only focus on the economic development of the community, but provide information and referral services where able, important for the social structure of a community. Whilst the Youth Development Officer enjoys the challenge and responsibility facilitating the Interagency, it does require a person dedicated to looking after it and the potential community development projects that can come from it. Council needs to be the leading organisation of this process to ensure it continues moving forward and for consistency.

Options

The Youth Development Program ensures that young people are able to access quality programs, information, referrals and support outside the schooling environment. The schooling system across the Warrumbungle Shire is amazing, providing opportunities and support for students of an extremely high quality. However, school operates 6 hours a day, and having community inlets for young people to communicate at an emotional level is important.

Continuing to build relationships with young people across the shire and providing a positive male role model, has led to young people connecting at a more emotional level than expected. Intrinsicly youth are referring each other with regards to support to the Youth Development Officer, meaning the program is being seen by young people as safe and trustworthy.

For the smaller communities that have significant social and economic changes (including Global Financial Crisis, impact of mining, dwindling participation numbers in sports, changes in services and support agencies, aging population), the provision of opportunities for young people to engage in a program where they have ownership and can develop positive self-awareness is important for the social structure of communities.

For example, the impact the Cobbora Coal project has had upon the community of Dunedoo is immeasurable, hence the importance of engagement and social activity for young people. The Youth Development Officer has been working with a small group of young people (aged between 13 and 15 years), in developing a program for a monthly after school program and school holiday program. Starting with school holidays and a disco at the Bowls club, the young people from Dunedoo and Leadville are learning skills in facilitation, event planning and community engagement. A Dunedoo Central teacher commented on the fact that the young people involved were not chosen for leadership in the school, but had great potential and it was great to see them actually getting a chance for that responsibility.

The Youth Development Program is flexible and can cater to the many different community situations. By utilising the principles for Asset Based Community Development, we are providing quality programs, using local knowledge and skills,

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supporting local business and economy, strengthening the capacity of the community in the process.

WSC Youth Development Program continues to develop a transparent and “can do” reputation that is positive and using local assets; and provides a positive image of Council services to the community.

Financial Considerations

The Youth Development Program meets its annual financial obligations from funding provided and has a relatively healthy restricted assets balance.

Youth Development Program Income and Expenditure 2012/13

Operating Income

Grants General	96,679
Grants Youth Development Activities (projects)	50,879
Leaseback	3,310
Total Income	150,868

Operating Expenditure

Salaries & Wages	69,718
Plant Hire	13,937
Training	450
Materials	376
Contracts	1,852
Electricity	2,114
IT Support	5,250
Insurance	711
Stationery	122
Telephone	817
Contributions	2,848
Total Expenditure	98,195
Surplus/(Deficit)	52,673

Restricted Asset Movements

Restricted Asset Opening Balance	-
Add: Profit/Loss transferred to Restricted Asset	52,673
Restricted Asset Closing Balance	52,673

Note: the majority of the restricted asset balance above relates to Youth Development Activities grant monies to be spent in the 2013/14 financial year.

Although the Youth Development Program is state funded, Council does provide financial assistance through the waving of rent for the office, shared with Castlereagh Family Day Care and Connect 5 Children’s Services as well as rates and insurance costs (see below):

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Assistance Type	Amount
Insurance (shared with FDC, & Connect 5)	\$3,336
Rates (not rateable)	N/A
Waiving of rent for use of office	N/A
Total (combined FDC, Youth & Connect 5):	\$3,336

All staff expenses have an oncost to cover Workers Compensation, Superannuation and Leave Entitlements, as well as payroll processing costs. Costs of financial audits are also directly allocated to the service.

RECOMMENDATION

That Council accepts the 2012-2013 Financial Statements and review of Youth Development Program.

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Item 29 Yuluwirri Kids Preschool and Long Day Care Centre 2012-2013 Review

Division:	Environmental & Community Services
Management Area:	Yuluwirri Kids Coonabarabran Preschool & Long Day Care Centre
Author:	Manager Yuluwirri Kids Linda Miller
CSP Key Focus Area:	Community & Culture
Priority:	CC1 Opportunities and support mechanisms are developed across the shire attract and retain young people and families

Reason for Report

To provide Council with an overview of the 2012-2013 Financial Statements, funding, programs and challenges of Yuluwirri Kids Coonabarabran Preschool and Long Day Care Centre.

