



# **Warrumbungle Shire Council**

## **Council meeting**

**Thursday, 19 September 2013**

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

**commencing at 10.00 am**

## **COUNCILLORS**

Councillor Gary Andrews

Councillor Anne-Louise Capel

Councillor Fred Clancy

Councillor Murray Coe

Councillor Victor Schmidt

Councillor Peter Shinton

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 – 19 September 2013

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**NOTICE** is hereby given that the **ORDINARY MEETING** of Council will be held on Thursday, 19 September 2013 at the Council Chambers, Coonabarabran commencing immediately following the special meeting due to commence at 10.00am

## **AGENDA**

Welcome

Turn Off Mobile Phones

### **Order of Business**

**Forum**

**Apologies**

**Disclosure of Interest**  
    **Pecuniary Interest**  
    **Non Pecuniary Conflict of Interest**

**Mayoral Minute**

**Reports**

**Questions and Matters of Concern**

**Reports to be considered in Closed Council**

**1C External Audit Tender**

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

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

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

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

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

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

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### Item 1 Minutes of Ordinary Council Meeting – 15 August 2013

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Manager Administration & Customer Service – Sally Morris
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF2.1 Ensure that all communities within the shire have opportunities to be informed about and involved in Council's activities and decision making.

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**PRESENT:** Cr Peter Shinton (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, General Manager (Steve Loane), Director Technical Services (Kevin Tighe) and Director Environmental and Community Services (Tony Meppem).

**In Attendance:** Administration Officer (C Nasmith) (minutes)

**10.05 am**

**50/1314 RESOLVED** that:

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

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

**10.35am**

**51/1314 RESOLVED** that Council move out of closed Committee.

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

**Standing Orders were suspended at 10.35am**

Cr Ron Sullivan left the meeting.

**Standing orders resumed at 10.54am**

Councillor Todd joined the meeting.

The Director of Corporate Services (Rebecca Ryan) joined the meeting.

**APOLOGIES:** Cr Ron Sullivan

**52/1314 RESOLVED** that in accordance with Resolution 21/1314 granting leave of absence, the apology of Cr R Sullivan be accepted.

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



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### **DECLARATIONS OF PECUNIARY INTEREST AND NON PECUNIARY INTEREST**

The Director Corporate Services, Rebecca Ryan, declared a pecuniary interest in the matter 1C Tooraweenah Prime Lamb Marketing Cooperative.

The General Manager announced the following resolution to the general meeting.

#### **1C Tooraweenah Prime Lamb Marketing Cooperative (TPLMC) – Coonabarabran Abattoir proposal**

**53/1314 RESOLVED** that Council advise the Tooraweenah Prime Lamb Marketing Cooperative that it agrees in principle to their pursuit of the purchase of the Coonabarabran Abattoir and congratulates the Cooperative on their initiative. Council will endeavour to be of assistance in their pursuit however due to Legislative restrictions Council is unable to provide financial assistance at this time. Council encourages the Cooperative to exhaust all avenues to secure finance.

**Clancy / Andrews**  
**The motion was carried**

### **REPORTS**

#### **Item 1 Minutes of Ordinary Council Meeting – 18 July 2013**

**54/1314 RESOLVED** that the resolutions contained in the Minutes of the Ordinary Council meeting held on 18 July 2013 be endorsed.

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

#### **Item 2 Minutes of Traffic Advisory Committee Meeting – 25 July 2013**

##### **55/1314 RESOLVED:**

1. That Council accept the Minutes of the Traffic Advisory Meeting held on 25 July 2013 at Coonabarabran.
2. That further investigations be undertaken with Council and RMS on options for crossings in Dalgarno Street in front of St Lawrence's School, **FURTHERMORE** that this matter be formally referred to the RMS Safety Around Schools Officer.
3. That Council investigate relocating 'One Way' sign closer to the intersection of Essex Street and Charles Street
4. That signs in Little Timor Street on the eastern and western side of John Street are replaced and upgraded as required.
5. That Council investigate the repositioning of large additional restricted parking signs in Crane Street to prevent overnight parking of trucks with refrigeration units on board.

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

#### **Item 3 Minutes of Warrumbungle Aerodromes Advisory Committee Meeting – 1 August 2013**

##### **56/1314 RESOLVED:**

1. That Council adopt the Minutes of the Warrumbungle Aerodromes Advisory Committee Meeting held on 1 August 2013 at Coonabarabran
2. That Council investigate condition of ramps on David Knight Drive and the top ramp in particular and that action as required is taken to repair the ramps.
3. That Council investigate the condition of the road surface on David Knight Drive Coonabarabran above the top ramp and that action as required is taken to repair the road surface.

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4. That a master plan is prepared for the development of hangar space at each of the three aerodromes
5. That urgent action is taken to have the lights at Coolah runway repaired.
6. That use of the Coonabarabran aerodrome for skydiving event on the 12 August 2013 is approved subject to all necessary insurances being in place
7. That a cost estimate is prepared to bitumen seal the last 50 metres on either end of the Coolah runway and presented for consideration during preparation of the 2014/15 budget.

**Capel / Schmidt**

**The motion was carried**

### **Item 4 Minutes of the Finance and Projects Committee Meeting – 2 August 2013**

#### **57/1314 RESOLVED**

1. That Council accept the Minutes of the Finance and Projects Committee Meeting held on 2 August 2013 at Coonabarabran.
2. That a report be bought back to Council in regards to the operations and rehabilitation expense of Council Quarries, Tips and Sanitary Depots under the care and control of Warrumbungle Shire Council.
3. That Council approve the final QBRS for 2012-13.
4. That Council staff be congratulated on savings made and rebate received for Workers Compensation Premium for 2012-2013.

**Todd / Capel**

**The motion was carried**

### **Item 5 Minutes of Economic Development and Tourism Advisory Committee Meeting – 27 June 2013**

#### **58/1314 RESOLVED**

- 1 That Council accepts the Minutes of the Economic Development and Tourism Advisory Meeting held on 27 June 2013 at Coonabarabran
- 2 That Sal Edwards be endorsed as the Coolah District Development Group Inc representative on the Warrumbungle Shire Council Economic Development and Tourism Advisory Committee.
- 3 That the \$3,000 currently held in Tourism from LGSA Conference be transferred to Restricted Assets for a future Tourism Project.
- 4 That the budget report for the financial year ended 30 June 2013 be accepted noting that the \$3,000 received from LGSA for State Your Case prize be transferred to Restricted Assets.

**Schmidt / Capel**

**The motion was carried**

### **Item 6 Minutes of Economic Development and Tourism Advisory Committee Meeting – 25 July 2013**

**59/1314 RESOLVED** that Council accepts the Minutes of the Economic Development and Tourism Advisory Meeting held on 25 July 2013 at Coonabarabran.

**Capel / Schmidt**

**The motion was carried**

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### **Item 7 Responses to Questions from last meeting**

Received.

### **Item 8 Council Resolutions Report September 2012 – July 2013**

Received.

### **Item 9 Volunteer Lifeguards**

**60/1314 RESOLVED** that Council investigate the possibility of using volunteer lifeguards at Baradine, Binnaway and Mendooran pools to allow the community more flexible hours to utilise the pools.

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

### **Item 10 2013 National Local Roads and Transport Congress**

**61/1314 RESOLVED** that the Mayor, General Manager and Councillor Todd attend the 2013 National Local Roads and Transport Congress.

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

### **Item 11 Resignation Director Environmental and Community Services**

**62/1314 RESOLVED** that Council endorse the General Manager appointing the temporary and amended current Manager positions; Temporary Manager Communications and Community Services, Manager Regulatory Services, Acting Manager Environmental Innovations and Temporary Manager IT.

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

### **Item 12 Brick Bats and Bouquets**

Received.

### **Item 13 Human Resources Report – August 2013**

Received.

### **Item 14 Employee Excellence in Achievement Award**

**63/1314 RESOLVED** that Council accepts the recommendation from MANEX and presents George Kertesz, Waste Operator with the Third Quarter Warrumbungle Shire Council Employee Excellence in Achievement Award 2013.

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

### **Item 15 Financial Assistance Requests 2013-2014 (Round One)**

**64/1314 RESOLVED** that Council provide financial assistance to the August 2013 applicants listed for a total amount of \$4,989.

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

### **Item 16 Memorandum of Understanding (MOU) - Community Development Coordinator Program**

**65/1314 RESOLVED** that Council endorse the Development Coordinator MOU 2013-2017 for Baradine and District Progress Association, Binnaway Progress Association, Mendooran and District Development Group, Coolah and District Development Group and Dunedoo and District Development Group.

**Clancy / Todd**  
**The motion was carried**

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### **Item 17 Bank Reconciliation for month ending 31 July 2013**

**66/1314 RESOLVED** that Council accept the Bank Reconciliation Report for the month ending 31 July 2013.

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

### **Item 18 Investments and Term Deposits**

**67/1314 RESOLVED** that Council accept the Investments Report for the month ending 31 July 2013.

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

### **Item 19 Rates Report for Month Ending 31 July 2013**

Received.

### **Item 20 LIRS Round 2 Bridge Replacement Project**

**68/1314 RESOLVED** that Council authorise the Mayor and General Manager to sign and affix the Council Seal to the NSW Division of Local Government Local Infrastructure Renewal Scheme 3% Interest Subsidy Funding Agreement for the Replacement of seven (7) Timber Bridges replacement project at a total project value of \$3.1M.

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

### **Item 21 2012/13 Financial Statements**

#### **69/1314 RESOLVED**

1. That the statement in accordance with Section 413(2)(c) of the Local Government Act 1993, and Clause 215 of the Local Government (General) Regulation 2005, for the General Purpose Financial Statements for the year ending 30 June 2013 be made.
2. That the statement in accordance with the requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2013 be made.
3. That the statements be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
4. That the General Purpose Financial Statements and Special Purpose Financial Statements be referred to audit per the requirements of Section 413(1) of the Local Government Act 1993.

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

### **Item 22 Revote Request Capex 2012/13**

**70/1314 RESOLVED** that Council approve the 2012-2013 CAPEX revote request totalling \$3.247m which will result in a total capital program budget of \$13.451m and a deficit of \$3.003m (cash basis including capital and loan movements) for the 2013/14 financial year.

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

### **Item 23 Inaugural End of Financial Year Sale Fundraiser July 2013**

**71/1314 RESOLVED** that Council donates the total proceeds of the End of Financial Year Sale held on Friday 5 July being \$2,898 to the Warrumbungle Shire Mayor's Bushfire Appeal.

**Schmidt / Andrews**  
**The motion was carried**

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### **Item 24 Purchase of Coolah Medical Centre**

**72/1314 RESOLVED** that Council accepts the vendor decision to not proceed with the sale of Lot 15 Section 3 DP 979105 also known as Coolah Medical Centre, Coolah.

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

### **Item 25 Request to purchase Council owned land Lot 2 Section 1 DP759016**

**73/1314 RESOLVED** that Council offer for sale the property Lot 2 Section 1 DP759016 via Public Auction to be included with the impending Public Auction of other properties being sold due to outstanding rates.

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

### **Item 26 Strategic Policy – Land and Building Policy**

**74/1314 RESOLVED** that Council removes the Land and Building Policy as one of Council's Strategic policies.

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

### **11.50am**

Bob Bailey presented Council with a power-point presentation on a proposed Waste Management Strategy for Warrumbungle Shire Council.

**Standing Orders were suspended at 1.00pm for lunch and resumed at 1.50pm.**

### **Item 27 Strategic Policy – Local Contractor Policy**

**75/1314 RESOLVED** that Council removes the Local Contractor Policy as one of Council's adopted Strategic policies.

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

### **Item 28 Strategic Policy – Residential Property Policy**

**76/1314 RESOLVED** that Council endorses the following Residential Property Policy to be included in the Strategic Policy Register.

#### **1. Purpose**

This policy defines the use and availability of residential properties owned by Warrumbungle Shire Council whilst ensuring that the premises are managed in a professional manner within the relevant legislation.

#### **2. Objectives of the Policy**

The objective of this policy is to provide clear guidelines for the purpose and access for rental of Council owned residential properties to ensure that utilisation and return on investment provides the best outcome for Council.

#### **3. Policy Scope**

The policy applies to all staff and one (1) Visiting Medical Officer (VMO) who have the opportunity to live and rent or manage Council owned residential properties. This policy applies to the following residential properties:

- 4 Irwin Street, Coolah
- 17 Cole Street, Coolah
- 84 Martin Street, Coolah
- 137 Martin Street, Coolah
- 139 Martin Street, Coolah

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- 141 Martin Street, Coolah
- 143 Martin Street, Coolah

### 4. Background

The Residential Property Policy was a Resolution of Council (419) in June 2008 and has had no other versions since.

Warrumbungle Shire Council owns seven (7) residential properties in the township of Coolah. These properties are available as an incentive to attract professional staff to work in the Shire. The property at 141 Martin Street is provided for the local Doctor who has VMO access to the Coolah Multi Purpose Service (Hospital). All properties are leased at an agreed rental rate with terms and conditions as prescribed in the Residential Tenancies Act 2010 No 42 and Residential Tenancies Regulation 2010.

### 5. Definitions

'Council' means Warrumbungle Shire Council

'Landlord' means Warrumbungle Shire Council

'Residential Properties' means all properties listed under the Policy Scope

'Property' means to property owned in title by Warrumbungle Shire Council

'Tenant' means:

- (a) the person who has the right to occupy residential premises under a residential tenancy agreement, or
- (b) the person to whom such a right passes by transfer or operation of the law, or
- (c) a sub-tenant of a tenant, and includes a prospective tenant.

'Staff' means any person employed or contracted by Warrumbungle Shire Council as an employee of Council.

'Visiting Medical Officer' (VMO) means the Doctor who holds the current VMO rights at the local hospital as prescribed by the State Government Health Department.

'Market Rate' means a market appraisal conducted by a qualified Valuer/Real Estate Agent.

### 6. Policy Statement

Staff housing is deemed as a positive recruitment strategy to attract professional staff to work in for Warrumbungle Shire Council and live within the shire. Council also appreciates the value of a community provided executive style house for VMO's as part of an attractive package for recruitment of a local Medical Service.

It is a condition that the following terms shall be agreed to in the Contract of employment and Warrumbungle Shire Councils Residential Tenancy Agreement prior to occupying premises:

1. The employee/tenant agrees to sign a Residential Tenancy Agreement, which will initially be for a term of three (3) months then every 12 months under a new Lease Agreement.
2. That the rent as stated in the agreement be at 'market rate' and subject to increase in line with CPI or valuation adjustment yearly.
3. That on cessation of employment the tenant shall return to the Landlord the premises in a clean and habitable condition within 60 days of termination notice or resignation as per the Residential Tenancy Act 2010.
4. A bond (equivalent to four (4) weeks rent) plus two (2) weeks rent in advance will be paid at the commencement of the Lease Agreement then rent will be paid weekly as a payroll deduction. The bond will be forwarded to the Office of Fair Trading as per the Residential Tenancy Act 2010.
5. That market appraisals will be conducted in July of every second year by a qualified Valuer/Real Estate Agent and the rent will be adjusted according to the recommendation of the 'market rate'.
6. All other conditions of tenancy will be in accordance with the Tenancy Agreement and the Residential Tenancies Act and Regulations.

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Priority for staff housing will be given to Director and Manager level and staff where skills shortages exist, who have to relocate to the shire, with provision for other staff to apply to the General Manager to rent a vacant property should the opportunity arise.

### 7. Responsibilities

The Manager Properties will hold responsibility over this policy

### 8. Associated Documents

Operational Plan and Delivery Program 2013/14 – 2016/17  
Warrumbungle Shire Council Residential Property Procedures  
Residential Tenancies Act 2010 No 42  
Residential Tenancies Regulation 2010  
Local Government Act 1993 No 20

### 9. Getting Help

*The staff member/s who can assist with enquiries about the policy*  
*Position: Manager Properties*

### 10. Version Control

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

Policy	Version	Resolution	Date
Residential Property Policy	1	419	26 June 2008
Residential Property Policy	2		

**Schmidt / Andrews**  
**The motion was carried**

### Item 29 Strategic Policy – Risk Management

**77/1314 RESOLVED** that Council endorses the following Risk Management to be included in the Strategic Policy Register.

#### 1. Purpose

Risk Management is about the systematic identification, analysis, evaluation, control and monitoring of risks associated with Council activities. It is the application of management policies, procedures and practices to minimise exposure to any losses, penalties or insurance claims. These losses can include but are not limited to public liability, workers compensation, professional responsibilities, property and motor vehicle.

#### 2. Objectives of the Policy

The objectives of this policy are to minimise Council's exposure to all categories of risks, in all areas of operation. This is to be achieved through an effective and pro-active approach to the management of risk and to ensure that all levels of management and staff are aware of and responsible for the management of risk.

#### 3. Policy Scope

This policy applies to all areas of Council, all sites and all areas of work at all times.

#### 4. Background

In December 2010 Council endorsed the previous policy in line with the general methodology specified in Australian Standard, AS/NZS ISO 31000:2009 – Risk Management – Principles and Guidelines. Councils are required by the Local Government Act, section 382 to have in place risk management to assist in insurance against liability.

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### 5. Definitions

**Hazard** – A hazard is a source of potential harm or a situation with potential to cause harm

**Risk** – Risk is defined as the chance of something happening that will have an impact upon objectives. Risks are measured in terms of likelihood and consequence. The highest risk level (i.e. the most severe consequences and highest likelihood of occurring) should be controlled or minimised first.

### 6. Policy Statement

Council is committed to minimising or eliminating financial or other losses arising from:

- Personal injury to employees and the public;
- Loss or damage to assets of Council or the public;
- Damage to the environment;
- Damage to the reputation of Council.

This will be achieved by implementing a risk management program, but for this to be successful Council will need to ensure:

- Senior Management support of and commitment to the risk management plan
- Commitment of Management and Staff to risk management
- Commitment of existing staff resources to the management of risk
- Appropriately trained personnel
  - Consistently applied procedures to:-
    - Establish the context
  - Identify risks
  - Analyse risks
  - Evaluate risks
  - Treat risks
  - Monitor and review
  - Communicate and consult
  - Audit

### 7. Responsibilities

- **Council** will support this policy by: -
  - The allocation of appropriate resources for the effective implementation and ongoing review
  - Promptly communicating to the General Manager all risk matters identified by or to them.
- **The General Manager** has overall responsibility for the implementation of Risk Management across Council by ensuring appropriate resources are allocated to meet Council's Risk Management obligations
- **Directors, Managers and Supervisors** are required to create an environment where managing risk is accepted as the personal responsibility of each employee. They are accountable for the implementation and maintenance of sound Risk Management within their areas of responsibility.
- **All employees** are to be actively involved in the identification assessment and management of risk to the best of their ability. They are responsible for carrying out all activities in a safe manner and in accordance with procedures and to provide assistance in rectification of problems. In particular employees are to bring to the attention of the supervisor, as soon as practicable, any matter that could affect the effectiveness of an adopted risk management procedure.



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### 8. Associated Documents

- Risk Management Plan and Procedure
- Warrumbungle Shire's Risk Matrix
- AS/NZS 31000:2009
- Local Government Act 1993 No 30

### 9. Getting Help

Position: Manager Property and Risk  
Department: Corporate Services

### 10. Version Control

*This policy and related procedures shall be reviewed every two years by the Manager Property and Risk in consultation with the Risk Management Committee. If any changes occur to work practices or legislation then a review of the Policy and Procedures shall take place.*

Policy	Version	Resolution	Date
Risk Management	1	208	16 December 2010
Risk Management	2	74	15 August 2013

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

### Item 30 Regional Strategic Water Collaboration

**78/1314 RESOLVED** that Council collaborates with Gilgandra Shire Council and Coonamble Shire Council to undertake selected strategic business planning tasks associated with management of water and sewerage assets, subject to the following conditions:

1. Individual Councils retain ownership and operational control over water and sewerage assets
2. Working collaboratively with the two Councils is cost neutral.
3. If any of the joint tasks require administrative and Information Technology support, it is provided by Warrumbungle Shire Council on a cost recovery basis.

**FURTHERMORE**, any agreement between Council and the other Councils is subject to negotiations by the General Manager and that the General Manager be authorised to progress these negotiations.

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

### Item 31 Proposal to extend water main to Lot 1 DP351023 Yeulba Street Binnaway

**79/1314 RESOLVED** that a water main is installed in Yeulba Street Binnaway between Bullinda Street and Lot 1 DP351023 subject to the following conditions:

1. A contribution of \$3,000 is made by the owner of the properties along Yeulba Street before the water main is installed, upon application, and that a report be brought back to Council.

**Andrews / Schmidt**  
**The motion was carried**

### Item 32 2013/14 Technical Services Works Program – Road Operations and Urban Services

Received.

### Item 33 Transportable Homes Policy

**80/1314 RESOLVED** that Council adopt the revised Transportable Homes Policy – Strategic.

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### **CSP FOCUS AREA:**

RU1 – Land use planning across the shire needs to ensure the retention of the rural character of the area whilst encouraging ecologically sustainable development.

