



Ordinary Council Meeting

Agenda

15 November 2018

Notice is hereby given in accordance with the provisions of the
Local Government Act 1993 that an
Ordinary Meeting of Warrumbungle Shire Council
will be held in the **Council Chambers, John Street, Coonabarabran**
on **Thursday, 15 November 2018** commencing at **5.00pm**.

Mayor: Cr Denis Todd

Councillors: Kodi Brady
Anne-Louise Capel
Fred Clancy
Ambrose Doolan
Wendy Hill
Aniello Iannuzzi (Deputy Mayor)
Ray Lewis
Peter Shinton

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Council's Vision Excellence in Local Government

Mission Statement

We will provide:

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

Values

- ✓ **Honesty**
Frank and open discussion, taking responsibility for our actions
- ✓ **Integrity**
Behaving in accordance with our values
- ✓ **Fairness**
Consideration of the facts and a commitment to two way communication
- ✓ **Compassion**
Working for the benefit and care of our community and the natural environment
- ✓ **Respect**
To ourselves, colleagues, the organisation and the community, listening actively and responding truthfully
- ✓ **Transparency**
Open and honest interactions with each other and our community
- ✓ **Passion**
Achievement of activities with energy, enthusiasm and pride
- ✓ **Trust**
Striving to be dependable, reliable and delivering outcomes in a spirit of goodwill
- ✓ **Opportunity**
To be an enviable workplace creating pathways for staff development

WARRUMBUNGLE SHIRE COUNCIL

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AGENDA

Welcome

Turn Off Mobile Phones

Forum

Apologies

Disclosure of Interest

Pecuniary Interest

Non Pecuniary Conflict of Interest

Mayoral Minute

Minutes of Last Meeting – 18 October 2018

Reports (including presentation from the Audit Office of NSW)

Reports to be considered in Closed Council

.....
ROGER BAILEY
GENERAL MANAGER

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Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 10 October 2018 to 8 November 2018

MAYORAL MINUTE – Mayor’s Activity 12 Oct 2018 - 8 Nov 2018

<u>Date</u>	<u>Type</u>	<u>In/Out</u>	<u>Activity</u>
			Goorianawa bushfire brigade
14-Oct	Meeting	Attended	AGM
15-Oct	Meeting	Attended	Castlereagh CWA AGM
17-Oct	Event	Attended	Royal Visit - Dubbo
			WAACI Acquisitive Prize opening - Cr Iannuzzi
17-Oct	Event	Referred	attended
18-Oct	Meeting	Attended	Council meeting Coolah
			Regional Development Australia
19-Oct	Meeting	Attended	(Orana RDA)
			Travel to Albury with GM for LGNSW annual
21-Oct	Travel		conference
22-Oct	Conference	Attended	LGNSW Annual Conference
			Annual Conference and travel to
23-Oct	Conference	Attended	Wellington
24-Oct	Travel		Leave Wellington, arrive Baradine
			Showground Trust meeting
24-Oct	Meeting	Attended	Baradine
25-Oct	Media		Photo with RSO
25-Oct	Meeting	Attended	Meet 'The Bash' rally
			Coolah Community Consultation
29-Oct	Meeting	Attended	meeting
			Baradine Community Consultation
30-Oct	Meeting	Attended	meeting
31-Oct	Media		Transport for NSW interview
			Binnaway Community Consultation
5-Nov	Meeting	Attended	meeting
7-Nov	Meeting	Attended	TRRRC committee meeting
			Mendooran Community Consultation
8-Nov	Meeting	Attended	meeting

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MAYORAL MINUTE – Log of Kilometres Travelled

Date of Journey		Purpose of Journey	Odometer		KM
Start Date	End Date		Start	Finish	
10-Oct		Netball courts opening; Dunedoo drought meeting	16634	16742	108
11-Oct		Drought meeting Coonabarabran	16742	16856	114
13-Oct		Fire meeting Goorianawa	16856	16899	43
15-Oct		Mendooran CWA	16899	17151	252
17-Oct		Dubbo Royal visit	17151	17632	481
18-Oct	19-Oct	Council meeting	17632	17965	333
21-Oct		Travel to conference, Albury	17965	18019	54
24-Oct		Return to Baradine	18019	18088	69
25-Oct		Road Safety at Baradine park	18088	18107	19
29-Oct		Coolah community meeting	18107	18261	154
30-Oct		Baradine community meeting	18261	18281	20
31-Oct		Yuluwirri Kids road safety	18281	18346	65
31-Oct		Baradine -Dubbo airport Mayor	18346	18749	403
5-Nov		Binnaway community meeting	18749	18932	183
Total KM travelled for period 10/10/2018 - 5/11/2018					2298

Please note that at this point in time a statement has not yet been provided for the Mayor's new credit card.

RECOMMENDATION

That Council notes the report on the Mayors Activity, Log of Kilometres Travelled and Expenses from 10 October 2018 to 8 November 2018.

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Item 2 Mayoral Minute – Swimming Pool Hours of Operation

Mayoral Minute

A topic that has been raised with me personally, along with being raised at our community consultation sessions, has been the issue of increasing the availability of our pools. I feel that these requests are only going to increase as we enter the summer period. Using the Baradine Pool as an example the operating hours for the coming summer period is proposed to be:

Pool Hours Baradine (December, January & February)

Session	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Unsupervised Lap (Key Holders Only)	6.00am 8.00am	6.00am 8.00am	6.00am 8.00am	6.00am 8.00am	6.00am 8.00am	6.00am 8.00am	6.00am 8.00am
Morning	11.30am 1.00pm	11.30am 1.00pm	Nil	11.30am 1.00pm	Nil	11.30am 1.00pm	11.30am 1.00pm
Evening	2.00pm 6.00pm	2.00pm 6.00pm	2.00pm 6.00pm	2.00pm 6.00pm	2.00pm 6.00pm	2.00pm 6.00pm	2.00pm 6.00pm

With Council operating six pools across the local government area it is not feasible to provide increased supervision for our pools. In order to improve the service to the community without an additional cost then the only other alternative is to increase the number of unsupervised hours of the pools.

The pools have already been operating with unsupervised hours for early morning swimmers and this has been successful with many appreciating this.

I will be proposing that these hours be increased throughout the day and possibly evenings.

RECOMMENDATION

That Council seek a report from staff on feasibility of increasing the unsupervised operating hours at our public pools.

**DENIS TODD
MAYOR**

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Item 3 Minutes of Ordinary Council Meeting – 18 October 2018

Division:	Executive Services
Management Area:	Governance
Author:	Executive Assistant to the General Manager - Jenni Maundrell
CSP Key Focus Area:	Local Government and Finance
Priority:	GF2.1 Give communities of the shire opportunities to be informed about and involved in Council's activities and decision making.

Reason for Report

To confirm the minutes of the Ordinary Council Meeting held on Thursday, 18 October 2018.

Options

Nil

Financial Considerations

Nil

Attachments

1. Minutes of the Ordinary Council Meeting held in Coolah on Thursday, 18 October 2018.

RECOMMENDATION

That the resolutions contained in the Minutes of the Ordinary Council meeting held on 18 October 2018 are endorsed.

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Item 4 Minutes of Plant Advisory Committee Meeting – 29 October 2018

Division:	Technical Services
Management Area:	Fleet Services
Author:	Director Technical Services – Kevin Tighe
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF7 Council is presented with a range of organisational challenges including its aging workforce, skills shortages, increasing regulatory demands and the management of risk.

PRESENT: Cr Ray Lewis (Chairperson), Cr Anne-Louise Capel and Cr Ambrose Doolan.

IN ATTENDANCE: Mr Kevin Tighe (Director Technical Services), Ms Louise Johnson (Acting Director Corporate Services) and Mr Chris Staniforth (Manager Fleet Services).

APOLOGIES: Nil.

CONFIRMATION OF MINUTES

RECOMMENDED that minutes of the Plant Advisory Committee meeting held on Tuesday, 3 April 2018 be accepted.

Capel/Lewis

BUSINESS ARISING FROM THE MINUTES

- It was noted that both the Garbage Truck and John Deere Grader had been delivered.
- Plant 142 Tipping Truck Crane – truck crane has technology that allows remote control of crane.

AGENDA ITEMS

- a) Replacement of Plant Item No 143 – Tipping Truck with Crane – Water Services Coolah

RECOMMENDED that Council purchase one (1) Isuzu FRR 107 Tipping Truck from Tracserv Pty Ltd at a price of \$151,337.81 (ex GST) including wind over load cover and that Council auction Plant Item No 143 at Pickles Auctions Tamworth.

Lewis/Capel

- b) Replacement of Plant Item No 146 – Table Top Truck with Drop Sides – Sign Crew Coonabarabran

RECOMMENDED that Council purchase one (1) Hino FC1124 Table Top Truck from Wideland Motor Group at a price of \$107,282.00 (ex GST) including crane swap over and that Council trade in Plant Item No 146 to Wideland Motor Group for \$29,091.00 (ex GST).

Capel/Lewis

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- c) Replacement of Plant Item No 151 – Gravel Truck – Road Operations
Coonabarabran

RECOMMENDED that Council purchase one (1) Volvo FM1346R Gravel Truck from JT Fossey (Sales) Pty Ltd at a price of \$253,021.00 (ex GST) and that Council trade in Plant Item No 151 to JT Fossey (Sales) Pty Ltd Tamworth for \$140,909.00.

Capel/Doolan

- d) Replacement of Plant Item No 160 – Tri Axle Low Loader – Road Operations
Coolah

RECOMMENDED that Council purchase one (1) DW-3 Tri Axle Low Loader from Midland Pty at a price of \$145,000.00 (ex GST) and that Council auction Plant Item No 160 at Regional Auctions Dubbo.

Lewis/Capel

- e) Replacement of Plant Item No 163 – Super Dog Tipping Trailer – Road
Operations Coolah

RECOMMENDED that Council purchase one (1) 3AD Super Dog Tipping Trailer from Sloanebuilt Trailers at a price of \$85,709.00 (ex GST) and that Council auction Plant Item No 163 at Regional Auctions Dubbo.

Doolan/Capel

4.50 PM

General Manager, Roger Bailey joined the meeting.