Background

Yuluwirri Kids opened in January 2009 auspiced by Warrumbungle Shire Service after the previous private Long Day Care and community based Preschool services in Coonabarabran closed. Yuluwirri Kids is supported by funding from a range of state and federal government education bodies, and service user fees. Funding is based around enrolments including subsidies for Indigenous, cultural and diverse, and low income families. Funding formulas are based around census reporting requirements collected in August for the following year.

The service operates within the National Quality Framework (NQF) which aims to raise quality and drive continuous improvement and consistency in education and care services through operating under the Education & Care Services National Regulations under the Children (Education and Care Services) National Law Act 2010. Within this the service also adheres to the National Quality Standard which consists of 7 quality areas and 58 elements around educational program and practice, children's health and safety, physical environment, staffing arrangements, relationships with children, collaborative partnerships with families and communities, leadership and service management. A central focus of the NQF is that services must provide a program based on an approved learning framework which is the Early Years Learning Framework for Australia (EYLF). The EYLF sets standards around visions, principles, practices and outcomes.

Yuluwirri Kids had a waiting list in 2009 and to support community need opened the Monkey room (mobile preschool) in conjunction with Connect 5 in 2010, a two days a week preschool program for 3 to 5 years.

Yuluwirri Kids is a 57 place service, including 30 Long Day care Places and 27 Preschool Places a day. Within this we take eleven 0-2 year places, twenty 2-4 years, and twenty-six 3 – 3 years students a day. The Monkey room takes a further twenty 3 -5 years a day. Within a week the service has 325 booked places.

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As of October 2013, Yuluwirri Kids caters for 159 families, with 173 children enrolled.

Staffing arrangements are based around required child/ staff ratios and the necessary required qualifications. The structure consists of employing 4 teachers (including the service manager), 1 diploma trained room leader, 11 Educators that are either diploma trained or certificate III trained and two trainee educators. Support staff consisting of an administration officer, cook, cleaner and gardener/maintenance. Child/staff ratios are required to be maintained at all times.

Issues

Our current challenges are:

The service was assessed on the National Quality Standards (7 Quality Areas and 58 elements) in April of 2013, and received an overall rating of Working Towards. The service has engaged a subsidised consultant for 10 hours of support to assist staff in the review of the service philosophy and improvement in those unmet areas.

A playground concept plan to implement an outdoor learning environment requires funding from grants to implement.

Plans for the extension of the building at Yuluwirri Kids remains to date unfunded. The service operating under one premises would increase the available Long Day Care and Preschool Places to the community, allow for enhanced consistency, service practices and work flow.

Staffing requirements are changing as at 1 January 2016 with the current staff child ratios for 2 to 3 years of 1 to 8 will change to 1 to 5.

There are fewer early childhood teachers than are required in most regions of Australia. Early childhood teachers are paid less for working in early childhood settings than schools. This affects the ability to attract and retain teachers in early childhood services. There are campaigns to recognise that all teachers should be paid the same, with request for funding to services to be increased in order for teachers to receive greater remuneration. This is evident through the history of Yuluwirri Kids lengthy periods of vacant teacher positions. Most Teachers seem to only stay with the service for up to 12 months before moving on to other and/or better employment conditions.

Under the National Law section 169 and National regulations 118,148, early childhood settings are required to have an Educator, Co-ordinator or other individual who is suitably qualified and experienced to lead the development and implementation of educational programs. To be able to implement this role successfully more provisions within the budget to be required. This new requirement is not recognised in current funding formulas.

Funding is subject to change, with current funding reviews happening in government. This impacts on long term planning as continued funding amounts are unknown. Many funding amounts have been capped.