### **INTRODUCTION**

#### **Title**

This policy (“the policy”) is called the Warrumbungle Shire Council Transportable Homes Policy

#### **Purpose**

The purpose of this policy is to:

- Acknowledge that the installation of transportable homes is different to traditional dwelling construction in the legislative and approval process;
- Distinguish that there are different types of transportable homes which require different considerations and approval processes;
- Ensure that Council exercises its functions as the approval body consistently and in accordance with the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993;
- Provide information to all relevant stakeholders on the approval process for transportable homes within the Shire.

#### **Preface**

Warrumbungle Shire Council (Council) is an approval and consent authority for building installations within the Shire. An increasingly popular form of residential dwellings is installing a transportable home. The installation of a transportable home is approved and regulated in a different manner to the traditional development and certification process. Due to this different approvals process, guidelines are required in accordance with the relevant legislation to ensure that the installation of these homes is regulated in a consistent and appropriate manner.

### **POLICY SCOPE**

This policy applies to all applications to install and use a transportable home within the Warrumbungle Shire.

### **OBJECTIVES AND COVERAGE OF THE POLICY**

#### **Definitions**

The following terms are as defined in the *Local Government Act 1993* and associated regulations;

**Relocatable home** means:

- (a) a manufactured home or,
- (b) any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling,

but does not include a tent caravan or campervan or any moveable dwelling that is capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*

**Manufactured home** means:

A self contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises one or more major sections, and

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(b) that is not a registrable vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*

and includes any associated structures that form part of the dwelling.

The following term is defined in the *Environmental Planning and Assessment Act 1979*

**Building** includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.

### **Interpretation**

The majority of applications received by Council to install a transportable home can be categorised into two distinct categories.

The first for the purposes of this policy is defined as a **manufactured home**, which is any new building that is constructed off-site and then transported and assembled on-site and includes any associated structures. These dwellings are manufactured new and have not been inhabited.

The second for the purposes of this policy is defined as a **relocated dwelling**, which is any existing building, regardless of age, that is already located on a site which is then separated into sections and transported and re-assembled on-site and includes any associated structures. These dwellings are existing dwellings that have been inhabited and typically were built in a traditional method on-site.

### **Approval requirements for manufactured homes**

Prior to any manufactured home being transported or installed on site the following approvals must be gained from Council:

1. Development consent for the use of the subject building issued under the Environmental Planning and Assessment Act 1979; and
2. An approval to install the building under Section 68, Table Part A1 of the Local Government Act 1993.

In addition to this further approvals from Council may be required to install and operate an On-Site Sewerage Management System if installed in a non-sewered area.

In regard to the design, construction and installation of a manufactured home the requirements of Division 4 of Part 3 (excepting Clauses 133-136) of the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* must be complied with.

During the installation process Council may request as a condition of approval that inspections be carried out during various stages of the installation process, such as after the excavation of and prior to the pouring of footings and prior to occupation.

Prior to occupying a relocatable building an Approval to Occupy must be issued by Council.

### **Approval requirements for relocated dwellings**

Prior to any relocated dwelling being transported or installed on site the following approvals must be gained:

1. Development consent for the use of the subject building issued under the *Environmental Planning and Assessment Act 1979*, this must be issued by Council; and
2. A construction certificate for all new works in accordance with the *Environmental Planning and Assessment Act 1979*, this may be issued by Council or an Accredited Certifier.

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In addition to this further approvals may be required to remove the building from an existing site, this may only be issued by the relevant Council for which Local Government Area the building is located. An approval to install and operate an On-Site Sewerage Management System may also be required from Council if installed in a non-sewered area. Consideration will be given at the development application stage to the suitability and safety of the dwelling and for the health and amenity of the occupants and public. This may include issues such as structural integrity, asbestos, facilities within the building etc. In regard to all new building works they are required to comply with the Building Code of Australia as in force at the time of application. Prior to occupying a relocated dwelling an Occupation Certificate must be issued by a Principal Certifying Authority.

### **Bushfire Prone Land**

Where a transportable home is proposed to be installed on land identified as being bushfire prone it must comply with the requirements of the document entitled Planning for Bushfire Protection 2006, prepared by the NSW Rural Fire Service.

### **RELEVANT LEGISLATION**

*Environmental Planning and Assessment Act 1979* and associated Regulations  
*Local Government Act 1993* and associated Regulations

### **ASSOCIATED DOCUMENTS**

Warrumbungle Shire Council – Transportable homes procedure

### **REVIEWS AND VERSION CONTROL**

<b>Policy</b>	<b>Version</b>	<b>Resolution</b>	<b>Date</b>
Relocated Dwelling Approvals – Special Requirements	1	449	15 June 2006
Relocatable Homes Approval Process	2	77	15 August 2013

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

### **Item 34 Binnaway Library Opening Hours**

**81/1314 RESOLVED** that after consultation with MRL management and the local library staff Council change the opening hours of the Binnaway service point to reflect the wishes of Binnaway Library users to 4 hours on a Thursday afternoon from 1pm to 5pm.

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

### **Item 35 Ulamambri Waste Transfer Station**

**82/1314 RESOLVED** that Council

1. man the Ulamambri Waste Transfer Station with Council staff.
2. man the Ulamambri Waste Transfer Station one weekday from 8am to 12 noon and Saturday from 12noon to 4pm.
3. raise a capital supplementary vote of \$17,990 to upgrade the facility to a suitable level to be operated by Council staff.
4. raise an operational supplementary vote of \$12,362 to include in the 2013/14 Warrumbungle Waste budget.

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

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### Item 36 Development Applications

**83/1314 RESOLVED** that Council note the Applications and Certificates Approved, during July 2013, under Delegated Authority.

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

### Item 37 Warrumbungle Waste Management Strategy

**84/1314 RESOLVED:**

1. That Council adopt the Draft Waste Management Strategy.
2. In view of the cost savings expected to be achieved Council proceed to prepare tender documentation to facilitate the collection of all residual waste and the collection and processing of all recyclable material by contract arrangement.
3. That Council commence discussions with the unions and employees that may be affected by this decision and that Council guarantees a position in Councils workforce for 2 years, if they are not employed by the Contractor.
4. All efforts are made to relocate to other positions within Council those employees whose positions may not be required as a result of this decision.

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

### Item 38 Liquid Trade Waste

**85/1314 RESOLVED** that Council note that implementation of the Warrumbungle Shire Liquid Trade Waste Policy over coming months and that Council begin communicating with the local business community that may be affected.

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

## QUESTIONS AND MATTERS OF CONCERN

### Cr Todd

Solar street light in Lachlan Street, Baradine is working effectively.  
Street sign required at the intersection of Lachlan and Jessie Williams Streets, Baradine.

### Cr Andrews

Rubbish bins required in Renshaw Street, Binnaway.

There being no further business the meeting closed at 2.55 pm.

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**CHAIRMAN**

## RECOMMENDATION

That the resolutions contained in the Minutes of the Ordinary Council meeting held on 15 August 2013 be endorsed.

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

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

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**PRESENT:** Cr Peter Shinton (Chair), Sergeant Peter Trow (NSW Police), Ms Jackie Barry (RMS), Mr Kevin Tighe (Director Technical Services), Mr Ken Smith (Road Safety Officer) and Mr Colin Harper (Community).

**APOLOGIES:** Mr Bikram Joshi (Manager Asset & Design).

#### **CONFIRMATION OF MINUTES:**

**06/1314 RECOMMENDED** that the minutes of the meeting held on Thursday, 25 July 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.
- Final Design Plan for Intersection at Cunningham Street and Campbell Street, Coolah – Council to forward final plan to RMS for approval and lodge a funding submission under the Minor Facilities Grant. Final plan is still under consultation.
- 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.
- Proposed Plan for Intersection of John Street and Edwards Street – Changes be made to existing proposed intersection at John Street and Edwards Street by removing the centre line relocation and extending the blisters on the pedestrian crossing south of the intersection.
- 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.

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- 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.
- 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.
- Council investigate the repositioning of large additional restricted parking signs in Crane Street to prevent overnight parking of trucks with refrigeration units on board.

### AGENDA ITEMS

- a) Request for Installation of a 50 kph Speed Zone Sign on Hawkins Road, Coonabarabran

A discussion was held in relation to enforcement of speed zones on unsealed roads. RMS advised that due to the many variables including weather they were unable to enforce speed zones on gravel roads. It was noted that Hawkins Road did not meet RMS criteria for a 50kph speed zone.

**07/1314 RECOMMENDED** that due to RMS being unable to set speed limits on gravel roads investigations be undertaken to install appropriate warning signs on Hawkins Road.

**Barry/Trow**

- b) RMS – Proposal to Increase 50 kph Speed Zone on Newell Highway, North of Coonabarabran to Include Crane Street (Southern Intersection)

RMS advised that following a review of the 70 kph speed zone on the Newell Highway north of Coonabarabran, it was determined that the existing 70kph speed zone was appropriate for the road environment and recommended that it be retained. Information noted.

- c) Baradine Central School – Request for Approval to Conduct Horse Parade in Baradine Streets on 10 October 2013

Baradine Central School to provide further information on the proposed route prior to approval of the Horse Parade event.

- d) Salvation Army – Request for Approval to Conduct R2R Educational Bike Ride on Castlereagh, Newell and Golden Highways from Coonamble to Gilgandra, Dubbo to Dunedoo and Dunedoo to Merriwa on 24-28 October 2013

**08/1314 RECOMMENDED** 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.

**Barry/Trow**

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### RSO Monthly Report – July 2013

RSO Monthly Report for July 2013 was received and noted. The following items of interest were discussed without Resolution:

- Crash statistics on the Black Stump Way for five (5) year period (2008-2012) were distributed to the committee for information. It was noted that 2012 statistics indicate there are almost as many injuries on the Black Stump Way as all of the roads within the Shire. RSO to forward raw traffic data to RMS for calculation of crash data.

### **GENERAL BUSINESS**

Request for Possession of Old RMS Direction Sign in John Street, Coonabarabran  
Council received a request from a collector to possess an old RMS (formerly DMR) direction sign located at the intersection of John Street and Dalgarno Street, Coonabarabran. The Committee determined that the matter be referred to RMS. Information noted.

### NSW Local Government Road Safety Program

Invitation to Council from Transport for NSW to participate in the next phase of the NSW Local Government Road Safety Program (LGRSP) from July 2014. Transport for NSW advise that they will continue to provide ongoing support for this program. Seminars in relation to funding and administration of program are to be conducted in October 2013. Information noted.

The following matters were raised without Resolution:

- Safety concerns regarding driveway accesses (left and right) on Baradine Road within the 50 kph speed zone area. Property accesses located on the crest of a hill. 'Concealed Entrance' signs to be installed.
- Alignment of Centre Lines in Edwards Street – Noted that centre lines did not align on either side of the intersection at John Street and Edwards Street. Lines were relocated to facilitate trucks turning left. No further action required as matter is not a safety issue.
- Tour de OROC Bike Ride from Dubbo through to Coonabarabran on 7 October 2013 - event to encompass the OROC area. Matter to be referred to Traffic Committee, RMS and Police due to event being conducted on State Highways..
- RDA Drivers Licence Pilot Program, Gilgandra – Noted that RMS and NSW Police were not involved in this program. RMS required to meet certain criteria prior to involvement in driver programs.
- The centre linemarking on MR55 (Black Stump Way) north of Coolah is faded.

### Bus Parking Area at Catholic School, Coolah

Concerns were raised by Coolah Catholic School that there was no designated bus parking area at the school. The RSO presented a brief presentation on his findings in relation to this matter. It was determined that no action be taken and further consultation be undertaken with the school.



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### Repeater 70kph Speed Zone Signs on Newell Highway – South of Coonabarabran

RSO advised that motorists were not complying with the 50 kph speed zone signs located on the Newell Highway south of Coonabarabran. Following investigations by the RSO it was noted that the 70 kph speed zone repeater signs were located too close together. The committee determined to remove the second 70 kph repeater sign and replace the 50 km area sign with a 50 kph speed zone sign. RSO to forward works request for approval to Jackie Barry of RMS.

### Erection of Banner Poles in Centre Median of John Street, Coonabarabran

RMS advised that they do not support nor approve the erection of banner poles in the centre median of John Street, Coonabarabran due to safety concerns with motorists. It is believed that the banners will be a distraction to the driver. RMS suggested that banner poles not be erected at intersections or pedestrian areas. Council required to make a determination on whether the banner poles are to be erected.

There being no further business the meeting closed at 11.55 pm.

The next meeting is to be held on Thursday, 26 September 2013 commencing 10.00 am.

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CHAIRMAN

### **RECOMMENDATION**

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

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### Item 3 Minutes Bushfire Appeal Advisory Panel – 13 August 2013

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	P A to Director Corporate Services – Emma Gardiner
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF2.1 Ensure that all communities within the shire have opportunities to be informed about and involved in Council's activities and decision making.

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**PRESENT:** Mayor Peter Shinton (Chairperson), Steve Loane (General Manager), Lois Sutton (St Vincent de Paul), Vicky Poyser (ADRA), Catherine Wood (Barnardos), Pam Welsh (DPI) and Laurie Dawson (BlazeAid)

**ATTENDING:** Rebecca Ryan (Director Corporate Services) and Emma Gardiner (PA to Director Corporate Services), Glennis Mangan (Disaster Recovery Manager), John Lyons (Bushfire Support Coordinator) and Allison Rowlands (MPES)

**APOLOGIES:** Cheryl Pope (DPI), Robert Freebairn (DPI), Hugh Raadgeever (Rotary), Maureen Hunt (ADRA), Karyn Cain (Centacare) and John Sawyer (Rotary)

**RECOMMENDED** that the Apologies be accepted.

**Loane/Dawson**

### **CONFIRMATION OF MINUTES**

**RECOMMENDED** that the minutes of the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Meeting held on 8 July 2013 be accepted.

**Sutton/Poyser**

### **UPDATE ON FUND STATUS**

The fund has raised \$727,503 as at Tuesday 13 August 2013

#### **Funds allocated:**

<b>Phase 1</b>	<b>\$160,000</b>
<b>Phase 2</b>	<b>\$370,000</b>
<b>Phase 3</b>	<b>\$130,000</b>
<b>Tied Donations</b>	<b>\$5,731</b>
<b>Phase 4</b>	<b>\$37,000</b>
<b>TOTAL</b>	<b>\$702,731</b>
<b>Funds Available</b>	<b>\$24,772</b>

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### SUMMARY OF ALLOCATIONS

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

<b>Agency Assistance Program</b>	<b>Total Allocation</b>	<b>Amount Expended</b>	<b>Funds Remaining /(Over Allocation)</b>
Home Dislocation	\$50,000	\$29,000	\$21,000
Roadside and Internal Fencing	\$140,000	\$111,138	\$28,862
Home Re-establishment	\$210,000	\$20,000	\$190,000
Shed Rebuild	\$20,000	\$8,000	\$12,000
ADRA	\$26,000	\$26,000	NIL
Barnados	\$26,000	\$26,000	NIL
Centacare	\$26,000	\$26,000	NIL
St Vincent de Paul	\$26,000	\$26,000	NIL
DPI Fodder	\$11,731	\$12,482	(751)L
Potable Water	\$20,000	\$20,000	NIL
BlazeAid Project - Camp	\$80,000	\$93,228	(\$13,228)
BlazeAid - Plant Hire & Materials	\$12,000	\$12,003	(\$3)
Community Renewal	\$55,000	\$5,000	\$50,000
<b>Total</b>	<b>\$702,731</b>	<b>\$394,851</b>	<b>\$307,880</b>

### CLOSURE OF HOME DISLOCATION AND DPI FODDER DRIVE

The Home Dislocation and DPI Fodder Drive programs closed on 31 July 2013, the closure was advertised in local newspapers and diaries as well as on Council's website. The Disaster Recovery Manager and Bushfire Support Coordinator contacted those residents who were yet to submit applications for the Home Dislocation payment and are expecting to receive two (2) additional applications.

### REVIEW OF AGENCY ACQUITTALS AND REPORTS

ADRA, Barnardos, and St Vincent de Paul provided an update in relation to the expenditure of funds.

The Panel requested that when applications for potable water are received the applicants are asked if the water will be for an existing house or a rebuild. This will not

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affect the applicant receiving the potable water but will assist the Panel in finding out how the community is getting on.

An invoice from Pursehouse Rural for fencing materials remains outstanding, however credit facility for \$1,000 as per Phase (4) allocation has been accessed and will be required.

BlazeAid Statistics as at 4 August 2013

- Total volunteer: 586
- Volunteer days: 6738
- Properties worked on: 80
- Fencelines cleared: 230.4 km
- Fencelines built: 188.5 km

Laurie Dawson will prepare a report for Warrumbungle Shire Council on the BlazeAid project. Laurie spoke about how he and the many volunteers have enjoyed their time in the Warrumbungle Shire and thanked Council for the recent Freedom of the Shire Award.

**RECOMMENDED** that reports provided by the ADRA, Barnardos, BlazeAid and St Vincent de Paul be accepted.

**Loane/Sutton**

### **EMERGING ASSISTANCE REQUIREMENTS**

#### **WEED CONTROL**

A small number of property owners have requested funds for weed control. The Mayor's Appeal is not the best avenue for funding for weed control, instead Council will write to NSW Primary Industries Minister Hodgkinson (MP) to highlight the issues facing by property owners after the bushfire.

#### **ROB GORDON PRESENTATION**

Rob Gordon will arrive in Coonabarabran at midday on 19 September and will make two (2) presentations. Mr Gordon will meet with the Mayor and General Manager, time yet to be finalised.

The first presentation is for those people who worked on the front line during the bushfire (Council staff included). This session will commence at 2.30pm and an estimated 30 front line staff will attend.

The second presentation is open to the community and will commence at 6.30pm, Barnardos are using their channels to contact and invite community members who were affected by the bushfire. Estimated 80 members of the community to attend.

The presentation to frontline staff could be held in the Council Chambers with the community session proposed to be held at St Lawrence's School Hall.

#### **COMMUNITY RENEWAL PROGRAM**

An application was received from Badhii Aboriginal Grandmothers Group for \$5,000 for a community garden, court support, Christian rally and an arts and craft centre. The Panel

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was provided a rating sheet to assist them in assessing the application with a decision pending the next meeting.

### **GENERAL BUSINESS**

#### **RAILWAY IRON**

BlazeAid received a donation of railway iron from John Holland and have organised for Bob Fenwick to deliver the material to Coonabarabran. BlazeAid are yet to receive the invoice for the delivery however it may be in the vicinity of \$5,000. John Holland have an additional 40 tonnes of railway iron available at a cost of \$600 per tonne.

#### **HENLEYS RURAL SUPPLIES**

Approximately \$1,000 credit remaining on the account at Henley's Rural Supplies. Bob Fenwick is continuing to help land owners with repairs to their property and will be required to draw on this account.

#### **PLASTIC FENCING POSTS**

Fire affected land holders can continue to access fire resistant plastic posts through Pursehouse Rural. The posts were donated by a company called Australia Composite Technology.

#### **DONATION FROM COOLAH LIONS CLUB**

Coolah Lions Club have generously donated approximately 60 wash baskets filled with non-perishable food and goods.

**RECOMMENDED** 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.

**Sutton/Poyser**

#### **FINAL MEETING**

This meeting is the final meeting that both Laurie Dawson (BlazeAid Coordinator) and John Lyons (Bushfire Support Coordinator) will be attending as their projects have now come to an end. Allison Rowlands offered congratulations and appreciation to the Panel and the Mayors Bushfire Appeal which has facilitated much good will and support for bushfire affected residents which added a terrific element to the Bushfire Support Coordinator role.

#### **RURAL SUPPORT PROGRAM**

Sue Freebairn will commence as the DPI Rural Support Person in September. Sue will provide financial counseling and will work out of the LHPA office.

**NEXT MEETING:** To be advised.

**MEETING CLOSED:** 4.00pm

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**CHAIRPERSON**

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### RECOMMENDATION

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.

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

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Ovals
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF2.1 Ensure that all communities within the shire have opportunities to be informed about and involved in Council's activities and decision making.

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**PRESENT:** Cr Chris Sullivan (Chair), Mr Matthew Guan, Mrs Monica Foran, Mr Dale Hogden, Mr Kevin Tighe (Director Technical Services), Mr Harold Sutton (Manager Urban Services).

**APOLOGIES:** Cr Murray Coe and Mr Mark Yeo.

**CONFIRMATION OF MINUTES:**

**01/1314 RECOMMENDED** that the minutes of the meeting held on Wednesday, 19 June 2013 be accepted.

**Guan/Hogden**

**BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the minutes.

**GENERAL BUSINESS**

Discussion of Site Plan

The latest site plan was presented to the Committee and the following issues were raised in general discussion:

- The location of the proposed fence in relation to true boundary was discussed. This followed on from previous discussion about location of gates.
- The proposed location of cul-de-sacs and car parking area were generally agreed along with the concept of kerb and guttering.
- The plan will need to be amended to show a parking area for buses.
- It was agreed that the best location for any new amenities building / grandstand should be adjacent to the centreline of the football field.
- The ideal number of netball courts is five with two of these being all weather and with lights.
- The concept of developing a car park adjoining the present complex off Whiteley Street was discussed.
- Discussion took place on whether the existing toilets are kept or new ones incorporated in any new or upgraded building.
- The current plan does not include provision for long jump which should be located just south of the existing modified football field.

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**02/1314 RECOMMENDED** that a registered surveyor be engaged to accurately identify the boundaries of the Robertson Oval complex.

