



Ordinary Council Meeting

Agenda

17 September 2020

**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, 17 September 2020 commencing at 5:00 pm.**

Mayor: Cr Denis Todd

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

Please note:

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Council's Vision Excellence in Local Government

Mission Statement

We will provide:

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

Values

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

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

AGENDA

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

Turn Off Mobile Phones

Audio Recording of Council Meetings

Apologies/Leave of Absence

Confirmation of Minutes

20 August 2020

Disclosure of Interest

Pecuniary Interest

Non Pecuniary Conflict of Interest

Mayoral Minute/s

Delegate Report/s

Reports of Committees

Reports to Council

Notices of Motion/Questions with Notice/Rescission Motions

Reports to be considered in Closed Council

Conclusion

.....
ROGER BAILEY
GENERAL MANAGER

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

INDEX

Item 1 Nominations for and Election for Position of Mayor for the Period 2020 to 2021 ... 6	
RECOMMENDATION	12
Item 2 Nominations for and Election for Position of Deputy Mayor for the Period 20-21.13	
RECOMMENDATION	14
Item 3 Delegations of Authority to the Mayor and Deputy Mayor	15
RECOMMENDATION	16
Item 4 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 11 August 2020 to 8 September 2020	18
RECOMMENDATION	19
Item 5 Councillors' Monthly Travel Claims – August 2020	20
RECOMMENDATION	21
Item 6 Minutes of Local Emergency Management Committee Meeting – 17 August.....	22
RECOMMENDATION	24
Item 7 Minutes of TRRRC 355 Advisory Committee Meeting – 26 August 2020.....	25
RECOMMENDATION	26
Item 8 National Local Roads and Transport Congress	27
RECOMMENDATION	28
Item 9 2020 Local Government NSW Annual Conference Motions.....	29
RECOMMENDATION	30
Item 10 Code of Conduct.....	31
RECOMMENDATION	34
Item 11 Council Resolutions Report	35
RECOMMENDATION	35
Item 12 Revotes and High Value Projects Report.....	36
RECOMMENDATION	36
Item 13 Delivery Program Progress Report – 30 June 2020.....	37
RECOMMENDATION	37
Item 14 Records Management Review.....	38
RECOMMENDATION	42
Item 15 Completion of Annual Financial Statements 2019/20 as at 30 June 2020.....	43
RECOMMENDATION	48
Item 16 Investments and Term Deposits – month ending 31 August 2020	49
RECOMMENDATION	54

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 17 Lifeguards for School Based Activities	55
RECOMMENDATION	56
Item 18 Streetlight Upgrade to LED Technology.....	57
RECOMMENDATION	59
Item 19 Tender for Maintenance Grading of Unsealed Public Roads	60
RECOMMENDATION	61
Item 20 Regional Roads Transfer and Reclassification	62
RECOMMENDATION	65
Item 21 Funding for Binnaway and Mendooran Sewage Schemes.....	66
RECOMMENDATION	68
Item 22 Building and Development Certifiers Act 2018.....	69
RECOMMENDATION	73
Item 23 Coonabarabran Industrial Land – September 2020 Update	74
RECOMMENDATION	77
Item 24 Development Applications	78
RECOMMENDATION	78
Item 25 Notice of Motion – Quarry and cost of imported road base	79
Item 26 Reports to be Considered in Closed Council	80
Item 26.1 Organisational Development Monthly Report – August 2020.....	80
RECOMMENDATION	80
Item 26.2 Three Rivers Regional Retirement Community Information	80
RECOMMENDATION	81
Item 26.3 Used Oil Collection – Netwaste Tender Process.....	81
RECOMMENDATION	81
Item 26.4 Tender for Construction of a Rural Fire Service Brigade Station Weetaliba...81	
RECOMMENDATION	82
Item 26.5 Tender for the Supply and Delivery of Bitumen Sealing Aggregates.....	82
RECOMMENDATION	83
Item 26.6 Mayoral Minute – Annual Performance Review – General Manager.....	83
RECOMMENDATION	83

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 1 Nominations for and Election for the Position of Mayor for the Period 2020 to 2021

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

Reason for Report

Council is required to elect a Mayor. This report provides the procedure for the election of Mayor for the coming 12-month period.

Background

With the deferral of local government elections for 12 months as a result of the COVID-19 pandemic the election of Mayor is required for the 12 month period 2020 to 2021. Where the Mayor is elected by the councillors the Council is required to elect a Mayor to preside over the Council for the ensuing two-year period.

Section 290(1)(a) of the Act requires the election of the mayor to be conducted at a meeting in September when it is not the first election after an ordinary election of councillors.

290 When is an election of a mayor by the councillors to be held?

(1) The election of the mayor by the councillors is to be held:

- (a) if it is the first election after an ordinary election of councillors – within 3 weeks after the ordinary election, or*
- (b) if it is not that first election or an election to fill a casual vacancy – during the month of September, or*
- (c) if it is the first election after the constitution of an area – within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or*
- (d) if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors – within 14 days after the appointment or election of the councillors.*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

(2) If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.

(3) For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned.

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

The role of the Mayor is outlined by section 226:

- (a) to be the leader of the council and a leader in the local community,*
- (b) to advance community cohesion and promote civic awareness,*
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,*
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,*
- (e) to preside at meetings of the council,*
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,*
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,*
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,*
- (i) to promote partnerships between the council and key stakeholders,*
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,*
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,*
- (l) to carry out the civic and ceremonial functions of the mayoral office,*
- (m) to represent the council on regional organisations at inter-governmental forums at regional, State and Commonwealth level,*
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

(o) to exercise any other functions of the council that the council determines.

The Mayoral Fee presently paid by Warrumbungle Shire Council is \$26,530 pa, plus \$12,160 pa Councillor Fee totalling \$38,690, plus business use of a motor vehicle.

Nominations

Nominations are now invited for the Office of Mayor for the 2020 to 2021 term (until September 2021). The elections of Mayor of Warrumbungle Shire Council must be held in accordance with Schedule 7 of the *Local Government (General) Regulation 2005* and Council's Code of Meeting Practice.

In accordance with section 227(a) of the *Local Government Act 1993* the Mayor of Warrumbungle Shire Council is elected by the councillors from among their number.

Schedule 7 of the *Local Government (General) Regulation 2005* sets out the procedures for the election of Mayor:

1. Returning Officer

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

2. Nomination

(1) A councillor may be nominated without notice for election as Mayor.

(2) The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

(3) The nomination is to be delivered or sent to the Returning Officer.

(4) The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

3. Election

(1) If only one councillor is nominated, that councillor is elected.

(2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

(3) The election is to be held at the council meeting at which the council resolves on the method of voting.

(4) In this clause:

“ballot” has its normal meaning of secret ballot.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

“open voting” means voting by a show of hands or similar means.

4. Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5. Marking of Ballot-Papers

(1) If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with clauses 345(1)(b)-(c) and 345(6) of the Local Government (General) Regulation 2005 as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

6. Count – 2 Candidates

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7. Count – 3 or more Candidates

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

8. Application of Part

This Part applies if the election proceeds by preferential ballot.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

9. Ballot-Papers and Voting

- (1) *The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.*
- (2) *The formality of a ballot-paper under this Part is to be determined in accordance with clauses 345(1)(b)-(c) and 345(5) of the Local Government (General) Regulation 2005 as if it were a ballot-paper referred to in that clause.*
- (3) *An informal ballot-paper must be rejected at the count.*

10. Count

- (1) *If a candidate has an absolute majority of first preference votes, that candidate is elected.*
- (2) *If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.*
- (3) *A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voters’ preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.*
- (4) *In this clause “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted ballot-papers.*

11. Tied Candidates

- (1) *If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal – the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*
- (2) *If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes – the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

12. Choosing by Lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13. Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and*
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of NSW.*

Notes:

- (i) Nomination forms for the position of Mayor and Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for 17 September 2020 OR at this Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Warrumbungle Shire have varied in the past, having been conducted by ordinary ballot and by open voting. Previous elections during this term voting was conducted under the Open Voting system.

Nomination forms for the position of Mayor are coloured **BLUE** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The Returning Officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 290 (1)(b) of the *Local Government Act 1993* requires Council to hold the election for the position of Mayor by the Councillors during the month of September. By virtue of this report and the recommendation is contained therein, Council will have satisfied its requirements under the Act.

Issues

Nil

Options

Nil

Financial Considerations

Nil

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Community Engagement

To inform the community.

Attachments

1. Nomination Forms (BLUE)
2. OLG Circular 20-29 September 2020 Mayoral Elections

RECOMMENDATION

That Council:

1. Note the report on the nominations for and election for the position of Mayor for the 12-month period to September 2021;
2. Determine the method of voting for the position of Mayor;
3. Proceed to hold the election for the position of Mayor for the 2020 to 2021 term

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 2 Nominations for and Election for the Position of Deputy Mayor for the Period 2020 to 2021

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

Summary

Council may elect a Deputy Mayor. This report provides the procedure for the election of the Deputy Mayor, if so decided, for the coming two-year period.

Background

Councillors may elect one from their number to be the Deputy Mayor. The person may be elected for the Mayoral term or a shorter one (*Local Government Act 1993 s 231*).

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

Warrumbungle Shire Council in the past has elected a Deputy Mayor for the same term as the Mayor.

The procedure for the election of Deputy Mayor is the same as the procedure for the election of Mayor.

Additional fees, if any, for holding the position of Deputy Mayor are to be deducted from payments to the Mayor. No fees are presently paid by Warrumbungle Shire Council for the holder of the position of Deputy Mayor.

Nomination forms for the position of Deputy Mayor are coloured green and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The Returning Officer will call for final lodgement of nominations at this meeting. After the final call for nominations, the Returning Officer will announce the names of nominee(s). If necessary an election will then be conducted.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Section 231 of the *Local Government Act 1993* provides that the councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term. It has been common practice at Warrumbungle Shire Council for the position of Deputy Mayor to be the same length of time as the position of Mayor as determined in Section 231(2) of the *Local Government Act 1993*.

Issues

Nil

Options

Nil

Financial Considerations

Nil

Community Engagement

To inform the community.

Attachments

1. Nomination Forms (GREEN)

RECOMMENDATION

That Council:

1. Note the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolve that a Deputy Mayor is to be elected from its number for the Mayoral term;
3. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and
4. Determines the fee that is to be paid to the Deputy Mayor, if any.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 3 Delegations of Authority to the Mayor and Deputy Mayor

Division:	Executive Services
Management Area:	Governance
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 update the alignment for the Mayor's and Deputy Mayor's delegations.

Background

Section 226 of the *Local Government Act 1993* (NSW) outlines the role of the Mayor. Section 226 provides:

226 Role of Mayor

The role of the mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,*
- (b) to advance community cohesion and promote civic awareness,*
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,*
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,*
- (e) to preside at meetings of the council,*
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,*
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,*
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,*
- (i) to promote partnerships between the council and key stakeholders,*
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,*
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,*
- (l) to carry out the civic and ceremonial functions of the mayoral office,*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,*
- (o) to exercise any other functions of the council that the council determines.*

In addition to the role described by section 226 Council may delegate additional functions to the Mayor. Warrumbungle Shire Council has chosen to provide additional delegations to the Mayor.

Options

Nil

Financial Considerations

Nil

Community Engagement

To inform the community.

Attachments

Nil

RECOMMENDATION

That Council:

1. Notes that the Mayor holds the following functions under section 226 of the *Local Government Act 1993*:
 - a) to be the leader of the council and a leader in the local community,
 - b) to advance community cohesion and promote civic awareness,
 - c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
 - d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
 - e) to preside at meetings of the council,
 - f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
 - g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
 - h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
 - i) to promote partnerships between the council and key stakeholders,

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

- j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
 - k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
 - l) to carry out the civic and ceremonial functions of the mayoral office,
 - m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
 - n) in consultation with the councillors, to lead performance appraisals of the general manager,
 - o) to exercise any other functions of the council that the council determines.
2. Delegates the following additional functions and delegations to the Mayor:
- a) to approve leave for the General Manager,
 - b) to respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council,
 - c) approve attendance by elected members at conferences and seminars etc. within NSW and the ACT to a maximum of three (3) days and within budget provisions,
 - d) authorise urgent works up to an amount of \$50,000 where budget funds are available and report that approval to the next Council meeting,
 - e) promote the area of Council through representations, functions and personal approaches,
 - f) use of a corporate credit card to a maximum of \$5,000.
3. Delegates the following function and delegation to the Deputy Mayor:
- If the mayor is prevented by illness, absence or otherwise from exercising their function then subject to the requirements of the *Local Government Act 1993* the Deputy Mayor be authorised to exercise and perform on behalf of the Council the powers, authorities, duties or functions with Council has delegated to the Mayor.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 4 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 11 August 2020 to 8 September 2020