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Options

Yuluwirri Kids as a combined Preschool/Long Day Care supports early childhood education and supports families to work, study and be involved in the community. Families consider what children services are in the community when deciding to move to Coonabarabran and the service was rated highly as an important community asset in the Community Strategic Planning Forums in 2011.

Yuluwirri Kids provides play based learning to allow young children make sense of their world. A context for learning through which children organise and make sense of their social worlds, as they engage actively with people, objects and representations. Play-based learning is an important way to develop active learning.

As a combined Preschool and Long Day Care (LDC) local government auspice service, the service has a high attendance and improved viability then when the town was serviced by a private LDC and community based preschool. The Local Government Act (2003) and Charter ensures that Councils 'promote and to provide and plan for the needs of children'.

Financial Considerations

As for all of Council's grant funded programs, accounts are maintained in a separate ledger and surplus or deficit monies held in Restricted Asset each year and carried forward the following year.

Summary of Income and Expenditure 2012-2013

Income

Preschool

NSW Education & Communities (ECEC) Recurrent Funding	296,265
Preschool Fee Reduction Initiative funding T2,3 & 4 2013	55,146
SCAN Support – Yuluwirri	9,600
IESIP - Indigenous Support SRA	80,007
User Charges – Preschool	198,150
User Charges – Preschool Other Income	15,311

Long Day Care

DEEWR Sustainability Assistance	41,440
DEEWR Child Care Benefit	245,407
User Charges - Long Day Care	218,742

Other Income

Bad Debts recovered	91
ISP Support	4,046
Trainee Subsidy's	5,000
FOYS -Fundraising and Donations	850
CBN LDC other income	3,418

Total Operating Income

1,173,473

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Expenditure	
Salaries & Wages	617,005
Salaries & Wages – Casuals	212,507
Salaries & Wages – Monkey Room	63,874
IESP - Wages	29,519
SCAN – Wages	3,652
Training	2,577
Materials	11,161
Materials - IESP	427
Materials – Monkey Room	1,083
Materials – SCAN	291
Resource Materials	3,415
Furniture/Fittings	3,234
Contracts	27,751
- Promotions	2,194
- Catering	31,482
- IESP – Contracts (inc Audit)	695
- Outreach campus	2,908
Plant	421
Bad Debts	-2,170
Admin Overheads	5,568
Bank Charges	27
Insurance	711
Electricity	8,094
Water Charges	2,086
Postage	2,038
Stationery – Includes Photocopying	4,260
Subscriptions	3,010
Telephone	4,889
Computer Expenses (IT)	1,155
Preschool Fee Support – ECEC	45,765
Preschool Fee Support – ISEP	41,107
Preschool Fee Initiative fee support – ECEC	9,194
Total Operating Expenditure	1,139,930
Profit/(Loss) for the Year	33,543

Restricted Asset Movements

Restricted Asset Opening Balance	27,612
Add: Profit/Loss transferred to Restricted Asset	33,543
Restricted Asset Closing Balance	61,155

A majority of the restricted asset closing balance above relates to the unspent portion of the one off Preschool Fee Reduction Initiative Grant.

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Yuluwirri Kids is fully self funded, however Council does provide the financial assistance through the waiving of rates and insurance costs, and rent free premises as it does for Community based Preschools which operate from Council owned buildings such as in Binnaway, Coolah and Dunedoo.

Assistance Type	Amount
Rates and Charges	\$8,520
Rent	N/A
Insurance	\$4,471
Total:	\$12,991

All staff expenses have an oncost to cover Workers Compensation, Superannuation and Leave Entitlements, as well as payroll processing costs. Costs of financial audits are also directly allocated to the service.