**Guan/Foran**

**03/1314 RECOMMENDED** that consultation be undertaken with ARTC regarding encroachment of Robertson Oval complex onto railway land.

**Hogden/Guan**

**04/1314 RECOMMENDED** 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.

**Hogden/Foran**

The following matters were discussed without resolution.

- The Manager Urban Services provided an update on plans for irrigation of the main oval and the modified football field on the western side of the main oval.

There being no further business the meeting closed at 6.12 pm.

The next meeting is to be held on Wednesday, 16 October 2013 commencing 5.00 pm.

.....  
CHAIRMAN

### **RECOMMENDATION**

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



# WARRUMBUNGL SHIRE COUNCIL

## Ordinary Meeting – 19 September 2013

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

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Technical Services Management
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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**PRESENT:** Cr Murray Coe (Acting Chair), Cr Fred Clancy, Cr Gary Andrews, Mark McWhirter (Fleet Manager), Steve Loane (General Manager) and Kevin Tighe (Director Technical Services).

**IN ATTENDANCE:** Stefan Murru (Chief Financial Officer).

**APOLOGIES:** Cr Ron Sullivan and Rebecca Ryan (Director Corporate Services).

#### **CONFIRMATION OF MINUTES**

**01/1314 RECOMMENDED** that minutes of the Plant Committee meeting held on 1 May 2013 be accepted.

**Clancy/Andrews**

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

- A financial report on the plant fund, including a report on income and expenditure is required at future meetings of the Plant Advisory Committee meeting. The report also to include utilisation and engine hours where applicable.
- It was noted that no supplementary vote of funds was required in order to purchase proposed mobile traffic lights.

#### **AGENDA ITEMS**

a) Replacement of Plant Item No 82 – Loader / Backhoe

**02/1314 RECOMMENDED** 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.

**Loane/Clancy**

b) Replacement of Plant Item No 96 – Wheel Loader

**03/1314 RECOMMENDED** 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.

**Andrews/Clancy**

# WARRUMBUNGL SHIRE COUNCIL

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c) Replacement of Plant Item No 186 – Road Sweeper

**04/1314 RECOMMENDED** 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.

**Clancy/Andrews**

### **GENERAL BUSINESS**

The following matters were discussed without resolution:

- General discussion on optimum time to replace tractors.
- A specification is currently being prepared for purchase of a combination truck and dog trailer.

There being no further business the meeting closed at 3.00 pm.

.....  
CHAIR

### **RECOMMENDATION**

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.

# WARRUMBUNGLE SHIRE COUNCIL

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### Item 6 Cobbora Holdings Corporation – Voluntary Planning Agreement

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	General Manager – Steve Loane
<b>CSP Key Focus Area:</b>	Natural Environment
<b>Priority / Strategy:</b>	NE2 Activities involving the extraction of natural resources from our Council area, including coal and coal seam gas, should have minimal negative impacts on our natural environment

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#### **Reason for Report**

To inform Council of the financial contribution as described in the Voluntary Planning Agreement (VPA) between Cobbora Holdings Corporation (CHC) and Warrumbungle Shire Council (WSC) and to seek endorsement for signing of the proposal.

#### **Background**

CHC is a state government own company that was established to develop the proposed Cobbora Coal project located approximately 22kms south west from Dunedoo. The proposed project has now been put on hold by the NSW Treasurer. CHC will continue to seek a development consent for the project and attempt to sell the approved mine to an operator.

The project is a State Significant Development which means that the development application is assessed and approved by the Department of Planning and Infrastructure (DP&I) and the Planning Assessment Commission (PAC). CHC are in the final stages of seeking development consent from the DP&I. Part of that consent process is the negotiation of a Voluntary Planning Agreement (VPA). A VPA is the mechanism that dictates the quantum and structure of developer contributions and how they flow to the community. These contributions are intended to be equitable and are aimed at offsetting the impact of the project to avoid cost transfers to the community.

#### **Issues**

There have been numerous meetings between Warrumbungle Shire Council (WSC) and CHC in an effort to arrive at a mutually agreeable VPA document. Three other Councils, Mid Western, Wellington and Dubbo have also been a part of the negotiations. CHC adopted an approach that although the entire footprint of the proposed mine development is located in Warrumbungle Shire, the other three local government areas (LGA) should also be compensated for the impact of the project.

CHC were given guidance by the DP&I that there are three main constructs that may apply to the formation of a VPA;

1. 1% of capital expenditure;
2. An agreed cents per tonne of the approved resource;
3. An agreed figure based on the number of workers that will reside in an LGA.

# WARRUMBUNGL SHIRE COUNCIL

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CHC have chosen option three (3). WSC has disagreed with this method. However CHC remain steadfast that they will not vary from that stance.

There is to be approximately 550 workers engaged in the project and 400 are deemed to reside in Dubbo with the balance distributed between the other three LGA's.

The construction period is also to be considered in the VPA. Infrastructure including coal washery, rail loading loop and amenities/workshop complex will take approximately two years to complete. During that time the 400 construction workers will live on site, in temporary accommodation. There is an allowance made for the impact of those workers in the VPA. Although the entire construction camp will be located on site in the WSC LGA, CHC propose to divide the allowance equally four ways between the Councils.

Council has maintained from the outset that there is considerable socio economic impact on the immediate Dunedoo community. In spite of Council providing comprehensive ground truthed evidence CHC continues to dispute the impact.

Council was given assurances by the Director General for the DP&I that he would come to Dunedoo to help Council explain the VPA process .Despite repeated attempts to arrange that forum, this has not happened.

### **Options**

Enclosed with this report are drafts of VPAs, letters between WSC and CHC that set out the various attempts to negotiate a reasonable outcome for the Shire.

CHC has petitioned Council to finalise the negotiations warning, that if Council does not agree to the last VPA proposal, the DP&I will draft conditions for referral to the PAC for determination. Therefore the determination of the development application will be made by the DP&I and the PAC.

### **Financial Considerations**

Along with the announcement that the project would go on hold indefinitely the Treasurer announced a package of \$20 million in funding to be distributed as a transition to assist communities impacted by the development to date. This \$20mill will be the shortfalls in infrastructure upgrades in the VPA should be offset by projects funded from the transition fund.

### **RECOMMENDATION**

That if Council accepts and approves the financial contribution as described in VPA Version 2 received 7<sup>th</sup> August 2013 as presented the Mayor and/or the General Manager be authorised to sign the agreement under seal if required .**FURTHERMORE**, that Council Authorise the Mayor and General Manager to continue to negotiate strongly for significant consideration from the transition fund .

# WARRUMBUNGLE SHIRE COUNCIL

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### Item 7 Federal Member of Parkes Mr Mark Coulton

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	General Manager – Steve Loane
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF2 The demographic makeup of the community is well-represented in local activities, service delivery and decision-making

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### **Reason for Report**

For Council to congratulate the Federal Member for Parkes, Mr Mark Coulton, on his successful re-election.

### **Background**

Federal Member for Parkes Mr Mark Coulton has been successful in being re-elected for a third time.

### **Issues**

Nil

### **Options**

Nil

### **Financial Considerations**

Nil

### **RECOMMENDATION**

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.

**WARRUMBUNGL E SHIRE COUNCIL**

**Ordinary Meeting – 19 September 2013**

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**Item 8 Local Supplier Preference**

**Notices of Motion**

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**Local Supplier Preference**

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

*“That local suppliers are given first opportunity to supply services to Council associated with vehicle repairs and supply of plant equipment and parts.”*

**CR M COE  
COUNCILLOR**

**RECOMMENDATION**

For Council’s consideration.

# WARRUMBUNGLA SHIRE COUNCIL

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### Item 9 Responses to Questions from last meeting

#### **Cr Andrews**

Rubbish bins required in Renshaw Street, Binnaway.

Response From: Director Technical Services

Response: Two bins have been ordered. A supplementary vote will be sought next quarterly budget review.

#### **Cr Todd**

Street sign required at the intersection of Lachlan and Jessie Williams Streets, Baradine.

Response From: Director Technical Services

Response: Investigations of road name and gazettal process is underway.

### **RECOMMENDATION**

For Councils Information

# WARRUMBUNGL SHIRE COUNCIL

## Ordinary Meeting – 19 September 2013

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### Item 10 Brick Bats and Bouquets

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	Executive Assistant – Melissa Bennett
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	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 or dissatisfaction.

### Background

Nil

### Issues

Nil

### Options

Nil

### Financial Considerations

Nil

### RECOMMENDATION

For Councils information.



**WARRUMBUNGLE SHIRE COUNCIL**

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**WARRUMBUNGL SHIRE COUNCIL**

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# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 19 September 2013

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General Manager Warrumbungle Shire Council

Dear Mr Loane

The Coolah Youth & Community Centre is very grateful to Council for the recent donation and rate consideration.

On Friday 30<sup>th</sup> August, under a new enthusiastic committee, we recommenced youth activities with a Nerf War night. This is a simulated war game using various sizes of firepower with foam “bullets” and is apparently very popular judging by the turnout of youngsters with their own armoury.

Mike Myers organised all the flyers and publicity, arrived early to set up and at the end of the night, was hoarse from organising the games and dead on his feet from the exertion of participation.

Mike is a one in a million personality, tremendous rapport with youth of all ages, particularly the difficult teens and is the best investment the Council has ever made in the future of our communities.

There is nothing that Mike has ever baulked at in helping us and has always delivered 110%.

One thing that we could suggest is that you clone him to give his some help in his job. Take care of this special person – they are very rare on the ground.

Yours very sincerely

Carol Richard.

31<sup>st</sup> August 2013

# WARRUMBUNGLE SHIRE COUNCIL

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8 September 2013

General Manager  
Warrumbungle Shire Council

Dear Mr Loane

Bowen Oval Coolah was the venue for the ANFD Northern Division Rugby Grand Final hosted for the first time ever by Coolah Roos on 7<sup>th</sup> September. Everyone commented on the superb playing surface and we would like to pass on our thanks to Warrumbungle Shire Council for the support we have received all year to enable Coolah to run two football teams, rugby union and rugby league together with veterans' touch carnival, junior league, netball and touch. Athletics and regional cross country and tennis plus special events are all held on this precinct.

The sporting teams are the heart of the community and receive tremendous community support at all levels.

The partnership that we have with Council for upgrades already completed including resurfaced netball courts, canteen and playground reconstruction and the upgrades that are currently planned will make this a first class facility that is in use 52 weeks of the year.

We look forward to continuing partnering with Council during the rest of 2013 and into an exciting 2014 with a new training field.

Yours sincerely

Carol Richard  
On behalf of community

# WARRUMBUNGLE SHIRE COUNCIL

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### Item 11 Australia Day 2014

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	Executive Assistant – Melissa Bennett
<b>CSP Key Focus Area:</b>	Community and Culture
<b>Priority:</b>	CC3 The vibrant arts and cultural life of the shire needs to be promoted and supported as an essential aspect of community well-being.

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### Reason for report

Council consideration is now sought for the arrangements for the 2014 Australia Day functions throughout the Shire and if it wishes to participate in the Australia Day Ambassador Program for the 2014 Australia Day Celebrations.

Feedback was provided from Baradine, Binnaway, Coolah and Coonabarabran in regards to Australia Day 2013 (attached) and new guidelines and nomination form has been created for the Australia Day Awards 2014 program for Council endorsement.

### Background

Australia Day 2013 celebrations included events hosted in Baradine, Coonabarabran, Binnaway, Coolah, Mendooran and Dunedoo. Australia Day Ambassadors made representation at the 2013 celebrations with Mr Anupam Sharma attending Binnaway, Baradine and Coonabarabran and Ms Susie Elelman attending Mendooran, Dunedoo and Coolah celebrations.

As part of the celebrations in 2013 Council opened the pools free of charge to the public.

Council have provided a small contribution to each committee to cover the advertising, and frames or laminating of local awards and catering. The amount allocated in 2013 was;

- \$400 each for Binnaway, Mendooran, Baradine, Dunedoo and Coolah
- \$500 for Coonabarabran and
- \$100 to the town which hosts the Warrumbungle Shire Council Citizen of the Year

The Warrumbungle Shire Wide Awards are administered by Council and include;

- Citizen of the Year
- Young Citizen of the Year
- Senior Citizen of the Year
- Sportsperson of the Year and
- Young Sportsperson of the Year

The communities have ownership of their town awards including categories such as Certificates of Recognition, Group Community Service and Sports Team of the Year Awards.

# WARRUMBUNGLE SHIRE COUNCIL

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### Issues

Each of the six towns was provided an opportunity to provide feedback and overall the feedback received was of a positive nature.

The Hospital Auxiliary in Baradine, the Development Groups in Coolah, Dunedoo and Mendooran, the Progress Association in Binnaway and the Chamber of Commerce in Coonabarabran provide the basis for the host Australia Day Committee which includes the Public Liability Insurance umbrella.

Members of the community and other local organisations are also invited to participate in this Australia Day committee with the Development Coordinators assisting as necessary. Other service organisations such as Lions and Rotary for catering and Schools, Lands Council or Girl Guides are involved for the event program support.

The Australia Day Ambassador program is a very popular feature of the day and Councillor attendance is appreciated.

### Options

- Council may choose to select local Ambassadors as opposed to an Ambassador provided by Australia Day Council.
- Council may elect to remove or add categories of awards associated with the Warrumbungle Shire Wide Awards.
- Council may choose not to provide free pool entry on Australia Day 2014.

### Financial Considerations

The pools were open on Australia Day 2013 and the loss of revenue was as follows:

- Baradine \$160
- Binnaway \$120
- Coolah \$195
- Coonabarabran \$200
- Dunedoo \$185
- Mendooran \$100

Total	<hr/>	\$960
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The total budget allocation for Australia Day in the 2013-2014 Management Plan is \$6,000. This covers the cost of advertising, awards/certificates and frames, donations to each community, hosting of two (2) Australia Day Council Ambassadors.

# WARRUMBUNGLE SHIRE COUNCIL

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### **RECOMMENDATION**

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 \$400 and Coonabarabran \$500. 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

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### Australia Day Awards 2014 Program Guidelines and Criteria

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

#### **AWARD CATEGORIES**

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

To be eligible, the person must be 26 years of age or older on 26 January 2014

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

To be eligible, the person must be under 26 years of age on 26 January 2014

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

To be eligible, the person must be under 26 years of age on 26 January 2014

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

To be eligible, the person must be 26 years of age or older on 26 January 2014

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

To be eligible, the person must be 60 years of age or older on 26 January 2014

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

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

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

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



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In assessing a nomination, the judging panel may consider:

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

### **JUDGING:**

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

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

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

### **PRESENTATION:**

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

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

**Nominations close at 4.30pm Friday 29<sup>th</sup> November 2014**

**WARRUMBUNGLE SHIRE COUNCIL**

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**Australia Day 2014 - Shire Wide Awards  
Nomination Form**

1. Please provide as much detail as possible
2. One nomination per form
3. Nominations close 4.30pm on Friday 29 November 2014. Late nominations will not be considered
4. All nomination forms should be forwarded to the General Manager, PO Box 191 Coonabarabran 2357 or hand delivered to the Council Chambers in Coolah or Coonabarabran.

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

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

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

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

First Name .....

Surname.....

Position/Organisation

(Optional).....

Address ..... Town

.....

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

Tel (M) .....

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

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

- Arts/Media/Entertainment     Business                       Charity
- Community/Volunteer Service

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- Education Services       Environment       Humanitarian
- Indigenous/Ethnic
- Medicine/Science       Technology/Engineering       Sport
- Other.....

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

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

**Nominator:** (Your details)

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

First Name .....

Surname .....

Position/Organisation  
(Optional).....

Address .....

Suburb ..... State .....

Postcode.....

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

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

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

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

Position/Organisation (Optional).....

Address .....

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

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

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

# WARRUMBUNGL SHIRE COUNCIL

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### 2013 Australia Day Feedback from town Australia Day co-ordinators

**How would you rate your Ambassador's integration with the community?**

Excellent

**How would you rate your Ambassador's Australia Day Address?**

Excellent

**How would you rate your Ambassador's willingness to get involved in activities?**

Excellent

**Besides official duties, what other activities did you involve your Ambassador in?**

( Mr Anupam Sharma) Dinner at the Acacia ,Cutting of the cake, willing to be photographed with all, spoke to the elderly. Mr Anupam Sharma shared the breakfast with the Binnaway Community. He took time to talk to people, answering questions and let them take pictures. Anupam is very down to earth and people liked him and his personality.

(Ms Susie Elelman) Yabby races (Australia Day Coolah Community Capers) and dinner at Club.

**Do you have any further comments regarding your Ambassador's involvement in your Australia Day events?**

(Mr Anupam Sharma) -He spoke to all and mixed willing - very pleasant.

(Mr Anupam Sharma) was a great ambassador. His speech was well received. Short and interesting.

(Ms Susie Elelman) We all enjoyed her vibrant presence.

**Do you have any anecdotes to share regarding your Ambassador's visit and their involvement in your celebrations?**

(Mr Anupam Sharma) How impressive this young man proved to be - across all age groups

Anupam said at least twice, that he is here to learn from us and he really meant it.

Ms Susie Elelman began her presentation by saying how she is a proud first generation Australian and how grateful she and her family are for coming to this land of opportunity. She acknowledged the first people of the land and expressed her regret that she was taught little about indigenous Australians at school. In recounting her family history, a Jewish Polish father who survived the Holocaust, speaking a dozen languages and fluent

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in three, and a French / German speaking Catholic mother, Susie asked if anyone here in Coolah was Polish. Krys Wesley, Warrumbungle Shire joint Senior Citizen of the Year, indicated that she was of Polish descent. In a serendipitous moment, both Susie's family and Krys' family arrived in Australia on the same refugee boat, the General Blatchford. The crowd in the auditorium was caught up in the emotion of the moment when Susie presented Krys with her award and they shared their families' experiences. Family Group photos were taken and as Krys is a Director of Coolah Sporting Club where their event was held and dinner afterwards, it was just a perfect day for Krys and her family and there were lots of hugs after dinner. It could not have been better - the Ambassador, the Senior Citizen of the Year, the venue.

#### **What else could we provide to assist you in hosting an Ambassador?**

All is fine - however next year will be the 30th anniversary for the Hospital Aux hosting this programme. You do a great job already. Coolah is happy with the Shire arrangements and the program has worked well with our southern Councillors being so involved and cooperative.

#### **Do you have any suggestions on how Australia Day Council NSW can help promote your communities Australia Day Events?**

We saw it in the Daily Telegraph. We don't see any other way. In the last 2 years the Binnaway Progress Association sent out flyers and put them in the shop windows and noticeboards too. There is not much else we can do to encourage people to come to the celebration.

#### **Feedback on how Council managed the preparations.**

All has gone well for us here and many thanks for your help. We look forward to our 30th year and take this opportunity to extend to you an invitation to join us next year or at anytime if possible.

I like the Mayor sharing the table with us, people from the community, and not sitting with his colleagues. We all were touched and saddened with his information about the bushfire and its damage when we asked him about it. Most Binnaway people think that he, the other Councillors and the staff done (and still do) a very good job helping the people affected by the fire.

# WARRUMBUNGLA SHIRE COUNCIL

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### Item 12 Delegations of Authority to the General Manager

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	Executive Assistant – Melissa Bennett
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council's governance practices and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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### **Reason for Report**

The Local Government Act section 380 states that each council must review all its delegations during the first 12 months of each term of office.

Delegations of Authority to the General Manager are now presented to Council for review and endorsement.

### **Background**

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.

### **Issues**

Nil

### **Options**

Nil

### **Financial Considerations**

Nil

### **RECOMMENDATION**

For Council endorsement.

# WARRUMBUNGLE SHIRE COUNCIL

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### 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.

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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 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.



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- 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.

### **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.

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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
- (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.

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### **(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**

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.

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### **(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**

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.

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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
- 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

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- 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;
    - 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.

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- 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.

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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.

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.



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### **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.

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.

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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.

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.

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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.

### **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).*

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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 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.

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(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:

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

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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.

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### **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:

- (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.

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(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:

i) the item is or is likely to be found, on further enquiry and investigation, to be of local heritage significance;

ii) the item 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



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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;

(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

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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;

(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.

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### Item 13 Tour De OROC

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	Executive Assistant – Melissa Bennett
<b>CSP Key Focus Area:</b>	Community and Culture
<b>Priority:</b>	CC5.1 Work regionally and across all levels of government to identify and address the long term needs of smaller rural communities.

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### Reason for Report

The Tour De OROC event is an inaugural Mayor Bicycle Relay with the Mayor of Dubbo Councillor Mathew Dickerson planning the fundraiser event. Warrumbungle Shire Council representatives will be participating in the relay and in addition assisting with preparations for a night-time function.

### Background

The quest of the fundraiser event is to raise \$100,000 to help build an accommodation unit at the Dubbo Base Hospital. Dubbo is the regional medical centre for the OROC and to have an accommodation unit at Dubbo Base Hospital would help improve medical facilities and services.

The inaugural event will commence from Dubbo Base Hospital on 7 October 2013 and see all 11 Mayors of the Orana Region of Councils on their bicycles at some stage of the event to assist with raising funds. The ride travels across 11 Local Government Areas to finish back at the Dubbo Base Hospital on 13 October 2013.