- f) Replacement of Plant Item No 171 – Water Truck – Road Operations
Coonabarabran

RECOMMENDED that Council purchase one (1) Fuso FU51 Water Truck from JT Fossey (Sales) Pty Ltd Tamworth at a price of \$220,675.00 (ex GST) and that Council auction Plant Item No 171 at Regional Auctions Dubbo.

Lewis/Doolan

- g) Plant Utilisation Report as at 19 October 2018 – Plant, Truck and Minor Plant
The Plant Utilisation Report as at 19 October 2018 for Plant, Truck and Minor Plant was noted.

- Question raised on how to increase utilisation of the Bulk Water Tanker.

GENERAL BUSINESS

- Discussion on Truck Water Tanker, which would increase capacity to 26,000L.
- Discussion on Telehandler for use at Landfill and Recycling Centre.

There being no further business the meeting closed at 5.12 pm.

The next meeting will be held in the Gallery Meeting Room, Coonabarabran on Tuesday, 27 November 2018 commencing 9.30 am.

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RECOMMENDATION

That Council:

1. Accept the Minutes of the Plant Advisory Committee meeting held at Coolah on 29 October 2018.
2. Purchase one (1) Isuzu FRR 107 Tipping Truck from Tracserv Pty Ltd at a price of \$151,337.81 (ex GST) including wind over load cover and that Council auction Plant Item No 143 at Pickles Auctions Tamworth.
3. Purchase one (1) Hino FC1124 Table Top Truck from Wideland Motor Group at a price of \$107,282.00 (ex GST) including crane swap over and that Council trade in Plant Item No 146 to Wideland Motor Group for \$29,091.00 (ex GST).
4. Purchase one (1) Volvo FM1346R Gravel Truck from JT Fossey (Sales) Pty Ltd at a price of \$253,021.00 (ex GST) and that Council trade in Plant Item No 151 to JT Fossey (Sales) Pty Ltd Tamworth for \$140,909.00.
5. Purchase one (1) DW-3 Tri Axle Low Loader from Midland Pty at a price of \$145,000.00 (ex GST) and that Council auction Plant Item No 160 at Regional Auctions Dubbo.
6. Purchase one (1) 3AD Super Dog Tipping Trailer from Sloanebuilt Trailers at a price of \$85,709.00 (ex GST) and that Council auction Plant Item No 163 at Regional Auctions Dubbo.
7. Purchase one (1) Fuso FU51 Water Truck from JT Fossey (Sales) Pty Ltd Tamworth at a price of \$220,675.00 (ex GST) and that Council auction Plant Item No 171 at Regional Auctions Dubbo.

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Item 5 Councillors' Monthly Travel Claims – September 2018

Division:	Executive Services
Management Area:	Governance
Author:	Executive Assistant to the General Manager – Jenni Maundrell
CSP Key Focus Area:	Local Government Finance
Priority:	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

Reason for Report

To provide Council with details of travel claims of Councillors for the month of October 2018.

Commentary

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

Councillor Monthly Travel Claims

Councillor	Month	Kilometres	\$ per KM	Total Amount (\$)
Cr Shinton	October	720	0.78	561.60
Cr Todd	October	0	0.78	-
Cr Brady	October	0	0.78	-
Cr Capel	October	0	0.78	-
Cr Clancy	October	0	0.73	-
Cr Doolan	October	150	0.78	117.00
Cr Hill	October	90	0.68	70.20
Cr Iannuzzi	October	0	0.78	-
Cr Lewis	October	338	0.78	263.64
			Total for October:	1,012.44

Financial Considerations

Outlined above.

Attachments

Nil

RECOMMENDATION

That the Councillors' monthly travel claims for October 2018 in the amount of \$1,012.44 is received for Council's information.

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Item 6 Delegate's Report – Local Government NSW Annual Conference in Albury – 21-23 October 2018

Division:	Executive Services
Management Area:	Governance
Author:	Mayor – Councillor Denis Todd
CSP Key Focus Area:	Local Government and Finance
Priority:	GF4 Council governance and organisation structure, reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

To report to Council on the Local Government NSW (LGNSW) Annual Conference held in Albury on 21-23 October 2018.

Commentary

The LGNSW Annual Conference was held on 21-23 October 2018 in Albury and attended by Cr Shinton, the General Manager and myself.

People participating in the conference included:

- Hon. Gladys Berejiklian MP, Premier of NSW
- Hon. Gabrielle Upton MP, Minister for Local Government
- Hon. Peter Primrose MLC, Shadow Minister for Local Government
- Stephen Jones MP, Federal Shadow Minister for Local Government
- Cr Linda Scott, President, LGNSW
- David O'Loughlin, President, Australian Local Government Association
- Sarah Garnett, Founder, The Footpath Library Retro Lane Café
- Simon Hunter, Executive Director, Strategy and Planning, Infrastructure NSW
- Adam Beck, Executive Director, Smart Cities Council Australia New Zealand
- Geof Heydon, Associate at Creator Tech and Chair of Platforms and Interoperability at the Internet of Things Alliance Australia
- Chris Isles, Executive Director, Planning, Place Design Group
- Craig Reucassel, War on Waste Host

A series of workshops was available on the first day, including:

- AR Bluett Award Winning Councils in 2016 and 2017;
- Elected Members: Update on Legal Responsibilities, and;
- Elected Members: Developing Capabilities.

The conference deliberated on over 100 motions and amongst these was Council's motion 'that a formal written notification procedure be developed whereby emergency services are required to inform the local council authority within two days when a building fire occurs within their local government area', which was passed unanimously.

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RECOMMENDATION

That Council notes the Delegate's Report in relation to the Local Government Annual Conference held in Albury on 21-23 October 2018.

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Item 7 Delegate's Report – Country Mayors Meeting in Sydney – 1-2 November 2018

Division:	Executive Services
Management Area:	Governance
Author:	Mayor – Councillor Denis Todd
CSP Key Focus Area:	Local Government and Finance
Priority:	GF4 Council governance and organisation structure, reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

To report to Council on the Country Mayors meeting held in Sydney on 1-2 November 2018.

Commentary

Prior to the Country Mayors meeting, a 'Waste to Energy' meeting was held on Thursday, 1 November 2018 at Parliament House in Sydney. It was attended by Cr Shinton, the General Manager and myself. The Country Mayors meeting and Annual General Meeting (AGM) were held on Friday, 2 November 2018 at Parliament House in Sydney and attended by the General Manager and myself.

The Waste to Energy meeting resolved that:

1. The Association write to NSW Councils requesting a maximum contribution of \$15,000 to fund the Waste to Energy Feasibility Study at a local scale that is to be subject to a pro rata redistribution rebate subject to the amount collected.
2. The Association write to the Minister for the Environment requesting that Local Government be included in the EPA's review of their Waste to Energy Policy.

At the AGM Cr Katrina Humphries was elected as Chairperson for the 2018/19 year, with Cr Michael Pearce elected as Vice Chairperson. In addition the following delegates were elected to the Executive for the 2018/19 year:

- Cr John Seymour, Coolamon Shire Council
- Cr Liz Campbell, Kempsey Shire Council
- Cr Catherine Redding, Narrabri Shire Council
- Cr Kathy Sajowitz, Oberon Council
- Cr Peter Petty, Tenterfield Shire Council
- Cr Rowena Abbey, Yass Valley Council.

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The fees for the 2018/19 year remain at \$750 for Councils with a population of 10,000 and over, and Councils with a population of less than 10,000 paying 75% \$562.50.

Meeting dates for 2019 are to be 8 March, 31 May, 2 August and 1 November.

A number of people participated in the Country Mayors meeting including:

- Mr Simon Draper, Secretary, Department of Industry
- Mr Alex Young, Director, Community and Behavioural Change, NSW Environment Protection Authority
- Mr David Salisbury, Executive Manager Engineering, Essential Energy and Ms Julie Briggs, REROC, CEO
- Cr Linda Scott, President, Local Government NSW

Attachments

1. Minutes, Country Mayors Association AGM, 2 November 2018
2. Minutes, Country Mayors Association Meeting, 2 November 2018

RECOMMENDATION

That Council notes the Delegate's Report in relation to the Country Mayors' meetings in Sydney on 1-2 November 2018.

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Item 8 Coonabarabran Emergency Water Supply Project – November 2018 Update

Division:	Technical Services
Management Area:	Warrumbungle Water
Author: Wiebels	Manager Warrumbungle Water – Cornelia
CSP Key Focus Area:	Public Infrastructure & Services
Priority:	PI7 Communities across the Shire are supported by the secure, long term supply of energy and clean water.

Reason for Report

To update Council on the progress of the Coonabarabran Emergency Water Supply Project.

Background

Council has received monthly reports on the project setting out details on the progress of the works being undertaken and the water level in Timor Dam.

This report sets out the current position as at 8 November 2018.

For Council's additional information, the numbers and names of all bores are summarised in the table below:

Bore No	Bore name/location
1	Robertson Street
2	Namoi Street, South of river
3	Namoi Street, North of river, old (closest to White Street)
4	Namoi Street, North of river, new (closest to river)
5	Nandi Park
6	WTP*, old
7	WTP*, new
8	Nandi Creek
9	<i>Morrissey's Corner – discontinued/not equipped due to insufficient yield</i>
10	Homeleigh Drive
11	Bark Bok
12	New bore at Timor Dam

*WTP = Coonabarabran Water Treatment Plant

Issues

- Timor Dam Level: The water level in Timor Dam has currently been measured at 21.3%. This represents a drop in 0.2% since the last report in October. Gravity draw down is no longer possible and the dead storage pump out system will need to be used if sourcing of dam water is required.

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- Supply: Council has been drawing all its town water supply over the past months from six (6) bores near the Water Treatment Plant (Bores No 1, 2, 3, 4, 6 and 7) and the Castlereagh River.
Siding Springs Observatory and non-potable water users along Timor Road are now being supplied through the Bart Bok Bore (No 11).
- Power Supply to New Bores: The connection of power to Bores No 5, 8 and 10 is scheduled to occur between 20 and 22 November.
- New Test Bore at Timor Dam: Awaiting advice on the submitted application to convert the test bore into a production bore licence.
- Equipment of Bores: To gather a full picture of the impact of the new bores on the water table (for the hydrogeological report and as requested by the Department of Industry – Water) all new and old bores as well as test bore holes will be equipped with pressure transducers (level measurement) and data loggers (monitor level, flow and pump run times).
- Standpipe Usage: Between 5/10/2018 and 6/11/2018 a total of 115kL has been purchased from the Coonabarabran standpipe through commercial water carters. This amounts to an average of 3.5kL/day, representing a reduction of slightly more than 50% compared to the last report in October.