MAYORAL MINUTE - MAYORS ACTIVITY

<u>Date</u>	<u>Type</u>	<u>In/Out</u>	<u>Activity</u>
11-Aug	Teleconference	Out	Newell Highway Task Force
12-Aug	Meeting	Out	Baradine Showground Trust Meeting
	Letter	In	The Hon John Barilaro MP - Funding and support for regional communities
	Letter	In	The Hon. Sam Farraway MLC - Emergency Services Levy (ESL)
14-Aug	Coonabarabran	Out	Paperwork at Coonabarabran office
16-Aug	Meeting	Out	Gorrianawa Fire Brigade Meeting
18-Aug	Teleconference	Out	Inland Rail Meeting
	Phone call	In	Councillor Lewis re roads
19-Aug	Meeting	Out	Baradine Showground Trust meeting - special meeting to discuss DA's
	Phone call	Out	Councillor Lewis re roads
	Letter	In	Murray Darling Associations 76th National Conference and General Meeting
20-Aug	Council Meeting	Chaired	Coonabarabran Council Chambers
24-Aug	Inspections	Out	Underwoods Lane, Elstow Road, Hedge Road, Eastburns Road
26-Aug	Funeral	Out	Percy Milsom's
	Inspections	Out	Wangmanns Road
	Letter	In	The Hon Mark Coulton MP - response to COVID-19 and impact on local government
2-Sep	Inspections	Out	Greenaune's Road, Indians Lane and Aerodrome Road
5-Sep	Social	Out	Tour De Gorge Bike Race
	Social	Out	Coonabarabran Race Club Meeting
	Phone call	Out	Councillor Doolan - Mayoral Elections
6-Sep	Phone call	Out	Councillor Capel - Mayoral Elections
	Phone call	Out	Councillor Hill - Mayoral elections
	Phone call	Out	Councillor Doolan - Mayoral Elections
8-Sep	Phone call	Out	Councillor Lewis - Mayoral elections
	Phone call	Out	Ron Bowman re visit to Dunedoo
	Phone call	Out	Peter Colley re visit to Dunedoo
	Phone call	Out	Mitch Evans re DA for Baradine Showground
	Email	In	Plans from Mitch Evans for shed
	Phone Call	In	Peter Wasley re DA for house in Kenebri
8-Sep	Coonabarabran	Out	Paperwork at Coonabarabran office
	Meeting and Inspections	Out	In Dunedoo regarding roads and other projects

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Date of Journey		Purpose of Journey	Odometer		KM Travelled
Start Date	End Date		Start	Finish	
11-Aug	11-Aug	GM Review	56272	56385	113
12-Aug	12-Aug	Baradine Showground Trust Meeting	56385	56396	11
14-Aug	14-Aug	Coonabarabran Office	56396	56514	118
16-Aug	16-Aug	Gorriananwa bushfire brigade meeting	56514	56544	30
18-Aug	18-Aug	Inland Rail Meeting - Teleconference	56544	56687	143
19-Aug	19-Aug	Baradine Showground Trust Meeting	56687	56708	21
20-Aug	20-Aug	Council Meeting - Coonabarabran	56708	56816	108
24-Aug	24-Aug	Inspection of Roads - Underwoods Road, Elstow Road, Eastburns Road and Hedge Road	56816	56930	114
26-Aug	26-Aug	Coonabarabran - TRRRC Meeting teleconference	56930	57039	109
27-Aug	27-Aug	Percy Milsom Funeral	57039	57180	141
2-Sep	2-Sep	Inspection of Roads - Greenaune's Road, Indian Lane, Cumbil Lane and Aerodrome Road	57180	57256	76
8-Sep	8-Sep	Inspection of Roads – Dunedoo and meetings with residents re projects	57256	57615	359
Total KM travelled for period 11/08/2020 - 08/09/2020					1,343

MAYORAL MINUTE - EXPENSES 8 August 2020 to 7 September 2020

<u>Date</u>	<u>Transaction Details</u>	<u>Comments</u>	
31-Aug	LG NSW Water Conference - refund	No longer attending Conference	-550
Total amount for period 8/07/2020 - 7/08/2020			-550

RECOMMENDATION

That Council:

- Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 11 August 2020 to 8 September 2020.
- Notes the report on the Mayor's credit card expenses between 8 August 2020 and 7 September 2020 and approves the refund totalling \$550.00.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 5 Councillors' Monthly Travel Claims – August 2020

Division:	Executive Services
Management Area:	Governance
Author:	Executive Assistant to the General Manager – Erin Player
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 August 2020.

Background

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

Councillor Monthly Travel Claims

Councillor	Kilometres	\$ per KM	Total Amount (\$)
Cr Shinton	96	0.78	\$74.88
Cr Todd	-	0.78	-
Cr Brady	-	0.78	-
Cr Capel	-	0.78	-
Cr Clancy	-	0.68	-
Cr Doolan	-	0.78	-
Cr Hill	220	0.68	\$149.60
Cr Iannuzzi	-	0.78	-
Cr Lewis	378	0.78	\$294.84
Total:			\$519.32

Issues

Nil.

Options

Nil.

Financial Considerations

Outlined above.

Community Engagement

To inform the community.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Attachments

1. Councillors Monthly Travel Claims

RECOMMENDATION

That the Councillors' monthly travel claims report in the amount of \$519.32 is noted.

WARRUMBUNGL SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 6 Minutes of Local Emergency Management Committee Meeting – 17 August 2020

Division:	Technical Services
Management Area:	Technical Services Management
Author:	Emergency Services Co-ordinator – Phil Southwell
CSP Key Focus Area:	Our Natural Environment
Priority:	P12 The long-term wellbeing of our communities is supported by ongoing provision of high quality health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management

PRESENT: Kevin Tighe (Chairperson) (LEMO), David Maher (LEOCON), Chris Duce (HSM Coonabarabran), Corey Philip (RFS Coonabarabran), *Tom Cooper (F&R NSW Tamworth), *Anthony Hojel (F&R NSW Dubbo), Kel Wise (REMO Dubbo), Rod Coombes (VRA Coonabarabran), *Steve Gilbert (VRA Coolah), *Leanne Williams (VRA Coolah), Rod Williams (VRA Coolah), *Dave Smith (SES Dunedoo), *Brigid Rice (SES Dubbo), Callen Thompson (LLS Coonabarabran), *Brad Size (F&R NSW Coolah) and Nik Stafford (SES Baradine).

* Attendance by teleconference.

IN ATTENDANCE: Phil Southwell (Minutes: WSC ESC).

APOLOGIES: Russell McArthur (Police Coonabarabran), Dave Hunter (NSW Ambulance), Brendon Mansell (Ambulance Baradine), Stuart Green (VRA Director of Operations) and Luke Milson (LLS Coonabarabran).

MINUTES OF PREVIOUS MEETING

The minutes for the previous meeting were available prior to the meeting and also at the meeting for all committee members. Minutes of 17 May 2020 accepted.

Minutes Accepted – Rod Coombes / Leanne Williams

BUSINES ARISING

1. Baradine Creek Bushfire Hazard (*item referred to RFS BFMC meeting*)
Corey Philip (RFS) indicated that it was a riparian area and thus cannot be burnt. The areas at the top of the bank are private property and owners are responsible to keep any fire hazards to a minimum including Council land behind the pool.
2. Letter of appreciation for Baradine Emergency Information Hub. Inspector David Maher indicated that due to CV-19 restriction this task has been postponed.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

3. A request from David Hunter (Ambulance) that Rural Address numbers are not being maintained by some property owners. Council released a media notice both on Council's web page and facebook asking rural residents to ensure that numbers were visible from the road.

AGENDA ITEMS

1. Contact Lists – *distributed at meeting and also via email for any updates.*
2. REMO Report – *Kel Wise provided a written report (previously attached). A presentation on CV-19 and Evacuation Centres will follow the main part of the meeting.*
3. Events – *summary of events within the Shire*

Date	Event	Location	Comments
25/10/20	Coona Cup	Coonabarabran	Limited to 1,000 people with certain restrictions.
23/08/20	Rugby Gala Day	Coonabarabran	Two sessions of 500 junior football players kept separate and only one (1) adult per child.

4. Rural Addressing
 - (i) The incorporation of the localities (suburbs) of Wattle Spring, Tannabar, Box Ridge, Napier Lane and part of Dandry into Coonabarabran locality has been completed.
5. Exercise Starship Enterprise

The recommendations from the exercise were listed at an earlier meeting.

The revision of the Emergency Management (EM) Plan is progressing. A revised Draft EM Plan has been sent out to the Committee for comments and corrections.

Part of the plan included an update of Evacuation Centres within the Shire. Inspector David Maher indicated that Police were still progressing on this and further to this, a new criterion of assessing CV-19 compliance of Evacuation Centres will also require further inspections and investigation. (REMO Presentation from SEMC).
6. A request from Council's Environmental Compliance Officer that fire agencies that suspected any house fire having asbestos to report this to Council thus ensuring no risk to public health.

GENERAL BUSINESS

1. Corey Philip (RFS) reported that the Pre-Season Briefing for the new fire season will be on Thursday 10 September at 10.30am at the Castlereagh Fire Control Centre. Limit of 2 people per agency.
2. Kel Wise reported that at a meeting with Inland Rail the following information became available:

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

- The project will extend over 5 years
- Trains travel at 115kph and are double container height
- 10 trains per day increasing to 14 by 2025
- Will be 58 small bridges and 630 culverts
- Will require camps with a 500-person capacity
- Inland Rail will be engaging local LEMC

Following the main part of the meeting Kel Wise (REMO Dubbo) provided a presentation from SEMC regarding the implications of CV-19 on Evacuation Centres and how the Committee would manage an evacuation and comply with CV-19 measures at these locations.

CORRESPONDENCE

- REMO Report and presentation notice.
- Various emails on CV-19.

TASKS

1. Evacuation Centres – check CV-19 compliance and contacts (LEOCON).
2. Baradine Presentation (LEMC).

DATE OF NEXT MEETING

The next meeting will be held on Monday, 17 November 2020 at the Coonabarabran Council Chambers via Blue Jeans teleconference – Meeting ID 223 875 892.

MEETING CONCLUDED

As there was no further business the formal part of the meeting concluded at 8.45 pm.

RECOMMENDATION

That Council notes the minutes from the Local Emergency Management Committee held on 17 August 2020 at Coonabarabran.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 7 Minutes of TRRRC 355 Advisory Committee Meeting – 26 August 2020

Division:	Development Services
Management Area:	Property and Risk
Author:	Acting Manager Property and Risk – Kelly Dewar
CSP Key Focus Area:	Local Economy
Priority:	LE4 There are diverse products and services locally available and minimal economic leakage to larger regional areas

MEETING OPENED: 3.30pm

PRESENT: Cr Denis Todd, Cr Anne-Louise Capel, Sue Stoddart, Sally Dent, Alice Mayes, Fiona Luckhurst

ATTENDING: Roger Bailey (*General Manager*), Leeanne Ryan (*Director Development Services*), Kelly Dewar (*PA to Director WSC*) and Darren Devenish (*Building Certifier WSC*)

APOLOGIES: Cr Wendy Hill, John Horne

CAPEL/STODDART

1. **DECLARATION OF PECUNIARY OR NON PECUNIARY INTEREST**

None.

2. **ACCEPTANCE OF THE MINUTES 16 December 2019.**

RECOMMENDATION: That minutes of the Three Rivers Regional Retirement Community S355 committee meeting on 16 December 2019 be accepted

CAPEL/MAYES

3. **BUSINESS ARISING**

Sue Stoddart asked for an update on whether Brian Murnane from St Vincent de Paul had been contacted by Council.

The committee sought confirmation that letters had been sent to Mary Warren and Neville Stanford thanking them for their contribution to the committee.

4. **TRRRC UPDATE** – Director Environment and Development Services provided an update on the project.

RECOMMENDATION: That the TRRRC Update report be received and noted.

STODDART/CAPEL

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

RECOMMENDATION: That Council develop a strategy to plant the trees in Dunedoo that were propagated for TRRRC.

LUCKHURST/STODDART

RECOMMENDATION: That Council organise a meeting between the local State and Federal members and TRRRC Committee to discuss moving forward with the project.

DENT/STODDART

5. NEW BUSINESS

The committee sought media to be released to update the community on the project. It was agreed that Council would issue a media release providing an update on the project.

The fence around the site was discussed. It was suggested that Council should replace the fence with a permanent fixture. It was previously stated that the design for a sound proof fence may need to be reconsidered; depending on the future of the site.

6. NEXT MEETING: TBC

MEETING CLOSED: 4.28pm

RECOMMENDATION

That Council:

1. Accepts the minutes of the Three Rivers Regional Retirement Community S355 Committee meeting held via teleconference 26 August 2020.
2. Develop a strategy to plant the trees in Dunedoo that were propagated for TRRRC.
3. Organise a meeting between the local State and Federal members and TRRRC Committee to discuss moving forward with the project.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 8 National Local Roads and Transport Congress

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

Reason for Report

To seek the appointment of participants to attend the National Local Roads and Transport Congress to be held in Wagga Wagga from 16 to 18 November 2020.

Background

The Australian Local Government Association (ALGA) was founded in 1947 and, in 1976, established a secretariat in Canberra reflecting growing links with the Australian Government and an awareness of local government's emerging national role. The ALGA is the national voice of local government, representing 537 councils across the country and exists in a federation of state and territory local government associations.

Each year the ALGA has two major conferences the National General Assembly for Local Government and the National Local Roads and Transport Congress. Over the past 12 months, Australia has been impacted by widespread drought, devastating bushfires, and the deadly Covid-19 pandemic.

In the midst of these catastrophes, ALGA was forced to cancel its annual National General Assembly for Local Government – the premier forum for the tier of government that is closest to the Australian community.

This year the ALGA has expanded its National Local Roads and Transport Congress to encompass other issues including; natural disaster impacts, recovery and resilience, and the coronavirus pandemic.

The Conference is to be held in Wagga Wagga from 16 to 18 November 2020.

The Conference is being held on both an onsite attendee and virtual attendee basis. Due to COVID-19 onsite registrations are being limited to 150 attendees.

Issues

Nil

Options

Nil

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Financial Considerations

Delegate registration for the Conference is \$989 per onsite participant and \$450 for a virtual attendee. Council's Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors provides for the attendance at the Conference of two councillors and the General Manager. Unless requested by Council the General Manager is not proposing to attend.