The core group will ride the entire 1,122.2km across all 11 towns in OROC. The representatives for the ride through Warrumbungle shire will be Mayor Peter Shinton, Aaron Parker and Randall Michael.

On the night of 7 October 2013 the core group of riders, including Mayor Mathew Dickerson, will be residing in Coonabarabran. All Travellers Motor Inn in conjunction with Coonabarabran Chamber of Commerce has sponsored the accommodation for the core group. The night-time function will be held at Coonabarabran Bowling Club with final arrangements currently taking place.

### Issues

Nil

### Options

Nil

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### **Financial Considerations**

Cost associated to Council is yet to be confirmed and any costs incurred will be allocated to the civic function budget and is expected not to exceed \$1,500.

### **RECOMMENDATION**

For Councils information.

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### Item 14 Human Resources Report – September 2013

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Human Resources
<b>Author:</b>	Manager Human Resources – Val Kearnes Learning & Development Coordinator- Glennis Mangan Workplace Health & Safety Officer – Frances Perry
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority / Strategy:</b>	GF7 Council is presented with a range of organisational challenges including its ageing workforce, skills shortages, increasing regulatory demands and the management of risk.

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#### **Reason**

Report on activities undertaken by the HR Department

#### **Background**

Nil

#### **Issues**

Nil

#### **Options**

Nil

#### **Financial Considerations**

Nil

### **RECRUITMENT**

Since the August Council Meeting ten positions have been advertised either internally or externally:

Water & Waste Water Operator – Coonabarabran –  
PA to Director Corporate Services- Maternity Leave - External  
Two Grader Operators – Internal  
Water Truck Operator – Internal  
Mechanic – Coolah – Internal  
Finance Officer – Coonabarabran  
Street Sweeper - Internal  
Plumber – Dunedoo – External  
Supervisor Waste – Internal

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The following positions have been filled:

Water and Waste Water Operator  
Plumber – Dunedoo  
Finance Officer – Coonabarabran  
Water Cart Driver  
Two Grader Drivers  
Street sweeper

### **RESIGNATIONS**

Nil

### **INDUSTRIAL DISPUTES**

One industrial dispute received – Matter settled

### **LEARNING AND DEVELOPMENT**

Staff from the Water Operations section of Council attended a Non-Friable Asbestos Handling course which was presented by the New England Institute of TAFE, Tamworth. The course covered topics such as; Asbestos Classification, Types of Asbestos, Non-Friable vs Friable, How Asbestos is made, Fitment, Air Monitoring, Decontamination and Disposal and Removal procedures.

Monitor Performance and Provide Feedback training was facilitated by the Local Government Training Institute for Managers and Supervisors. This training is compulsory for staff who conduct the annual competency audits. These audits review the requirements of the position and as each element is achieved the staff member can progress through the salary system.

Training planned for September includes:

- Aerodrome Reporting and Works Safety Officer course
- Playground Safety and Inspection Workshop
- Workplace Investigation Officer course
- Chainsaw Operations
- Liquefied Chlorine Gas Handling procedures

Individual training for staff is regularly sourced and provided to enable the Work Health and Safety legislated Code of Practice to guidelines to be adhered to. As well training is provided for staff for career planning and competency progression.

Monthly Civil Construction workshops are held for staff completing their Certificate III. The New England Institute provides the facilitation for eight trainees and the workshops are held alternatively at Coonabarabran and Coolah.

### **WORKPLACE HEALTH AND SAFETY**

This month there have been two workplace inspections conducted in consultation with Supervisor on site:

- *Warrumbungle Community Care – Coolah Office* The inspection was conducted with the Acting Manager Community Care 4 WHS issues were highlighted and an action plan has been formulated to address these. Staff was happy with their

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working environment except the lack of adequate lighting when working at their desks. Staff were happy with the format of incident forms.

- *Dunedoo Swimming Pool Maintenance.* The inspection was conducted with plumbing staff and Supervisor Urban Services, Dunedoo. The work area was tidy, however confined spaces management was highlighted as an issue. An action plan has been formulated and given to Manager Warrumbungle Water.

Several meetings with Management, RMCC Representative and RMS regarding Safe Work Method Statements and the RMCC have been attended as well as a meeting with Supervisors to formulate Safe Work Method Statements, these have been given to Management to be formalised and signed off.

The Chemical Management Plan is progressing and have now a draft report and procedure.

A meeting onsite with Supervisor Road Operations South and staff to investigate and incident that occurred at Tongy Lane took place this month with a report to follow.

Dangerous Goods Licences for Dunedoo and Coolah Depots has been submitted and completed.

The following documents will be presented to the WHS Committee at the meeting on 20 September 2013

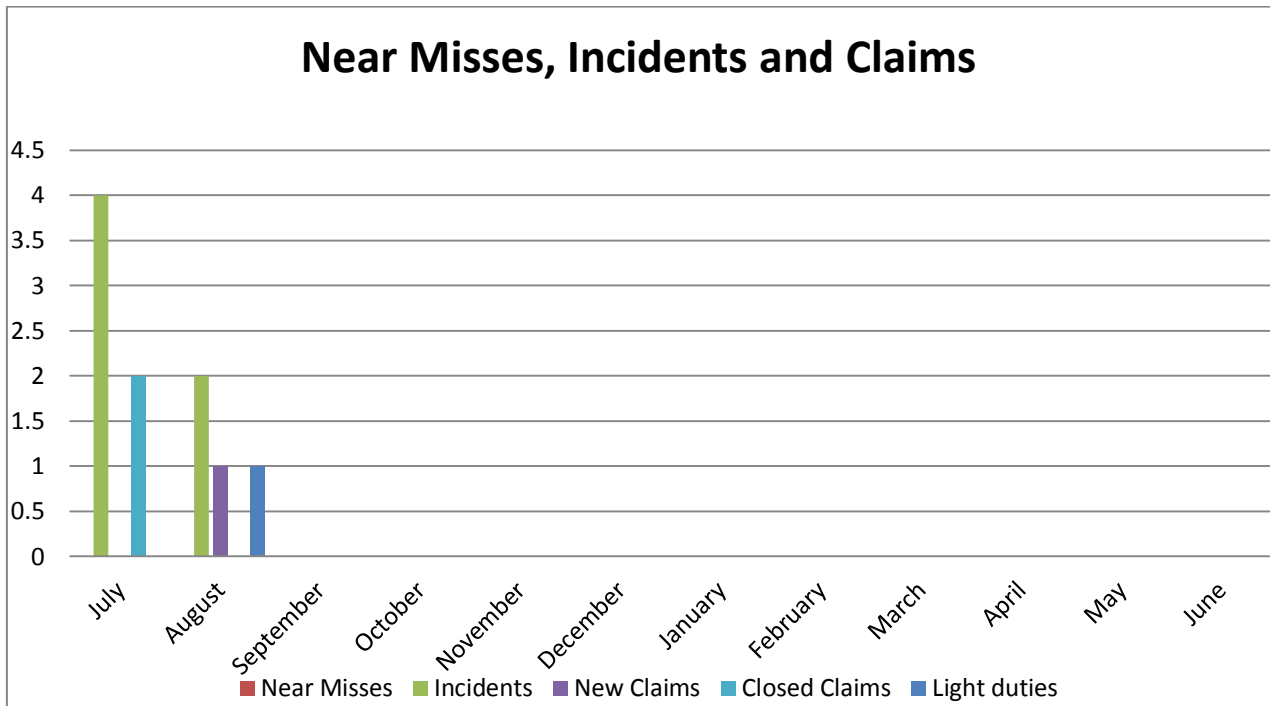
- Work Health & Safety Policy
- Issue Resolution Policy and Procedure
- WHS Committee Constitution
- Chemicals in the Workplace Policy

### **Workers Compensation and Incidents: - August:**

<b>Directorate</b>	<b>Near Misses</b>	<b>Incidents</b>	<b>Claims</b>
Corporate Services			
Executive Services			
Environmental & Community Services			
Technical Services		2	1

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### **ORGANISATIONAL RE STRUCTURE**

Consultation with staff and unions concerning the proposed changes to the Organisation Structure continue to take place. Meetings took place on September 4<sup>th</sup> and 11<sup>th</sup> following staff being provided with a copy of the proposed Structure, Position Descriptions and Competency documents for new and changed positions. Union representatives asked various questions from staff to the General Manager and Manager of Human Resources. These questions were answered in detail and further meetings are scheduled in early October to answer any further questions from those staff affected by the changes.

It is envisaged that the final Draft Organisational Structure will be put the October Council meeting.

### **RECOMMENDATION**

For Council's information



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### Item 15 Positive Council Award 2013

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	Coonabarabran Disaster Recovery Centre Manager – Glennis Mangan
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

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### Reason for Report

To advise Council and the Community that the Warrumbungle Shire Council was the overall winner of the Positive Council Award 2013.

### Background

In July this year the Australian Education and Leadership Centre Pty Ltd called for nominations into the One Day of Positivity, Most Positive Council Awards.

The AELC and its sponsors, considers that *“Councils are the glue that keep communities together, they look after our needs and ensure our communities are filled with the right resources to make it a successful community. They ensure our waste is collected, we have access to public recreation facilities and handle the town planning. A positive culture bred into a community makes it a desirable place to live and enjoy and that is thanks to our local council.”*

They go on to say *“It is time to highlight the best in our Council’s and for them to showcase how they make their community a more positive place.”*

Given the incredible support Council has provided to the community, as a result of the devastation of the Wambelong bushfires; through the establishment of the Disaster Recovery Centre, the Mayoral Appeal Fund, the setting up of the BlazeAid volunteers at Coonabarabran’s showground and the establishment of an Asbestos Management Plan, it was justifiable to nominate for this Award.

The Bushfire Support Officer, Disaster Recovery Centre Manager and Council Staff submitted a nomination to the AELC following the prescribed format for an online application.

On the 20<sup>th</sup> August Council received notification that the submission nominating the Warrumbungle Shire Council for the Most Positive Council Award had been selected as one of four finalists. Council was advised that there were many positive and inspirational submissions received from councils all over Australia. Council was invited to attend the One Day of Positivity Awards Evening being held at the Duxton Hotel in Perth.

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The Mayor Peter Shinton and Mrs Shinton attended the Awards Evening on behalf of Council.

**The Warrumbungle Shire Council was the overall winner of the Positive Council Award 2013.**

The Mayor spoke on the events Coonabarabran and the wider community had been through since the devastating bushfires and the strategies Council, under the guidance of the Ministry for Police and Emergency Services, had undertaken to lessen the burdens as much as possible for all those adversely affected.

The nomination included information on the other positive attributes of Council and they included but were not limited to; Council's Leadership in the Community; the support given to staff who were not only volunteering with fire fighting and control centre operations but were keeping the organisation running with limited human resources, the Staff Family Friendly Leave Policy and Staff Excellence Award.

**Issues**

NIL

**Options**

Nil

**Financial Considerations**

Nil

**RECOMMENDATION**

For Council's Information.

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### Item 16 Progress Report Delivery Program 2012-2016

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

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### **Reason for Report**

The second six (6) month progress report of the 2012-2016 Delivery Program (DP) by the General Manager is presented to Council for consideration. Each Management activity has submitted individual reports. This report has been provided to Council under separate cover.

### **Background**

As per s404 of the Local Government Act Council must have a Delivery Program which;

- details the principal activities to be undertaken by Council to implement the strategies established by the Community Strategic Plan
- provides for the resources available under the resourcing strategy and
- Includes a method of assessment to determine the effectiveness of each principal activity.

### **Issues**

Council must establish a new DP after each ordinary election of Councillors for the 4-year period commencing on 1 July following the election. The General Manager must provide progress reports at least every 6 months.

### **Options**

Council has a new DP (2013-2017). The reporting of the new DP will commence in February 2014

### **Financial Considerations**

Nil.

### **RECOMMENDATION**

That Council accepts the 2012-2016 Delivery Program six (6) month Progress Report to 30 June 2013.

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### Item 17 Council Resolutions Report September 2012 – August 2013

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

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#### **Reason for Report**

The Council Resolution Report includes Council resolutions from September 2012 to August 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.

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### Item 18 Interaction Policy between Councillors and Staff

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Administration Officer - Carol Nasmith
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council builds strategic relationships with other levels of government to ensure that the shire receives an equitable allocation of resources

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### **Reason for Report**

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### **Background**

Council's current Interaction Policy between Councillors and Staff was endorsed on 21 April 2005 (**Resolution 140**) along with the Procedures.

### **Issues**

As part of the policy review currently being undertaken, it is an opportunity for Council to review the Interaction Policy between Councillors and Staff.

### **Options**

Under the current Policy Register format the remainder of Warrumbungle Shire Council Strategic Policies will be presented to Council for approval over the coming months.

### **Financial Considerations**


Nil

### **RECOMMENDATION**

That Council endorse the following Interaction Policy between Councillors and Staff and that it be included in the Strategic Policy Register.

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	<b>Interaction Policy between Councillors and Staff</b>
	<b>Strategic</b>

### 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
- 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

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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:

- 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:

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- 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:

- 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.



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- 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.
- 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

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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 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.

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### **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:
  - 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;

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- 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.

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- 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.
- 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

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### Item 19 Policy – Code of Meeting Practice

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Manager Administration & Customer Service – Sally Morris
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure Reflects the vision, directions and priorities outlined in the Community Strategic Plan

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### Background

Council's Draft Code of Meeting Practice was presented to Council's June 2013 meeting.

It was determined at the meeting to place the Draft Code on public exhibition for 28 days seeking community comment (**Resolution 396/1213**).

### Issues

As part of the policy review being undertaken by staff, the Code of Meeting Practice was reviewed by checking the Act and Regulations to ensure that the Code refers correctly to the current sections of both the Act and Regulations. Alterations were made in relation to that checking process.

### Options

As is required by the Local Government Act the draft Code was advertised seeking public comment. Section 361 of the Act provides:

- (1) *Before adopting a code of meeting practice, a council must prepare a draft code.*
- (2) *The council must give public notice of the draft code after it is prepared.*
- (3) *The period of public exhibition must not be less than 28 days.*
- (4) *The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.*
- (5) *The council must publicly exhibit the draft code in accordance with its notice.*

The advertisement indicated that submissions could be made on the draft Code within a period of 42 days. Submissions were required to be submitted by close of business on 23 August 2013.

No submissions have been received.

### Financial Considerations

Nil

### Summary


The draft Code of Meeting Practice is now submitted for endorsement.

### RECOMMENDATION

That Council endorse the following Code of Meeting Practice.

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	<b>Code of Meeting Practice</b>
	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.

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### **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;

**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.



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### **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.

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.

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- 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.
- 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.

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- 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 place fixed
- (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.

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- 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
    - (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

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- (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)
  - 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.*

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- 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

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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.

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.



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- 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.
- 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.

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- 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.
- 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.

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### **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.

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

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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.
- 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.

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### **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 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.

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### **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,

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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.
- 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.



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- 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.
- 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).

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### **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 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.*

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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:

(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

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- 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.

# **WARRUMBUNGL SHIRE COUNCIL**

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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.

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- (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:**

- (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.

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### 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		

# WARRUMBUNGLE SHIRE COUNCIL

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### Item 20 Conduct Review Panel - Warrumbungle Shire Council

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Director Corporate Services – Rebecca Ryan
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF 4 Council governance practices and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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#### Reason for Report

At its meeting held on 21 February 2013, Council gave consideration to and adopted the Model Code of Conduct for Local Councils in NSW and the procedures for the Administration of that Model Code which commenced 1 March 2013.

A Conduct Review Panel must be appointed by resolution of Council.

Councils may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers and Warrumbungle Shire Council resolved to implement with OROC a review of the Conduct Review Panel membership (**Resolution No 238/1213**).

Accordingly, Expressions of Interest were called by OROC and a meeting of OROC members subsequently appointed a working group to determine which applicants would be suitable to be on the Panel of Conduct Reviewers based on how those applicants addressed the criteria as advertised.

On the closing date, twenty two (22) applications were received covering twenty five (25) applicants (with three (3) solicitors/investigative firms nominating two applicants each) as follows.

First	Last	Company	Hourly Rate preliminary	Hourly Rate investigative	Business Status
Matthew	Rodgers	MR Business Solutions	\$77	\$99	Sole Trader
Graham	Church	TianandDi Pty Ltd (Hornsby)	\$88	\$110	Company
Fayez	Nour	Fayez Nour (Edensor Park)	\$140 (ex)	\$155 (ex)	Company
Chris	Gallagher	Chris Gallagher (Bateau Bay)	\$150 (ex)	\$200 (ex)	Sole Trader
Lee	Downes	Investigation Associates	\$175	\$200	Company
Peter	Mulhall	Australia (Liverpool)			



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First	Last	Company	Hourly Rate preliminary	Hourly Rate investigative	Business Status
Jerome	McClintock	McLintock Lawyers Dungog	\$180	\$240	Sole trader
Gina	Vereker	Big Dog Planning Pty Ltd	\$198 (incl)	\$242 (incl)	Company
Mark	Pigram	TQC Solutions (Westmead)	\$200 (inc)	\$240 (ex)	Not supplied
Andrew	Fletcher	Andrew Fletcher Consulting (Bathurst)	\$200 (ex)	\$200 (ex)	Sole trader
Shane	Boyd	Internal Audit Bureau of NSW (Darlinghurst)	\$200-220 (ex)	\$200 (ex)	NSW Governm ent Entity
Norman	Mann	Norman Mann (Bathurst)	\$222 (inc)	\$222 (inc)	-
Monica	Kelly	Prevention Partners	\$230 (ex)	\$230 (ex)	Sole Trader
Bruce	Clarke	Allygroup Pty Ltd (Sydney CBD)	\$230	\$230	Company
Jason	Masters	Allygroup Pty Ltd (Sydney CBD)	\$230	\$230	Company
Greg	Waters	MMS Pty Ltd (Sydney)	\$240 (inc)	\$240 (inc)	Company
Jennifer	Hilmer	Jennifer Hilmer (Mosman)	\$230 (ex)	\$230 (ex)	Not supplied
Kathy	Thane	Train Reaction Pty Ltd (Balmain)	\$240 (ex)	\$250 (ex)	Company
Greg	Wright	Wright Associates (Picton)	\$240 (ex)	\$240 (ex)	-
Robyn	Bartlett	Robyn L Bartlett	\$275	\$295	Sole Trader
Kath	Roach	Sinc Solutions (Glebe)	\$280 (ex)	\$260 (ex)	Company
Kelvin	Kenney	O'Connor Marsden & Associates (Sydney CBD)	\$285 (ex)	\$285 (ex)	Company
Paul	Crennan	Crennan Legal (Bathurst)	\$350 (ex)	\$350 (ex)	Company
Jennifer	Wyborn	Meyer Vandenberg Lawyers	\$495	n/a	P/ship
Greg	Brackenreg	Meyer Vandenberg Lawyers (Sydney CBD)	\$495	\$2400/day	P/ship

### Background

Following a meeting of OROC members, it was determined that the applications be reviewed and determined by a group comprising of Dubbo City Council's General Manager, Narromine Shire Council's General Manager, OROC Executive Officer and Dubbo City Council's Manager Administrative Services.

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This group met to review each application based on the following criteria as advertised by OROC when Expressions of Interest called:

- An understanding of local government.
- A demonstrated experience in, and knowledge of, investigative processes including, but not limited to, procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994.
- An understanding of the Model Code of Conduct for Local Councils in NSW 2013 and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2013 and other relevant applicable Legislation including but not limited to the Local Government Act 1993.
- Knowledge and experience of one or more of the following: law, investigations, public administration, public sector ethics, or alternative dispute resolution.
- Not precluded from eligibility as a “conduct reviewer” under Clause 3.6 of the Procedures for Administration of the Model Code of Conduct for Local Councils in NSW 2013.
- Independence and freedom from contractual arrangements in relation to local councils in the OROC region.
- The ability to prepare a report to Councils on the investigations, findings and recommendations.
- The ability to provide the service at a high standard, which reflects value for money.
- The ability to communicate effectively and work in partnership with officers of Council.
- The ability to provide flexibility and availability of time whenever an assessment or investigation as required.
- The ability to travel throughout the OROC region, the Councils of Bogan, Bourke, Brewarrina, Cobar, Coonamble, Gilgandra, Narromine, Walgett, Warren, Warrumbungle and Dubbo City being the constituent councils of OROC.

### Issues

When a matter is referred to the Complaints Coordinator, they must then refer the matter on to one of the members of the Conduct Review Panel (who is then the independent Conduct Reviewer).

If the independent Conduct Reviewer determines that a Conduct Review Committee needs to investigate the matter, the Complaints Coordinator must then establish a Conduct Review Committee consisting of three (3) other members of the Conduct Review Panel which cannot include the person who was appointed as the independent Conduct Reviewer. As a result, the panel of conduct reviewers needs to be more than four (4) people.

### Options

The group met to consider those applications and now recommended that the twelve (12) persons, as listed be appointed.