Financial Considerations

The attached table of expenditure and committed costs is expected to total \$2,004,546. Given that the total of grants plus Council's contribution is \$2,042,500, this will leave a surplus of funds of \$37,954.

The remaining project funds will be spent on water security related works and investigations.

Attachments

1. Total Expenditure and Committed Costs for Completion of all Bores

RECOMMENDATION

That Council:

1. Note the November 2018 Update Report on the Coonabarabran Emergency Water Supply Project.
2. Endorse the expenditure to date (committed and expended) of \$2,004,546.

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Item 9 2017/18 Financial Reports

Division:	Corporate and Community Services
Management Area:	Financial Services
Author:	Acting Chief Financial Officer – Chris Wright
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF6: That council is financially sustainable over the long term.

Reason for Report

To provide Council with a summary, in the approved form, of Council's 2017/18 financial reports and advise Council of actions taken in relation to these reports.

Background

At the August 2018 Ordinary Council Meeting, Council resolved (50/1819) that:

- 1. In accordance with section 413(2) of the Local Government Act 1993, and clause 215 of the Local Government (General) Regulation 2005, Council resolve that the Mayor and one (1) other councillor sign the Statement by Councillors and Management for the General Purpose Financial Statements (GPFS) and Special Purpose Financial Statements (SPFS) for the year ending 30 June 2018, along with the General Manager and Responsible Accounting Officer.*
- 2. The Pre Audit Draft Financial Reports for 2017/18 be referred to audit, as per the requirements of section 413(1) of the Local Government Act 1993.*

Following completion of the audit, section 417 of the *Local Government Act 1993* (NSW) (the Act), regarding Auditor's reports states that:

- (1) A council's auditor must prepare 2 reports:*
 - a report on the general purpose financial report*
 - a report on the conduct of the audit.*
- (2) The report on the council's financial reports must include the following:*
 - (a) a statement as to whether, in the opinion of the auditor, the council's accounting records have been kept in accordance with the requirements of this Division,*
 - (b) a statement as to whether, in the opinion of the auditor, the council's financial reports:*
 - (i) have been prepared in accordance with the requirements of this Division, and*

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- (ii) *are consistent with the council's accounting records, and*
 - (iii) *present fairly the council's financial position and the results of its operations,*
- (c) *a statement as to whether, in the opinion of the auditor, any information relevant to the conduct of the audit has been unobtainable by the auditor,*
- (d) *a statement setting out particulars of any material deficiency in the accounting records or financial reports that has come to light in the course of the audit.*
- (3) *The report on the conduct of the audit may contain such statements, comments and recommendations as to the conduct of the audit of the council's financial reports as the auditor considers appropriate to include in the report.*
- (4) *As soon as practicable after completing the audit, the auditor must send a copy of the auditor's reports to the Director-General and to the council.*
- (5) *As soon as practicable after receiving the auditor's reports, the council must send a copy of the auditor's report on the council's financial reports, together with a copy of the council's audited financial reports, to the Director-General and to the Australian Bureau of Statistics.*

Section 418 of the Act in relation to public notice to be given of presentation of financial reports, states that Council is required to:

- (1) *As soon as practicable after a council receives a copy of the auditor's reports:*
 - (a) *it must fix a date for the meeting at which it proposes to present its audited financial reports, together with the auditor's reports, to the public, and*
 - (b) *it must give public notice of the date so fixed.*
- (2) *The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are given to the council.*

Note: Unless an extension is granted under section 416, the meeting must be held on or before 5 December after the end of the year to which the reports relate.
- (3) *The public notice must include:*
 - (a) *a statement that the business of the meeting will include the presentation of the audited financial reports and the auditor's reports, and*

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(b) a summary, in the approved form, of the financial reports, and

(c) a statement to the effect that any person may, in accordance with section 420, make submissions (within the time provided by that section and specified in the statement) to the council with respect to the council's audited financial reports or with respect to the auditor's reports.

(4) Copies of the council's audited financial reports, together with the auditor's reports, must be kept available at the office of the council for inspection by members of the public on and from the date on which public notice of the holding of the meeting is given and until the day after the meeting (or any postponement of the meeting).

In relation to presentation of the council's financial reports, section 419 of the Act states that:

- (1) A council must present its audited financial reports, together with the auditor's reports, at a meeting of the council held on the date fixed for the meeting.*
- (2) The council's auditor may, and if so required in writing by the council must, attend the meeting at which the financial reports are presented.*

In relation to submissions on financial reports and auditor's reports, section 420 of the Act states that:

- (1) Any person may make submissions to the council with respect to the council's audited financial reports or with respect to the auditor's reports.*
- (2) A submission must be in writing and must be lodged with the council within 7 days after the date on which those reports are presented to the public.*
- (3) The council must ensure that copies of all submissions received by it are referred to the auditor.*
- (4) The council may take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the council's financial reports.*

Issues

As per section 417 of the Act Council is presented with Independent Auditor's Reports for:

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- General Purpose Financial Statements
- Special Purpose Financial Statements
- Permissible Income on the General Rates
- Roads to Recovery Statement

The report on the council's financial reports, from the auditor, includes the following:

- a statement as to whether, in the opinion of the auditor, the council's accounting records have been kept in accordance with the requirements of this Division
- a statement as to whether, in the opinion of the auditor, the council's financial reports:
 - have been prepared in accordance with the requirements of this Division, and
 - are consistent with the council's accounting records, and
 - present fairly the council's financial position and the results of its operations
- a statement as to whether, in the opinion of the auditor, any information relevant to the conduct of the audit has been unobtainable by the auditor
- a statement setting out particulars of any material deficiency in the accounting records or financial reports that has come to light in the course of the audit
- statements, comments and recommendations as to the conduct of the audit of the council's financial reports as the auditor considered appropriate to include in the report.

As well as providing these reports to Council, the auditors have also provided these reports to the Office of Local Government.

As required by section 417 of the Act, Council has also sent a copy of the auditor's report on the council's financial reports, together with a copy of the council's audited financial reports, to the Office of Local Government and to the Australian Bureau of Statistics.

As per section 418 and 419 of the Act, as soon as practicable after receiving a copy of the auditor's reports, Council fixed the date for the meeting at which it was to present the audited financial reports, together with the auditor's reports, to the public, and gave public notice of the date so fixed as being the November 2018 Ordinary Council Meeting to be held on Thursday, 15 November 2018.

Council also requested the attendance of council's auditor at the meeting at which the financial reports are to be presented.

In relation to submissions, Council will, as per section 420 of the Act:

- receive submissions on Council's financial reports and auditor's reports
- ensure that copies of all submissions received by it are referred to the auditor.
- take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Office of Local Government of any matter that appears to require amendment of the council's financial reports.

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Financial Considerations

The following information is a summary, in the approved form, of Council's 2017/18 financial reports.

Table 1: Financial Statements 2017/18 – Summary

	2017/18 \$'000	2016/17 \$'000
Income Statement		
Total income from continuing operations	46,602	47,060
Total expenses from continuing operations	44,739	42,398
Operating result from continuing operations	1,863	4,662
Net operating result for the year		
	1,863	4,662
Net operating result before grants and contributions provided for capital purposes	(4,422)	265
Statement of Financial Position		
Total current assets	24,155	24,478
Total current liabilities	7,624	7,325
Total non-current assets	481,991	486,096
Total non-current liabilities	7,168	7,971
Total equity	491,354	495,278
Other financial information		
Unrestricted current ratio (times)	4.05	4.64
Operating performance ratio (%)	-8.10%	2.04%
Debt service cover ratio (times)	7.3x	9.87x
Rates and annual charges outstanding ratio (%)	8.68%	7.91%
Infrastructure renewals ratio (%)	106.99%	64.44%
Own source operating revenue ratio (%)	47.40%	46.46%
Cash expense cover ratio (months)	5.76 mths	6.50 mths

Attachments

1. General Purpose Financial Statements
2. Special Purpose Financial Statements
3. Special Schedules
4. Auditor's Report – General Purpose Financial Statements
5. Auditor's Report – Special Purpose Financial Statements
6. Auditor's Report – Permissible Income on the General Rates
7. Auditor's Report – Roads to Recovery Statement

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RECOMMENDATION

That Council note the information provided on Council's 2017/18 financial reports and actions taken in relation to these reports.

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Item 10 Australia Day 2019

Division:	Executive Services
Management Area:	Executive Services
Author:	EA to the General Manager – Jenni Maundrell
CSP Key Focus Area:	Community and Culture
Priority:	CC3 Our shire is home to a vibrant arts and cultural life which is promoted and supported as an essential aspect of community well-being.

Reason for Report

To provide Council with an overview of plans for Australia Day 2019 and seek support for programs and activities to be implemented as part of annual Australia Day celebrations.

Background

In previous years Council has supported and participated in local Australia Day events in the following ways:

- participation in the *Australia Day Ambassador Program*
- facilitation of the *NSW Local Citizen of the Year Awards*
- provision of funding to support local events
- providing free entry to public swimming pools across the Shire.

Council has received feedback that communities would like to see the nomination period for the various Australia Day Awards remain open until closer to Australia Day to allow greater opportunity to participate.

Issues

1. Australia Day Ambassador Program

Council has registered for the Australia Day Ambassador program.

2. NSW Local Citizen of the Year Awards

The *NSW Local Citizen of the Year Awards* for Australia Day 2019 are awarded in the following categories:

- Citizen of the Year
- Young Citizen of the Year
- Sportsperson of the Year
- Australia Day Award.

The *Warrumbungle Shire Council Australia Day Awards* are administered by Warrumbungle Shire Council. In 2019 it is proposed that the awards are awarded in the following categories:

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- Citizen of the Year
- Young Citizen of the Year
- Sportsperson of the Year
- Australia Day Award – Senior Citizen of the Year
- Australia Day Award – Cultural Achievement Award
- Australia Day Award – Community Event of the Year

Guidelines & Criteria and Nomination Forms for these categories are attached. Further local awards are awarded by local Organising Committees.

3. Selecting Recipients of Awards

It is proposed that Council form a s355 Committee to select the recipients of Australia Day Awards under delegated authority. The Committee would be comprised of the Mayor, the Deputy Mayor and two other councillors, with a meeting scheduled in January 2019. Draft Committee Terms of Reference are attached.