A breakdown of funding received is provided below:

Funding Body	Funding Period	Funding Received 2012-2013
NSW Education & Communities Preschool Funding	1/7/12 to 30/6/13 Paid Quarterly	\$296,285
NSW Education & Communities Preschool Fee Reduction Initiative	School terms 2, 3 & 4 of 2013. Not recurrent funding	\$55,146
Department of Education, Employment and Workplace Relations (DEEWR) Supplementary Recurrent Assistance (Funding is for improving educational outcomes for Aboriginal & Torres strait islander preschool students	1/1/09 to 31/12/13 Calendar Year Funding Paid in April, July and November	\$69,695
DEEWR – Long Day Care Sustainability Assistance	Paid at end of each quarter	Approx. \$41,000 receiving \$10,360 a quarter
Carewest SCAN Aims to provide funding for children with additional needs to access State funded children's services.	1/1/13 to 31/12/13 Paid 6 monthly	\$3,000 per semester
NSW Education & Communities Intervention Support Program. ISP grant is to promote access and improve educational opportunities, learning outcomes and personal development of children with disabilities by improving their participation and achievement	1/1/13 to 31/12/13 Paid 6 monthly	\$8,091

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Funding Body	Funding Period	Funding Received 2012-2013
DEEWR – Inclusion Support Funding Funding for Long Day Care children who have a disability or undergoing assessment.	19/8/13 to 17/8/14 Paid weekly	Maximum possibility \$4,187
DEEWR – Childcare Benefit & Rebate	Ongoing Paid weekly	Approx. \$275,625 per annum

RECOMMENDATION

That Council accepts the 2012-2013 Financial Statements and review of Yuluwirri Kids Preschool and Long Day Care Centre.

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Item 30 Street Stall Policy

Division:	Environmental & Community Services
Management Area:	Regulatory Services
Author:	Town Planner – Emily Doolan
CSP Key Focus Area:	Local Governance and Finance
Priority:	Council recognise the importance of its role as steward of the natural, built, economic and social environment.

Reason for Report

Council is currently undertaking a review of all of its policies. Two of these policies are the Street Stalls and Street Raffles – Strategic 1.9 and Local Approvals – Use of Public Footpaths for Placement of Articles or Items – Strategic 1.4

Background

Council has had two policies relating to the use of public footpaths to hold raffles and stalls. A new policy has been created to incorporate both these policies.

Enclosed under separate cover is a copy of the current Strategic Street Stalls and Street Raffles Policy (Strategic 1.9) and a copy of the Local Approvals – Use of Public Footpaths for Placement of Articles or Items (Strategic 1.4).

Issues

Street stalls need to be controlled because of the potential liability to Council, safety of pedestrians and impacts to shop owners. The requirement to lodge a formal application with Council will provide an opportunity to assess and control potential risks.

Options

Council can adopt the new Street Stall Policy – Strategic 1.31 or re-adopt the two current versions without changes.

Financial Considerations


Nil

RECOMMENDATION

That Council adopt the new Street Stall Policy as follows:

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	Street Stall Policy
	Strategic

Purpose

The purpose of this policy is to give clear guidelines as to Council's requirements and expectations for the use of public footpath areas for activities such as street stalls and raffle ticket selling.

Objectives of the Policy

This policy will ensure that street stall activities do not adversely impact on residents or business operators, whilst at the same time provides an equitable opportunity for fundraising for all appropriate organisations.

Policy Scope

This policy applies to all street stalls and raffle ticket selling conducted within the Warrumbungle Shire.

Policy Statement

- i. All applications for a street stall shall be made with Council's application form and submitted at least 14 days prior to the proposed date of the activity and must indicate the times required.
- ii. Any organisation using a public footpath must keep effective public liability insurance cover for a minimum of \$20 million which indemnifies the organisation conducting the fundraising activity and Warrumbungle Shire Council against any claims for injury to person, or damage to property as a result of the fundraising activity.
- iii. Evidence of the public liability insurance cover must be provided with every application.
- iv. Consideration for street stalls will only be given to those located within the central business district of each town and village within the Shire.
- v. Consideration of street stall applications shall include affected shop owners, safety, pedestrian access and amenity.

Responsibilities

The policy will be enforced by staff within the Environmental Services Department.

Associated Documents

Application to Place Articles & Items on the Footpath

Getting Help

The staff member who can assist with enquiries about the policy;

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Position: Environmental Administration Officer

Department: Environmental Services

Version Control

Staff Member Responsible for Review: Manager of Regulatory Services

This policy is subject to regular review at a maximum interval of two years.