First	Last	Company	Hourly Rate preliminary	Hourly Rate investigative	Business Status
Chris	Gallagher	Chris Gallagher (Bateau Bay)	\$150 (ex)	\$200 (ex)	Sole Trader
Lee	Downes	Investigation	\$175	\$200	Company

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First	Last	Company	Hourly Rate preliminary	Hourly Rate investigative	Business Status
Peter	Mulhall	Associates Australia (Liverpool)			
Mark	Pigram	TQC Solutions (Westmead)	\$200 (inc)	\$240 (ex)	Not supplied
Andrew	Fletcher	Andrew Fletcher Consulting (Bathurst)	\$200 (ex)	\$200 (ex)	Sole Trader
Norman	Mann	Norman Mann (Bathurst)	\$222 (inc)	\$222 (inc)	Sole Trader
Monica	Kelly	Prevention Partners	\$230 (ex)	\$230 (ex)	Sole Trader
Kathy	Thane	Train Reaction Pty Ltd (Balmain)	\$240 (ex)	\$250 (ex)	Company
Greg	Wright	Wright Associates (Picton)	\$240 (ex)	\$240 (ex)	Company
Kath	Roach	Sinc Solutions (Glebe)	\$280 (ex)	\$260 (ex)	Company
Kelvin	Kenney	O'Connor Marsden & Associates (Sydney CBD)	\$285 (ex)	\$285 (ex)	Company
Paul	Crennan	Crenna Legal (Bathurst)	\$350 (ex)	\$350 (ex)	Company

### Financial Considerations

The benefits of working collaboratively with OROC has resulted in this process to date being at no cost to Council.

When and if an Independent Conduct Reviewer is appointed to make a preliminary assessment then undertake or recommend a Conduct Review Committee investigation then Council is responsible for payment of the hourly rate plus expenses of the panel member(s) such as travel and accommodation if required.

The Model Code of Conduct, as adopted by Council in February 2013, does not prevent the use of communications technology (teleconference and internet) to assist with the savings of undertaking investigations.

### RECOMMENDATION

That the persons listed as follows be appointed as members to Warrumbungle Shire Council Code of Conduct Panel of Conduct Reviewers.

First	Last	Company
Chris	Gallagher	Chris Gallagher (Bateau Bay)
Lee	Downes	Investigation Associates Australia (Liverpool)
Peter	Mulhall	

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First	Last	Company
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)

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### Item 21 Bank Reconciliation for month ending 31 August 2013

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

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#### **Reason for Report**

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

#### **Background**

Reconciliations are being completed monthly and balanced, payments and receipts reconcile to 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**

N/A

#### **Financial Considerations**

N/A

# WARRUMBUNGLE SHIRE COUNCIL

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### Summary

Balance per General Ledger – 31 August 2013

<b>Bank</b>	<b>Account Number</b>	<b>Balance</b>
General Fund	5410-3000-0001	1,493,840
Trust Fund	9000-3000-0000	259,610
WSC Mayor's Bushfire Appeal	9200-3000-0000	303,961
Investments - General	5220-3001-3001	6,170,308
Investments - General	5220-3001-5001	2,520,000
Investments Movement - General	5220-3003-0000	13,127
Investments - Water Fund	7085-3001-0001	2,920,254
Investments Sewerage Fund	8085-3001-0001	2,646,620
<b>Total per General Ledger</b>		<b>16,327,720</b>

Balance as per Bank Account – 31 August 2013

<b>Bank</b>	<b>Balance</b>
<b><u>General</u></b>	
Commonwealth	1,031,410
Westpac	20,435
NAB	185,506
<b>Total - General</b>	<b>1,237,351</b>
<b><u>Trust</u></b>	
Commonwealth	272,549
<b>Total - Trust</b>	<b>272,549</b>
<b><u>WSC Mayors Bush Fire Appeal Trust</u></b>	
Commonwealth	35,388
Commonwealth	337,090
<b>Total - WSC Mayors Bush Fire Appeal Trust</b>	<b>372,478</b>
<b><u>Investments</u></b>	
Securities	3,000,000
IBD	11,270,308
<b>Total Investments</b>	<b>14,270,308</b>
<b>Total All Bank Accounts</b>	<b>16,152,686</b>

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<i>Add:</i>	
Outstanding Deposits - General	261,119
Outstanding Deposits - Trust	465
Outstanding Deposits – WSC Mayors Bushfire Appeal	250
<i>Less:</i>	
Unpresented cheques - General	4,629
Unpresented cheques - Trust	13,405
Unpresented cheques- WSC Mayors Bushfire Appeal	68,766
<b>Balance adjusted for outstanding deposits &amp; Unpresented cheques (Final Bank Balance)</b>	<b>16,327,720</b>
<b>Variance between Final Bank Balance and General Ledger</b>	<b>-</b>

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Balance as per Bank Account History as at 31 August 2013

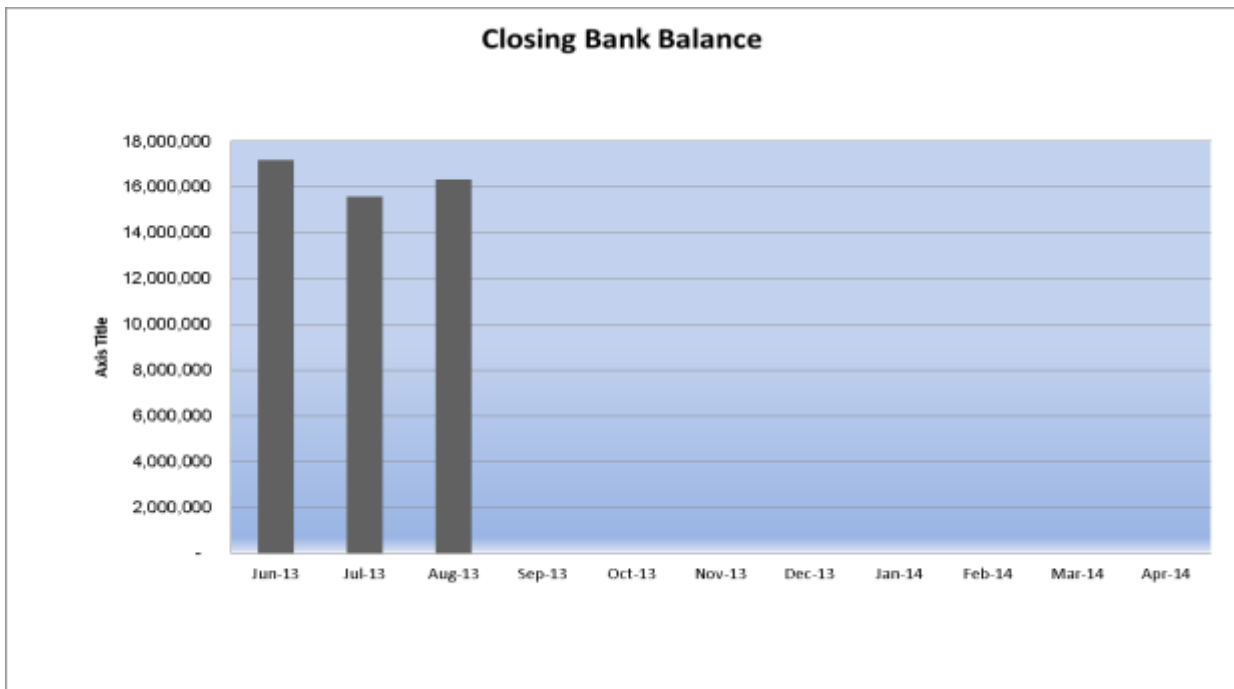
Month	Funds Held in General Account	Funds Held in Trust Account	Mayors Bushfire Appeal Trust Account	Investment	TOTAL	Net of Outstanding Deposits and Unpresented Cheques	End of Month Closing Bank Balance
Jun-13	613,393	267,283	377,447	15,904,221	<b>17,162,344</b>	6,273	<b>17,168,617</b>
Jul-13	1,354,197	269,335	368,794	13,552,995	<b>15,545,321</b>	37,033	<b>15,582,354</b>
Aug-13	1,237,351	272,549	372,478	14,270,308	<b>16,152,686</b>	175,034	<b>16,327,720</b>



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### **RECOMMENDATION**

That Council accept the Bank Reconciliation Report for the month ending 31 August 2013.

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### Item 22 Investments and Term Deposits

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

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### Reason for Report

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 August BBSW 3 month rate was 2.57%. Council's term deposits returned an average rate of 4.05% for the month of August, outperforming Council's benchmark.

During the month of August one (1) of Council's Term Deposits totalling \$1m fell due, earning Council \$11,216k in interest revenue (over the life of the deposit), which was transferred into Council's NAB At Call Account.

A net value of \$166k was transferred into Council's NAB At Call account and a further \$1.521m was transferred into Council's ANZ At Call account.

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.

Council's revised investments policy lists four (4) objectives for its asset activities,

1. The preservation of amounts invested,
2. The maintenance of adequate liquidity;
3. Sufficient diversification of investments; and
4. Maximum return within Council's risk tolerance.

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Council's investment activities attempt to achieve the optimum balance across these four objectives. Council's current investments as at 31 August 2013 clearly meet objectives 1, 2 and 3, as Council's ANZ at call account provides a highly liquid investment with a considerably higher than average return. However, due to the falling returns for Term Deposits over the recent months in comparison to the ANZ at call account, Council's investments have become increasingly concentrated in the ANZ at call account, reducing the diversification of Council's investments. Council will be re-allocating funding this month from the ANZ at call account to other TDs which will possibly return a lower rate in order to increase diversification of Council's investment portfolio.

### **Options**

N/A

### **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 31 August 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%
<b>Total:</b>	<b>3,000,000</b>		<b>2,760,000</b>					<b>0%</b>

Term Deposits: Council currently holds the following Term Deposits:

Bank	Current Investment	Opening Balance	Buy/(Sell)	August Interest Earned/ Accrued	Closing Balance	Lodgement date	Maturity Date	Rating	Current Yield
NAB Cash Maximiser #	1,182,544	1,011,931	166,000	4,613	1,182,544	At Call	At Call	AA-	3.04%
ANZ At Call	9,087,764	7,541,064	1,521,000	25,700	9,087,764	At Call	At Call	AA-	4.15%
Bank of Queensland	-	1,011,065	-1,011,216	151	-	6/05/2013	7/08/2013	BBB+	4.45%
Westpac	1,000,000	1,006,449	-	3,447	1,009,896	3/06/2013	2/09/2013		4.07%
<b>Total:</b>	<b>11,270,308</b>	<b>10,570,509</b>	<b>675,784</b>	<b>33,911</b>	<b>11,280,204</b>				<b>4.05%</b>

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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.

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Responsible Accounting Officer

### **RECOMMENDATION**

That Council accept the Investments Report for the month ending 31 August 2013.

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### Item 23 Strategic Policy – Investment Policy

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Finance
<b>Author:</b>	Chief Financial Officer (Stefan Murru)
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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### Reason for Report

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### Background

Council's current Investment Policy was endorsed on 16 June 2011 (**Resolution No. 406**).

### Issues

As part of the policy review currently being undertaken, Council has an opportunity to review the Investment Policy.

### Options

Council can either accept the revised policy as is or accept the policy with modifications.

### Financial Considerations

Nil

### RECOMMENDATION

That Council endorses the following Investment Policy to be included in the Strategic Policy Register.

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	<b>Investment Policy</b>
	<b>Strategic</b>

### **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.

### **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:

# WARRUMBUNGL SHIRE COUNCIL

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- 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.

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);



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- 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.
- 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.

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### **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.

### **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

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<b>Policy Name</b>	<b>Action</b>	<b>Resolution No.</b>	<b>Date</b>
Investment Policy	Endorsed	307	16 April 2009
Investment Policy	Endorsed	465	24 June 2010
Investment Policy	Endorsed	406	16 June 2011
Investment Policy	TBA	TBA	TBA

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### Item 24 Strategic Policy –Internally Restricted Assets Policy

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Finance
<b>Author:</b>	Chief Financial Officer (Stefan Murru)
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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#### **Reason for Report**

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

#### **Background**

Council's current Internally Restricted Assets Policy was endorsed on 16 July 2009 (**Resolution No. 07**).

#### **Issues**

As part of the policy review currently being undertaken, Council has an opportunity to review the Internally Restricted Assets Policy.

#### **Options**

Under the current Policy Register format the remainder of Warrumbungle Shire Council Strategic Policies will be presented to Council for approval over the coming months.

#### **Financial Considerations**


Nil

#### **RECOMMENDATION**

That Council endorses the following Internally Restricted Assets Policy to be included in the Strategic Policy Register.

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	<b>Internally Restricted Assets Policy</b>
	<b>Strategic</b>

### **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.

### **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

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### 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.

### 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:

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Staff Member Responsible for Review: Chief Financial Officer

<b>Policy Name</b>	<b>Action</b>	<b>Resolution No.</b>	<b>Date</b>
Internally Restricted Assets Policy	Endorsed	166	14 December 2006
Internally Restricted Assets Policy	Endorsed	07	16 July 2009
Internally Restricted Assets Policy	TBA	TBA	TBA

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### Item 25 Local Infrastructure Renewal Scheme Round 2 TCorp Assessment

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Finance
<b>Author:</b>	Chief Financial Officer (Stefan Murru)
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF5 - Council is severely burdened by the increasing costs of service provision and asset management and its reliance on grants and other funding, together with a limited rate base, rate capping and restricted capacity to source income from other areas.

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#### **Reason for Report**

To inform Council of the results of the recently completed Local Infrastructure Renewal Scheme(LIRS) Round 2 TCorp assessment of Council's financial position and capacity to undertake additional borrowings.

#### **Background**

As part of Council's LIRS Round 2 application process Council's financial position was subject to a financial assessment from TCorp. This assessment was primarily focused on Council's financial capacity to undertake the additional borrowings proposed under LIRS Round 2 although it also includes other information in regard to Council's financial performance and position.

As with the first TCorp report, the approach used by TCorp involved reviewing the most recent four years of Council's financial statements (2008/09 to 2011/12) as well as Council's most recent Long Term Financial Plan, models used in the plan, and information in Council's IP&R documents and LIRS Application.

Council staff have requested a copy of this assessment, and a copy has been attached under separate cover for review by Council.

#### **Issues**

The TCorp report found that Council has the capacity to undertake the \$3.1m worth of LIRS borrowings based on:

- Council's Debt Service Coverage Ratio and Interest Cover Ratio both being above their respective benchmarks in each year of the forecast;
- Council's Unrestricted Current Ratio being above one until 2021.

Although an unrestricted current ratio under one indicates potential liquidity issues, TCorp are still of the view that Council has the capacity to undertake the borrowings. The TCorp report mentioned that Council is aware of the issue and is focusing on the Financial Performance Improvement Initiatives in the Long Term Financial Plan (LTFP) among other initiatives to improve its financial position. The fact that the possible liquidity issues are only forecast to occur several years into the future would have also influenced TCorp's findings.



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In the process of making their decision, TCorp also reviewed Council's LTFP and found Council's underlying assumptions in its LTFP to be reasonable. TCorp has also made several observations in regard to the LTFP and has included these observations in its report.

TCorp have also recalculated several of their financial indicators for the 2011/12 financial year. A copy of these updated indicators has been provided in the table below:

Ratio	2012	2011	2010	2009
<b>Operating Performance</b>				
Operating Result (excl capital grants & contrib)	(3,589)	(4,936)	(3,764)	(1,597)
EBITDA (\$'000)	6,089	4,889	5,536	6,426
Operating Ratio	-10.9%	-15.9%	-14.5%	-6.4%
Own Source Operating Revenue Ratio	46.0%	42.2%	47.3%	40.3%
<b>Liquidity</b>				
Unrestricted Current Ratio	4.58x	7.62x	4.08x	1.36x
<b>Debt Servicing Capacity</b>				
Interest Cover Ratio	30.45x	31.95x	25.28x	42.56x
Debt Service Cover Ratio	16.46x	8.34x	10.67x	20.27x

### **Options**

N/A for Council information only.

### **Financial Considerations**

N/A for Council information only.

### **RECOMMENDATION**

For Council information.

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### Item 26 Strategic Policy – Disposal of Council Assets

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Finance
<b>Author:</b>	Manager of Finance - Paul Baker
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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### Reason for Report

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### Background

Council's current Disposal of Councils Assets Policy was endorsed on 21 August 2008 (**Resolution No. 27**).

### Issues

As part of the policy review currently being undertaken, Council has an opportunity to review the Disposal of Council Assets Policy.

### Options

Under the current Policy Register format the remainder of Warrumbungle Shire Council Strategic Policies will be presented to Council for approval over the coming months.

### Financial Considerations

Nil


### RECOMMENDATION

That Council endorses the following Disposal of Council Assets Policy to be included in the Strategic Policy Register.

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	<b>Disposal of Council Assets Policy</b>
	<b>Strategic</b>

### **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;
- 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).

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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.
- 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**

#### **6.1 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.

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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.

### **6.2 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;
- 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:

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- 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)*.

### **6.3 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.

### **6.4 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.

### **6.5 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.

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.

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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.

### **6.6 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

### **6.7 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.

### **6.8 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.

### **6.9 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.

### **6.10 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.

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### Version Control

Review Date:

Staff Member Responsible for Review: Manager Finance

<b>Policy Name</b>	<b>Action</b>	<b>Resolution No.</b>	<b>Date</b>
Disposal of Council Assets Policy	Endorsed	27	21 August 2008
Disposal of Council Assets Policy	TBA	TBA	TBA



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### Item 27 Strategic Policy – Rating Policy

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

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### Reason for Report

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### Background

Council's current Rating Policy was endorsed on 18 June 2009 (**Resolution No. 433**).

### Issues

As part of the policy review currently being undertaken, Council has an opportunity to review the Rating Policy.

### Options

Council can either accept the revised policy as is or accept the policy with modifications.

### Financial Considerations


Nil

### RECOMMENDATION

That Council endorses the following Rating Policy to be included in the Strategic Policy Register.

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	<b>Rating Policy</b>
	<b>Strategic</b>

### **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.

### **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).

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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**

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

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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.

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### **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;
- 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.

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### **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.**

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

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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	TBA	TBA	TBA

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### Item 28 External Audit Tender

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Finance
<b>Author:</b>	Chief Financial Officer - Stefan Murru
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF5 - Council is severely burdened by the increasing costs of service provision and asset management and its reliance on grants and other funding, together with a limited rate base, rate capping and restricted capacity to source income from other areas.

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### Reason for Report

To appoint an external auditor per sections 422 and 424 of the Local Government Act (1993).

### Background

As per sections 422 and 424 of the Local Government Act (1993), Council is required to appoint an auditor for a six (6) year term. Council's current external auditor is Forsyths Business Services Pty Ltd whose contract expired on 30 June 2013.

Council has recently tendered for the provision of external audit services with OROC. Council received five (5) tenders and has already held discussions with OROC Councils on the tenders received. Tenders received in alphabetical order were from the following firms;

- Crowe Howarth
- Eldridge Crawford Accounting
- Forsyths Business Services
- Hills Roger Spencer Steer
- Luka Group

### Issues

Due to the complexity of external audit in the local government sector, and the importance of the external audit function in ensuring the accuracy of financial information, Council developed a rating matrix that was used to assess the five tenders. A copy of the Matrix and scoring has been provided to Councillors in the confidential section of the business paper. This matrix will rate each tender between one and five per the following criteria:

Criteria	Weighting
Quotation for service provision – Quote amount year one	35%
Number of hours of service to be received	15%
Local Government Experience	30%
References	20%



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Council must now choose whether to accept the highest ranking tender, or to invite the top three (3) tendering firms to a Council meeting to present their firm and services to Council. Assuming the later is chosen, Council would then make the final decision on which firm to appoint at the October Council meeting.

### **Options**

Council can either:

- Invite the top three (3) tendering firms to a Council meeting to present their firm and services to Council;
- Accept the recommendation to appoint the highest scoring tender.

### **Financial Considerations**

Although the cost of external audit is considerable, the external audit function is an essential service that is both a legislative requirement and fundamental to ensuring the accuracy of financial information.

Council's rating of tenders does include a weighting for price (50% of the tender weighting), due to the important nature of external audit, and the complexity of accounting in local government, the tender price alone should not be the sole criteria used in assessing and ranking tenders.

This expenditure has already been included in Council's 2013/14 budget and Delivery Program.

### **RECOMMENDATION**

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.

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

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Financial Services
<b>Author:</b>	Senior Rates Officer – Graham MacBeth
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF5 Council has guaranteed access to diverse sources of funding to address its responsibilities in service planning and delivery.

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#### **Reason for Report:**

To seek Council approval for a change of rate categorisation for assessment number 1608.

#### **Background:**

Council has received a request from a rate payer (assessment number 1608 Lot 6 Sec 28 DP437810), in Coonabarabran, requesting a change of rate categorisation from Business to Residential. The land in question was previously owned by Telstra Corporation. Since February 2012 the land has not been used as a business, and the owner wishes to have the land recategorised to Residential for rating purposes.

#### **Issues:**

Section 516 of the Local Government Act 1993 states that for land to be categorised as residential it must be a parcel of rateable land valued as one assessment and its dominant use must be for residential purposes. The parcel of land in question, being Lot 6 Sec 28 DP437810, meets these conditions. The rate payer's request is for Council to rate him as residential from the date of purchase being February 2012 however under the Local Government Act 1993 the change of categorisation takes affect from the date of application.

A Development Application to change of use for an office to a dwelling has been lodged by the rate payer and has been approved by Council (determination DA 80/1213). A letter advising the applicant of this decision was sent to the applicant on 31 July 2013.

#### **Options:**

Council can either accept or deny the request for recategorisation.