4. Funding Support – Local Events

For a number of years Council has supported the conduct of Australia Day events in each town through the provision of a small contribution of funding. This funding is provided to assist with costs such as printing, promotion, local awards and catering. It is proposed that this funding be allocated again in 2019 as follows:

- \$600 each for Baradine, Binnaway, Coolah, Dunedoo and Mendooran; and
- \$750 for Coonabarabran.

Funding is provided directly to the Local Organising Committees.

5. Free Entry to Public Swimming Pools

The provision of free entry to swimming pools in each town has been well-received for a number of years. It is proposed to again offer free entry to pools for Australia Day 2019.

Options

Council is requested to consider ongoing support and participation in local Australia Day events across the Shire including:

- facilitation of the *NSW Local Citizen of the Year Awards*
- provision of funding to local event organisers
- providing free access to public swimming pools in each town

Council has the option to participate or not participate in any or all of the programs and activities from previous years.

Financial Considerations

Council has funding allocated in the Executive Services budget to support Australia Day programs and activities. The total budget allocation for Australia Day 2018 is \$5,972. This covers the cost of advertising, awards, certificates and frames, contributions to each community and hosting two (2) Australia Day Ambassadors. It also allows for donations of \$600 for each of the five towns in the LGA and \$750 for Coonabarabran.

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Lost revenue associated with the free access to public swimming pools is estimated to be around \$1,600 for the whole Shire.

Attachments

1. Australia Day Award Guidelines and Criteria
2. Australia Day Award Nomination Form
3. Draft s355 Committee Terms of Reference

RECOMMENDATION

That Council:

1. Forms a section 355 Australia Day Award Committee, with membership made up of the Mayor, Deputy Mayor, two other councillors and the Director Corporate and Community Services.
2. The Australia Day Award Committee be delegated the authority to select the Australia Day Award recipients.
3. Participates in the 2019 **NSW Local Citizen of the Year Awards** by administering and presenting the *Warrumbungle Shire Council Australia Day Awards* in the following categories:
 - Citizen of the Year
 - Young Citizen of the Year
 - Sportsperson of the Year
 - Australia Day Award – Senior Citizen of the Year
 - Australia Day Award – Cultural Achievement Award
 - Australia Day Award – Community Event of the Year
4. Allow free entry to the public swimming pools in Baradine, Binnaway, Coolah, Coonabarabran, Dunedoo and Mendooran on Australia Day 2019.

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Item 11 Internal Audit Committee

Division:	Executive Services
Management Area:	Executive Services
Author:	General Manager – Roger Bailey
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity

Reason for Report

The purpose of this report is to move forward with the implementation of the Internal Audit Committee and to present Council with the attached draft Internal Audit Committee Charter for consideration and adoption.

Commentary

In September 2010, the Office of Local Government (OLG) released Internal Audit Guidelines to assist councils implement internal audit and risk management frameworks within their organisations. It is understood that Warrumbungle Shire Council then established an Internal Audit Committee in 2011 wherein Council agreed in principle to participate in a joint arrangement with Coonamble, Gilgandra, Narromine and Warren councils to establish an internal audit function for the five Councils.

The Internal Audit Committee operated for a term of 3 years and was then suspended in late 2014 at the conclusion of the 3 year audit plan.

The Local Government Amendment (Governance and Planning) Bill 2016 included a new section providing for the establishment of an Audit, Risk and Improvement Committee. This part of the Act has not been proclaimed as yet and is one of the remaining Phase 1 amendments which will be put in place over time.

The purpose of the Audit, Risk and Improvement Committee is to review a council's compliance; risk management; fraud control; financial management; governance; implementation of the strategic plan, delivery program and strategies; service reviews; collection of performance measurement data by the council; and any other matters prescribed by the regulations.

The OLG has been contacted about the status of this and it has been confirmed that the legislative requirement for this Committee has still not been proclaimed. The delay in the proclamation is due to the OLG establishing a new framework and written guidance on how this Committee should operate. A Discussion Paper is expected to be issued in the coming months in relation to this.

The Government has identified transitional arrangements that state:

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123 AUDIT, RISK AND IMPROVEMENT COMMITTEES

A council is not required to establish an Audit, Risk and Improvement Committee in accordance with Part 4A of Chapter 13, as inserted by the amending Act, until 6 months after the next ordinary election of councillors following the commencement of that Part.

On this basis, and if the OLG is able to complete its consultation in time and the relevant section is proclaimed, then section 123 means that Audit, Risk and Improvement Committees must come into effect by March 2021.

Should Council wish to establish an Audit, Risk and Improvement Committee or similar such committee then while the new provisions are being developed it would need to consider and follow the Internal Audit Guidelines from 2010.

Options

Council can continue to await the proclamation and the release of the new framework and written guidelines by the OLG, or it can re-establish its Internal Audit Committee based on the 2010 guidelines issued by the OLG; and once the new guidelines are finalised, review the Committee Charter.

Council does not have a budget allocation in this financial year for internal audit.

Council could work collaboratively with other councils with a view to using the same Internal Audit Committee external members and Internal Auditor. If this approach is accepted, each member Council would establish its own Internal Audit Committee and would operate their committees independently. Travel and accommodation costs for the independent members and internal auditor could therefore be shared by any participating Councils with each participating Council Committee meeting on the same day.

Should Council adopt the attached Charter, the next step would be to advertise for expressions of interest for the Internal Auditor; as well as two independent external members (one with financial expertise, and one of which will be Chair).

Attachments

1. Division of Local Government Internal Audit Guidelines September 2010
2. Draft Internal Audit Committee Charter

RECOMMENDATION

That Council:

1. Establish an Internal Audit Committee.
2. Adopt the attached draft Internal Audit Committee Charter.
3. Appoint its Councillor delegate (excluding the Mayor).
4. Contact fellow Joint Organisation Council members and/or nearby councils with a view to sharing resources and working collaboratively together on the internal audit function.

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Item 12 Council Resolutions Report November 2018

Division:	Executive Services
Management Area:	Governance
Author:	Executive Assistant to the General Manager – Jenni Maundrell
CSP Key Focus Area:	Local Government and Finance
Priority:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

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

Background

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

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

Resolutions that remain 'In Progress' for a 12 month period will be reported to Council as a separate agenda item with a new Recommendation. This will provide Council staff the opportunity to detail the history and issues of outstanding items before Council reconsiders the matter.

Issues

This feedback is provided to Council for information purposes.

Attachments

1. Council Resolution Report, November 2018

RECOMMENDATION

That the Council Resolution Report for November 2018 be noted for information.

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Item 13 2017/18 Annual Report

Division:	Corporate and Community Services
Management Area:	Administration
Author:	Administration Officer – Carol Nasmith
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4: Council's governance practice and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

As required by section 428 of the *Local Government Act 1993* (NSW), within five (5) months after the end of each year, a council must prepare a report (its "annual report") for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.

Background

The *Local Government Act 1993* (NSW) s428 states:

428 Annual reports

- 1. Within 5 months after the end of each year, a council must prepare a report (its "annual report") for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.*
- 2. The annual report in the year in which an ordinary election of councillors is to be held must also report as to the council's achievements in implementing the community strategic plan over the previous 4 years.*
- 3. An annual report must be prepared in accordance with the guidelines under section 406.*
- 4. An annual report must contain the following:*
 - a. a copy of the council's audited financial reports prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting published by the Department, as in force from time to time,*
 - b. such other information or material as the regulations or the guidelines under section 406 may require.*

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5. *A copy of the council's annual report must be posted on the council's website and provided to the Minister and such other persons and bodies as the regulations may require. A copy of a council's annual report may be provided to the Minister by notifying the Minister of the appropriate URL link to access the report on the council's website.*

The *Local Government (General) Regulation (2005)* under the *Local Government Act 1993* provides further guidance in section 217 regarding additional information for inclusion in annual report.

Issues

Council presents its Annual Report for the period 1 July 2017 to 30 June 2018. The 2017/2018 Annual Report is submitted for Council's endorsement and is attached.

Options

Council is required to provide the endorsed Annual Report to the Minister by 30 November 2018.

Council can choose to:

1. Endorse the Annual Report for the period 1 July 2017 to 30 June 2018 as presented;
2. Endorse the Annual Report for the period 1 July 2017 to 30 June 2018 with changes; or
3. Not endorse the Annual Report for the period 1 July 2017 to 30 June 2018.

Financial Considerations

Nil

Attachments

1. 2017/18 Annual Report

RECOMMENDATION

That Council:

1. Accepts the Annual Report as presented for the period 1 July 2017 to 30 June 2018.
2. Endorse the Annual Report for submission to the Minister for Local Government by 30 November 2018.

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Item 14 Drought Communities Programme – Extension

Division:	Corporate and Community Services
Management Area:	Corporate and Community Services
Author:	A/Director Corporate and Community Services – Louise Johnson
CSP Key Focus Area:	Governance and Finance
Priority:	GF2: The demographic makeup of the community is well-represented in local activities, service delivery and decision-making.

Reason for Report

To seek Council endorsement for projects to be submitted for funding under the Drought Communities Programme – Extension.

Background

On Sunday, 19 August 2018, the Australian Government announced an extension to the Drought Communities Program. The extension of the program includes initial support of \$1 million to 60 eligible councils in 2018-19. Warrumbungle Shire Council was identified as an eligible Council, along with 35 other Council's in NSW.

At the September 2018 Ordinary Council Meeting, it was resolved (111/1819) that Council:

- 1. Receive the advice regarding the Drought Communities Programme – Extension.*
- 2. Endorse the consultation and implementation strategy outlined regarding expenditure of the funding to be provided under the Drought Communities Programme – Extension.*
- 3. Authorise the General Manager to accept the offer of funding, when received, for the Drought Communities Programme – Extension and instruct the General Manager to sign the Funding Agreement.*

Since the September 2018 Ordinary Council Meeting the following actions have been implemented:

- Dates for Community Forums were determined, in consultation with Councillors.
- Community Forums were promoted and conducted.
- Ideas from the Community Forums were distributed to Councillors for their feedback.
- Ideas to be presented to the community were finalised and a poll conducted via a Community Survey.

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The next stage in the process is the presentation of the results from the poll, determining what projects to be applied for and completing funding applications.