Community Engagement

To inform the community.

Attachments

1. Conference Program

RECOMMENDATION

That Council:

1. Note the report in relation to the National Local Roads and Transport Congress; and
2. Appoint participants to attend the Congress.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 9 2020 Local Government NSW Annual Conference Motions

Division:	Executive Services
Management Area:	Governance
Author:	Executive Assistant to the General Manager – Erin Player
CSP Key Focus Area:	Local Government 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 Local Government NSW 2020 Annual Conference has been changed to a virtual event held on Monday 23 November 2020 to meet COVID-19 health and safety requirements. Motions will still be submitted as well as registering for voting delegates. The call for draft motions has opened to all members to submit their motions to be considered at the Conference.

Background

Council is entitled to one voting delegate attending the Conference. Members are invited members to submit their motions for possible debate by Monday 28 September 2020. The latest date motions will be accepted for inclusion in the Conference Business Paper is midnight Sunday 25 October 2020.

Criteria for motions are included in Attachment 1, LGNSW Annual Conference 2020 Motions Submission Guide. Motions should be:

1. consistent with the objects of the Association (see Rule 4 of the Association's rules);
2. relate to local government in NSW and/or across Australia;
3. concern or are likely to concern local government as a sector;
4. seek to advance the local government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. When submitting motions members are encouraged to be familiar with the LGNSW Policy Platform (Attachment 2).

Note: No draft motions have been submitted.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Issues

Nil

Options

Council's Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors provides for the General Manager plus up to three (3) to attend the LGNSW Conference.

Financial Considerations

The registration price for the online event has been reduced to \$66 (including GST) per delegate.

Community Engagement

To inform the community.

Attachments

1. LG NSW Annual Conference 2020 Motions Submission Guide
2. LGNSW Policy Platform

RECOMMENDATION

That Council:

1. Note the report on the 2020 Local Government NSW Annual Conference Motions;
2. Appoint the Mayor as Council's delegate to participate in the LGNSW Annual Conference; and
3. Nominate Councillors to participate in the conference as observers.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 10 Code of Conduct

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

Reason for Report

To inform Council of recent changes to the Model Code of Conduct and update Warrumbungle Shire Council's Code of Conduct.

Background

On 7 August 2020, the NSW Government issued the Model Code of Conduct for Local Councils in NSW 2020, along with the new Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020, which replace the 2018 iterations.

The Model Code sets the minimum conduct standards for council officials, aiming to assist council officials to:

- understand and comply with the standards of conduct expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence
- act in a way that enhances public confidence in local government.

The Model Code and Model Procedure updates come as part of the State Government's commitment to improving the integrity, transparency and accountability of the local government sector.

Pursuant to sections 440(5) and 440AA(5) of the Local Government Act 1993 the Model Code and Model Procedure are binding on local government officials.

The key changes to the Model Code and Model Procedure are outlined below:

➤ Amended definitions

Two amendments have been made to definitions provided in the Model Code and also in the Model Procedure:

- the definition of 'council committee' has been amended to include the council's audit, risk and improvement committee
- the definition of 'council committee member' has been expanded to include a person other than a councillor who is a member of the council's audit, risk and improvement committee.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

➤ **Harassment and discrimination**

A number of the grounds on which harassment and discrimination occur have been refined so that the grounds listed under clause 3.6 of the Model Code now include “age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation”. The amending grounds replace the grounds of “domestic status”, “homosexuality”, “disability”, “transgender status”, “infectious disease” and “carer’s responsibilities”, and expand the ground of “race”.

➤ **Personal benefit**

Two amendments have been made to Part 6 of the Model Code, which covers personal benefit:

- a reference to a gift or benefit in Part 6 has been amended to specifically not include “items with a value of \$10 or less” or “a benefit or facility provided by the council to an employee or councillor” (clause 6.2)
- clauses 6.8 to 6.11 have been amended to increase the monetary limit for gifts and benefits to be considered of token value from \$50 to \$100.

➤ **Compliance with the requirements under the Code Procedure**

The obligation for a councillor or general manager to comply with any council resolution requiring them to take action as a result of a breach of the Model Code has been removed. This obligation was previously found in clause 9.9.

➤ **Model Procedure**

A number of amendments to the Model Procedure come as a consequence of the decision in *Cornish v Secretary, Department of Planning, Industry and Environment* [2019]. In this case, in 2014 a complaint about Mr Cornish (a councillor on Penrith City Council) was referred to the Council’s conduct reviewer, who found that Mr Cornish had breached the Council’s Code of Conduct. The Council resolved that Mr Cornish should publicly acknowledge the findings, offer an unqualified apology, undertake not to make negative or derogatory comments and attend training within three months of the report. Mr Cornish failed to comply with the resolution. The matter was referred to the Office of Local Government which lodged an application with NCAT.

NCAT found that in failing to comply with the resolution, Mr Cornish had breached the Code, and subsequently suspended his pay for three months. Mr Cornish appealed on the basis that the Council did not have the statutory power to impose the disciplinary sanctions. The Court found that there was a delineation between the power to censure given to councils and the more expansive power of the Departmental Chief Executive and NCAT. The Council resolution purporting to exercise more expansive disciplinary powers was found to be beyond power under the legislation and could not be conferred by a code of conduct or procedural code. The Council resolution was therefore invalid and his failure to comply with the resolution could not form the basis of suspension.

➤ **The establishment of a panel of conduct reviewers**

The requirement for councils to take actions ‘by resolution’ has been removed from clauses 3.1, 3.2 and 3.10. The clauses now read:

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

- The council must establish a panel of conduct reviewers (clause 3.1).
 - The council may into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils (clause 3.2).
 - The council may terminate the panel of conduct reviewers at any time (clause 3.10).
- **Preliminary assessment of the code of conduct about councillors or the general manager by a conduct reviewer**
In relation to the investigation of alleged breaches of the Model Code by councillors or a general manager, clauses 6.22 and 6.23 of the Model Procedure have been amended to specifically refer to the “formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment...” as potential outcomes of an investigation.
- **Investigation and resolution of code of conduct complaints about councillors or the general manager**
Part 7 has been heavily amended following the decision of *Cornish* referred to above. The most significant amendments are:
- the recommendations that an investigator may make following a determination that the conduct alleged constitutes a breach of the code of conduct have been significantly limited (clause 7.37). Seven recommendation options have been removed, leaving just three
 - a new clause 7.39 has been inserted, providing that where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures
 - a new clause 7.45 has been added, providing that where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator’s report, the complaints coordinator must refer the investigator’s report to the Office for its consideration instead of reporting it to the council under clause 7.44
 - a new clause 7.59 has been added, providing that where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator’s findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- **Oversight and rights of review**
Part 8 has also been amended as a result of the decision in *Cornish*. Of particular note, clause 8.11 has been amended so that a councillor who is the subject of a sanction imposed under clause 7.58(c), being that they be formally censured under section 440G of the LG Act and that the matter be referred to the OLG for further action under the misconduct provisions of the LGA, is prevented from seeking a review of the investigator’s determination and recommendation.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Section 440 of the Act requires every council and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code. Failure by a councillor to comply with the standards of conduct prescribed under the Model Code constitutes misconduct for the purposes of the Act.

A number of amendments have been made in the context of the decision in Cornish.

Issues

Nil

Options

Nil

Financial Considerations

Nil at this stage.

Community Engagement

To inform the community.

Attachments

1. Office of Local Government Circular 20-32, Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures
2. Office of Local Government Model Code of Conduct 2020
3. Warrumbungle Shire Council draft updated Code of Conduct 2020

RECOMMENDATION

That Council adopts the Updated Draft Warrumbungle Shire Council Code of Conduct as outlined in Attachment 3.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 11 Council Resolutions Report

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

Options

Nil

Financial Consideration

Nil

Community Engagement

Level of Engagement - Inform

Attachments

1. Council Resolution Report

RECOMMENDATION

That the Council Resolution Report be noted for information.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 12 Revotes and High Value Projects Report

Division:	Executive Services
Management Area:	Governance
Author:	Executive Assistant to the General Manager – Erin Player
CSP Key Focus Area:	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 projects that Council has funded by revote and projects that are considered to be high value and potentially high risk.

Background

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

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

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

Issues

Nil

Options

Nil

Financial Considerations

As set out in the report.

Community Engagement

To inform the community.

Attachments

1. Revote Report
2. High Value High Risk Revotes

RECOMMENDATION

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 13 Delivery Program Progress Report – 30 June 2020

Division:	Corporate and Community Services
Management Area:	Governance
Author:	Manager Corporate Services – Jenni Maundrell
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 present the six (6) monthly Delivery Program Progress Report for the period 1 January 2020 to 30 June 2020 to Council for their information and endorsement.

Background

It is a requirement of section 404(5) of the *Local Government Act 1993* (NSW) and the Integrated Planning and Reporting Framework that regular progress reports are provided to Council with respect to the principal activities detailed in its Delivery Program. Progress reports must be provided at least every six months.

Issues

The attached report details Council's progress as at 30 June 2020 in carrying out and/or completing activities identified in the Delivery Program 2017/18 to 2020/21 adopted by Council at its Ordinary meeting of 15 June 2017 (Resolution 310/1617). The report highlights areas where progress is behind schedule and/or more action is required.

Options

Nil

Financial Considerations

Nil

Community Engagement

To inform the community.

Attachments

1. Delivery Program Progress Report – 30 June 2020

RECOMMENDATION

That Council endorses the Delivery Program Progress Report for the period 1 January 2020 to 30 June 2020.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 14 Records Management Review

Division:	Corporate and Community Services
Management Area:	Governance
Author:	Manager Corporate Services – Jenni Maundrell
CSP Key Focus Area:	Local Government and Finance
Priority:	GF4.1 Ensure that Council's governance practices, policies and procedures are continuously assessed and revised in reference to the long-term goals of the CSP

Reason for Report

The reason for this report is to update Council on the progress of improvements to Council's records management:

- With reference to the recommendations of the Office of Local Government's 'Section 430 Report',
- With reference to the *State Records Act 1988* (NSW) and the incorporation of standard templates for both Councillors and staff, provided by State Archives and Records, to ensure compliant record keeping is achieved by Council into the future thereby ensuring Council meets its obligations under that Act,
- Providing an overview of Council's new Information Technology, proposed upgrade of Council's electronic Records Management program (*infoXpert*), new hierarchy structure and capture of records predetermined and into read only drive that assist to ensure corporate records can only be deleted as part of the State Records approved 'destruction timelines', and
- Providing details of Council's Records Management implementation improvement plan (including training) and draft Policies and Procedures for Council's consideration.

Background

Previous to the Office of Local Government (OLG) s430 Report being issued, at the Ordinary Council meeting of 15 February 2018 Council resolved (278/1718):

"that for Councillors to comply with the State Records Act, by creating and capturing full and accurate records of business undertaken in the course of their official duties for council, as of June 2017 they will:

- *Keep a personal record of providing advice, instructions or recommendations;*
- *Keep drafts of documents for Council containing significant annotations or submitted for comment of approval by others;*
- *Use the Council iPads for correspondence received and sent relating to their work undertaken for Council;*
- *Use the Council iPads for correspondence, including emails;*
- *Forward to the Mayor or General Manager within 38 days any petition received from a community group;*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

- *Report to Council within 38 days any matters concerning a Councillor's pecuniary interests;*
- *Keep records of speech notes made for addresses given at official Council events, and*
- *Report to Council within 38 days complaints, suggestions or enquiries by rate payers about Council services."*

However, a formal records management policy for Councillors to support this resolution and provide organisational direction in its implementation was not developed.

In the s430 Report, the OLG closely examined Council's records management processes and recommended:

"3.5 Council examines its records keeping function and takes appropriate action to ensure that Council meets its responsibilities under the State Records Act 1998."

Further, the s430 Report made references to both Council staff and Councillors' records, including:

Extract from p6

"During the investigation, it became apparent that Council had failed to make and retain proper records relating to some matters. This report recommends that councillors and staff be reminded of their obligations under the State Records Act 1998."

Extract from p19

"78. In the circumstances where Council did not accept the first ranked tender, it would have been preferable for the councillors to have recorded their reasons more fully"

Extract from p51

"297. In this regard, OLG was informed that a former member of staff had returned IT equipment with the memory erased and that records of the work performed by the person had not been otherwise recorded and retained."

Issues

In accordance with the recommendation of the OLG, a thorough review of Council's recordkeeping policies, practices and systems for both Council staff and members of the elected body has been undertaken with a particular focus on those areas specifically mentioned by the OLG in the s430 Report. An improvement plan has been developed and reported to the OLG in response to the s430 Report.

The review firstly explored and identified the current status of Council's records management including Council's resolution (278/1718) at the 15 February 2018 Council Meeting.

Council's Current Records Management Policy and the need for additional Policy Adoption

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Council's existing *Records Management Policy* (Attachment 1) is a management policy, endorsed by MANEX on 14 May 2014. The policy applies to staff, contractors and consultants in their conduct of Council business. There is not currently an endorsed records management policy that applies to councillors to clarify the role of the organisation in assisting councillors to fulfil resolution 278/1718, and to codify councillors' statutory duties relating to recordkeeping.

Council's Records Management Systems and Infrastructure including storage

Before August 2020, Council's Information Technology (IT) file structure allowed for each individual staff member to make and maintain records in folders visible only to themselves, known as the C and the H Drives. It is this arrangement that the OLG refers to at Item 297 of the s430 report (see Background section of this report). During the week ending 21 August 2020 a new operating system, known as the Remote Desktop Server (RDS) was rolled out, together with new computers and laptops, across the organisation.