Policy Name	Action	Resolution No.	Date
Local Approvals Policy	Adopted		
Street Stalls Policy	Draft		

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Item 31 Swimming Pools Inspection Program

Division:	Environmental & Community Services
Management Area:	Environmental Health/Building Surveying
Author:	Acting Manager Environmental Innovations – Brad Condon
CSP Key Focus Area:	Rural and Urban Development
Priority:	RU4.2 Take enforcement action against owners of properties with unsafe, dangerous or unhealthy conditions

Reason for Report

The implementation of the Swimming Pools Amendment Act 2012 has put greater responsibility on Council to regulate swimming pool safety barriers within the local government area. As part of these new responsibilities council is required to develop and implement an affordable Swimming Pool Inspection Program in consultation with our community.

Background

As of 29 October 2013 all current swimming pool owners need to have registered their pools with the NSW Swimming Pool Register. The Pool Owners information is then available to Council to establish the Swimming Pool Inspection Program. From the 29 April 2014 all swimming pool owners who intend to sell or lease their property will require a Certificate of Compliance. Also from 29 April 2014 all tourist/visitor accommodation sites and multi-occupancy dwellings with a swimming pool will also require a Certificate of Compliance. All other inspections of household swimming pools will be determined by Council's own Swimming Pool Inspection Program.

Issues

The Swimming Pools Amendment Act 2012 has introduced a number of changes to the regulation of swimming pools. Issues that council should consider include:

1. Liability of Council when issuing Certificates of Compliance
2. Cost of implementing inspection program
3. Training and availability of staff
4. Councils risk management principles
5. Prioritising of pools based on risk
6. Education of community

Options

Council can adopt the draft Swimming Pool Barrier Inspection Program and place on public exhibition for comment or amend the document prior to public comment.

Financial Considerations

Implementing the swimming pool inspection program will require a substantial amount of time to be allocated to swimming pool inspections. This includes plant required to travel

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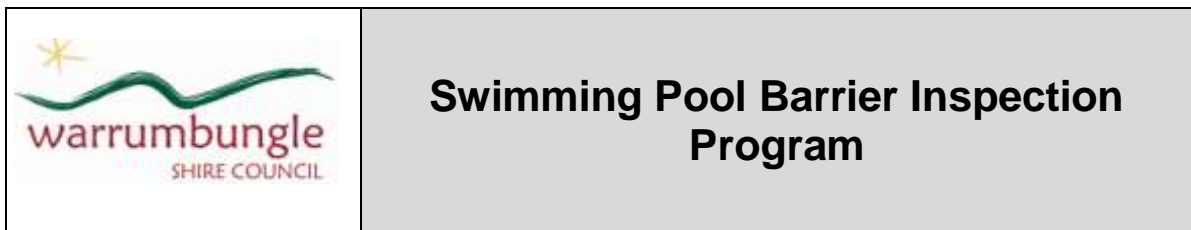
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to inspections and staff time. The program itself will generate revenue with Council allowed to issue a fee of maximum \$150 for each swimming pool inspection and \$100 for follow up inspections.

At this point it is unknown exactly how many pools are within the Warrumbungle Shire and the full financial implications.

RECOMMENDATION

1. That Council adopt the draft Swimming Pool Barrier Inspection Program.
2. That Council agree to place the document on public exhibition for 28 days.
3. Council add to its fees and charges a fee of \$150 for each initial swimming pool inspection.
4. Council add to its fees and charges a fee of \$100 for each additional swimming pool inspection.



1. Background

The Swimming Pools Act 1992 requires Council to develop and adopt a program for the inspection of swimming pool located within the Warrumbungle Shire. To fulfil its statutory obligation under this Act Council must inspect swimming pools in accordance with this program.

2. Purpose

- To ensure Council meets its obligations under the Swimming Pools Act 1992,
- To set guidelines for the inspection program to ensure pools and pool owners comply with relevant legislation,
- To promote awareness within the Warrumbungle Shire of the requirements of the Swimming Pools Act 1992.