#### **Financial Considerations:**

Should Council approve the change in categorisation from 1 July 2013 the result will be a decrease in notional revenue of \$1,070.

#### **RECOMMENDATION**

That Council approve the change of category for Property Assessment No 1608 from Business to Residential.

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### Item 30 Rates Report for Month Ending 31 August 2013

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

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### Reason for Report

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

### Background

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

The 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 31 August 2013, is 16.67%. This figure is higher than the 10% benchmark proposed by the DLG. The slight increase in August as compared to July's figure of 14.69% is due to the 1<sup>st</sup> Rates Instalment falling due at the end of August.

### 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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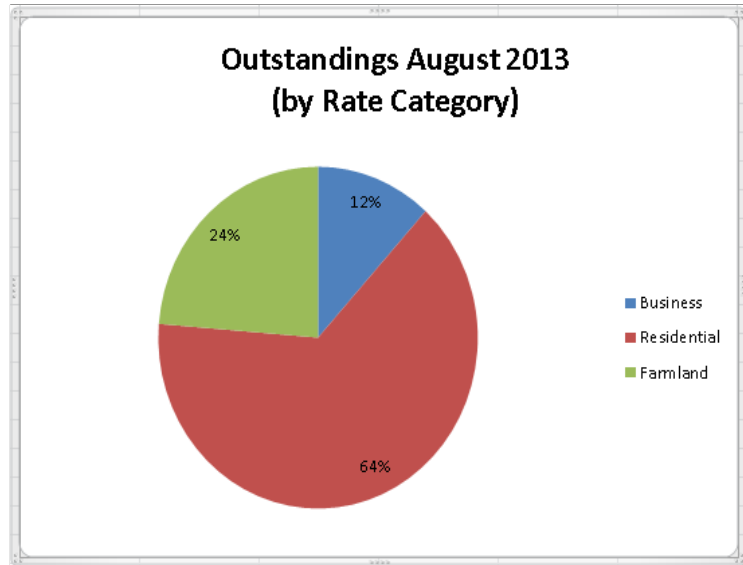
RATE/CHARGE TYPE	RATE ARREARS 2012/13	2013/2014 LEVY	PENSIONER WRITE OFF	ABANDONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTANDING 2013/2014	COLLECTION % 2013/2014	Total Arrears as at EOM	Outstanding Rates and Annual Charges %
General	675,157	7,157,745	179,809	5,036	7,648,057	2,300,105	5,347,951	30%	879,473	12%
Water	191,749	1,315,882	72,595	53	1,434,983	430,947	1,004,036	30%	261,130	20%
Sewerage	444,871	1,222,928	56,210	2,142	1,609,447	260,785	1,348,661	16%	213,345	17%
Garbage	176,185	1,804,848	89,578	32	1,891,423	606,028	1,285,394	32%	257,744	14%
<b>TOTAL RATES AND ANNUAL CHARGES</b>	<b>1,487,961</b>	<b>11,501,403</b>	<b>398,191</b>	<b>7,263</b>	<b>12,583,909</b>	<b>3,597,866</b>	<b>8,986,043</b>	<b>29%</b>	<b>1,611,692</b>	<b>14%</b>
Water Consumption	608,369	1,224,000	-	5	1,832,364	324,632	1,507,731	18%	335,603	27%
Sewer Consumption	78,637	120,000	-	-	198,637	50,924	147,713	26%	31,335	26%
<b>TOTAL WATER SUPPLY SERVICES</b>	<b>687,006</b>	<b>1,344,000</b>	<b>-</b>	<b>5</b>	<b>2,031,001</b>	<b>375,556</b>	<b>1,655,444</b>	<b>18%</b>	<b>366,938</b>	<b>27%</b>
LEGAL FEES	124,995	35,759		83	160,671	23,020	137,650	14%	173,068	
INTEREST	269,421	25,587			295,007		295,007			
<b>GRAND TOTAL</b>	<b>2,569,383</b>	<b>12,906,748</b>	<b>398,191</b>	<b>7,351</b>	<b>15,070,588</b>	<b>3,996,443</b>	<b>11,074,145</b>	<b>27%</b>	<b>2,151,699</b>	<b>16.67%</b>

- 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 64% relates to residential properties, while 24% 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 260 assessments with a total of \$361,440 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		
<b>Business</b>	75,794	32,533	23,141	32,195	52,813	31,335	4,965	252,777
<b>Residential</b>	349,748	210,551	237,990	181,150	282,790	-	126,592	1,388,821
<b>Farmland</b>	453,930	14,660	-	-	-	-	41,511	510,101
<b>Total</b>	<b>879,473</b>	<b>257,744</b>	<b>261,130</b>	<b>213,345</b>	<b>335,603</b>	<b>31,335</b>	<b>173,068</b>	<b>2,151,699</b>

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

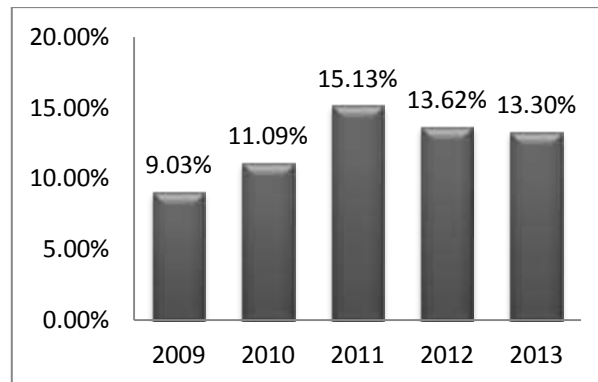
Council will be instructing its Debt Recovery Agency to issue a Statement of Claim on Assessments with overdue amounts that have not entered into an arrangement or paid in full in the month of June.

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

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### **RECOMMENDATION**

For Council's information.

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### Item 31 Strategic Policy – Media Policy Councillors

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Christine White, Manager Communications & Community Services
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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### **Reason for Report**

Council was informed at the June 2013 meeting staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### **Background**

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

### **Issues**

As part of the policy review currently being undertaken, it is an opportunity for Council to review the Media Policy - Councillors.

### **Options**

Under the current Policy Register format the remainder of Warrumbungle Shire Council Strategic Policies will be presented to Council for approval over the coming months.

### **Financial Considerations**


nil

### **RECOMMENDATION**

That Council endorses the following Media Policy - Councillors to replace the current policy and to be included in the Strategic Policy Register.

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	<b>Media Policy - Councillors</b>
	<b>Strategic</b>

### 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.

### 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.



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### 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*

<b>Policy Name</b>	<b>Action</b>	<b>Resolution No.</b>	<b>Date</b>
Media Policy – Councillors	<i>endorsed</i>	406	26 June 2008

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### Item 32 IT – Managed Services for User Support and Infrastructure

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Communications & IT
<b>Author:</b>	Manager Communications & Community Services
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority / Strategy:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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#### **Reason for Report**

To review and endorse the Managed Service Program – User and Desktop contract for IT Support to WSC.

#### **Background**

Council's Internal IT Support is currently provided by a third party provider, Andor Systems (Aust) Pty Ltd. IT Support is delivered under two fixed fee managed service contracts:

1. Managed Service Program – User and Desktop at \$8,160/month, expires 30 September 2013
2. Managed Service Program – Infrastructure at \$7,612/month, expires 31 December 2013

These contracts were endorsed at the June 2013 meeting (Resolution No 403/1213).

These IT Managed Support contracts replaced a 12 month contract endorsed in June 2012 (Resolution No 425/1112) being a fixed fee proposal for Managed and Operational Support Services. The shorter term contract period enabled a review to be finalised on IT Support services. Managed IT Support provides for monitoring and management of Council's IT Network Infrastructure and a Service Desk for Staff User Support.

Council's IT Network Infrastructure comprises of a Communications Room located in the Coonabarabran Administration Office that hosts the Servers for all of Council's IT infrastructure. The Coolah Office has a smaller Communications Room, supporting VoIP telephone and Printer functions, and is connected to the Coonabarabran Communications Room via a 20/20mbps datalink. Six (6) remote sites across the shire are networked directly to the Coonabarabran Communications Room via an ADSL2+ datalink. A further four (4) remote sites can access the IT network through remote login via a public internet service, and staff are able to login remotely using public internet when away from the office.

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In addition to the Communications Rooms and remote sites network connections, there are 105 Personal Computer workstations and 20 laptops included in the IT Support services. Mobile devices such as Ipads and mobile phones are charged for support separately on an as need basis. After hours IT Support and Individual projects such as version and module upgrades of software applications are also charged on a project by project basis as required.

### **Issues**

In making a recommendation and assessment of IT Support Services the review is based on the ability to support Council's Business Continuity Plan, service level agreement expectations and monitoring as per the Draft Operational Plan and Delivery Program 2013/14-2016/17, fees charged and the capacity to develop alliances with services across LGAs.

In addition, the Independent Commission Against Corruption (ICAC) recently released a report into *Managing IT Contractors, Improving IT Outcomes* (August 2013), which states five broad risk areas for the public sector in sourcing IT services and projects. Of note, one highlighted risk area that needs to be considered is 'putting considerable effort into ensuring consultants that are hired for the design phase are strongly separated from the build phase'. Andor Systems were involved in both the design and build phase of Council's IT network, and provide the IT Managed Support Services.

### **Options**

Whilst the recommended periods for the Contracts mean the total project cost of this proposal does not exceed the \$150k threshold for local government procurement, a review of IT Support services by other third party providers was undertaken.

In addition, the Orana group of Councils were approached to ascertain capacity for an alliance in the provision of IT Support services. However, feedback on this has indicated if such an alliance was to be initiated, the time frame would be in excess of 12 months, with no further progress to date.

Tamworth Regional Council (TRC) has indicated interest in providing IT Support services to other Local Government Areas, and the proposal supports the Independent Local Government Review Panel recommendation to develop alliances of shared services between LGAs.

TRC are able to provide the *Managed Service Program – User and Desktop* from 1 October 2013. TRC have a fixed monthly fee proposal featuring a credit roll over of unused IT technical hours into subsequent months. This contract clause ensures transparency of IT technician charges, and will be reviewed at three months. TRC will also provide onsite IT technicians each week as part of the fixed fee contract, and include support for tablet mobile devices. There is also capacity to negotiate the provision of a *Managed Service Program – Infrastructure* contract from 1 January 2013 in combination with a Disaster Recovery solution. Disaster Recovery is required to support the WSC Business Continuity Plan.

Andor Systems are able to continue providing both Managed Service Programs, and are approved by Local Government Procurement on Panel LPG 1008-2 Provision of IT & Communications Professional Services.

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### **Financial Considerations**

The 2013/2014 IT budget allows for Managed Support Services, based on the initial proposal provided by Andor Systems on 18 March 2013.

### **RECOMMENDATION**

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.

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### Item 33 Strategic Policy – Itinerant Markets

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Development and Tourism
<b>Author:</b>	Manager Economic Development and Tourism – Aileen Bell
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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### Reason for Report

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

This report relates to the review of Council Strategic Policy 1.27 - Itinerant Traders

### Background

The policy was developed by Coonabarabran Shire Council in response to the establishment by itinerant traders of stalls on Council property (the Youth Club, Sporting Oval and Shire Hall). It was seen as a means of restricting such operators within the shire. The rationale at the time was that local operators were being adversely impacted by this practice. The policy did not stop itinerant traders from hiring privately operated halls etc.

The policy was endorsed by Council in December 2010 and reads as follows: “that no permission be granted to itinerant traders to sell goods from or on Council property”.

### Issues

As part of the policy review currently being undertaken, it is opportune for Council to review the Itinerant Traders Policy.

In the light of the establishment of the monthly Town Life Markets in Coonabarabran (coordinated by the Chamber of Commerce) and other casual markets in towns within the shire, the deletion of this policy is recommended.

In consultation with other departments within Council, the reasoning for this includes:

1. Locally sourced goods are not always available and this further reduces the capacity of the community to purchase specific goods at a local level – shopping locally alleviates some of the issues related to shopping out of town
2. How can this be policed – a definition of a “local” trader?
3. Limiting the capacity of community groups to generate healthy markets which in turn stimulate local business through increased foot fall and traffic.

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4. This would be seen as a discriminatory policy and not compliant with restraint of trade laws if a trader were to pursue legal action following denial of right to establish a stall.
5. Environmental Services can determine approvals of street and public place traders as part of the local approval required under Section 68.

### **Options**

To delete this policy from the Policy Register which would allow community organisations the opportunities to encourage local and regional stall operators at community based markets held in business areas and leisure precincts of Warrumbungle Shire.

### **Financial Considerations**

NIL

### **RECOMMENDATION**

That Council deletes the Strategic Policy - Itinerant Traders 1.27 from the Policy Register.

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### Item 34 StateWide Risk Management Excellence Award 2013

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Property and Risk
<b>Author:</b>	Manager Property and Risk – Jennifer Parker
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF8 Council undertakes its organisational, workforce and risk management responsibilities with efficiency and effectiveness.

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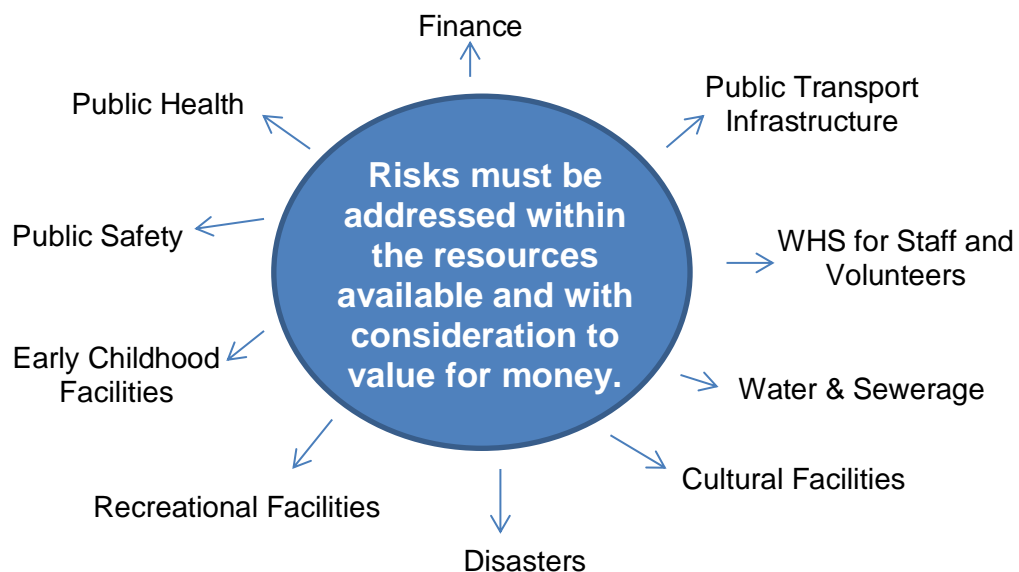
#### Reason for Report

Warrumbungle Shire Council received two commendations for our Risk Management documents – Emergency Waste Management Policy and Emergency Asbestos Management Policy and this years' StateWide Risk Management Conference in Sydney in August.

#### Background

Risk management is an important part of corporate governance and Warrumbungle Shire Council is expected to have in place Risk Management strategies for all areas of our business. Risk management is sometimes referred to as “making better decisions” meaning that when decisions are made they take into account consequences of and likelihood of both positive and negative effects of a decision.

The scope of risk management affects many areas of Local Government who are exposed to a diverse range of risks on many varied levels. Risk is inherent in all the areas of Council Business and is addressed by council in our risk management procedures, plans and policies;



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The StateWide Risk Management Excellence Award – measures the risk management processes used by NSW Council in implementing any risk management program using the principles of identification, evaluation, control and measure.

Warrumbungle Shire Council submitted the two documents for this award, the Emergency Waste Management Plan and Emergency Asbestos Management Plan.

Both Emergency Management Plans were born from the Section 44 Natural Disaster declared on 13 January 2013. With Warrumbungle Shire suffering extensively with 57,000 ha devastated by the Wambelong Bush Fire and the destruction 49 houses, 131 farm sheds, 4 major buildings and 5 commercial premises the management plans were necessary to deal with the risk management and disposal of waste. These Emergency Management Plans pioneered Risk Management within NSW relating to the clean up of fire affected asbestos and non-asbestos waste following a natural disaster bush fire event.

The Emergency Management Plans were written in collaboration with the State Government agencies EPA, NSW Work Cover and Public Works. These plans provided affected bush fire residents and property owners a guide on how to deal with fire affected waste and asbestos waste after a bush fire event.

The Emergency Asbestos Management Plan 2013 was used as a reference by other NSW councils and state government agencies including Great Lakes with their recent house explosion.

Both Emergency Management Plans will continue to be revised as part of Warrumbungle Shire Councils Risk Management strategy.

Both commendations will be on display in the main reception in Coonabarabran.

### **Issues**

N/A

### **Options**

N/A

### **Financial Considerations**

Nil

### **RECOMMENDATION**

For Councils information.



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### Item 35 Renewal of Coonabarabran Library Building Lease

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

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### Reason for Report

Following negotiations with the owners' representative, Council is being asked to consider a couple of options for the lease for the Library in Coonabarabran. The current Lease Agreement, which was for 15 years, expires on 30 November 2013, and arrangements need to be in place by 30 September 2013.

### Background

In July 2013, Council received a report regarding the lease of the Library premises at 50 -54 John Street Coonabarabran. The Library has leased the aforementioned building for the last 15 years from various owners. The location is central to the main business section of Coonabarabran and is an ideal location for the Library.

Council resolved to advise the current owner that it does not wish to renew the lease for a further 15 years under the same terms and conditions as currently exists and further that the General Manager attempt to negotiate a new lease at more favourable terms to Council for further deliberation by Council. It was also resolved that the General Manager make enquiries regarding the availability of other suitable property to either rent or purchase to house the library to enable potential savings in library operating costs to be considered and that Council would not be relocating the library to the existing ground floor of the existing Council offices in John Street Coonabarabran (**Resolution No. 47/1314**)

### Issues

The current owners' representative of the premises was contacted and subsequent discussions confirmed that the preferred lease was for a 10 year term or 5 years at least. The possibility of refurbishment of the building being included was mentioned if Council chose to resign the lease agreement for another 15 year term.

The current Lease Agreement ends in November but currently council pays \$3,891 per month, or \$46,692 for the full calendar year.

The existing lease included a indexed price increase yearly by the Consumer Price Index (CPI) or 5%, which ever is higher. The current commercial leases stipulates the tenant pays for all extras on the lease and that includes legal costs, base water, base land tax and the base municipal rates.

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The tenant pays stamp duty on the lease and registration fees, if the lease is to be registered. Leases with a lease period of more than three (3) years, including any option period should be registered to protect Councils' interests. Registration of the lease on the Title Deeds costs approximately \$1,000.

Council has been advised that the owners would be happy to arrange for their solicitor to prepare a new lease in the interest of minimising Council's legal fees. Traditionally the landlord pays the cost of preparing the lease, unless the tenant asks for it to be changed after the tenants disclosure statement has been returned to the landlord.

Council has also investigated the availability of commercial premises in Coonabarabran to either rent or buy. There are currently no sites suitable to relocate the library in Coonabarabran.

In order to commence negotiations, Council offered a 3x3 year lease, base rate of \$3,891 increasing by CPI which was rejected.

The following counter offer was made being;

Option 1:

Term: 10 years with 2x5 year option periods  
Base Rent: \$3,500 per month  
Indexation: CPI

Should the proposed lease term of 3x3 years be non-negotiable by Council, the following lease would be accepted.

Option 2:

Term: 3 year term with 1x3 year option periods  
Base Rent: \$4,500 per month  
Indexation: CPI

Option 3:

Term: 5 year term with 1x5 year option periods  
Base Rent: \$4,150 per month  
Indexation: CPI

### **Options**

The options being presented to Council for consideration are;

Option 1

10 year term (plus 2x5 year option) with the base rate of \$3,500 per month indexed annually at CPI; or

Option 2

3 year term (plus 1x3 year option) with the base rate of \$4,500 per month indexed annually at CPI; or

Option 3

5 year term (plus 1x5 year option) with the base rate of \$4,150 per month indexed annually at CPT.

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All these options do not include the standard inclusion of the Base Rates for Water, Municipal Rates and Land Tax which would be an extra cost incurred by Council. These are inclusions in the current Lease Agreement, and for the purposes of making direct comparisons of the options are not priced into the financial considerations.

Option two (2) whilst more per month could enable Council to have more flexibility should a suitable premises become available in the meantime and save Council the extra legal costs of having the lease attached to the Title Deeds as is required for any lease five (5) years and more.

### **Financial Considerations**

With option one (1) the overall cost to Council would be initially \$42,000 for the first year and indexed by CPI over the next four (4) years. The lease period is locked in making Council potentially liable for full term of the lease should the agreement be terminated early.

For option two (2) the overall cost to council would be initially \$54,000 for the first year and indexed by CPI over the next two years.

	Years	Cost per annum 2013-2014
Current Lease	15	\$46,692 (expiring 30.11.13)
Option 1	10	\$42,000 pa + annual CPI indexation
Option 2	3	\$54,000 pa + annual CPI indexation
Options 3	5	49,800 pa + annual CPI indexation

(CPI is calculated assuming 2.5% average).

These options will have the added base fees attached with 50 – 54 John Street Coonabarabran which will approximately be  
Rates - \$2,495, Sewer Access - \$445, Water Access - \$355

This adds an extra \$3,295 per annum to the cost of renting this building and is included in current budget assumptions.