The C and H Drives are not included in the RDS, meaning that staff do not have the capacity to create personal files within the organisation's IT system. Importantly for sensitive documents, there are folders within the new structure that restrict access only to authorised users, such as restricted areas for Payroll and Organisation Development; folders that are restricted to staff at or above Manager level on the organisation structure; and folders restricted to members of the Executive Leadership Team (ELT). The file structure will be further refined in the coming months with the assistance of ELT.

Council uses the Magiq platform *infoXpert* as its electronic recordkeeping system. An upgrade to a more recent version of *infoXpert* is available and is included in the 2020/21 Operational Plan. This upgrade is scheduled to be completed by the end of the calendar year 2020, and will provide a range of improvements to usability, functionality and system performance including integration with MS Office, enhanced search features, streamlined delegation of tasks, and new reporting capabilities. *InfoXpert* captures full version control, associate's documents, records the completion of tasks including the requirement for a comment to be made about the task and actions taken, and allows for retention and destruction dates to be set in line with State Records requirements.

Staff with Council computer access are able to log into and use *infoXpert*. Further, individual users are able to save emails directly to *infoXpert* via Outlook. Individual users are responsible for ensuring any correspondence they send or receive that bypasses general Council records, such as emails sent to individual email addresses and not info@warrumbungle.nsw.gov.au is duly captured in *infoXpert*. To support staff in taking responsibility for fully capturing their own records, *infoXpert* training was provided for all administration staff, supervisors, managers and the Executive Leadership Team in May 2019; regular internal communication about recordkeeping commenced in June/July 2020 via the staff newsletter and the ELT/Managers/Supervisors monthly meeting; and the Team Leader Customer Service Coonabarabran is providing a series of informal training sessions delivered to staff that responded to a call for expressions of interest in the training. Furthermore, Corporate Services is available to provide coaching in the use of *infoXpert* by request.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

The folder structure of *infoXpert* allows for restricted access files to be kept, including those relating to human resources and Executive Services. There is a folder in *infoXpert* for councillors' records to be stored. Access to that folder is restricted to the Executive Leadership Team, the Executive Assistant to the General Manager, Executive Services Administration Officer, and the system administrator/s (currently Manager Corporate Services and Team Leader Customer Service Coonabarabran).

There is a large volume of old records currently being stored at the Coonabarabran Depot, with some records from the Coolah office building also currently placed in the Coonabarabran office. Two items to note regarding storage of Council records are that the records storage area in the basement of the Coolah office building was inundated with stormwater in or around 2018. Records kept in the basement were moved while mould remediation works were carried out; some records were restored to the basement area and others were transferred to Coonabarabran. Secondly, there appears to be little or no order to the storage of records at the Coonabarabran Depot, with boxes placed in an ad hoc fashion.

Recent Actions

Council meetings, apart from sessions held in Closed Council, have been audio recorded, with the recording published to Council's website since August 2018. In December 2019, prior to the tabling of the s430 Report, Council resolved (250/1920):

“that Council seek to amend the Code of Meeting Practice to record all Ordinary Council meetings in their entirety. The recordings of the parts of the meeting that are held in closed council are only to be made available to councillors and those present in the closed council.”

This resolution addresses point 78 of the s430 Report (see 'Background') by ensuring Councillors have access to recordings of all discussions held in Council meetings, enhancing the records available in Council meeting minutes.

The review of records management, and the improvement plan reported to the OLG, identified the need to update and expand on Council's records management policies. A suite of records management documents has been drafted with reference to NSW Government's State Records which contains an extensive range of resources for the management of government records, that utilise expert subject knowledge. State Records provides template policies and procedures for councillor recordkeeping and these have been relied on to produce a draft Records Management for Councillor's Policy and draft Records Management for Councillors Procedure. Adopting these template documents helps to ensure consistency with other NSW councils in the approach to organisational support for Councillors' fulfilling resolution 278/1718 and meeting their obligations under the *State Records Act 1998*.

Furthermore, an overarching Records Management Strategy for Council has been drafted, which includes a time-lined action plan. These three documents are provided as attachments to this report. A reviewed Records Management Policy and Records Management Procedure (Management documents), also drafted with reference to templates available from State Records, were endorsed by ELT on 26 August 2020.

Further significant organisational actions to be undertaken include a systematic review and categorisation of old records, ensuring they are dealt with in accordance

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

with State Records 'General retention and disposal authorities: local government records' (GA39). Additionally, an audit of records, with reference to GA39, should be carried out to ensure full digitisation of Council records, in line with the National Archives and Records Administration strategic plan to transition to all-electronic record keeping by 31 December 2022.

Options

- Council endorse the draft *Records Management Strategy, Records Management for Councillors Policy* and *Records Management for Councillors Procedure* as presented with or without changes, or
- Determine not to endorse the documents.

Financial Considerations

Actions outlined in the report are within the currently budgeted Operational Plan.

Community Engagement

To inform the community.

Attachments

1. Council's *Records Management Policy* (Management Policy dated 2014).
2. Draft *Records Management Strategy*.
3. Attachment to draft *Records Management Strategy: Action Plan*.
4. Draft *Records Management for Councillors Policy*.
5. Draft *Records Management for Councillors Procedure*.

RECOMMENDATION

That Council:

1. Notes the information contained in the Records Management Review report.
2. Adopts the draft *Records Management Strategy* and *Records Management for Councillors Policy*.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 15 Completion of Annual Financial Statements 2019/20 as at 30 June 2020

Division:	Corporate and Community Services
Management Area:	Financial Services
Author:	Director Corporate and Community Services – Kim Parker
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

To seek Council endorsement of the Council's draft 2019/20 Financial Statements to allow Council's external auditors Prosperity Audit Services to commence the audit of Council's financial statements 2019/20 in conjunction with the Audit Office of NSW from 28 September 2020.

In this connection, Council is required to submit the draft Consolidated General Purpose Financial Statements (GPFS) and Special Purpose Financial Statements (SPFS) for 2019/20 to the auditors prior to commencement of the audit.

In accordance with legislation and accounting standards, Council is required to sign a declaration, (in each case), stating the following and to pass a resolution confirming the same. The signatories to this declaration are the General Manager, Council's Responsible Accounting Officer, the Mayor and one other Councillor.

It is expected that the audit of the Financial Statements will be signed off and be presented to the October or November meeting of Council. This will allow a representative of Prosperity Audit Services and the Audit Office of NSW to attend that meeting to present their report.

Issues

Summary Consolidated 2019/20 Financial Results

The Council's Draft GPFS (all funds) shows consolidated income from continuing operations for the 2019/20 financial year was \$43.848M (\$43.515M 2018/19) with expenses from continuing operations of \$40.786M (\$42.613M 2018/19). This resulted in an operating surplus from continuing operations of \$3.062M (\$0.902M 2018/19) including Capital Grants and Contributions and an operating deficit of \$1.133M (\$4.984M 2018/19) excluding capital grants and contributions.

The cash & investment balance as at 30 June 2020 has increased by \$0.621M from \$17.738M in 2018/19 to \$18.359M.

Below is a consolidated and fund wise summary of financial result (table 1):

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Table 1

Fund	Draft 2019/20 Net Operating Surplus (Deficit) \$'000	Draft 2019/20 Net Operating Surplus (Deficit) before capital grants \$'000	Net 2018/19 Operating Surplus (Deficit) \$'000	Net 2018/19 Operating Surplus (Deficit) before capital grants \$'000
General Fund	3,504 Surplus	(283) Deficit	709 Surplus	(3,814) Deficit
Water Fund	(565) Deficit	(828) Deficit	266 Surplus	(1,063) Deficit
Sewer Fund	123 Surplus	(22) Deficit	73 Surplus	(107) Deficit
Consolidated	3,062 Surplus	(1,133) Deficit	902 Surplus	(4,984) Deficit

Internal and External Cash Restrictions

Note 7(c) as attached to this report provides details of the various recommended internal and external restrictions, including uncompleted grant funded and council funded revotes, (resolved August 2020), that are included within the draft GPFS.

Asset Revaluations and Depreciation

Revaluation of Transport Infrastructure Assets

In accordance with Australian Accounting Standards, Council is required to revalue various asset classes at least once in every 5 years.

In order to comply with this requirement, Council engaged AssetVal, independent valuers, to revalue its transport infrastructure asset classes namely Roads, Bridges, Footpaths, Bulk earthworks and Stormwater Drainage. These asset classes were last revalued as at 30 June 2015.

The current replacement cost for these asset classes has been derived from a 2019/20 valuation survey undertaken by AssetVal Valuers. All assets are assigned useful lives except for bulk earthworks and are condition rated at the time of valuation, effective as at 30 June 2020.

For the revaluation Roads are split into pavement and surface with pavements components and into sealed and unsealed road pavements. A distinction is also made between road pavements on regional, local and urban. Roads also include causeways and kerb and gutter.

Bridges are split into components being bridges sub-structure, super-structure and deck and major culverts are also grouped with bridges. Stormwater drainage assets include both pits and pipes.

Provided below is a summary of the revaluations (Table 2):

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Table 2

Asset Classes	Post revaluation excluding found assets			Pre revaluation			Increase (decrease) in net carrying value \$'000
	Gross replacement cost (GRC) \$'000	Accumulated depreciation \$'000	Net carrying value \$'000	Gross replacement cost (GRC) \$'000	Accumulated depreciation \$'000	Net carrying value \$'000	
Roads	240,859	(47,128)	193,732	265,780	(64,528)	201,251	(7,520)
Bridges	64,097	(15,490)	48,606	57,258	(4,698)	52,560	(3,954)
Footpaths	9,233	(4,000)	5,233	6,571	(2,175)	4,396	837
Bulk earthworks	149,002	-	149,002	88,645	-	88,645	60,357
Stormwater Drainage	9,029	(3,836)	5,193	8,536	(3,788)	4,747	446
Total	472,220	(70,454)	401,766	426,790	(75,190)	351,600	50,166

Overall the revaluation has resulted in decrease in the net carrying values of roads and bridges asset classes, however, Council has sufficient credit balance available in the Revaluation Reserve from previous revaluations due to cover this and therefore there is no impact on the income statement.

Roads and bridges include found assets (Table 3) which were identified by Council staff during the revaluation exercise. These found assets were valued as follows as at 30 June 2020 by AssetVal and the applicable depreciation (*) was added as an operating expense:

Table 3

Component	Asset Class	GRC \$'000	Accumulated depreciation \$'000	Net carrying value \$'000	Annual depreciation \$'000
Causeways	Roads	14,383	(7,229)	7,154	180
Culverts	Bridges	6,734	(3,196)	3,538	84
Total		21,117	(10,425)	10,693	264 *

The revaluation will impact the depreciation expense for financial year 2020/21 and onwards, see Table 4 below are the details:

Table 4

Asset Classes	Depreciation expense post revaluation (applicable from 2020/21) \$'000	Actual depreciation 2019/20 (based on pre revaluation GRC) \$'000	Increase (decrease) with actual depreciation 2019/20 \$'000	Depreciation expense per 2020/21 budget \$'000	Increase (decrease) with budgeted depreciation 2020/21 \$'000
Roads	3,757	4,687	(930)	3,542	215
Bridges	696	471	225	382	314
Footpaths	144	147	(3)	137	7
Stormwater Drainage	113	111	2	110	3
Total	4,710	5,416	(706)	4,171	539

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Actual depreciation 2019/20 for roads and bridges includes depreciation of found assets as explained above. Revision in depreciation budget for the year 2020/21 will be undertaken as part of the 2020/21 first quarter budget review.

Tip remediation

Council has ceased to recognise tip remediation asset based on in-house review conducted during 2019/20 due to following factors:

- a) Capping/closure of cell in 5 years time i.e. in 2025 – Capping of waste cell(s) is being undertaken every year for the part of cell which has been used. The cost of capping is charged as operational expenditure on an as we go basis. Therefore, although the cell will be fully capped/closed in 5 years time it would be only that part of cell(s) that will be used in that year.
- b) Closure of Coonabarabran Waste Site – Based on recent survey/study conducted by Waste Services, it is estimated that the remaining life of Coonabarabran waste site is 45 years. However, Council is not aware of any obligation where Council has to restore/remediate the site at the end of 45 years. Council will be putting new cells and closing them as part of waste operations during the next 45 years as discussed above but will not be liable to restore the site at the end of useful life.

Accordingly, tip remediation asset and provision has been valued at nil as at 30 June 2020.

Three Rivers Regional Retirement Community (TRRRC)

There has been no change in the status of the TRRRC from 2018/19 and a contingency relating to possible legal claims has again been disclosed in the financial statements in line with last year as follows (Note 21(2)iii.):

“Council received funding from State and Federal governments to construct the Three Rivers Regional Retirement Community (TRRRC). After tendering the project, Council engaged a contractor to undertake the construction of the facility. The contract with the contractor was terminated on 2 August 2018 due to default of contract. The contractor has listed the matter for consideration through the Supreme Court, which is being defended by Council. This action may lead to a future liability which at this stage is unable to be determined. Council has resolved to prefer an option to demolish all partially completed units, and seek permission from the two funding bodies to utilise remaining funding for site infrastructure and civil works relating to the project in possible readiness for construction of a smaller number of units if future funding is forthcoming.”

Warrumbungle Quarry

Warrumbungle Quarry is showing a deficit of \$0.316M (\$0.124M 2018/19). Council has decided to cease quarry operations as at 30 June 2020. No budget has been approved for Warrumbungle Quarry for the year 2020/21.