Issues

Feedback from the Community Survey conducted from Wednesday, 24 October 2018 – Saturday, 3 November 2018 is provided as an Attachment.

This feedback was provided on ideas raised at the Community Forums and in direct submissions to Council from residents.

Information provided by the Australian Government on the Drought Communities Programme indicates that in relation to eligibility, applicants will be asked to answer the following eligibility questions when making an application:

- Is your project located in a region within an Eligible Council?
- Does your project have at least \$25,000 in eligible expenditure?
- Will your project be completed by 30 June 2019?
- Will your project lead to the employment of locals?^
- Will your project contribute to the economic activity of communities/regions?^
- Will your project lead to the retention of businesses, services and facilities?^

Each project must meet at least one (1) of the project requirements marked with a ^.

Projects can commence from Sunday, 19 August 2018. Projects must be completed by Sunday, 30 June 2019.

The Australian Government has also noted that it is important to note that being invited to submit an application does not guarantee that an application will be successful. To be recommended for funding, a project must meet all eligibility criteria as these projects provide the best value for money. Applications will be assessed for completeness and against all the eligibility criteria.

Successful applicants must enter into a grant agreement with the Commonwealth. The grant agreement will specify the reporting requirements.

Options

Based on the feedback provided at the Community Forums and through the Community Survey, and with consideration to the programme guidelines provided by the Australian Government, the following proposal is presented to Council for their consideration.

Table 1 provides an overview of projects which it is suggested applications are submitted for under the Drought Communities Programme – Extension.

Council can choose to:

1. Endorse the projects as presented;
2. Endorse the projects presented with changes; or
3. Not endorse the projects presented.

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Table 1: Drought Communities Programme – Proposed Projects

Project	Amount of funding to be applied for	At least \$25,000	Complete by 30/6/2019	Employs locals [^]	Contributes to the local economy [^]	Leads to retention of businesses, services, facilities [^]
Drought Catch Up Events and Get Together's	\$30,000	Yes	Yes	No	Yes	Yes
Streetscapes and town environments – drought hardy plants / no plants, art and sculptures	\$215,000	Yes	Yes	Yes	Yes	Yes
Community infrastructure – showgrounds	\$125,000	Yes	Yes	Yes	Yes	Yes
Community infrastructure – aerodrome fencing	\$160,000	Yes	Yes	Yes	Yes	Yes
Sporting Clubs and Facilities – rainwater tanks and water	\$100,000	Yes	Yes	Yes	Yes	Yes
Shop Local & Why Leave Town Programs	\$120,000	Yes	Yes	Yes	Yes	Yes
Signage – towns maps and business promotion	\$100,000	Yes	Yes	Yes	Yes	Yes
App & QR codes for the whole Shire to show tourist sights and attractions	\$150,000	Yes	Yes	Yes	Yes	Yes

Each project must meet at least one (1) of the project requirements marked with a ^.

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Table 2 provides an overview of proposed projects with suggested allocations of funding by location, where applicable.

Table 2: Proposed Projects – Locations and Allocations

Project & Location [^]	Allocation
Drought Catch Up Events and Get Togethers	
Baradine	\$5,000
Binnaway	\$5,000
Coolah	\$5,000
Coonabarabran	\$5,000
Dunedoo	\$5,000
Mendooran	\$5,000
Total	\$30,000
Streetscapes and town environments	
Baradine	\$30,000
Binnaway	\$25,000
Coolah	\$37,500
Coonabarabran	\$60,000
Dunedoo	\$37,500
Mendooran	\$25,000
Total	\$215,000
Community infrastructure – showgrounds	
Baradine	\$15,000
Binnaway	\$10,000
Coolah	\$20,000
Coonabarabran	\$50,000
Dunedoo	\$20,000
Mendooran	\$10,000
Total	\$125,000
Community infrastructure – aerodrome fencing	
Baradine	\$80,000
Coonabarabran	\$80,000
Total	\$160,000
Sporting Clubs and Facilities – rainwater tanks and water	
Baradine	\$10,000
Binnaway	\$10,000
Coolah	\$15,000
Coonabarabran	\$40,000
Dunedoo	\$15,000
Mendooran	\$10,000
Total	\$100,000
Shop Local & Why Leave Town Programs	
Total	\$120,000
Signage – towns maps and business promotion	
Baradine	\$10,000
Binnaway	\$10,000
Coolah	\$15,000
Coonabarabran	\$40,000
Dunedoo	\$15,000
Mendooran	\$10,000
Total	\$100,000
App & QR codes for the whole Shire to show tourist sights and attractions	\$150,000
Total Projects	\$1,000,000

[^] All towns include surrounding villages and localities.

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For projects that are successful in receiving funding and applications are to be sought, it is suggested that a Selection Committee be formed to assess the applications.

For example, from the list of proposed projects, if these projects received funding, applications could be sought for:

- Drought Catch Up Events and Get Togethers
- Community Infrastructure for Showgrounds
- Rainwater tanks and water for Sporting Clubs and Facilities

It is suggested that the Selection Committee be made up of the Mayor, Deputy Mayor, at least two (2) Councillors and the General Manager. The Selection Committee would be supported by the Acting Director Corporate and Community Services.

The Acting Director Corporate and Community Services would also be responsible for:

- Preparation of Application Forms
- Development of application processes
- Promotion of available funding
- Distribution of funding
- Reporting and acquittal process for groups or organisations receiving funding

Financial Considerations

On 19 August 2018, the Australian Government announced it would boost the Drought Communities Programme by \$75 million and provide initial support of \$1 million to 60 eligible councils in 2018-19 to support local infrastructure and other projects for communities and businesses who have been impacted by drought with Warrumbungle Shire Council identified as one (1) of the 60 Councils.

On 26 October 2018, the program was further broadened to reach even more communities suffering through drought, by adding a further 21 eligible councils and increasing the funding to \$81 million in 2018-19.

The Australian Government has advised that it is important to note that being invited to submit an application does not guarantee that an application will be successful.

Attachments

1. Drought Communities Programme – Community Survey Results
2. Full List of Projects Considered

RECOMMENDATION

That Council:

1. Endorse the following projects to be submitted for funding under the Drought Communities Programme – Extension:

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- Drought Catch Up Events and Get Togethers - \$30,000
 - Enhancement of streetscapes and town environments - \$215,000
 - Community Infrastructure – showgrounds - \$125,000
 - Community infrastructure – aerodrome fencing - \$160,000
 - Sporting Clubs and Facilities – rainwater tanks and water - \$100,000
 - Shop Local & Why Leave Town Programs - \$120,000
 - Signage – towns maps and business promotion - \$100,000
 - App & QR codes for the Shire - \$150,000
2. Endorse the proposed allocations by location as outlined in Table 2, to be included in funding applications.
 3. Endorse the establishment of a Selection Committee consisting of the Mayor, Deputy Mayor, two (2) Councillors and the General Manager to assess applications for funding for activities to be funded through the Drought Communities Programme.
 4. Delegate the authority to the Committee to determine funding proposals in accordance with the above projects.
 5. Nominate two (2) Councillors for the Selection Committee.

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Item 15 Human Resources Monthly Report – October 2018

Division:	Corporate and Community Services
Management Area:	Human Resources
Authors:	Acting Manager Human Resources – Chris Kennedy
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF8: Council undertakes its organisational, workforce and risk management responsibilities with efficiency and effectiveness

Reason for Report

To update Council in relation to activities undertaken by Human Resources including Staffing and Recruitment, Training and Workplace Health and Safety (WHS).

Background

Human Resources is responsible for Recruitment, Staff Welfare, Payroll, Learning and Development and Workplace Health and Safety.

Staffing & Recruitment

In October 2018 the following recruitment activities were undertaken by the Human Resources Team.

Table 1: Staffing & Recruitment by Directorate

	Corporate & Community Services	Development Services	Executive Services	Technical Services	Total
Staff					
Staff	49	21	4	114	189
Positions advertised – externally					
Permanent	-	-	-	10	10
Non-Permanent	-	-	-	1	1
Positions advertised – internally					
Permanent	-	-	-	4	4
Non-Permanent	-	-	-	-	-
Departures					
Permanent	-	-	-	-	-
Non-Permanent	-	-	-	-	-
Positions filled					
Permanent	-	-	-	-	-
Non-Permanent	-	-	-	-	-

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There were no terminations or appointments during the month of October.

Legend

Term	Explanation
Staff	Staff employed by Council full time, part time, temporary or term during the reporting period.
Permanent	Permanent full time and permanent part time positions.
Non-Permanent	Term and temporary positions.
Positions advertised	Positions advertised during the reporting period.
Departures	Resignations, retirement, termination and finalisation of term contracts.
Positions filled	Positions filled during the reporting period.

Training

Table 2 provides information regarding training undertaken by staff in October 2018.

Table 2: Training by Directorate

Training	Corporate & Community Services	Development Services	Executive Services	Technical Services
Chemical Handling				3
Confined Spaces				18
Traffic Control Combination				4
Mental Health and Employment Law	1			
Environmental Health in Practice		1		

Work Health and Safety

Table 3 provides information regarding the number of work health and safety near misses, incidents and claims in October 2018.

Table 3: Work Health and Safety Incidents by Directorate

Directorate	Near Misses	Incidents	Claims
Corporate and Community Services		1	
Executive Services			
Development Services			
Technical Services		1	

The nature of the reported incidents were:

- Employee was loosening a wheel nut on the grader tyre when the socket slipped off the nut, jarring the employee's shoulder. Currently the employee is still undertaking normal duties, however there has been a doctor's appointment made. As of 31 October 2018 there has been no lost time.
- Employee was attempting to take a child outside to the playground. When the employee picked the child up, they threw their head back connecting with the educator's nose causing some slight swelling. Ice pack was applied. There was no further medical treatment and no lost time.

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RECOMMENDATION

That the Human Resources Monthly Report for October 2018 be noted for information.

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Item 16 Investments and Term Deposits – month ending 31 October 2018

Division:	Corporate and Community Services
Management Area:	Financial Services
Author:	Supervisor Finance – Lisa Grammer
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4: Council's governance practice and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

As required by clause 212 of the *Local Government (General) Regulation 2005* (NSW), the details of all monies invested by Council under section 265 of the *Local Government Act 1993* (NSW) must be reported to Council at each Ordinary Meeting.