If the lease is for over five (5) years there will be added cost of approximately \$1,000 for the lease to be registered to the Title Deeds which the owners have agreed to fund as per above.

### **RECOMMENDATION**

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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### Item 36 Strategic Policy – Cemetery Management and Burial Policy

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	<b>Property and Risk</b>
<b>Author:</b>	Manager Property and Risk – Jennifer Parker
<b>CSP Key Focus Area:</b>	Rural and Urban Development
<b>Priority:</b>	RU4 -The attractiveness, appearance and amenity of our towns and villages need to be improved.

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#### **Reason for Report**

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

#### **Background**

Council's has two policies that relation to Cemeteries, Public Cemetery Policy endorsed 21 August 2008 (**Resolution No. 57**) and Burial Policy first endorsed by council in 2009 and re-endorsed in 2010 (**Resolution No. 360**).

The current Policies are as follows;

#### **Public Cemetery Policy**

##### **1. Aim**

- a) To provide cemeteries for the Shire which cater for the needs of the general public.
- b) To conserve and enhance for future generations the cemeteries as items of local and cultural significance.

##### **2. Policy**

- a) To put in place Procedures that identify the locations and the facilities provided at each of the Council managed cemeteries in the Shire.
- b) To put in place Procedures to establish management/administrative protocols.
- c) To put in place budget allocations that will enable the safe and efficient management of public cemeteries in accordance with public health guidelines and community expectations.

#### **Burial Policy**

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

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- (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 be encouraged by Council through appropriate concessional rates for the second interment within a grave site in Council's fees and charges structure.
- (d) Notwithstanding clause (b) Council will allow for the reservation of one grave site with the pre-payment both the grave reservation and current interment fees where the application is made through a licensed undertaker on behalf of a client as part of a pre-paid funeral plan.

### **Issues**

As part of the policy review currently being undertaken, it is an opportunity for Council to review both the Public Cemetery Policy and the Burial Policy.

### **Options**

Under the current Policy Register format the remainder of Warrumbungle Shire Council Strategic Policies will be presented to Council for approval over the coming months.

### **Financial Considerations**


Nil

### **RECOMMENDATION**

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.

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	<b>Cemetery Management and Burial Policy</b>
	<b>Strategic</b>

### 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*

- 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)

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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;
- 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;

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- 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



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- the amount paid
- 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.

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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

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

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- (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**

- 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 interments 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.

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### **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
- 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.

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

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### 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,
- 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

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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

Policy Name	Action	Resolution No.	Date
Cemetery Management and Burial Policy			

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### Item 37 Strategic Policy – Temporary Grazing Permit

<b>Division:</b>	Corporate Services
<b>Management Area:</b>	Property and Risk
<b>Author:</b>	Manager Property and Risk – Jennifer Parker
<b>CSP Key Focus Area:</b>	Natural Environment
<b>Priority:</b>	NE5.1 Work with appropriate agencies and land holders to ensure that the proliferation of weeds and pest animals is monitored and minimised.

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### Reason for Report

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### Background

Council's current Temporary Grazing Permit Policy was endorsed on 16 June 2005 (**Resolution No. 235**).

### Issues

As part of the policy review currently being undertaken, it is an opportunity for Council to review the Temporary Grazing Permit Policy.

### Options

Under the current Policy Register format the remainder of Warrumbungle Shire Council Strategic Policies will be presented to Council for approval over the coming months.

### Financial Considerations

Nil


### RECOMMENDATION

That Council endorses the following Temporary Grazing Permit to replace the current policy and to be included in the Strategic Policy Register.



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	<b>Temporary Grazing Policy</b>
	<b>Strategic</b>

### **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**

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

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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,

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- 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 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

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### Version Control

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

<b>Policy Name</b>	<b>Action</b>	<b>Resolution No.</b>	<b>Date</b>
Temporary Grazing Permits Policy	<i>Endorsed</i>	235	16 June 2005
Temporary Grazing Permits Policy			

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### Item 38 2013/14 Technical Services Works Program

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

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#### **Reason for Report**

The works program for the technical services division of Council 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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Task Name	Start	Finish	Budget Allocation (\$)	YTD Exp (\$)	% Work Complete
<b>Technical Services</b>	<b>Wed 26/06/13</b>	<b>Wed 7/01/15</b>	<b>\$10,187,274</b>	<b>\$0</b>	<b>15%</b>
<b>Asset Design Services</b>	<b>Wed 10/07/13</b>	<b>Wed 10/07/13</b>	<b>\$40,900</b>	<b>\$0</b>	<b>0%</b>
<b>Fleet Services</b>	<b>Wed 10/07/13</b>	<b>Wed 24/07/13</b>	<b>\$2,265,000</b>	<b>\$0</b>	<b>6%</b>
<b>Road Contracts</b>	<b>Sat 28/09/13</b>	<b>Mon 23/06/14</b>	<b>\$1,029,500</b>	<b>\$0</b>	<b>0%</b>
<b>Road Operations</b>	<b>Wed 26/06/13</b>	<b>Mon 14/07/14</b>	<b>\$5,469,514</b>	<b>\$0</b>	<b>27%</b>
<b>Local Roads</b>	<b>Wed 26/06/13</b>	<b>Mon 30/06/14</b>	<b>\$3,141,469</b>	<b>\$0</b>	<b>34%</b>
<b>Bridge - Grandchester</b>	<b>Thu 11/07/13</b>	<b>Thu 31/10/13</b>	<b>\$200,000</b>	<b>\$0</b>	<b>0%</b>
Bridge - Tongy	Thu 25/07/13	Wed 18/09/13	\$116,689	\$199,533	90%
Bridge - Bugaldie Ck	Thu 11/07/13	Tue 17/12/13	\$116,689	\$72,352	98%
Bridge-Baby Creek	Mon 23/09/13	Tue 12/11/13	\$20,000	\$0	98%
Garrawilla Ck (fld damage)	Mon 22/07/13	Fri 20/09/13	\$164,791	\$77,609	65%
Premer Estate Cwy	Fri 6/09/13	Mon 17/02/14	\$38,300	\$1,070	5%
<b>Bridge - Barad/Aero Rd</b>	<b>Mon 29/07/13</b>	<b>Mon 30/06/14</b>	<b>\$250,000</b>	<b>\$0</b>	<b>0%</b>
<b>Bridge- Baradine Creek</b>	<b>Mon 29/07/13</b>	<b>Mon 30/06/14</b>	<b>\$1,500,000</b>	<b>\$0</b>	<b>0%</b>
<b>Borambitty Rd Crest</b>	<b>Mon 5/08/13</b>	<b>Fri 6/09/13</b>	<b>\$25,000</b>	<b>\$12,695</b>	<b>100%</b>
Coolah Ck Rd Rehab	Tue 1/10/13	Tue 4/03/14	\$110,000	\$0	0%
<b>Bridge - Kenebri</b>	<b>Mon 29/07/13</b>	<b>Mon 30/06/14</b>	<b>\$600,000</b>	<b>\$0</b>	<b>0%</b>
<b>Gravel Road Resheeting</b>	<b>Tue 13/08/13</b>	<b>Mon 14/07/14</b>	<b>\$765,000</b>	<b>\$135,360</b>	<b>14%</b>
Tothills Rd	Tue 1/10/13	Mon 24/02/14	\$45,000	\$7,024	15%
Salacks Rd	Tue 17/09/13	Mon 30/09/13	\$45,000	\$22,688	50%
Narrawa Rd	Tue 3/09/13	Mon 3/02/14	\$45,000	\$10,513	20%
Borambitty Rd	Tue 13/08/13	Mon 2/09/13	\$100,000	\$65,251	65%
Guinema Rd	Wed 16/10/13	Tue 3/12/13	\$180,000	\$43,476	20%
Keerrawah Rd	Mon 9/12/13	Fri 3/01/14	\$50,000	\$0	0%
Goolma Rd	Tue 5/11/13	Mon 18/11/13	\$45,000	\$456	1%
Gollan Rd	Tue 19/11/13	Mon 2/12/13	\$45,000	\$2,515	5%
Flags Rockedgial Rd	Mon 9/09/13	Mon 27/01/14	\$75,000	\$4,674	8%
Collier Rd	Mon 23/06/14	Mon 14/07/14	\$25,000	\$0	0%
Box Ridge Rd	Tue 4/03/14	Fri 18/04/14	\$110,000	\$1,417	1%
<b>Regional Roads</b>	<b>Thu 11/07/13</b>	<b>Mon 2/06/14</b>	<b>\$1,563,045</b>	<b>\$0</b>	<b>20%</b>
<b>Urban Services</b>	<b>Thu 11/07/13</b>	<b>Fri 30/05/14</b>	<b>\$1,382,360</b>	<b>\$0</b>	<b>13%</b>
<b>Horticulture</b>	<b>Wed 4/09/13</b>	<b>Thu 24/04/14</b>	<b>\$160,000</b>	<b>\$0</b>	<b>1%</b>
Binnaway Progress Ass'n	Wed 4/09/13	Wed 4/09/13	\$5,000	\$0	100%
Milling Park Playground	Thu 19/12/13	Mon 7/04/14	\$70,000	\$0	0%
Mendooran Park Toilets	Mon 3/02/14	Thu 24/04/14	\$35,000	\$0	0%
Milling Park Toilet	Mon 18/11/13	Fri 27/12/13	\$50,000	\$0	0%
<b>Ovals</b>	<b>Tue 23/07/13</b>	<b>Fri 31/01/14</b>	<b>\$133,947</b>	<b>\$0</b>	<b>0%</b>
Robertson Oval, irrigation	Thu 5/09/13	Wed 18/12/13	\$38,947	\$0	0%
Bowen - Turf Wicket	Mon 13/01/14	Fri 24/01/14	\$8,000	\$0	0%
Baradine Grandstand	Thu 12/09/13	Sat 26/10/13	\$40,000	\$0	0%

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Binnaway Grandstand	Thu 9/01/14	Fri 31/01/14	\$47,000	\$0	0%
Bowen oval design	Tue 23/07/13	Wed 24/07/13	\$0	\$0	0%
Bowen Oval - construct			\$0	\$0	0%
Robertson oval design	Fri 2/08/13	Thu 15/08/13	\$0	\$0	0%
<b>Swimming Pools</b>	<b>Mon 2/09/13</b>	<b>Fri 9/05/14</b>	<b>\$72,000</b>	<b>\$0</b>	<b>0%</b>
Coona Concrete repairs	Mon 2/09/13	Wed 8/01/14	\$20,000	\$0	0%
Coolah pool cover	Tue 3/09/13	Wed 30/10/13	\$12,000	\$0	0%
Baradine leak prevent	Fri 25/04/14	Fri 9/05/14	\$40,000	\$0	0%
<b>Town Streets Baradine</b>	<b>Thu 11/07/13</b>	<b>Fri 18/04/14</b>	<b>\$164,932</b>	<b>\$0</b>	<b>9%</b>
Street light - Lachlan Street	Thu 11/07/13	Fri 26/07/13	\$4,632	\$0	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%
<b>Walker street k&amp;g</b>	<b>Mon 10/03/14</b>	<b>Fri 28/03/14</b>	<b>\$30,000</b>	<b>\$0</b>	<b>0%</b>
<b>Town Streets Binnaway</b>	<b>Thu 20/02/14</b>	<b>Fri 25/04/14</b>	<b>\$60,000</b>	<b>\$0</b>	<b>0%</b>
<b>David street k&amp;g</b>	<b>Mon 7/04/14</b>	<b>Fri 25/04/14</b>	<b>\$60,000</b>	<b>\$0</b>	<b>0%</b>
<b>Town Streets Coolah</b>	<b>Thu 11/07/13</b>	<b>Fri 30/05/14</b>	<b>\$231,100</b>	<b>\$0</b>	<b>40%</b>
Binnia St kerb blisters			\$44,286	\$0	0%
Coolah cycleway	Thu 11/07/13	Fri 30/08/13	\$10,814	\$10,729	100%
<b>Binnia St. kerb blisters</b>	<b>Mon 7/04/14</b>	<b>Fri 9/05/14</b>	<b>\$46,000</b>	<b>\$0</b>	<b>0%</b>
<b>Booyamurra St. rehab</b>	<b>Mon 5/05/14</b>	<b>Fri 30/05/14</b>	<b>\$110,000</b>	<b>\$0</b>	<b>0%</b>
Coolah Foot Rehab	Mon 4/11/13	Fri 15/11/13	\$20,000	\$0	0%
<b>Town Streets Coona</b>	<b>Thu 11/07/13</b>	<b>Fri 9/05/14</b>	<b>\$353,381</b>	<b>\$0</b>	<b>36%</b>
<b>Footpath Const. Baths</b>	<b>Thu 11/07/13</b>	<b>Fri 27/09/13</b>	<b>\$18,271</b>	<b>\$0</b>	<b>0%</b>
Culvert Ext Dalgarno St	Fri 12/07/13	Fri 13/09/13	\$78,110	\$45,140	95%
Admin Building - car park	Mon 12/08/13	Fri 25/10/13	\$22,000	\$10,079	50%
Admin Building - footpath	Mon 26/08/13	Fri 6/09/13	\$0	\$4,446	100%
<b>Dalgarno Foot Rehab</b>	<b>Tue 1/10/13</b>	<b>Mon 28/10/13</b>	<b>\$45,000</b>	<b>\$0</b>	<b>0%</b>
<b>Dalgarno keb rehab</b>	<b>Mon 4/11/13</b>	<b>Fri 29/11/13</b>	<b>\$70,000</b>	<b>\$0</b>	<b>0%</b>
<b>Cycleway Newell Hwy</b>	<b>Mon 19/08/13</b>	<b>Fri 13/09/13</b>	<b>\$120,000</b>	<b>\$0</b>	<b>0%</b>
<b>Town Streets Dunedoo</b>	<b>Wed 21/08/13</b>	<b>Fri 21/02/14</b>	<b>\$192,000</b>	<b>\$0</b>	<b>0%</b>
<b>Wallaroo St construction</b>	<b>Mon 2/09/13</b>	<b>Fri 20/12/13</b>	<b>\$150,000</b>	<b>\$0</b>	<b>0%</b>
<b>Dish drain Tucklan</b>	<b>Mon 18/11/13</b>	<b>Fri 29/11/13</b>	<b>\$22,000</b>	<b>\$0</b>	<b>0%</b>
Dunedoo Foot Rehab	Mon 9/12/13	Fri 20/12/13	\$20,000	\$0	0%
<b>Town Sts Mendooran</b>	<b>Mon 19/08/13</b>	<b>Fri 30/08/13</b>	<b>\$15,000</b>	<b>\$0</b>	<b>100%</b>
Mendooran Foot Rehab	Mon 19/08/13	Fri 30/08/13	\$15,000	\$13,992	100%
<b>Water</b>	<b>Thu 1/08/13</b>	<b>Fri 22/01/16</b>	<b>\$721,000</b>	<b>\$0</b>	<b>0%</b>
<b>Baradine</b>	<b>Thu 1/08/13</b>	<b>Wed 11/03/15</b>	<b>\$150,000</b>	<b>\$0</b>	<b>0%</b>
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	\$0	0%
WTP clarifier rehab	Thu 19/02/15	Wed 11/03/15	\$95,000	\$0	0%

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Task Name	Start	Finish	Budget Allocation (\$)	YTD Exp (\$)	% Work Complete
<b>Binnaway</b>	<b>Thu 1/08/13</b>	<b>Thu 21/08/14</b>	<b>\$65,000</b>	<b>\$0</b>	<b>0%</b>
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%
<b>Coolah</b>	<b>Thu 1/08/13</b>	<b>Fri 22/01/16</b>	<b>\$55,000</b>	<b>\$0</b>	<b>0%</b>
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	\$0	0%
<b>Coonanbarabran</b>	<b>Thu 1/08/13</b>	<b>Thu 24/07/14</b>	<b>\$240,000</b>	<b>\$0</b>	<b>0%</b>
Meter replacements	Thu 1/08/13	Thu 24/07/14	\$10,000	\$0	0%
Main replacement	Mon 7/04/14	Fri 2/05/14	\$70,000	\$0	0%
Main extension, Robertson/John	Mon 2/09/13	Fri 27/09/13	\$60,000	\$0	0%
Main extension, Queenie Street	Mon 14/10/13	Fri 8/11/13	\$100,000	\$0	0%
<b>Dunedoo</b>	<b>Thu 1/08/13</b>	<b>Fri 25/12/15</b>	<b>\$176,000</b>	<b>\$0</b>	<b>0%</b>
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%
Reservoir rehab.	Mon 2/12/13	Fri 10/01/14	\$61,000	\$0	0%
<b>Mendooran</b>	<b>Fri 2/08/13</b>	<b>Fri 23/10/15</b>	<b>\$35,000</b>	<b>\$0</b>	<b>0%</b>
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%
<b>Sewerage</b>	<b>Mon 14/10/13</b>	<b>Thu 24/07/14</b>	<b>\$193,000</b>	<b>\$0</b>	<b>0%</b>
<b>Baradine</b>	<b>Mon 14/10/13</b>	<b>Thu 24/07/14</b>	<b>\$10,000</b>	<b>\$0</b>	<b>0%</b>
Replac. vacuum components	Mon 14/10/13	Thu 24/07/14	\$10,000	\$0	0%
<b>Coonabarabran</b>	<b>Mon 3/02/14</b>	<b>Sat 28/06/14</b>	<b>\$133,000</b>	<b>\$0</b>	<b>0%</b>
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	\$0	0%
<b>Coolah</b>	<b>Mon 2/06/14</b>	<b>Fri 6/06/14</b>	<b>\$25,000</b>	<b>\$0</b>	<b>0%</b>
STP upgrade	Mon 2/06/14	Fri 6/06/14	\$25,000	\$0	0%
<b>Dunedoo</b>	<b>Mon 23/06/14</b>	<b>Fri 27/06/14</b>	<b>\$25,000</b>	<b>\$0</b>	<b>0%</b>
STP upgrade	Mon 23/06/14	Fri 27/06/14	\$25,000	\$0	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,
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Lambing Hill, Deihm, Narrangarie, Mt Nombi, Premer Estate, Nullawa, Coolah Neilrex, Piambra, Yuggel, Wangmans, Indians Lane, Baradine streets, Borah Creek, Jerrys Lane, Deihm, Lambing Hill, Brooklyn, Cobborah.

Total length of maintenance grading on unsealed roads (km)	194.6
Total cost of maintenance grading on unsealed roads (\$)	\$274,126
Average Cost on maintenance grading on unsealed roads (\$/km)	\$1,409

Roads scheduled for maintenance grading in the next two months

Kilchurn, Goolhi, Ropers, Melrose, A'Becketts, Round Mountain, Ameys, Keeches, Saltwater, Werribee, Gamble Creek, Digilah West, Brooks, Salacks, Tothills, Iona, Whitfield, Boomley, Goolma

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### Item 39 Removal of diseased Trees Martin Street Coolah.

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Urban Services
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	RU4 The attractiveness, appearance and amenity of our towns and villages need to be improved.

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#### **Reason for Report**

Council resolution is required to undertake maintenance and renewal of a significant heritage site in Coolah

#### **Background**

Council will be aware of the avenue of iron bark trees adjacent Martin Street in Coolah, near the hospital grounds. The avenue of iron bark trees was planted as a living memorial to Australians killed in the Vietnam War and more particularly in remembrance of Private Paul Large who was a resident of Coolah. Over recent years, many of the trees have become infected with mistletoe, which is a parasitic type of plant.

Pruning of tree branches with mistletoe has been undertaken by staff. However, an arborist was engaged to remove mistletoe in the higher reaches of some of the trees. During this process, borers were discovered in three of the mistletoe affected trees.

#### **Issues**

If left unchecked the mistletoe and borer will eventually consume and kill the trees. Particular maintenance and renewal attention needs to be given to the avenue of memorial trees to preserve their heritage value. The condition of the trees has attracted the attention of the Vietnam Veterans Association.

#### **Options**

Council has discretion in this matter and may wish to consider the proposal to remove the three severely infected trees and replace them with advanced iron bark trees

#### **Financial Considerations**

The budget allocation for tree maintenance in Coolah is \$18,227. To date, \$1,564 has been expended on tree maintenance in Coolah.

The cost to remove the three disease affected trees and plant three advanced trees is \$17,000.

#### **RECOMMENDATION**

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 replace them with advanced iron bark trees.

# WARRUMBUNGLA SHIRE COUNCIL

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

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

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### Reason for Report

Council has authority to determine if local and regional roads may be used by restricted access vehicles.

### Background

The Tooraweenah Prime Lamb Marketing Cooperative Ltd application for B Double Routes included many roads that are already approved for B Double use. The list below are roads currently restricted to general access vehicles and which are included in the application from the Cooperative.

- 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.

### Issues

The Roads & Maritime Services released a 'Route Assessment Guide for Restricted Access Vehicles' in October 2012. In relation to applications from operators for B Double routes on local and regional roads, Council is the determining authority. The determination by Council must be based on an assessment of the roads and in some cases this may include a risk assessment. Some of the assessment criteria used include the following;

- Width of bitumen
- Overall traffic volume and type of traffic
- Relative location of rail crossings
- Turn around locations at end points on a route

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- Strength of bridges and causeways
- Overtaking opportunities.