Sewer Fund - Operating Deficit of \$22,000 before Capital Grants & Contributions (Budgeted Surplus \$13,000)

Sewer fund has shown a net deficit of \$0.022M (\$0.108M deficit 2018/19).

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Water Fund - Operating Deficit of \$828,000 before Capital Grants & Contributions (Budgeted Deficit \$14,000)

Water fund has shown a deficit of \$0.828M (\$1.063M deficit 2018/19). Due to the significant difference to the original budget deficit of \$0.014M below is the Water Fund Income Statement which provides a comparison of actual versus original budget 2019/20 along with the reasons for major variations (refer column 'See Comment'):

Table 5

	See comment	Original Budget \$'000	Actuals \$'000	Increase (decrease) \$'000
Income from Continuing Operations				
Access charges		1,853	1,855	2
User charges	a	1,888	1,686	(202)
Interest		54	62	8
Grants and contributions provided for capital purposes		121	263	142
Other income		-	9	9
Total Income from Continuing Operations		3,916	3,875	(41)
Expenses from Continuing Operations				
Employee benefits and on-costs	b	776	1,037	261
Borrowing costs	c	20	30	10
Materials and contracts	b	597	691	94
Depreciation and amortisation	d	1,436	1,557	121
Other expenses	b	980	1,125	145
Total Expenses from Continuing Operations		3,809	4,440	631
Operating Result from Continuing Operations		107 Surplus	(565) Deficit	(672)
Net Operating Result before Capital Grant & Contributions included		(14) Deficit	(828) Deficit	(814)

Notes for major variations:

- (a) Decrease in user charges of \$202,000 is mainly due to lower water sales (budgeted 679,337 kl vs actual 618,918 kl)
- (b) Below are the key reasons for increase in employee benefits and on-costs (\$261,000); materials and contracts (\$94,000); and other expenses (\$145,000) totalling \$500,000.
- Increased breaks due to ground movement following heavy rains after long drought period,
 - Meter readings costs: Not enough budget allocated when FY 2019/20 original budget was prepared,
 - Due to drought, increased operation and energy costs for bore operations, particularly in Coonabarabran occurred,
 - Increased operational and maintenance expenditure due to: aged/failing telemetry system; increased need of preventative maintenance not previously undertaken

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

- Contract costs to progress implementation of DWMS Improvement Plan action items
 - Requirements as per new Dam Safety Guidelines
- (c) Borrowing costs – original budget for interest cost on Mendooran water loan was understated by \$10,000
- (d) Depreciation and amortisation increase – mainly due to indexation of water infrastructure assets as required under the OLG accounting code.

Attachments

1. Extract notes from the draft GPFS and SPFS as follows:

GPFS

- Income Statement
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- Note 5(c) and 4(e) – Materials and contracts; and Other expenses
- Note 7(c) – Restricted cash, cash equivalents and investments
- Note 11 – Infrastructure, property, plant and equipment
- Note 17 – Accumulated surplus, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors
- Note 21(2)(iii) – Contingencies relating to TRRRC
- Note 23 – Material budget variations
- Note 28 – Statement of performance measures

SPFS (Water, Sewerage and Quarry)

- Income Statement
- Statement of Financial Position

2. General Purpose Council Declaration under Section 413(2)(c)
3. Special Purpose Council Declaration

RECOMMENDATION

That:

1. The report on progress of completion of the Annual Financial Statements for the Warrumbungle Shire Council as at 30 June 2020 be noted; and
2. Council authorise the signing of the declarations and the submission of draft Annual Financial Statements 2019/20 (GPFS and SPFS) to the auditors for the purpose of external audit.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 16 Investments and Term Deposits – month ending 31 August 2020

Division:	Corporate and Community Services
Management Area:	Financial Services
Author:	Acting Assistant to the Senior Accountant – Rachael Carlyle
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*, the details of all monies invested by Council under section 625 of the *Local Government Act 1993* must be reported to Council at each Ordinary Meeting.

Background

Council is authorised by s 625 of the *Local Government Act 1993* (the Act) to invest its surplus funds in the forms of investment notified in an Order of the Minister dated 12 January 2011.

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

Issues

Comments on Performance

Marketable Securities, Term Deposits and At Call Investment Accounts

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

Marketable Securities

Council currently holds no Marketable Securities.

Term Deposits

During the month, \$1,000,000 worth of term deposits matured, earning Council a total of \$5,509.84 in Interest.

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

- \$1,000,000 with WBC at a rate of 0.69%
- \$1,500,000 with NAB at a rate of 0.69%
- \$1,000,000 with WBC at a rate of 0.67%

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

The balance of the term deposits at the end of the month was \$16,000,000.

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, \$819.09 interest was earned on the balances in the accounts and net transfers of \$246,916.52 were made from these accounts resulting in a month end balance of \$2,460,317.83.

Income Return

The average rate of return on Investments for the month was 0.81% which exceeded Council's benchmark Bank Bill Swap Rate (BBSW) of 0.09% by 805 points or 0.72%.

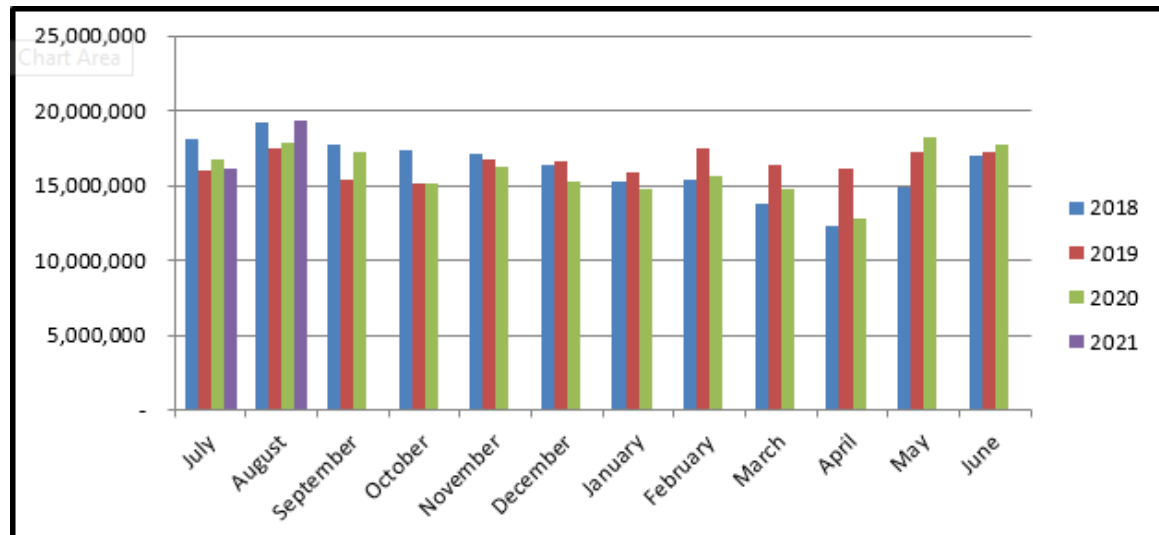
Council's full year budget for 2020/2021 for interest is \$348,715. At the end of August the amount of interest received and accrued should be around 16.67% of the total year budget, i.e. \$58,119.17. On a year to date basis, interest received and accrued totals \$18,795.82 which is 5.39% of the annual 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 August 2020, Council had a cash at bank balance of \$864,053.88.

Graph by Month Investments



WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Table 1: Investment Balances – 31 August 2020

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	0.05%	355.10
NAB		Bpay	at call	ADI	ADI	0.00%	146,864.43
ANZ		At Call	at call	ADI	ADI	0.05%	6,769.23
Regional Australia Bank		At Call	at call	LMG	LMG	0.00%	1,545.96
T Corp IM Cash Fund		At Call	at call	P	P	0.54%	1,675,959.27
CBA At Call		At Call	at call	ADI	ADI	0.70%	628,823.84
Sub-Total							2,460,317.83
Term Deposits							
AMP	30-Mar-20	28-Sep-20	182	LMG	LMG	1.85%	1,000,000.00
NAB	08-May-20	15-Oct-20	160	ADI	ADI	1.05%	1,000,000.00
ANZ	25-May-20	05-Nov-20	164	ADI	ADI	0.71%	1,000,000.00
ANZ	28-May-20	27-Nov-20	183	ADI	ADI	0.80%	2,000,000.00
NAB	28-May-20	18-Dec-20	204	ADI	ADI	0.97%	1,500,000.00
CBA	28-May-20	08-Jan-21	225	ADI	ADI	0.75%	1,500,000.00
CBA	28-May-20	29-Jan-21	246	ADI	ADI	0.75%	2,000,000.00
ANZ	28-May-20	19-Feb-21	267	ADI	ADI	0.80%	1,000,000.00
NAB	26-Jun-20	12-Mar-21	259	ADI	ADI	0.88%	1,000,000.00
ANZ	26-Jun-20	01-Apr-21	279	ADI	ADI	0.58%	500,000.00
WBC	13-Aug-20	23-Apr-21	253	ADI	ADI	0.69%	1,000,000.00
NAB	28-Aug-20	14-May-21	259	ADI	ADI	0.69%	1,500,000.00
WBC	31-Aug-20	03-Jun-21	276	ADI	ADI	0.67%	1,000,000.00
Sub-Total							16,000,000.00
Total							18,460,317.83

WARRUMBUNGL E SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Credit Rating Legend

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Table 2: At Call and Term Deposits – Monthly Movements

Bank	Opening Balance	Interest Added to Investment	Net Placements/ Withdrawals	Closing Balance
NAB	354.90	0.20	-	355.10
NAB B pay At	99,932.91	-	46,931.52	146,864.43
ANZ	6,783.77	0.46	(15.00)	6,769.23
Regional	1,545.96	-	-	1,545.96
T Corp IM	1,675,140.84	818.43	-	1,675,959.27
CBA At Call	428,823.84	-	200,000.00	628,823.84
Total at call	2,212,582.22	819.09	246,916.52	2,460,317.83
NAB	1,000,000.00	5,509.84	(1,005,509.84)	-
AMP	1,000,000.00	-	-	1,000,000.00
NAB	1,000,000.00	-	-	1,000,000.00
ANZ	1,000,000.00	-	-	1,000,000.00
ANZ	2,000,000.00	-	-	2,000,000.00
NAB	1,500,000.00	-	-	1,500,000.00
CBA	1,500,000.00	-	-	1,500,000.00
CBA	2,000,000.00	-	-	2,000,000.00
ANZ	1,000,000.00	-	-	1,000,000.00
NAB	1,000,000.00	-	-	1,000,000.00
ANZ	500,000.00	-	-	500,000.00
WBC	-	-	1,000,000.00	1,000,000.00
NAB	-	-	1,500,000.00	1,500,000.00
WBC	-	-	1,000,000.00	1,000,000.00
Total Term	13,500,000.00	5,509.84	2,494,490.16	16,000,000.00
Total	15,712,582.22	6,328.93	2,741,406.68	18,460,317.83

Compliance with Council's Investment Policy

Council's Investment portfolio is 100% compliant.

The table below provides compliance status against the Investment Policy:

Institution	Credit Rating	Investment \$	Actual Exposure	Max. Limit per Policy	Compliance status
Tcorp	Prime	1,675,959.27	10.18%	33.30%	Compliant
	Total Prime	1,675,959.27	10.18%	100.00%	Compliant
ANZ	ADI	4,506,769.23	27.38%	33.30%	Compliant
CBA	ADI	4,128,823.84	25.08%	33.30%	Compliant
NAB	ADI	5,147,219.53	31.27%	33.30%	Compliant
	Total ADI	13,782,812.60	83.73%	100.00%	Compliant

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

RAB	LMG	1,545.96	0.01%	10.00%	Compliant
AMP	LMG	1,000,000.00	6.08%	10.00%	Compliant
	Total LMG	1,001,545.96	6.08%	10.00%	Compliant
Grand Total		16,460,317.83	100.00%		

Certification of Responsible Accounting Officer

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

Responsible Accounting Officer

RECOMMENDATION

That Council accept the Investments Report for the month ending 31 July 2020 including a total balance of \$19,324,371.71 being:

- \$2,460,317.83 in at call accounts.
- \$16,000,000 in term deposits.
- \$864,053.88 cash at bank.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 17 Lifeguards for School Based Activities

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

Reason for Report

The purpose of this report is to make a resolution on a request by schools to provide a Lifeguard for school-based activities at Council pools.

Background

A review of the 2019/20 pool season was considered in a report to Council on the 21 May 2020. One of the recommendations made by Council in response to the report was:

'Council write to the Principal from Binnaway Central School and Deputy Principal from St Lawrence's Catholic School to thank them for their letters and ask them to provide their policy for teachers and students attending pools.' (Resolution No 414/1920)

The policy information was sought from the schools because Council wanted to make a considered resolution on the provision of Lifeguards employed by Council for school-based activities.

Council will recall presentations made by some schools who want Council to continue to employ a Lifeguard for school-based activities. The report on the 21 May 2020 informed Council that employment of Lifeguards for activities booked by schools amounted to 568 hours of employment. During those periods where a school event was occurring, the pool was closed to all other users, that is, the pool was not open for casual users and season ticket holders.

A copy of the Excursion Policy from the Catholic Education Diocese of Bathurst and a copy of Sport Safety Guidelines – Swimming Safety from NSW Department of Training & Education is included in the attachments.