Background

Council is authorised by s265 of the *Local Government Act 1993* (the Act) to invest its surplus funds in the forms of investment notified in an Order of the Minister dated 12 January 2011.

Clause 212 of the *Local Government (General) Regulation 2005* (the Regulation) requires a Council to provide a written report to the Ordinary Meeting of Council giving details of all monies invested and a certificate as to whether or not the investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

Issues

Comments on Performance

Marketable Securities, Term Deposits and At Call Investment Accounts

In accordance with regulatory requirements and Council's Investment Policy, the majority of Council's current investment portfolio continues to be invested in term deposits and at call accounts.

Marketable Securities

Council currently holds no Marketable Securities.

Term Deposits

During the month, \$4,500,000 worth of term deposits matured, earning Council a total of \$37,207.92 in interest.

In October, the following placements were made in to term deposits:

- \$1,000,000 with WBC at a rate of 2.52%
- \$1,000,000 with NAB at a rate of 2.68%
- \$1,000,000 with NAB at a rate of 2.68%

The balance of the term deposits at the end of the month was \$10,500,002.

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At Call

At Call accounts are used to hold funds for shorter periods and generally are adjusted on a weekly basis to meet cash flow requirements. During the month, net transfers of \$244,504.50 were made from these accounts and \$3,229.25 interest was received on the balances in the accounts resulting in a month end balance of \$1,706,429.46.

Income Return

The average rate of return on investments, for the month, of 2.59% exceeds Council's benchmark Bank Bill Swap Rate (BBSW) of 1.91% by 68 points or 35.59%.

Council's full year budget for 2018/19 for interest added to investment is \$366,560. At the end of October the amount of interest received and accrued should be around 33.33% of the total year budget, ie. \$122,186.67. On a year to date basis, interest received and accrued totals \$97,069.55 which is 26.48% of the annual budget.

Financial Implications

Based on the current investment market and Council's current investment holdings and maturity dates, the average rate of return on Council's investment portfolio has exceeded the BBSW benchmark rate overall.

In addition to the at call accounts and term deposits, as at 31 October 2018, Council had a cash at bank balance of \$1,137,389.00.

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Table 1: Investment Balances – 31 October 2018

Financial Institution	Lodgement Date	Maturity Date	Total Days	Original Rating	Current Rating	Yield (%)	Investment Amount (Redemption Value)
At Call Accounts							
NAB		At Call	At Call	ADI	ADI	1.09%	170,256.57
NAB		B-Pay	At Call	ADI	ADI	0.00%	30,459.39
ANZ		At Call	At Call	ADI	ADI	0.75%	7,105.28
Regional Australia Bank		At Call	At Call	LMG	LMG	1.75%	282,160.21
T Corp IM Cash Fund		At Call	At Call	P	P	2.34%	1,216,448.01
Sub-Total							1,706,429.46
Term Deposits							
CBA	27-Jun-18	06-Nov-18	132	ADI	ADI	2.68%	1,000,000
CBA	18-Jun-18	17-Dec-18	182	ADI	ADI	2.69%	1,500,000
WBC	26-Sep-18	08-Jan-19	104	ADI	ADI	2.48%	1,000,000
NAB	26-Sep-18	15-Jan-19	111	ADI	ADI	2.65%	1,000,000
AMP	23-Jul-18	21-Jan-19	182	UMG	UMG	2.80%	1,000,001
AMP	23-Jul-18	21-Jan-19	182	UMG	UMG	2.80%	1,000,001
WBC	03-Oct-18	19-Feb-19	139	UMG	UMG	2.52%	1,000,000
Bank of Queensland	04-Sep-18	05-Mar-19	182	LMG	LMG	2.75%	1,000,000
NAB	03-Oct-18	19-Mar-19	167	ADI	ADI	2.68%	1,000,000
NAB	09-Oct-18	02-Apr-19	175	ADI	ADI	2.68%	1,000,000
Sub-Total							10,500,002
Total							12,206,431.46

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Credit Rating Legend

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

Table 2: At Call and Term Deposits – Monthly Movements

Bank	Opening Balance	Interest Added to Investment	Net Placements/ Withdrawals	Closing Balance
NAB	176,084.66	171.91	(6,000.00)	170,256.57
NAB	91,963.89	-	(61,504.50)	30,459.39
ANZ	356,491.44	113.84	(349,500.00)	7,105.28
Regional Australia Bank	281,741.46	418.75	-	282,160.21
T Corp IM Cash Fund	1,041,423.26	2,524.75	172,500.00	1,216,448.01
Total At Call	1,947,704.71	3,229.25	(244,504.50)	1,706,429.46
NAB	1,000,000.00	7,356.72	(1,007,356.72)	-
NAB	1,000,000.00	7,356.72	(1,007,356.72)	-
NAB	1,000,000.00	9,217.51	(1,009,217.51)	-
CBA	1,500,000.00	13,276.97	(1,513,276.97)	-
CBA	1,000,000.00	-	-	1,000,000.00
CBA	1,500,000.00	-	-	1,500,000.00
WBC	1,000,000.00	-	-	1,000,000.00
NAB	1,000,000.00	-	-	1,000,000.00
AMP	1,000,001.00	-	-	1,000,001.00
AMP	1,000,001.00	-	-	1,000,001.00
WBC	-	-	1,000,000.00	1,000,000.00
Bank of Queensland	1,000,000.00	-	-	1,000,000.00
NAB	-	-	1,000,000.00	1,000,000.00
NAB	-	-	1,000,000.00	1,000,000.00
Total Term Deposits	12,000,002.00	37,207.92	(1,537,207.92)	10,500,002.00
Total	13,947,706.71	40,437.17	(1,781,712.42)	12,206,431.46

Certification of Responsible Accounting Officer

I hereby certify that the investments listed in this report have been made in accordance with section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council's Investments Policy.

Responsible Accounting Officer

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RECOMMENDATION

That Council note and accept the Investments and Term Deposits Report for the month ending 31 October 2018 including a total balance \$13,343,820.46, being:

- \$1,706,429.46 in at call accounts
- \$10,500,002.00 in term deposits
- \$1,137,389.00 cash at bank

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Item 17 Annual Code of Conduct Complaints Statistics – 1 September 2017 to 31 August 2018

Division:	Technical Services
Management Area:	Governance
Author:	Director Technical Services – Kevin Tighe
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

Purpose

Report to Council on code of conduct statistics in accordance with clauses 12.1 and 12.2 of the Model Code Procedures.

Background

The Office of Local Government requires Council's Complaint Coordinator to report to Council and the Office on code of conduct statistics for the period 1 September 2017 – 31 August 2018.

Issues

The OLG has provided a template for reporting of statistics. The report for the required period is provided in Table 1.0

Table 1.0 – Code of Conduct Complaints Statistics Report for the period 1 September 2017 to 31 August 2018.

Model Code of Conduct Complaints Statistics		
Select Council Name		
Number of Complaints		
1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	2
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	3

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Overview of Complaints and Cost			
2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
	b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c	The number of code of conduct complaints referred to a conduct reviewer	2
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	2
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	2
	g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h	The number of finalised complaints investigated where there was found to be no breach	2
	i	The number of finalised complaints investigated where there was found to be a breach	1
	j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	k	The number of complaints being investigated that are not yet finalised	0
	l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	630

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Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action <input type="text" value="2"/>
b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
e	To investigate the matter <input type="text" value="0"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures <input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="0"/>

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c	That the subject person be counselled for their conduct	0
d	That the subject person apologise to any person or organisation affected by the breach	1
e	That findings of inappropriate conduct be made public	0
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	0
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	0
Categories of misconduct		
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	1
b	Conflict of interest (Part 4)	0
c	Personal benefit (Part 5)	0
d	Relationship between council officials (Part 6)	1
e	Access to information and resources (Part 7)	0

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Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

Options

The report is provided for Council information. Council has no discretion in this matter.

Financial Considerations

There is no budget impact associated with preparation of the statistics report. The cost of investigating complaints during the period is \$630.

RECOMMENDATION

That the Annual Code of Conduct Complaints Statistics Report for the period 1 September 2017 to 31 August 2018 as shown in Table 1.0 is noted as information.

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Item 18 Coonabarabran Mungindi Road Upgrade Project

Division:	Technical Services
Management Area:	Technical Services
Author:	Director Technical Services – Kevin Tighe
CSP Key Focus Area:	Public Infrastructure and services
Priority:	P13. Roads throughout the Shire are safe, well-maintained and appropriately funded.

Reason for Report

The reason for this report is to review the current status of the Coonabarabran Mungindi Road Project and to consider making a commitment to lodging a funding submission.

Background

Council partnered with Walgett Shire Council and Narrabri Shire Council in 2011 to prepare a feasibility study on a project to upgrade the road between Coonabarabran and Mungindi. The upgrading project included sealing the road between Gwabegar and Pilliga in Narrabri Shire and sealing various sections of unsealed road within Walgett Shire. Within Warrumbungle Shire, 37.5km of sealed road was identified for upgrading, which included widening the sealed road to route standard and strengthening pavement.

In 2013, Warrumbungle Shire joined with all Council's in the Barwon Electorate in a study to identify regional roads of strategic importance. The report from the study ranked regional roads on a three level priority hierarchy and the road between Coonabarabran and Mungindi was rated as priority 1.

Even though funding for the joint project has not been forthcoming, upgrade works have occurred including replacement of the Gwabegar Bridge in Narrabri Shire and many kilometres of bitumen sealing occurring on the route in Walgett Shire.

Council resolved to reactivate the Coonabarabran Mungindi Road Project and make contact with Narrabri Shire Council and Walgett Shire Council. As a result a meeting of senior road managers was held to discuss the viability of lodging a joint funding submission under the NSW Government's Fixing Country Roads Program. Each Council agreed to review the scope of works for the road upgrade project and seek a commitment from their own Council towards lodging a funding submission.

Issues

The Coonabarabran Mungindi Road has importance as a strategic and productivity route for the Western Region. The section of the route between Gwabegar and Pilliga, which is in Narrabri Shire, has importance to Warrumbungle Shire because sealing the road will potentially increase traffic flow through Baradine.

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One of the objectives of upgrading the Coonabarabran Mungindi Road, in particular the section of the route within Warrumbungle Shire, is for the route to be used by higher productivity trucks. Another objective is to increase visitor numbers to the region by having a road that encourages tourist travel.