The assessment process should also include public consultation.

A copy of the flowchart assessment process from the RMS guidelines is provided in attachment 1.0.

### **Options**

Council has limited discretion in this matter. The application from the Cooperative must be assessed. Council may wish to determine the level of public consultation including whether or not the application is referred to the local traffic committee.

Council may wish to delegate determination of the matter to the General Manager. That is, under the RMS guidelines it is not necessary for Council to formally resolve on the application and the decision may be delegated.

### **Financial Considerations**

There is no specific budget allocation for route assessment of roads. The cost of assessing the roads listed can be accommodated within existing budget allocations.

### **RECOMMENDATION**

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.           |

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### Attachment 1.0 – Application for Restricted Access Route – Process Flowchart from RMS guidelines .

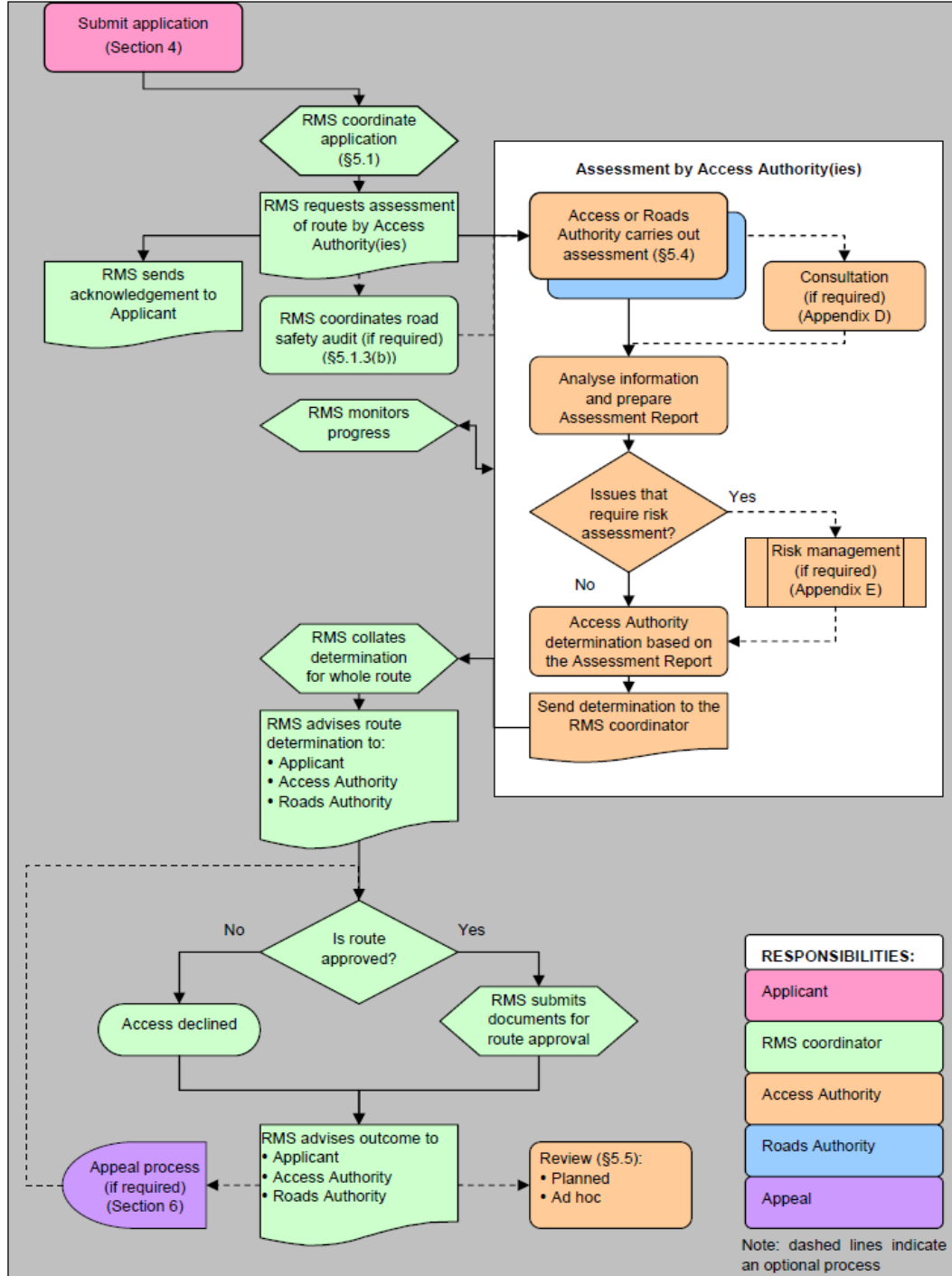


Figure 3-2 Route assessment procedure

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### Item 41 Strategic Policy – Access Across Road Reserves to Properties

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

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#### **Reason for Report**

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

#### **Background**

Council's current Access to Properties Policy was endorsed on 22 October 2009 (**Resolution No. 116**).

#### **Issues**

As part of the policy review currently being undertaken, it is an opportunity for Council to review the Access to Properties Policy.

#### **Options**

Council has discretion in this matter and may wish to change features of the proposed Policy.

#### **Financial Considerations**


Nil

#### **RECOMMENDATION**

That Council endorses the following Access Across Road Reserves to Properties to be included in the Strategic Policy Register.

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	<b>Access Across Road Reserves to Properties</b>
	<b>Strategic</b>

### **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.

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### **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 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.

<b>Policy Name</b>	<b>Version</b>	<b>Resolution</b>	<b>Date</b>
Access to Properties	1	116	22 October 2009



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### Item 42 Strategic Policy – Asset Management

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Asset and Design
<b>Author:</b>	Manager Asset and Design – Bikram Joshi
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	P15 Council manages its assets and infrastructure to meet the agreed service levels.

---

### Reason for Report

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### Background

Council's current Asset Management Policy was endorsed on 20 January 2011 (**Resolution No. 260**).

### Issues

As part of the policy review currently being undertaken, it is an opportunity for Council to review the Asset Management Policy.

### Options

Council has discretion in this matter and may wish to change features of the proposed Policy.

### Financial Considerations

Nil

### RECOMMENDATION

That Council endorses the following Asset Management to be included in the Strategic Policy Register.

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	<b>Asset Management</b>
	<b>Strategic</b>

### **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.

### **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

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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.

**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.

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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**

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.

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- 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:

#### 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.

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### 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.

<b>Policy Name</b>	<b>Version</b>	<b>Resolution</b>	<b>Date</b>
Asset Management	1	260	20 January 2011

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### Item 43 Strategic Policy – Contributions for Kerb & Guttering and Paving

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

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#### **Reason for Report**

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

#### **Background**

Council's current Kerb and Gutter and Layback Crossing Policy was endorsed on 16 November 2006 (**Resolution No. 129**).

#### **Issues**

As part of the policy review currently being undertaken, it is an opportunity for Council to review the Kerb and Gutter and Layback Crossing Policy.

#### **Options**

Council has discretion in this matter and may wish to change features of the proposed Policy.

#### **Financial Considerations**


Nil

#### **RECOMMENDATION**

That Council endorses the following Contributions for Kerb & Guttering and Paving to be included in the Strategic Policy Register.

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	<b>Contributions for Kerb &amp; Guttering and Paving</b>
	<b>Strategic</b>

### **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.

Council will not recover any costs associated with constructing footway paving adjacent residential properties.



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### 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.

<b>Policy Name</b>	<b>Version</b>	<b>Resolution</b>	<b>Date</b>
Kerb and Gutter and Layback Crossing	1	129	16 November 2006

# WARRUMBUNGLA SHIRE COUNCIL

## Ordinary Meeting – 19 September 2013

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### Item 44 Strategic Policy – Erection of Banners

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Urban Services
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Rural and Urban Development
<b>Priority:</b>	RU4 – The attractiveness, appearance and amenity of our towns and villages need to be improved.

---

### Reason for Report

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### Background

Council's current Erection of Banners Policy was endorsed on 22 October 2009 (**Resolution No. 116**).

### Issues

This Policy relies on access to the power poles in John Street, Coonabarabran, which is infrastructure owned by another authority. The application process has now significantly changed making this Policy redundant. However, Council will be installing new banner poles in John Street, Coonabarabran. A new Policy will need to be developed to cover this situation along with the erection of banners in other towns within the Shire.

### Options

Nil

### Financial Considerations

Nil

### RECOMMENDATION

That Council delete the Erection of Banners Policy from the Strategic Policy Register.

# WARRUMBUNGLE SHIRE COUNCIL

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### Item 45 Strategic Policy – Signs as Remote Supervision

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Urban Services
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Recreation and Open Space
<b>Priority:</b>	RO1 The planning and provision of local sports and recreation facilities and parklands should reflect community needs and future demographic changes.

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### Reason for Report

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### Background

Council's current Signs as Remote Supervision Policy was endorsed on 16 July 2009 (**Resolution No. 19**).

### Issues

As part of the policy review currently being undertaken, it is an opportunity for Council to review the Signs as Remote Supervision Policy.

### Options

Council has discretion in this matter and may wish to change features of the proposed Policy.

### Financial Considerations

Nil

### RECOMMENDATION

That Council endorses the following Signs as Remote Supervision to be included in the Strategic Policy Register.

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	<b>Signs as Remote Supervision</b>
	<b>Strategic</b>

### **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.

### **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.

# WARRUMBUNGLA SHIRE COUNCIL

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### 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.

<b>Policy Name</b>	<b>Version</b>	<b>Resolution</b>	<b>Date</b>
Signs as Remote Supervision	1	19	16 July 2009

# WARRUMBUNGLA SHIRE COUNCIL

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### Item 46 Policy Upgrading of Roads Not Constructed or Maintained by Council

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

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#### **Reason for Report**

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

#### **Background**

Council's current Upgrading of Roads Not Constructed or Maintained by Council Policy was endorsed on 21 October 2010 (**Resolution No. 143**).

#### **Issues**

As part of the policy review currently being undertaken, it is an opportunity for Council to review the Upgrading of Roads Not Constructed or Maintained by Council Policy.

#### **Options**

Council has discretion in this matter and may wish to change features of the proposed Policy.

#### **Financial Considerations**


Nil

#### **RECOMMENDATION**

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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	<b>Upgrading of Roads Not Constructed or Maintained by Council</b>
	<b>Strategic</b>

### **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).

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- 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.

### 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:



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- 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.
  - 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.

<b>Policy Name</b>	<b>Version</b>	<b>Resolution</b>	<b>Date</b>
Upgrading of Roads Not Constructed or Maintained by Council	1	143	21 October 2010

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### Item 47 Strategic Policy – Public Pools

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Urban Services
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Recreation and Open Space
<b>Priority:</b>	RO3 The benefits of sporting and recreational activities in contributing to community health and wellbeing are well promoted throughout the shire.

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### **Reason for Report**

Council was informed at the June 2013 meeting that staff are currently undertaking a review of all policies to ensure their relevance and current status and noted that all Strategic Policies will be submitted for Council endorsement over the coming months prior to the September 2013 Council meeting.

### **Background**

Council's current Public Pools Policy was endorsed on 21 August 2008 (**Resolution No. 57**).

### **Issues**

As part of the policy review currently being undertaken, it is an opportunity for Council to review the Public Pools Policy.

### **Options**

Council has discretion in this matter and may wish to change features of the proposed Policy.

### **Financial Considerations**


Nil

### **RECOMMENDATION**

That Council endorses the following Public Pools to be included in the Strategic Policy Register.

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	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.
- 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.

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### 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.

Staff Member Responsible for Review: Manager Urban Services.

<b>Policy Name</b>	<b>Version</b>	<b>Resolution</b>	<b>Date</b>
Public Pools	1	57	21 August 2008

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### Item 48 Collection and Recycling of E-Waste

<b>Division:</b>	Environmental & Community Services
<b>Management Area:</b>	Warrumbungle Waste
<b>Author:</b>	Brad Condon – Acting Manager Environmental Innovations
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	PI8 Local communities have access to effective and efficient waste and recycling services

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### Reason for Report

Warrumbungle Shire Council is a member of NetWaste which is a collaborative waste management organisation consisting of 28 member Council's. Of the 28 NetWaste Councils, 20, including Warrumbungle Shire Council, have expressed an interest in having a single contractor collect and recycle E-Waste from their respective Waste Facilities on a regular basis.

### Background

NetWaste, on behalf of the interested Councils liaised with the following companies regarding an E-Waste service: Sims E-Recycling, Matthews Metal Management, DHL, MRI and Reverse E-Waste.

Following extensive negotiations with the respective companies, and an evaluation involving Bathurst Regional, Dubbo City, Orange City and Parkes Shire Councils, Reverse E-Waste was selected as the exclusive contractor, for removing and recycling E-Waste from within the local government areas of the NetWaste councils.

Reverse E-Waste is an approved Co-regulatory Arranger for the Product Stewardship (Televisions and Computers) Scheme. The Scheme recycles televisions, computers, printers and computer products (such as keyboards, mice, and hard drives), regardless of their brand or age and is funded by the Television and Computer Industry. The Scheme aims to significantly increase the recycling and resource recovery rate of these materials.

Reverse E-Waste have a 95 – 98% resource recovery rate. In time, they will consult with participating councils to establish a centrally located CRT pre-processing plant where leaded and non-leaded glass would be separated and crushed before transportation to an EPA approved leaded glass sanitising facility.

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### **Issues**

Council will be responsible for arranging a forklift or handling equipment to assist with loading of E-Waste onto collection vehicles once prior notice is provided, displaying clear signage to communicate relevant information and accepting E-Waste from the public free of charge.

### **Options**

1. Participate in the agreement to have Reverse E-Waste collect and recycle all the E-Waste within the Shire; or
2. Engage a contractor on an ad-hoc basis to collect E-Waste from Council's waste facilities.

### **Financial Considerations**

No payment is required for the services provided by either Reverse E-Waste or participating councils.

NetWaste will fund the production of standard signage for E-Waste drop off points and the majority of the production and campaign costs for regional media coverage; however Councils may be required to contribute minimal funds to assist with this.

To participate in the E-Waste collection Council must continue to accept E-Waste from the public free of charge.

### **RECOMMENDATION**

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.

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### Item 49 Rural subdivision policy- requirements for electricity

<b>Division:</b>	Environmental & Community Services
<b>Management Area:</b>	Town Planning
<b>Author:</b>	Emily Doolan – Town Planner
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF5.2 Council recognise the importance of its role in the care and protection of the natural, built, economic and social environment.

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### **Reason for Report**

Council is currently undertaking a review of all of its strategic policies. One of these policies is the Rural Subdivision Policy 1.25 adopted 22 October 2009, (Resolution No. 130)

### **Background**

The Rural Subdivision Policy has been adopted by Council since October 2009. The policy was originally produced to clearly outline the requirements for water and electricity services to be provided for new subdivisions. The policy has been modified to encompass the new zones created by the draft Warrumbungle Local Environmental Plan (LEP) 2013. A clear definition of the requirements to connect is included in the policy.

### **Issues**

NIL

### **Options**

Council can adopt the revised Rural Subdivision Policy- Requirements for Electricity Strategic 1.25 or re-adopt the current version without changes.

### **Financial Considerations**


NIL

### **RECOMMENDATION**

That Council adopt the amended Rural Subdivision Policy- Requirements for Electricity- Strategic 1.25

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	<b>Rural Subdivision Policy – Requirements for electricity</b>
	<b>Strategic</b>

### **9. 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.

### **10. 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.

### **11. 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

### **12. 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.

### **13. 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.

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.

### **14. 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.

### **15. Version Control**

This policy is subject to regular review at a maximum of 2 year intervals.



# WARRUMBUNGLA SHIRE COUNCIL

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<b>Policy Name</b>	<b>Action</b>	<b>Resolution No.</b>	<b>Date</b>
Rural Subdivision Policy – Requirements for water and electricity	Adopted	130	22/10/2009
Rural Subdivision Policy – Requirements for electricity	Draft		

# WARRUMBUNGLA SHIRE COUNCIL

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### Item 50 Outdoor Smoke-Free Areas Policy

<b>Division:</b>	Environmental & Community Services
<b>Management Area:</b>	Regulatory Services
<b>Author:</b>	Manager Regulatory Services – Michael Marks
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF5.2 Council recognise the importance of its role in the care and protection of the natural, built, economic and social environment.

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### Reason for Report

Council is currently undertaking a review of all of its strategic policies. One of these policies is the Outdoor Smoke-Free Areas Policy – Strategic 1.31 adopted 20 May 2010, resolution 416 (current policy)

### Background

The Outdoor Smoke-Free Areas Policy has been adopted by Council since March 2010. The policy was originally produced in response to substantial evidence which links exposure to second hand smoke with a range of serious and life threatening health impacts including, heart disease, cancer, asthma and other respiratory problems.

The policy identified outdoor public areas within the Warrumbungle Shire that were to be designated smoke-free.

### Issues

The *Smoke-Free Environment Act 2000* was amended in 2013 to include additional public areas where smoking is banned, including;

- Within 10 metres of children's play equipment in outdoor public spaces;
- Swimming pool complexes;
- Spectator areas at sports grounds or other recreational areas during organised sporting events;
- Railway platforms, light rail stops, light rail stations, bus stops, taxi ranks and ferry wharves;
- Within 4 metres of a pedestrian access point to a public building; and
- From 6 July 2015, in commercial outdoor dining areas.

The current policy has been amended to include the new smoke-free areas relevant to Warrumbungle Shire.

### Options

Council can adopt the revised Outdoor Smoke-Free Areas Policy – Strategic1.31 or re-adopt the current version without changes.

### Financial Considerations


Nil

### RECOMMENDATION

That Council adopt the Outdoor Smoke-Free Areas Policy to be included in the Strategic Policy Register.

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	<b>Outdoor Smoke-Free Areas Policy</b>
	<b>Strategic</b>

### **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;
- 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)

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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

### **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.

<b>Policy Name</b>	<b>Action</b>	<b>Resolution No.</b>	<b>Date</b>
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	Draft		

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### Item 51 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 / Strategy:** RU4 The attractiveness appearance and amenity of our towns and villages need to be improved

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### Development Applications

#### (i) Approved – August 2013

Complying Development (Set Criteria) Development Application (Specialised Conditions)	Date Approved	Applicant's Name	Location	Town	Type Of Development
DA 47/1213	26/08/2013	WA & M Nash	646 River Road	Coonabarabran	Subdivision
DA 81/1213	12/08/2013	Peter & Jan Miller	44 Guinema Road	Bugaldie	Erecting a residence
DA 82/1213	19/08/2013	George Giovas	11 Homeleigh Drive	Coonabarabran	Extension to existing
DA 87/1213	12/08/2013	Mervyn Starr	18-20 Charles Street	Coonabarabran	New shelter and toilets
DA 1/1314	20/08/2013	Douglas Gray (AAO)	418 Observatory Road	Coonabarabran	Additions – toilet and shower
DA 2/1314	21/08/2013	Stewart Row	94 John Street	Coonabarabran	Change use from mechanic to gym
DA 4/1314	15/08/2013	Michael & Jan Kanonczuk	102 Tibuc Road	Coonabarabran	Installation of steel shed

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#### Development Applications

#### (ii) Received – August 2013

Complying Development (Set Criteria) Development Application (Specialised Conditions)	Date Received	Applicant's Name	Location	Town	Type Of Development	Status
CD 7/1314	1/08/2013	Teelow Pools	1298 Dennykymine Road	Merrygoen	Install fibreglass swimming pool	In progress
DA 8/1314	12/08/2013	Kerrie Harkin	4 Castlereagh Avenue	Binnaway	Carport	Assessing
DA 9/1314	15/08/2013	Paul & Glenda Tandy	15 Major Mitchell Road	Coonabarabran	Build kit shed	Assessing
DA 10/1314	15/08/2013	Stephen Clements	34 Bandulla Street	Coonabarabran	Patio Cover	Assessing
DA 11/1314	15/08/2013	James Frampton	1504 Golden Highway	Dunedoo	Patio Cover	Assessing
DA 12/1314	19/08/2013	Paul Wilson	1788 Timor Road	Coonabarabran	Build a studio	Assessing
DA 13/1314	26/08/2013	Jane Nelson-Hauer	77 Homeleigh Drive	Coonabarabran	Build two (2) bay garage	Assessing
CDC 14/1314	27/08/2013	Keith Brooks	29 John Ward Place	Coonabarabran	Construct steel shed	In progress
DA 15/1314	27/08/2013	Lee Poulton	1244 Timor Road	Coonabarabran	Rural shed	Assessing
DA 16/1314	27/08/2013	Cath Elliott	14-16 Namoi Street	Coonabarabran	Replace existing roof	Assessing
DA 17/1314	28/08/2013	Catherine Hutton	941 Timor Road	Coonabarabran	New shed and studio	Assessing

## WARRUMBUNGL E SHIRE COUNCIL

### Ordinary Meeting – 19 September 2013

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#### Construction Certificates

(iii) Approved – August 2013

Construction Certificates	Date Approved	Applicant's Name	Location	Town	Type Of Development
DA 4/1213	16/08/2012	Bernhard Rickert	9 Robertson Street	Coonabarabran	Relocate residence to site

#### RECOMMENDATION

That Council note the Applications and Certificates Approved, during August 2013, under Delegated Authority