Issues

The supervision of students during water-based activities is covered in detail in both policies and in general both rely on a combination of risk assessment and prescriptive procedures such as the ratio of supervisor numbers to student numbers.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

From the NSW DET document *'A minimum of two adult supervisors, one of whom must be a teacher, with appropriate expertise and qualifications must be present at all times. Lifeguards at pools can only be used for supervision and counted in supervision ratios if they do not have general lifeguard duties at the venue at that time and their sole responsibility at the time is to the students in the program.'*

The document from the Catholic Education Diocese of Bathurst makes no specific reference to municipal Lifeguards other than their incorporation in a risk assessment of the water activity, *'A thorough venue risk assessment must be completed before any swimming or water activity is allowed... The risk assessment must include;...venue staff including those with qualifications and responsible for maintenance, security, water rescue and resuscitation for the venue.'* (p.21)

It is apparent that schools who rely on Council to provide a Lifeguard during school-based activities are relying on that Lifeguard providing full attention to the students in the water without distraction from other activities such as maintenance or reporting activities. There is an assumption being made here by the schools that Council employed Lifeguards have been instructed by Council to provide direct supervision of students in the water.

In their response, the Diocese of Bathurst argue *'...to place such a burden of responsibility on an employee of the school to manage a facility such as the municipal pool would be in breach of Work Health and Safety (WHS) regulations pertaining to competency, in particular "trained and qualified."* Council has made no suggestion to indicate that school employees would be responsible for managing the pool facility during school-based activities. The schools however are wanting to burden Council with a responsibility for student safety during school-based activities.

Options

Making a Lifeguard available for school-based activities increases operating expenditure and may reduce the availability of Lifeguards for scheduled opening times. Council may wish to limit or abandon the service of making Lifeguards available for school-based activities.

Should Council resolve to provide a Lifeguard, the role and duties of the Lifeguard must be clearly defined through an agreement with the schools.

Financial Considerations

The cost of employing Lifeguards for activities booked by the Schools in 2019/20 is calculated to be \$20,519.

Community Engagement

To inform the community.

Attachments

1. Catholic Education Diocese of Bathurst – Excursions Policy
2. NSW DET – Sport Safety Guidelines for Swimming and Water Safety

RECOMMENDATION

Lifeguards employed by Council are not made available for school-based activities in the 2020/21 season and future seasons.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 18 Streetlight Upgrade to LED Technology

Division:	Technical Services
Management Area:	Technical Services
Author:	Director Technical Services – Kevin Tighe
CSP Key Focus Area:	Rural & Urban Development
Priority:	RU4 Our towns and villages are characterised by their attractiveness, appearance, safety and amenity

Reason for Report

The purpose of this report is to make a resolution on a proposal from Essential Energy to replace streetlights throughout the Shire in a one-off bulk program.

Background

The NSW Public Lighting Code 2019 establishes mandatory conditions under which street lighting services are delivered. Essential Energy provides Council with street lighting services and they are required to deliver those services at minimum life cycle cost and this includes energy used by streetlights.

Essential Energy have provided Council with both technical and financial options for bulk replacement of existing streetlight luminaires with latest technology Light Emitting Diode (LED) luminaires.

Council has engaged a Consultant to provide advice and recommendations to Council on the options presented by Essential Energy. The Consultant has prepared a report, a copy of which is included as an attachment to this report.

Issues

An assessment of each one of the 751 streetlights within the Shire has been undertaken by both Essential Energy and the Consultant to determine an optimum luminaire configuration. The assessment is based primarily on replacing the luminaire with a like for like lighting level. Other criteria include; pole type, height of luminaire, age of existing luminaires and of course capital cost and maintenance cost of proposed luminaires.

A critical factor in the assessment is compliance with requirements of Siding Spring Observatory in relation to light intensity. Consultation has occurred with Siding Spring Observatory and they have provided in principle support for the proposed luminaire replacement program. Recently a summary report of the proposed replacement program has been sent to Siding Spring who are yet to comment and respond.

Other factors include; requirements of TfNSW in relation to highway lighting and in particular intersection lighting for the proposed highway bypass of Coonabarabran and luminaires for decorative heritage style poles in Binnia Street, Coolah.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Essential Energy have indicated that they are planning to commence the luminaire replacement program in November 2020.

The installation of a device called 'smart controller' into the luminaire is considered in the report by the Consultant. Currently there is no firm proposal from Essential Energy as they are in the process of obtaining prices and preparing a business case for their use. Smart controllers are able to automatically report failed luminaires and they are able to dim lighting levels during periods of low traffic, ie. in the middle of the night, to reduce energy consumption. However, the Consultant concludes that cost savings for Council arising from installation of smart controllers is likely to be minimal. A supplementary report by the Consultant on smart controllers is provided in the attachments.

Options

As reported by the Consultant the options for Council are:

'Option 1 – Do nothing and replace at failure

The business case is such that the replacement is self-funding as detailed in the Financial Implications section. Failure to take a bulk replacement approach would result in a piecemeal approach at failure by Essential Energy which would have negative amenity impacts due to variable lighting standards and the potential savings in maintenance and energy would only be realised over many years.

Option 2 - Bulk Replacement funded by Council

This exposes Council to the risk of premature failure where Essential Energy will replace failed luminaires and charge a higher tariff to recover capital. Council's capital is at risk rather than Essential Energy's. For this option the NPV over 15 years with a discount rate of 3% is \$576,000 compared to Option 3 – Essential Energy Funded with an NPV over the same period of \$591,000.

Option 3 - Bulk Replacement funded by Essential Energy

This is the preferred option. It does not expose Council to the risk of premature failure of luminaires and has a higher NPV than Option 2 at \$591,000 over 15 years with a discount rate of 3%.

Financial Considerations

The upfront cost of upgrading 751 luminaires in one bulk replacement program to LED technology is \$463,407. The annual savings to Council in electricity cost is estimated to be around \$73,295 if Council funds the program, whilst the annual savings in electricity cost to Council if funded by Essential Energy is \$35,488. A summary financial comparison of whole of life cost is provided in the attachments. The upfront cost to Council if the program is funded by Essential Energy is estimated to be \$6,500 which includes a contingency amount of \$5,000.

Community Engagement

To inform the community.

Attachments

1. EMS Consultant Report – Streetlight Upgrade to High Efficiency LED Technology
2. EMS Consultant Report – Smart Controllers

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

3. Streetlight Financial Summary

RECOMMENDATION

That:

1. Council approve the bulk replacement of Councils 751 streetlights to LED technology with funding by Essential Energy. The only cost payable to Essential Energy is \$6,500 for residual capital and project contingency. With estimated NSW Government credits for energy savings of \$45,000 the net upfront gain to Council is \$38,500 plus ongoing annual savings in energy and maintenance of \$35,500.
2. Agreement with Essential Energy for bulk replacement of streetlights is subject to concurrence by Siding Spring Observatory.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 19 Tender for Maintenance Grading of Unsealed Public Roads

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

Purpose

The purpose of this report is to provide information on a tender that has been invited for maintenance grading works on Council's network of unsealed roads.

Background

At the meeting on the 20 August 2020 Council resolved (Resolution No 55/2021) to invite tenders through an open tendering process for provision of road construction and road maintenance services. Tenders have been invited for road maintenance services and the closing date for submissions is 14 September 2020. A Supplementary Report will be prepared on the submissions and presented to Council at the meeting on the 17 September 2020.

The purpose of inviting tenders for maintenance grading is to increase Council's capacity to undertake roadworks in a year when Council has received an extraordinary increase in funding for roadwork projects. It is expected that engagement of a Contractor for road maintenance works will allow Council's road crews to focus on renewal and upgrade works planned for a range of Local Roads.

Issues

Council is expecting to engage a Contractor who is able to provide a full road maintenance service on unsealed roads. It is expected that the Contractor will provide a grader, roller and water truck and competent operators as a minimum.

The contract is a schedule of rates contract and Contractor payments will be based on items relating to a number of factors including; length of road graded, width of road graded, type of grading – medium or heavy, length of mitre drain cleaned and number of culverts cleaned. Work standard will be assessed by Council's Supervisor who will use the following criteria to determine if work undertaken is acceptable; surface compaction, cross section shape, table drain shape and slope, mitre drain shape and slope.

Options

This report is a Preliminary Report on a tender for provision of maintenance grading services, options available to Council will become apparent when tenders are received and presented in a Supplementary Report.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Financial Considerations

An analysis of rates presented by tenderers for maintenance grading services and existing rates will be presented in a Supplementary Report.

Community Engagement

To inform the community.

Attachments

Nil

RECOMMENDATION

That Council receive a Supplementary Report on a tender for the provision of maintenance grading services on Council's network of unsealed roads.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 20 Regional Roads Transfer and Reclassification

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

Reason for Report

The purpose of this report is to make a resolution in response to the State Government's invitation to nominate roads for either reclassification or transfer.

Background

Council received a preliminary report on the 20 August 2020 (Resolution No 56/2021) in relation to the State Government's intention to transfer up to 15,000 kilometres of Regional Roads to State Management. Nominations under the first round of the Review close on the 25 September 2020.

Contact has been made with all adjoining Councils except Coonamble and relevant comments from these Councils are included in Table 1.

The Review Panel has made it clear that Councils should not request reclassification to State Road as the Regional Road is likely to retain its classification, with transfer of management and funding responsibilities only.

Issues

Given that one of the stated objectives of the Review is to 'lighten the load' on Councils, a question then is; what benefits would Council like to see flow from the Review. One answer to this question is that the Review will benefit the Shire if any of the roads receive additional funding for either renewal, upgrade or maintenance works and that Council is responsible for expending the additional funding. The Review Panel has no responsibility for overall funding, however it is clear that transfer of a Regional Road to State Management will result in a commensurate reduction in Block Grant funding.

Transferring a Regional Road to State Management may not result in a greater level of funding for the road, particularly when the road has low traffic volumes.

One of the burdens currently faced by Council is the increasing demand by truck operators to access roads within the Shire with higher productivity vehicles. In particular there is growing demand for access to roads east of the Newell Highway by truck operators with road trains, AB triples and PBS 2 class vehicles. Therefore, another benefit to Council from the Review is that the burden of managing demands from the freight industry is transferred to the State Government.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Expenditure on maintenance and renewal works on Black Stump Way is disproportionately higher than on any of the other six Regional Roads within the Shire. It is the Regional Road with the highest traffic volume. On average over the last five (5) years there is one (1) vehicle crash per year on Black Stump Way. Warrumbungles Way has a similar crash rate.

During the drought, truck operators delivering fodder in road trains or AB triple trucks, have been permitted to travel Black Stump Way. There is pressure now though for Black Stump Way to be permanently open to these higher productivity vehicles.

Black Stump Way incorporates Binnia Street, Coolah and even though Council promotes the use of the alternate truck route, which is via Booyamurra Street and Cunningham Street, truck operators continue to seek permission to travel Binnia Street. Should Council consider transferring Black Stump Way to State Management, it may do so on condition that Binnia Street between Booyamurra Street and Cunningham Street is removed from the route.

Black Stump Way each year consistently receives \$400,000 in funding under the State Government's REPAIR Program. If Black Stump Way is transferred to State Management, there is no guarantee that Council will continue to receive this level of funding for improvement works on either Black Stump Way or on any other Regional Roads.

Forest Road, which runs between Mendooran and Dubbo is accessible by B Double trucks within Warrumbungle Shire only. The road is not accessible to B Double trucks in the Dubbo Regional Local Government Area (LGA) simply because of the intersection of the road and rail line near Brocklehurst. However, Dubbo Regional is under pressure from truck operators to upgrade the intersection and remove the constraint for B Double access. Should this occur it is appropriate that the State Government become responsible for managing what will become an alternate freight route to the Newell Highway.

Tooraweenah Road connects Mendooran to Tooraweenah and then onto Coonamble. It is a Local Road and it has been nominated as an alternate freight route by the Orana Joint Organisation (JO) Transport Sub-Committee. The length of the road between Mendooran and Tooraweenah is 48km and within Warrumbungle LGA the road length is 19km and all but 5km is sealed. It is understood that Gilgandra Shire Council will consider nominating Tooraweenah Road reclassification as a Regional Road.

At the meeting on the 20 August 2020, it was suggested that Beni Crossing Road should be reclassified as a Regional Road on the basis that it connects two State Roads. However, the concept of a Regional Road is that it connects two towns within a region and hence Beni Crossing Road would not meet criteria for reclassification as a Regional Road.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Table 1 – Freight Access and Financial Data for Regional Roads within Warrumbungle LGA

Rd No	Road Name	Rd Length (km)	Av. Annual Mtc Exp per Km* (\$)	Av. Annual Total Exp per km**	Freight Access	Comments
MR55	Black Stump Way	89	3,749	13,167	HML B Double access full length.	Gunnedah SC proposing transfer. Recommend transfer to State
MR129	Purlewaugh Road / Baradine Road	132	1,623	4,666	HML B Double Access full length. Road Train Access between Baradine and Coonamble.	Liverpool Plains SC not committed either way. No contact with Coonamble SC. No change recommended.
MR329	Gwabegar Road	36	1,734	1,734	Road Train access between Baradine and Gwabegar.	Narrabri SC want to transfer. No change recommended.
MR396	Warrumbungles Way	396	1,842	5,390	B Double access (conditional).	No change recommended.
MR618	Vinegaroy Road	22	2,059	7,619	B Double access.	Upper Hunter SC propose consideration in 2 nd round. No change recommended.
MR4053	Timor Road	24	3,136	12,646	General access – semi trailer.	No change recommended.
MR7519	Forest Road	14	1,643	15,068	B Double Access in Warrumbungle Shire only.	Dubbo Regional City proposing transfer. Recommend transfer to State.