The section of the route between Baradine and Gwabegar is open to road trains. The section between Baradine and Coonabarabran is open to B Double trucks only, although one local truck operator has a road train permit to travel between Baradine and Bugaldie. The focus of both the 2011 and 2013 reports was on upgrading the road between Gwabegar and Coonabarabran to road train standard. The 2013 report described the scope of works as "Rehabilitation of existing seal, realignment of high embankment and widening of shoulders to 1.5m both sides plus a full width pavement overlay of 150mm. 7.5km requires rehabilitation between Gwabegar and Baradine, 30.0km between Baradine and Coonabarabran" (*Western NSW, Regional and Local Road Plan, February 2013*). Council staff are in the process of refining the scope of works which includes identifying segments which need widening to meet route standards for travel by road trains.

General consultation with the community about the proposal to upgrade the road and open the road to road trains between Baradine and Coonabarabran has not occurred.

Council will be aware that the Newell Highway through Coonabarabran is not open to road trains. That is, if the Baradine Road is opened to road train access, the trucks will need to de-couple before accessing the Newell Highway in Coonabarabran. Council will also be aware that Roads & Maritime Services (RMS) is again in the planning stage of upgrading the road at Coonabarabran to allow access by higher productivity vehicles including road trains. Therefore, it is foreseeable that in the medium term, say between 5 and 10 years, that road trains will be able to travel either through or around Coonabarabran, which in turn will increase pressure to open Baradine Road to road train access.

Council will be aware of the State Government's 'Fixing Country Roads Programme', which may be a source of funding for the Coonabarabran Mungindi Road Project. The NSW Government recommends leveraging funds from the Australian Government either through the 'Heavy Vehicle Safety and Productivity Programme' or the 'Building Better Regions Fund'. Lodging a funding submission under any of these programmes requires preparation of supporting documentation including a Cost Benefit Analysis, which means that Council will need to invest time and resources into preparing a submission.

The merit of a funding submission lodged under programmes administered either by the State Government or the Australian Government will be higher if the project is of regional significance and supported by one or more Councils. It is understood that both Walgett Shire and Narrabri Shire are yet to formally commit to a joint submission.

Options

The following options for Council are apparent:

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1. Commit to the Coonabarabran Mungindi Road Upgrade Project including upgrading to road train access standard the road between Baradine and Coonabarabran.
2. Lodging a funding submission either in partnership or not with Narrabri Shire Council and Walgett Shire Council. Preparation of a funding submission will involve commitment of funds for a Consultant to assist Council with submission documentation.
3. Commit to the Coonabarabran Mungindi Road Upgrade Project but not to upgrading to the road between Baradine and Coonabarabran to road train access standard.

Financial Considerations

There is no budget allocation for either lodging a funding submission or for upgrade works on road between Coonabarabran and Gwabegar. Council has received funding in the past from RMS through the Black Spot Programme to upgrade various sections of the Baradine Road.

The 2013 report estimated the cost of upgrading the Warrumbungle Shire section of the Coonabarabran Mungindi Road to be \$13,125,000. This estimate may change when the scope of works are refined.

The ranking of funding submissions increases if Council makes a financial contribution to the construction project. However, the appropriate level of contribution from Council will not be known until business case details are prepared.

The cost of preparing a funding submission for the Warrumbungle Shire section of the Coonabarabran Mungindi Road Project is estimated to be \$15,000.

RECOMMENDATION

That:

1. Funding submissions are prepared for the Coonabarabran Mungindi Road Upgrade Project subject to a partnering agreement with both Walgett Shire Council and Narrabri Shire Council.
2. The objective for Warrumbungle Shire Council in any funding submission made for the Coonabarabran Mungindi Road Upgrade Project is to upgrade the road between Coonabarabran and Baradine to road train access standard.
3. A budget allocation of \$15,000, funded from the Regional Roads Block Grant, is made for the cost of preparing funding submissions for the Coonabarabran Mungindi Road Upgrade Project.

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Item 19 Cycle Path and Walkway between Coonabarabran & Gumin Gumin

Division:	Technical Services
Management Area:	Technical
Author:	Director Technical Services – Kevin Tighe
CSP Key Focus Area:	Recreation and Open Space
Priority:	The planning and provision of local sports and recreation facilities and parklands reflect community needs and anticipated demographic changes.

Reason for Report

Respond to a community group proposal to establish a cycle path and walkway between Coonabarabran and Gumin Gumin

Background

The community group Coonabarabran Landcare Inc. is promoting the concept of a 'cycleway and walking path' to link communities to Warrumbungle National Park. A copy of their proposal is provided as an attachment. The concept is for the creation of a network of paths between Coonabarabran and Gumin Gumin, which is located on the western side of the Park. The promoted benefits of the project include increased visitor numbers to the region, improved safety for cyclists, and improved health and well being of residents and visitors. Coonabarabran Landcare Inc. suggests that the cost of the project may be funded through grants such as the NSW Regional Growth – Environment and Tourism Fund. A partnership between Warrumbungle Council and Gilgandra is suggested to enhance the regional significance of the project.

Issues

The concept of a walking path and or cycleway link to Warrumbungle National Park is not new, however Council has not been asked to adopt a position on the proposal. The concept aligns with the Community Strategic Plan (CSP) through goals related to Recreation and Open Space, Local Economy and Public Infrastructure and Services. The project is not specifically mentioned in the CSP; however it does appear in the 'Little Book of Big Ideas', the Council publication collating all project ideas recorded during CSP consultations.

The project aligns with actions in the Castlereagh Regional Economic Development Strategy 2018 - 2022 under the 'enabler' activity of 'Develop and Promote a Broad Recreation and Events Profile'. The project also aligns with Council's draft 'Warrumbungle Shire Economic Development & Tourism Strategy, 2018-2023'

To meet criteria associated with funding of projects of regional significance a number of planning documents will need to be in place including a feasibility plan, business case, concept plans, and demonstrated widespread community support. Given the magnitude of the concept, these planning documents will need to be in place to

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ensure that the vision and objectives of the project are clear and well understood by the community.

Options

The following options are apparent:

- Take no action.
- Consider as a part of future Community Strategic Plan considerations.
- Seek advice on a feasibility study, concept drawings, and development of widespread community support for the proposed cycleway and walkway link between Coonabarabran and Gumin Gumin.
- Establishment of an advisory committee with a specific focus on developing the project.
- Consult with Gilgandra Shire Council about the proposal.
- Identify road widening options along Timor Road through a preliminary technical assessment.

Financial Considerations

There is no budget allocation for development of planning documents necessary for inclusion in a funding submission. Council's Technical Services Division is in a position to provide preliminary technical assessment of route options along Timor Road between Coonabarabran and the National Park, however preparation of concept drawings may need to be completed by a Consultant.

Attachments

1. Proposal for Gumin Gumin Cycle Path and Walkway
2. Letter of Support for Gumin Gumin Cycle Path and Walkway
3. Draft Terms of Reference – Coonabarabran Gumin Gumin Path Advisory Committee

RECOMMENDATION

The Coonabarabran Landcare group is advised that Council is not in a position to action the concept of a walkway and cycleway link between Coonabarabran and Gumin Gumin at this point in time.

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Item 20 Napier Lane Road Closure and Opening – Transfer of Ownership

Division:	Technical Services
Management Area:	Technical Services Management
Author:	Personal Assistant to Director Technical Services Tracy Cain
CSP Key Focus Area:	Public Infrastructure & Services
Priority:	PI3 Roads throughout the Shire are safe, well-maintained and appropriately funded.

Reason for Report

To correctly identify land to be transferred from a 1993 road realignment and compliance with mandatory electronic conveyancing (e-conveyancing) requirements for the transfer of land.

Background

Council constructed a new road through the property 'Napier' in 1993. The owner of 'Napier' agreed to the creation of the road in exchange for land taken up by the old road. Council made a resolution in respect of the road realignment and reconstruction (Resolution 815/1993).

In relation to transferring the closed road to the adjoining property owner Council resolved at its meeting of 20 September 2018 the following:

'117/1819 RESOLVED that Council authorises the:

- 1. Transfer of ownership of closed road Lots 41 and 42, DP753364 to adjoining owners as compensation for opening and dedicating as road Lot 43, DP753364; and*
- 2. Affixing of the Council seal to execute the land transfer.'*

On 27 September 2018 DP1246975 was registered. In accordance with section 9 of the *Roads Act 1993* (NSW), Lot 43, DP1246975 was opened as a public road upon registration of the plan.

On 28 September 2018, a notice was published in the NSW Government Gazette with the effect that the public road comprised in Lots 41, 42, 45 and 46, DP1246975 is closed. The Government Gazette Notice provided that these lots are to be given by the Council as compensation for other land acquired by the Council (ie Lot 43).

Issues

In order to correctly refer to the land, and due to the commencement of electronic conveyancing, a further resolution from Council is required.

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Land to be Transferred

Firstly, Council's Resolution 117/1819 refers only to Lots 41 and 42 whereas it should also refer to Lots 45 and 46.

Secondly, the resolution refers to the incorrect Deposited Plan (referring to DP753364 rather than DP1246975).

The attached Registered Subdivision Plan shows the extent of the road opening and closing, including the correct Lots and Deposited Plan.

Electronic Conveyancing

The NSW Government has set a timeframe for the transition to electronic conveyancing (e-conveyancing) in NSW. As at 1 July 2018 standalone transfers and caveats must be lodged electronically.

Local Government Legal have provided Council with the following information regarding Council Resolutions and Client Authorisation in accordance with the requirements of e-conveyancing.

'Prior to e-conveyancing, in order for a Council to buy or sell property, the Council would often make a resolution for the Transfer of land document to be executed by affixing the Council seal.

*Council resolutions regarding conveyancing transaction(s) should **no longer** refer to the Council seal being affixed. This is because in e-conveyancing a Council will **not** be able to access the electronic lodgement network to sign a registry instrument or document to effect a conveyancing transaction. Instead, e-conveyancing requires a Client Authorisation Form to be executed by a person authorised to act as Council's agent (e.g. the General Manager), which authorises Council's lawyer or conveyancer (the "Representative") to:*

- (a) digitally sign documents on behalf of the Council for the conveyancing transaction(s); and*
- (b) submit or authorise submission of documents for lodgement with the relevant land registry; and*
- (c) authorise any financial settlement involved in the conveyancing transaction(s); and*
- (d) do anything else necessary to complete the conveyancing transaction(s).'*

Accordingly, Local Government Legal recommend that Council incorporate the following as part of Council resolutions regarding conveyancing transaction(s):

"... and authorise the [General Manager / authorised position] to sign all documents associated with the conveyancing transaction, including a Client Authorisation Form to [Local Government Legal / Council's lawyer] to effect the transaction."