3. Scope

This inspection program applies to all swimming pools and spas located within the Warrumbungle Shire that are capable of being filled with water to a depth greater than 300mm. Swimming pools and spas may be located indoor or outdoor and be above ground, inground or inflatable. This program does not apply to swimming pools or spa located on premises occupied by the Crown or a public authority.

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4. Inspection Program

The inspection program will be implemented in two stages based on risk and to best utilise Council's limited resources. Inspections will be carried out by Council staff and where compliant with the Act a Certificate of Compliance will be issued.

4.1. Stage 1

The first stage of the inspection program will commence from 29 October 2013 for the following circumstances.

- When Council is made aware of swimming pool barriers that do not comply with the Swimming Pools Act;
 - during inspections of other works, such as from an approval, or
 - when a complaint is received by Council. Under Section 29A of the Act Council must investigate these matters within 72 hours of receiving the complaint, or
 - when a Notice is received under Section 22E of the Act from an Accredited Certifier who has inspected a pool and believes the requirements of the Act have not been met.
- When an inspection request is received by Council;
 - prior to the sale or lease of properties where a swimming pool is located (mandatory after 29 April 2014), or
 - when a voluntary request for inspection is made under Section 22C of the Act.

Inspections for these pools will be carried out within 10 days from the date of the request.
- For swimming pools located at visitor and tourist accommodation premises or premises with more than 2 dwellings. These premises are required to be inspected at least once every 3 years. The first inspection of these premises must occur before 29 April 2014.

4.2. Stage 2

The second stage of inspections is not mandatory under the Act and therefore will be commenced after the completion of Stage 1. The swimming pools identified in Stage 2 will be inspected using a risk based approach, with regards to child safety. The following pools will form part of Stage 2;

- Pools that are registered and the owner has identified that the pool barrier is non-compliant,
- Pools with an exemption under the Act,
- Pools without a valid Certificate of Compliance,
- Pools which have not been inspection within 10 years.

4.3. Fees

For initial pool barrier inspections Council will charge an inspection fee in accordance with Clause 18A of the Swimming Pools Regulation 2008, currently \$150.

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Should a further inspection be required, Council may charge an additional fee in accordance with Clause 18A of the Swimming Pools Regulation 2008, currently \$100.

Any further inspection beyond this will not incur any fees.

4.4. Certificates of Compliance

In order to obtain a Certificate of Compliance, under Section 22D of the Act, the swimming pool must:

- Be registered on the state wide Register of Swimming Pools
- Be inspected by Council's authorised officer or an Accredited Certifier, and
- Comply with the requirements of Part 2 of the Act

A Certificate of Compliance is valid for 3 years after the date of issue. Council will not inspect any swimming pools with a valid Certificate of Compliance, unless they become subject of a complaint or are deemed high risk by Council due to modifications made to the pool safety barrier after the Certificate of Compliance was issued. A Certificate of Compliance will cease to be valid if the pool safety barrier is then determined to be non-compliant and a direction is given under Section 23 of the Act to make the barrier compliant.

4.5. Non Compliant Pool Barriers

A Certificate of Compliance cannot be issued after an inspection if the pool barrier fails to meet the requirements of the Act. If upon inspection a barrier is found to be non-compliant then a notice will be issued to the owner, which will state the works required for a Certificate of Compliance to be issued. If the upgrade works are not performed within the timeframe specified, then a Penalty Infringement Notice may be issued and legal action may be taken (in accordance with the swimming pools legislation).