Notes

*Excludes expenditure on bridges.

**Excludes expenditure on bridges and bitumen surface reseals.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Options

As indicated in the report on the 20 August 2020, it is difficult to advise Council on which Regional Roads should be nominated for transfer when there is no certainty about financial impact. However, Council may consider the increased demand by the freight industry for wider access for higher productivity vehicles and the burden placed on Council for managing that demand.

Financial Considerations

The Block Grant income received by Council in 2019/20 for expenditure on Regional Roads was \$2,852,000. Council also received \$400,000 under the REPAIR Program and \$750,000 under the Safer Roads Program. Historically, Council's budget allocation for Regional Roads is around 33% of the total budget for Road Operations and around 10% of Council's expenditure budget in General Fund.

The allocation of funding under the Block Grant is determined by Transport for NSW (TfNSW) based on a formula that takes into account not only road length, but type of road, bridge length and type of bridge. There are 28 Councils within the Western Region of TfNSW and of those Councils only Lachlan Shire Council and Mid-Western Regional Council attract a higher Block Grant allocation than Warrumbungle.

Council's annual funding under the Block Grant Program will be reduced by \$620,000 if Black Stump Way is transferred to State Management and a further reduction of \$97,000 if Forest Road is also transferred.

RECOMMENDATION

That Council:

1. Responds to the State Government's invitation to nominate roads for either transfer or reclassification by nominating the following two roads for transfer to State Government Management; Black Stump Way and Forest Road subject to the following conditions:
 - a. There is no reduction in income received by Council for roadworks associated with either Black Stump Way or Forest Road.
 - b. Binnia Street between Booyamurra Street and Cunningham Street is declassified as a Regional Road and replaced by the alternate truck route which incorporates Cunningham Street and Booyamurra Street.
 - c. That roadworks on Black Stump Way and Forest Road continue to be undertaken by Council through a maintenance contract similar to that which exists on the State Roads.
2. Responds to the State Government's invitation to nominate roads for either transfer or reclassification by nominating Tooraweenah Road for reclassification from Local Road to Regional Road.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 21 Funding for Binnaway and Mendooran Sewage Schemes

Division:	Environment & Development Services
Management Area:	Warrumbungle Water/Sewer
Author:	Manager Warrumbungle Water – Cornelia Wiebels
CSP Key Focus Area:	Public Infrastructure and Services/Natural Environment
Priority:	PI7 Appropriate planning is needed to ensure the ongoing security of energy and clean water supplies to communities within the shire NE4 Local natural water resources including waterway aquifers to remain unpolluted

Reason for report

To inform Council of the unlikelihood that either the Binnaway Sewage Scheme or the Mendooran Sewage Scheme will receive further funding through the Safe and Secure Water Program (SSWP) for future project phases, based on the Department of Planning, Industry and Environment (DPIE) risk prioritisation advice.

Background

Binnaway and Mendooran are Council's two unsewered towns, with sewer services provided in Baradine, Coolah, Coonabarabran and Dunedoo.

Council's 2014 Drinking Water Management System (DWMS) risk assessment identified risks to the drinking water safety stemming from the lack of sewer services in the unsewered townships. This was verified by a bore water sampling regime over 6 months in Mendooran, finding both E.coli and higher numbers of total coliforms in that water source. Additionally, the Binnaway community has voiced strong interest over the years to implement a sewage system in Binnaway.

Therefore, Council has undertaken the following:

Binnaway

- Completed an options study (project phase 1) in 2015.
- Applied for SSWP funding to complete a concept design (project phase 2). Funding has been granted and the project is underway. An update report has been provided to Council in May 2020.

To progress to a sewage scheme in Binnaway after completion of the concept design, funding will be required for the design and construction (project phase 3).

Mendooran

- Applied for SSWP funding to complete an options study. Funding has been granted and the options study is nearing completion.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

To progress to a sewage scheme in Mendooran after completion of the options study, funding will be required for the concept design as well as the design and construction project phases.

Issues

Risk prioritisation advice was received from DPIE in April 2020 and provided to Council as attachment to Item 22 of the May Business Paper.

This advice included the information that:

- There is a high number of risks across all 93 NSW Local Water Utilities (LWUs), however a limited amount of SSWP funding is remaining.
- The remaining funding was being prioritised to address the highest risks. For this purpose, each of the areas – Water Quality, Water Security, and Environment (Sewage) – for each Council town/village was being assessed, following a specified framework and allocating a risk rating ranging from 1 (lowest) to 5 (highest); only areas scoring the highest risk rating were eligible for remaining SSWP funding.
- The remaining funding was insufficient to address all identified 'highest' risks in NSW, therefore further prioritisation was occurring based on a Council socio-economic disadvantages ranking. Warrumbungle Shire Council ranks high, being on spot 11 out of the 93 LWUs, i.e. featuring a high socio-economic disadvantage.

The below paragraphs show the Binnaway and Mendooran Environment (no sewer services) risk scoring and reason as per DPIE advice received.

Binnaway – Risk Score 2

Reason: The on-site wastewater management facilities have been classified as 'primary health and high environmental impact'. This means the on-site wastewater facilities have been assessed to have a direct impact on the drinking water supply source and/or with widespread direct primary contact impact and/or high-level impact to waterway uses and values. This impacts a population of greater than 100 and less than or equal to 500.

Mendooran – Risk Score 2

Reason: The on-site wastewater management facilities have been classified as 'secondary health and medium environmental impact'. This means the on-site wastewater facilities have a localised and direct primary contact impact and/or a medium level impact to waterway uses and values. This impacts a population of greater than 100 and less than or equal to 500.

As both Binnaway and Mendooran scored a low final risk rating of two (2) further funding through the SSWP will not be provided.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Options

Council discussed the risk scoring with DPIE and believes that – since the risk of the township being unsewered directly relates to Water Quality – the inherent risk should not be reduced based on the population size. This mechanism applies in the DPIE framework for Water Quality related risks – they are not being reduced by the population size (pages 1 to 3 in attachment).

In comparison, for Binnaway and Mendooran the Water Quality risk scorings and reasons are:

Binnaway – Risk Score 5

Reason: Drinking water management fails to effectively control chlorine resistant pathogens (e.g. Cryptosporidium). High risk from Cryptosporidium as assessed by NSW Health.

Mendooran – Risk Score 5

Reason: Drinking water management fails to effectively control chlorine resistant pathogens (e.g. Cryptosporidium). High risk from Cryptosporidium as assessed by NSW Health.

DPIE advised Council that a possibility to have the risk score for Binnaway and Mendooran Environment changed would be to request that DPIE revise the framework for allocating risk scores in relation to unsewered towns.

Financial Considerations

The Binnaway Sewerage Scheme received \$530,000 funding through SSWP for the concept design, including a 25% Council contribution. The design and construction phase have been estimated to cost \$7.2M, which is not affordable for the community without a funding contribution of at least 75%.

The Mendooran Sewage Scheme received \$38,000 funding through SSWP for the options study, including a 25% Council contribution. The concept design and the design and construction phase cost are – as for Binnaway – equally unlikely to be affordable by Council/the community without a significant funding contribution.

Attachments

1. Revised SSWP Risk prioritisation, scoring and reasons fact sheet, July 2020.

Community Engagement

Nil

RECOMMENDATION

That Council notes the information contained in the Funding for Binnaway and Mendooran Sewage Schemes report.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 22 Building and Development Certifiers Act 2018

Division:	Environment and Development Services
Management Area:	Planning and Regulatory Services
Author:	Manager Planning and Regulation – Ken Stratton
CSP Key Focus Area:	Rural and Urban Development
Priority:	RU1 Land use planning across the shire acknowledges the rural character of the area whilst encouraging ecologically sustainable development.

Reason for Report

To inform Council of changes to legislation relating to building certifiers, and introduction of the Building and Development Certifiers Act 2018 effective from the 1 July 2020.

Background

In response to the independent review of the Building Professionals Act 2005 (BP Act), the legislation has been rewritten with a number of key changes; the new legislation gazetted in March 2020 and commencing on 1 July 2020 is known as the Building and Development Certifiers Act 2018 (BADC Act). To enable Council's and private certifiers to conform with the new requirements there has been a moratorium placed on the legislation until 30 September 2020.

Issues

The changes under the new BADC Act are as follows:

1. Broader definition of certification work - The definition of certification work and conduct regulated under the BADC Act has been broadened to consider the breadth of responsibilities imposed on certifiers. This goes beyond determining applications for development certificates, carrying out the functions of a principal certifier and carrying out inspections. It now broadly covers statutory functions of a register certifier under the certification legislation or "under another Act or law". This covers the standards in the Statutory Code of Conduct. It also now includes supervision responsibilities (clause 11 of the Code).
2. Registration - changes – Change in terminology from 'accreditation' to 'registration'. Changes to names of registration classes as follows (applicable to WSC):

Class of registration – new BADC Act	Category of accreditation – old BP Act
Building Inspector	A4
Building Surveyor – unrestricted	A1 or A5

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Building Surveyor – restricted (all classes of building)	A2
Building Surveyor – restricted (Class 1 and 10 buildings)	A3
Swimming Pool Inspector	E1

Savings and transition provisions mean that existing accreditation and conditions will be transferred to the equivalent registration class. There have been some mergers of some categories, but generally existing certifiers must continue to work within old scope of work unless they apply for a variation after July 1 2020. After July 1, existing 'council accredited certifiers' must continue to work for councils, to reflect their current accreditation. Council certifiers who want to work privately can apply for a variation of registration and will need to meet the qualification and skills requirements under the new legislation.

3. Registration – changes to improve probity – Additional criteria for assessing applicant suitability to undertake 'certification work', including assessing the role of 'close associates' of the applicant, and to require further information from third parties.

4. Continuing professional development – All certifiers are required to complete 25 points of CPD per year (6 points for swimming pool inspectors). There are now specific requirements to keep records of CPD for 5 years, and a general requirement to, if requested, provide evidence of CPD completion. There is a transitional arrangement for council certifiers to gradually increase their CPD in line with private certifiers: 15 points in the first year and 20 points in the second year.

5. Broadened compliance – conflict of interest provisions – Broader provisions now apply to all 'certification work' with a principles-based approach being introduced to determine whether a conflict of interest exists or not. The BADC Act has a non-exclusive list of examples of private interest;

- Being the applicant for certification work
- Having a pecuniary interest in the work
- Having provided professional services (which are not certification services) for construction or design of the work
- Having provided professional services for the DA
- Being a councillor or employee of the council while working as a private certifier
- Having a family, personal, employment or business relationship with any of the above

There are a number of exemptions that carry over from the BP Act as follows:

- Minor works on swimming pools
- Providing advice on whether something complies with the BCA/legislation or approved plans and specs
- Identifying matters to be satisfied before a certificate can be issued
- Indicating performance solution required (but not advising on the actual solution)
- Identifying relevant BCA requirements
- Council certifiers can be involved in DA or CC assessment
- Similar provisions for strata certificates

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

- Issuing a compliance certificate for own design (or being related to someone who did the design) if not the principal certifier
- Participating in the fire engineering brief to determine the scope of work for fire engineering analysis

There are also some changes relating to conflict of interest worth noting:

- Certifiers can only provide advice on amending plans for 'deemed to satisfy' matters for class 1 and 10 buildings, not all classes of buildings
- Thresholds for council self-certification for a council employee are reduced to \$2M
- A private certifier who has a contractual relationship with a council can carry out private work in that LGA, but cannot do both council and private certification work on the same development.

6. Broadened compliance – Code of Conduct – new requirements – The Code of Conduct is now prescribed in the BDC Act, and has a financial penalty and is also grounds for disciplinary action. There is new emphasis on maintaining technical and legal knowledge, and a new provision ensuring the quality of supervision. Registered certifiers must ensure they remain informed of developments in building design and practice, and the relevant laws to perform the registered certifier's functions. Further provisions relating to supervision of certifiers has been included whereby the supervisor needs to be authorised to supervise, and the certifier under supervision needs to be competent in what they are inspecting and certifying.

7. Broadened compliance – contracts – the following contract requirements have been included in the new BADC Act:

- Compliance with written contract requirements is now a condition of registration.
- Contracts must include a declaration by the person with benefit of the development:
 - Confirming they freely chose and are engaging the certifier
 - Confirming they have read any document accompanying the contract and understands their roles and responsibilities and those of the certifier
- From 1 July, the contract must include a prescribed information sheet published by Fair Trading. This outlines the roles and responsibilities of certifiers, the role of the person contracting the work, and what information is available on the online register.

8. Broadened compliance – certifier notification obligations – the onus is on the certifier to notify the employer if registration is cancelled, suspended or changed. Further to that the certifier must also notify the Secretary of certain matters within 7 days of becoming aware of them. New matters for notification include:

- If a certifier is found guilty of a relevant offence (definition streamlined – see s4 of the BADC Act)
- If a certifier becomes bankrupt or makes a composition, arrangement or assignment for the benefit of the creditors
- If a body corporate becomes the subject of a winding up order or has a controller or administrator appointed

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

9. Broadened compliance – new offence – the following new offences have been included:

- A certifier is to carry their certificate of registration whenever carrying out certification work and produce it if asked by an authorised officer.
- Certifier must return certificate of registration in event of suspension, cancellation, variation.
- New offence in relation to licence lending
- A person must not, for the purposes of securing work for the person or for any other person, represent that work is work that can be carried out only by a registered certifier unless the work is certification work.
- Knowingly issue a false certificate

10. Data reporting – by principal certifiers and councils remains an ongoing obligation under the new legislation

11. Record keeping – record keeping requirements are replicated from the BP Act, but now group together records that relate to the same Act. Records must be kept for at least 10 years.