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In accordance with section 377 of the *Local Government Act 1993* (NSW), the authority to transfer land rests with Council and cannot be delegated.

Options

Council has limited discretion in this matter as the road has been constructed and in use for over 25 years and the Government Gazette Notice provides that Lots 41, 42, 45 and 46 will be transferred to the adjoining owner as compensation for Lot 43. .

Financial Considerations

The Council's legal costs associated with transferring the land is estimated to be around \$1,500 - \$2,000, including disbursements. In addition, the Council has previously agreed to bear the adjoining owners' legal costs associated with the transfer. These expenses may be funded from the budget allocation for road maintenance.

Attachments

1. Government Gazette Notice No 101 – 28 September 2018
2. Registered Subdivision Plan dated 27 September 2018 – DP1246975
3. Local Government Legal Letter – '*Mandatory e-Conveyancing in NSW*' – 31 August 2018

RECOMMENDATION

That Council:

1. Authorise the transfer of ownership of the closed public road comprising Lots 41, 42, 45 and 46, DP1246975 to the adjoining owner as compensation for opening Lot 43, DP1246975 as public road.
2. Authorise the General Manager to sign all documents associated with the conveyancing transaction, including a Client Authorisation Form to Local Government Legal to effect the transaction.
3. Pay the adjoining owners' legal costs and stamp duty associated with the transfer.

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Item 21 Report on NBN Services to Warrumbungle Local Government Area

Division:	Development Services
Management Area	Development and Tourism
Author:	Manager Economic Development and Tourism Aileen Bell
CSP Key Focus Area:	Community and Culture
Priority/Strategy:	CC6.2 Develop partnerships with government and non-government agencies to effectively address local social and economic disadvantage.

Reason for Report

To provide an assessment of the current NBN service gaps in Warrumbungle Shire.

Background

The high speed NBN is due for completion in 2020; it is federally funded to provide access to a suite of IT and Communication services for residents (and businesses) and is one of the most advanced technology projects in Australian history.

The original communication with Council was that all Coolah and Coonabarabran residential and commercial areas, within the town limits would be connected to the NBN.

The NBN was rolled out as per an amended schedule which is an incomplete service. Council was not informed of the changes in delivery of the service until they had occurred and so this service does not meet the needs of the shire community.

It is inequitable and community consultations bring a less than positive response (because of the inadequacies and frustrations of residents) when the subject of the NBN is raised.

Just within Coonabarabran there are residential, commercial and industrial areas that were not connected; the high school and hospital require modern reliable telecommunication services to deliver their services and were not connected to the NBN; they continue to operate on inadequate and antiquated telecommunications systems.

The Industrial Area of Coonabarabran has no NBN connection (approximately 55 businesses, including two motels, do not have NBN connection) placing them on the “back foot” when it comes to competing for work, accessing the latest information, exchanging images and providing a service to their customers who have come to expect reliable, rapid telecommunication services. NBN has offered a satellite system which presents a number of issues in relation to connectivity, timing and costs.

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A recent Expression of Interest (EOI) to the Dept of Premier and Cabinet under the Growing Local Economies funding was successful and Council was requested to provide an “in depth” application and Business Case; a resubmission of the application with a Business Case included costing for NBN connection to the Industrial Estate was sent to the Department of Premier and Cabinet on 19th September. An outcome is yet to be received.

Council also submitted to the Parliamentary Enquiry into the Provision of NBN Services to Regional and Rural Australia and spoke at the enquiry hearing.

A survey undertaken through the CDC Network and the EDT Advisory Committee in relation to Mobile Blackspot Areas in the Shire highlighted the lack of NBN services in the outlying communities and among issues for residents in Coolah Dunedoo, post fire, was that farming residents, who had moved into rented premises as an interim measure, were not able to access the internet because of lack of services to rental premises. The very poor communication services experienced by residents in the Shire was also noted. These and other matters were raised in the Inquiry submission and again during the hearings for the Inquiry.

A more recent submission to Connecting Country Communities – the Mobile Phone Blackspot Program also included a bid for a more effective communication services (NBN) across the shire.

Warrumbungle Shire has consulted widely on the matter of NBN connectivity and the Coonabarabran District Chamber of Commerce has coordinated meetings with both the Federal Member, Mark Coulton, and the State Member, Kevin Humphries MLA to discuss the issues faced by local businesses in relation to telecommunication services and the NBN. It should be noted that until recently the community had been told this was purely a Federal Government issue but a recent meeting with the Deputy Premier of NSW indicated that communications would also be addressed by State Government with a funding program to be announced.

Council has written to the Member for Parkes requesting that he act on the requests for a reliable service and connection of the NBN to the industrial area of Coonabarabran; the letter also requested an appropriate service for the **whole** shire.

Issues

Warrumbungle Shire is doubly disadvantaged – it is at the end of a slow, almost non functioning telecommunications service and also at the end of a low functioning power supply that sees residents and business operators at the whim of power fluctuations and black outs.

A number of businesses currently operating in the Industrial Area of Coonabarabran have alerted Council to the difficulties encountered with communication and research due to an unreliable communications service that could be addressed with connection to the NBN. Private residences close to the industrial area are also impacted by lack of NBN connection and a number of home based businesses are impacted negatively too.

Businesses (whether they are commercial retailers, service providers or farmers) in Warrumbungle Shire are not able to compete with established NBN communities for the provision of services without reliable communications. A number of businesses

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across the shire are being forced into the CBD or worse still into residential areas to access better communications.

Real estate agents in the shire report that among the first questions asked by potential residents and businesses relates to communications/NBN/internet reliability – a response that we have poor services is often met with rejection by the investor. The decision of a small business to close has a negative impact on the business community of the shire as people seek to purchase the goods or services from a regional centre - a domino effect occurs. This stifles progress and growth for the whole shire.

The progress and success of the Growing Local Economies Project to develop an Industrial Park of eight (8) commercial/industrial blocks to “onsell” to operators wishing to establish small business enterprises is still questionable. A number of approaches have been made to Council for industrial land and justifies the planned development, while at the same time other potential purchasers have enquired about access to IT and Digital Services for the area and once told this is not currently available have withdrawn their interest. This highlights the importance of a quality NBN service.

Options

Council can simply accept that access to quality NBN services will be provided in time (but note the NBN Project is due for completion 2020)

Or, Council can continue to press State and Federal Governments for better NBN services for our communities. This could be staged and undertaken through lobbying via a strategy including the following actions:

- A meeting with the Member for Parkes for clarification on actions to date;
- The preparation and analysis of a survey which identifies the needs of the community to establish the parameters for a quality service, and;
- Development of a plan for a regular letter writing campaign to the Local Member by Council and by residents.

A lobbying strategy for improving NBN services is currently being prepared.

Financial Considerations

Nil

RECOMMENDATION

That Council note the report on NBN services to the Warrumbungle Local Government Area.

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Item 22 Development Applications

Division: Development Services

Management Area: Regulatory Services

Author: Acting Manager Property and Risk – Kelly Dewar

CSP Key Focus Area: Rural and Urban Development

Priority / Strategy: RU 4 – The attractiveness appearance and amenity of our towns and villages need to be improved

Development Applications (i) Approved – October 2018

Development Application / Complying Development	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type Of Development	Stop the Clock Referral Days
DA36/2018	06/09/2018	24/10/2018	Uniplan Group Pty Ltd	353 Albert Wright Road	Rocky Glen	Installation of manufactured dwelling	42
DA42/2018	04/10/2018	19/10/2018	George Giovas	11 Homeleigh Drive	Coonabarabran	New rural garage / shed	0
DA43/2018	15/10/2018	18/10/2018	Mendooran Preschool Incorporated	Cobra Street	Mendooran	New carport	0
DA45/2018	15/10/2018	25/10/2018	Graeme MacPherson	19 Namoi Street	Baradine	Boundary adjustment and New residential garage / shed	0
DA47/2018	19/10/2018	26/10/2018	Gustaff and Catharina Kohn	14 Castlereagh Avenue	Binnaway	New carport	0

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DA52/2018	25/10/2018	26/10/2018	Sam Nash	6-8 Martin Street	Coolah	Chillers – shipping containers	0
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*Development from the January 2013 Wambelong Bushfires

^ Development from the February 2017 Sir Ivan Bushfires

RECOMMENDATION

That Council notes the Applications and Certificates approved during October 2018, under Delegated Authority.

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Item 23 Reports to be Considered in Closed Council

Item 23.1 Castlereagh Family Day Care

Division: Corporate and Community Services

Author: Acting Director Corporate and Community Services –
Louise Johnson

Summary

The purpose of this report is to provide Council with information in response to a complaint received by Family Day Care Educators serviced by Castlereagh Family Day Care..

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

The item relates to personnel matters concerning particular individuals (other than councillors) and is classified **CONFIDENTIAL** under section 10A(2)(a) of the Act, which permits the meeting to be closed to the public for business relating to the following:

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

RECOMMENDATION

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

Item 23.2 Coonabarabran Administration Building

Division: Development Services

Author: Acting Manager Property and Risk – Kelly Dewar

Summary

The purpose of the Boral Quarry report is to provide information in relation to the Coonabarabran Administration Building roof, costs to rectify and building code and fire safety issues

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

The item relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and is classified **CONFIDENTIAL** under sections 10A(2)(g) of the Act, which permits the meeting to be closed to the public for business relating to the following:

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

RECOMMENDATION

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

Item 23.3 Three Rivers Regional Retirement Community Information Report

Division: Development Services

Author: Director Development Services – Leeanne Ryan

Summary

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

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

The item relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and is classified **CONFIDENTIAL** under sections 10A(2)(g) of the Act, which permits the meeting to be closed to the public for business relating to the following:

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

RECOMMENDATION

That the Three Rivers Regional Retirement Community Information Report – July 2018 be referred to Closed Council pursuant to section 10A(2)(c), (g) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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FURTHER that Council resolve:

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