5. Version Control

Swimming Pool Inspection Program	Action	Resolution No.	Date
	<i>Eg endorsed</i>		

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Item 32 Development Applications

Division: Environmental and Community Services

Management Area: Regulatory Services

Author: Environmental Administration Officer – Kobie Francis

CSP Key Focus Area: Rural and Urban Development

Priority: RU4 The attractiveness appearance and amenity of our towns and villages need to be improved

Development Applications

(i) Approved – September 2013

Complying Development (Set Criteria) Development Application (Specialised Conditions)	Date Approved	Applicant's Name	Location	Town	Type Of Development
DA 5/1314	9/09/2013	Dennis Magaan	Wingabuttal Rd	Binnaway	Steel Shed
DA 8/1314	9/09/2013	Kerrie Harkin	4 Castlereagh Avenue	Binnaway	Carport
DA 9/1314	6/09/2013	Paul & Glenda Tandy	15 Major Mitchell Road	Coonabarabran	Built kit shed
DA 10/1314	11/09/2013	Stephen Clements	34 Bandulla Street	Coonabarabran	Patio Cover
DA 11/1314	12/09/2013	James Frampton	1504 Golden Highway	Dunedoo	Patio Cover
DA 12/1314 *	18/09/2013	Paul Wilson	1788 Timor Road	Coonabarabran	Class 1a studio
CDC 14/1314	4/09/2013	Keith Brooks	29 John Ward Place	Coonabarabran	Construct steel shed
DA 16/1314	16/09/2013	Stephen Walton	55 Macquarie Street	Baradine	Addition and extensions

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Complying Development (Set Criteria) Development Application (Specialised Conditions)	Date Approved	Applicant's Name	Location	Town	Type Of Development
DA 17/1314 *	6/09/2013	Catherine Hutton	941 Timor Road	Coonabarabran	Rebuild shed
CDC 24/1314	19/09/2013	Scott Tanner	106 Dalgarno Street	Coonabarabran	Shed

Development Applications

(ii) Received – September 2013

Complying Development (Set Criteria) Development Application (Specialised Conditions)	Date Received	Applicant's Name	Location	Town	Type Of Development	Status
DA 18/1314	3/09/2013	Cobbora Holding Company	2068 Spring Ridge Road	Dunedoo	New Shed & site office	Assessing
DA 19/1314	4/09/2013	Taylor Made Buildings	6 Railway Street	Baradine	Installation of a manufactured home	Assessing
DA 21/1314 *	5/09/2013	Taylor Made Buildings	502 Guinema Road	Bugaldie	Installation of a manufactured home	Assessing
DA 22/1314 *	5/09/2013	Taylor Made Buildings	10 Blackburn Road	Coonabarabran	Installation of a manufactured home	Assessing
DA 23/1314	11/09/2013	Cassie Carslake	145-147 Binnia Street	Coolah	Installation of a relocatable home	Assessing
CDC 24/1314	17/09/2013	Scott Tanner	106 Dalgarno Street	Coonabarabran	Shed	Assessing
DA 25/1314	26/09/2013	Taylor Made Buildings	56-62 Binnaway Street	Coolah	installation of a Manufactured home	Assessing
DA 26/1314	27/09/2013	Brent Templeman	12 Merebene Street	Coonabarabran	Shed	Assessing

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Construction Certificates

(iii) Approved – September 2013

Construction Certificates	Date Approved	Applicant's Name	Location	Town	Type Of Development
DA 4/1314	10/09/2013	Michael & Jan Kanonczuk	102 Tibuc Road	Coonabarabran	Steel shed
DA 8/1314	9/09/2013	Kerrie Harkin	4 Castlereagh Avenue	Binnaway	Carport
DA 9/1314	6/09/2013	Paul & Glenda Tandy	15 Major Mitchell Road	Coonabarabran	Built kit shed
DA 10/1314	11/09/2013	Stephen Clements	34 Bandulla Street	Coonabarabran	Patio Cover
DA 11/1314	12/09/2013	James Frampton	1504 Golden Highway	Dunedoo	Patio Cover
CDC 14/1314	4/09/2013	Keith Brooks	29 John Ward Place	Coonabarabran	Construct steel shed
DA 17/1314	6/09/2013	Catherine Hutton	941 Timor Road	Coonabarabran	Rebuild shed
CDC 19/1314	19/09/2013	Scott Tanner	106 Dalgarno Street	Coonabarabran	Shed

* Development Applications received from January Bushfires

RECOMMENDATION

That Council note the Applications and Certificates Approved, during September 2013, under Delegated Authority