12. New offences to promote certifier independence from builders under Home Building Act – are as follows:

- A building contract or >\$5K of residential building or specialist work (labour and materials) must now include a prescribed information sheet on the certifier's role
- New offence for a building contractor to attempt to influence their client in their choice of certifier, this includes;
 - Making it a requirement of entering the contract that a specified registered certifier or class of registered certifier was or was not to be appointed
 - Offering to change the contract price if a specified registered certifier or class of registered certifier would be or would not be appointed, or
 - Refusing to carry out work under the contract if a specified registered certifier or class of registered certifier is or is not appointed.
- Any provision of a building contract which is inconsistent with the legislation is unenforceable (except where health, safety or property is at risk)

13. Other points to consider – a number of requirements under the BP Act have been carried forward that are worth noting for Council's information are as follows:

- The certifier named on contracts is the certifier; in Council's case, this is the certifier employed by Council, not WSC.
- The Building Practitioners Board that administered the previous Act has been dissolved and now Dept of Fair Trading is the administrator with a Secretary to lead the functions of the area.
- Certifiers employed by Council are covered by the Council's insurance.

Whilst there are a number of changes listed above, the change to Council's processes are minimal from an administrative function as a number of these requirements are already in place as existed under the old BP Act.

Options

Nil

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Financial Considerations

Nil

Community Engagement

Nil

RECOMMENDATION

That Council notes the information in the Building and Development Certifiers Act 2018 report.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 23 Coonabarabran Industrial Land – September 2020 Update

Division:	Environment and Development Services
Management Area:	Economic Development and Tourism
Author:	Manager Economic Development and Tourism – Jo Houghton
CSP Key Focus Area:	Local Economy
Priority / Strategy:	RE3.1 Ensure that council maintains an approach to land use planning that will support the growth of light industrial activity in appropriate locations within the shire

Reason for Report

To provide Council with information as per Resolution 457/1920 Coonabarabran Industrial Land Update.

Background

At the Ordinary Council Meeting held on 21 May 2020 an update was provided to Council on the Industrial Land as it was outstanding longer than 12 months. At this meeting Council resolved:

417/1920 RESOLVED that item 27 Coonabarabran Industrial Land – May 2019 Update be deferred to the June Council meeting.

At the Ordinary Council Meeting held on 18 June 2020 an update report listing potential options to move forward with the Coonabarabran Industrial Estate was presented. At this meeting, resulting to the resolution 457/1920 that Council:

- 1. Council notes the information contained in the Industrial Land Subdivision report.*
- 2. Council be provided with a report on an investigation into developing the proposed Coonabarabran Industrial land with the intent of 'giving' the land to prospective businesses to develop.*
- 3. Contact be made with the local members of Parliament for funding opportunities for point 2 above.*

The land subject to the subdivision and development proposal is Council owned and classified as operational land. The subdivision proposes to produce eight (8) blocks of land that will be ready for sale for industrial uses and development.

Previously to this, in 2017 Council resolved:

- 1. That Council considers the proposal to subdivide and seek the land in Ulan Street as Industrial blocks*
- 2. That Council allocates \$20,000 for preliminary plans, survey works and valuation of the Industrial land blocks in Ulan Street*

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

3. *That Council investigate further costs involved with preparation of the Industrial blocks for selling, such as provision of services, road and drainage etc*
4. *A further report to be presented to Council (detailing proposed plans when the costs for development are known)*

In September 2018 a successful EOI was lodged with the Office of Regional Economic Development, NSW Government Premier and Cabinet (DPC), whereby Council was invited to prepare a full funding application.

In early April 2019, DPC requested further information on the type of businesses proposing to invest in the Industrial Estate including evidence of demand, and the value to local community, businesses and employees.

In December 2019 Council was notified the application was unsuccessful for the Growing Local Economies Fund. Application feedback indicated the interested businesses were not key industries that contributed to the State Economy (for this particular funding application), and NBN connection costing for the Coonabarabran Industrial area pushed out the cost benefit analysis especially without a co-contribution from Council.

Issues

Due to outdated financial systems, information on the initial cost of land to Council, or the amount Council has already spent on development on the proposed land is very limited.

In 2002 Council was required to pay the amount of \$26,327 to the Department of Land and Water Conservation to complete the land acquisition process for Lot 1 and 2 DP 1033599 on Ulan and Gardener Streets, Coonabarabran. In 2009 Council expended a further \$25,816 on the land for subdivision and preparation for land re-sale.

From 2009, Council sold all available allotments from the above subdivision. This left available land in the centre of the industrial area (formerly known as the old cricket pitch), and undeveloped and uncleared land to the north and west of the current industrial area.

Over the next decade there are several significant projects proposed for the north west corner of Warrumbungle Shire: the Newell Highway by-pass of Coonabarabran CBD, Santos Gas project in the Pilliga Forest and the construction of the Inland Rail (Narromine to Narrabri section), with Coonabarabran being one of the closest towns to these projects.

The Shire is also seeing development in the renewable energy sector (with the recent approval of the Liverpool Range Wind Farm and planning underway for several solar farms) and in the aged care sector with a major expansion of the aged care, Coinda complex proposed.

To meet demand for industrial land, Council is proposing to subdivide the land within the centre of the industrial area into 8 lots. As part of the project, Council is also seeking to extend the NBN to the Industrial Estate and surrounding area (which includes the 2 adjacent motels).

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

The proposed development site is owned by Council and zoned for industrial development. The project involves earth works to prepare the site, construction of access ways and extending the utility infrastructure into, and reticulating it around the site. Once the subdivision is developed, the lots will be available for use.

Whilst it has been over one (1) year since the EOI was lodged for the Growing Local Economies funding, concerns have been raised as to whether business owners still have an interest in purchasing land or whether they have found alternative arrangements to expand their businesses, therefore potentially reducing demand for the industrial subdivision. However, research carried out in April 2019, indicated six (6) out of the eight (8) lots still had interested buyers.

Provision of serviced industrial land will create economic growth and will meet demand from local businesses wanting to relocate to the industrial estate and/or expand, and from new businesses looking to establish in Coonabarabran. The new subdivision could accommodate a minimum of 8 businesses depending on how the individual sites are developed. It should be noted that the subletting of portion of the lot/s for the establishment of other small businesses and factory units is contingent on compliance with Council's Development Control Plan and may see up to four (4) businesses on some of the lots.

The subdivision will provide employment opportunities, including opportunities for apprenticeships. Depending on the type of development, the subdivision will generate a minimum of sixteen (16) FTEs. If all sites were developed for small factory units (32 units) employment could be considerably higher.

It should be noted the subdivision design should now allow for B Triple truck access in-light of the large State Government Projects coming to the region. In particular to accommodate from B Triple turning circles within lots and/or industrial estate.

To encourage further economic growth to the region, Council could sell the proposed lots of land at cost to local developers. This will encourage faster sale of land, and increased economic growth during the construction phase. It is recommended that land be subdivided first though.

Over the past two months, Council has had numerous discussions with Department of Premier and Cabinet about best ways to move forward in terms of upcoming funding trends and opportunities, and is waiting to receive information for the best way to move forward.

Options

1. To continue to pursue external funding to develop industrial estate subdivision for re-sale, that also includes NBN connection to the industrial land and surrounding businesses.
2. To continue to pursue funding to develop the subdivision, and to pursue funding for NBN connection in a separate application.
3. Sell the two (2) undeveloped land parcels at market value to interested persons for development for industrial purposes.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Financial Considerations

Due to outdated financial systems, the initial cost of land to Council, or the amount Council has already spent of development on the proposed land and industrial area is very limited, though estimated to be approximately \$52,143.

The cost to develop Lot 1 and 2 DP 1033599 - Ulan and Gardener Street is estimated as follows:

Item	Amount (\$)	Technical advice and reasoning
DA Fees	29,000	Fee schedule includes indirect community infrastructure contributions levy
Design	20,000	Survey and Design
Drainage	175,000	Warrumbungle Shire Council
Road	350,000	Warrumbungle Shire Council
Kerb and Guttering	91,000	Warrumbungle Shire Council
Power	200,000	Essential Energy
Water	55,000	Warrumbungle Shire Council
Sewer	95,000	Warrumbungle Shire Council
Street lights	60,000	Essential Energy & Technical Services
Surveyor	15,000	Survey and Design
Legal fees	30,000	Estimate from current legal dealings
Project management – 10%	112,000 (10% of 1,120,000)	
Contingency – 20%	224,000 (20% of 1,120,000)	Extra costs may arise such as: <ul style="list-style-type: none">• Drainage issues including land purchase for easement• Extra costs with earthworks• Connection to water and sewer difficulties
TOTAL GRANT REQUEST	1,456,000	

Community Engagement

Nil

Attachments

1. Ulan Street lot plan
2. Ulan Street proposed subdivision plan

RECOMMENDATION

That Council:

1. Notes the information contained in the Industrial Land Subdivision report.
2. Receives an updated report should the Department and Premier and Cabinet return with advice on future funding opportunities.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 24 Development Applications

Division: Development Services

Management Area: Regulatory Services

Author: Administration Assistant Environment and Development Services – Jenni Tighe

CSP Key Focus Area: Rural and Urban Development

Priority / Strategy: RU 1 Land use planning across the shire acknowledges the rural character of the area whilst encouraging ecologically sustainable development.

Development Applications

(i) Approved – August 2020=

Development Application / Complying Development	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type Of Development	Stop the Clock Referral Days
DA61/2019	09/09/19	18/08/20	Coonabarabran Golf Club	188 River Road	Coonabarabran	Primitive Camping Ground	330
DA71/2019	14/11/19	31/08/20	Maxwell Frank Gambrill	141 Chapmans Lane	Binnaway	New residential verandah/deck and use of land/building	223
DA9/2020	01/04/20	06/08/20	Cooina Coonabarabran Ltd	10-16 Neate Street	Coonabarabran	Extensions to Existing Aged Care Facility	41
DA26/2020	03/06/20	31/08/20	Tilt Renewables	1435 Turee Vale Road	Coolah	New Metmast	23
DA27/2020	25/06/20	05/08/20	James and Vanessa Stuart	Lanbre 850 Castlereagh Hwy	Dunedoo	Alterations and Additions to Existing Dwelling	13
DA28/2020	25/06/20	11/08/20	Timothy and Anita Kemp	Racecourse 279 Leaders Rd	Binnaway	Installation of a Manufactured Structure	12
DA29/2020	02/07/20	11/08/20	Benjamin Upton	5-9 Cobborah Street	Dunedoo	New Subdivision	14
DA30/2020	09/07/20	12/08/20	Donna Curtis	94 Bullinda Street	Dunedoo	New Garage/Shed – Residential	0

RECOMMENDATION

That Council notes the Applications approved during August 2020, under Delegated Authority.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 25 Notice of Motion – Quarry and cost of imported road base

Notice of Motion – Quarry and cost of imported road base

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

That a report be brought back to council on the progress being made on the acquisition of the crown road to enable the expansion of the quarry, enabling us to become self sufficient in the provision of road base. After making a few enquiries I feel we are paying far too much for these products.

**RAY LEWIS
COUNCILLOR**

General Managers comment:

Council resolved to continue the process of acquiring the Crown Road on 21 September 2017. The process has been complicated by a number of factors including requirements set out by Crown Lands and Office of Local Government, details required for survey plan of acquisition and the process has also been complicated by consideration of Native Title. Following registration of a survey plan of acquisition, Lawyers were engaged in March 2020 to complete the process. The Lawyers determined that acquisition by compulsory acquisition would result in a quicker finalisation of the process, however there is still not definite timeframe for completion.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

Item 26 Reports to be Considered in Closed Council

Item 26.1 Organisational Development Monthly Report – August 2020

Division Executive Services

Author Manager Organisation Development – Chris Kennedy

Summary

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

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

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

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

RECOMMENDATION

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

Item 26.2 Three Rivers Regional Retirement Community Information Report

Division: Environment and Development Services

Author: Director Environment and Development Services – Leanne Ryan

Summary

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

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

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

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

RECOMMENDATION

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

Item 26.3 Used Oil Collection – Netwaste Tender Process

Division: Environment and Development Services

Author: Manager Planning and Regulation – Ken Stratton

Summary

The purpose of this report is to endorse the successful tender to deliver the used oil collection program as recommended by Netwaste.

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

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

RECOMMENDATION

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

Item 26.4 Tender for Construction of a Rural Fire Service Brigade Station at Weetaliba

Division: Technical Services

Author: Manager Projects – Kumar T Satkumaran

Summary

The purpose of this report is to advise Council on the tender process for the construction of a Rural Fire Service Brigade Station at Weetaliba.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

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

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

RECOMMENDATION

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

Item 26.5 Tender for the Supply and Delivery of Bitumen Sealing Aggregates
Division: Technical Services
Author: Director Technical Services – Kevin Tighe

Summary

The purpose of this report is to make a resolution on tenders received for supply and delivery of sealing aggregate.

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

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 17 September 2020

RECOMMENDATION

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

Item 26.6 Mayoral Minute – Annual Performance Review – General Manager

Division: **Executive Services**

Author **Mayor Denis Todd**

Summary

The purpose of this Mayoral Minute is to advise Councillors of the regulatory requirements under the *Local Government Act 1993* (the Act), invite comments from Councillors, arrange the composition of the Performance Review Panel and authorise the Mayor to complete the review process.

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

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

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

RECOMMENDATION

That the Mayoral Minute – Annual Performance Review – General Manager 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).

FURTHER that Council resolve that:

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