



## **Ordinary Council Meeting**

# **Agenda**

**15 October 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, 15 October 2020 commencing at 5:00 pm.**

**Mayor:** Cr Ambrose Doolan

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

### **Please note:**

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## **Council's Vision** Excellence in Local Government

### **Mission Statement**

We will provide:

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

### **Values**

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

# **WARRUMBUNGLA SHIRE COUNCIL**

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# **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**  
17 September 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**

# WARRUMBUNGLE SHIRE COUNCIL

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### Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 17 September 2020 to 7 October 2020

#### MAYORAL MINUTE - MAYORS ACTIVITY

<u>Date</u>	<u>Type</u>	<u>In/Out</u>	<u>Activity</u>
17-Sep	Meeting	Chaired	September Council Meeting
18-Sep	Phone Call	In	Director CCS re Community Consultation Meeting
	Phone Call	In	GM re Mayor change over
	Phone Call	Out	Cr Iannuzzi re governance issues
19-Sep	Phone Call	In	Cr Todd re governance issues, Mayoral change over
	Phone Call	In	Cr Iannuzzi re governance issues
	Email	In	GM re schedule for coming weeks
20-Sep	Phone Call	In	Cr Todd re Mayoral change over
	Phone Call	Out	Cr Iannuzzi re governance issues
21-Sep	Phone Call	In	Peter Colley re Lewis Road
	Phone Call	Out	Paul Nankerville re Internal Audit Issues
	Email	In	Linda Scott LGNSW Mayoral change over
	Phone Call	In	Cr Todd re Lewis Lane and Lawsons Road issues
	Phone Call	In	Cr Capel re koala sepp 44 koala map
22-Sep	Phone Call	In	Director CCS re Community Consultation Meeting
	Phone Call	Out	Director CCS re Community Consultation Meeting
	Phone Call	Out	EA to GM re iPad query
	Phone Call	In	Cr Todd re Lawson's Road
	Phone Call	In	GM re Mark Coulton visit
	Phone Call	Out	Cr Brady re foodie festival and Mark Coulton visit
	Phone Call	Out	GM re foodie festival and Mark Coulton visit
	Phone Call	Out	Cr Iannuzzi re governance issues
23-Sep	Phone Call	Out	Coonabarabran Police re invite to address councillors
	Phone Call	In	GM re governance issues
	Phone Call	In	EA to GM re Roy Butler visit
	Phone Call	In	GM re Mayors motor vehicle
	Phone Call	Out	Cr Brady re governance issues and foodie market
	Meeting	with	EA to GM re iPad, credit card and governance
	Meeting	with	GM re governance issues and motor vehicle
	Email	In	GM re public forum at monthly meetings
	Email	In	GM re social media
	Email	In	GM re Manager Corporate draft media releases
24-Sep	Phone Call	In	Cr Todd re sewerage Binnaway and Mendooran
	Phone Call	Out	Cr Lewis
	Phone Call	Out	Cr Iannuzzi re governance issues
	Phone Call	Out	GM re sewerage Binnaway and Mendooran and Police
	Meeting	with	EA to GM re iPad and governance
	Meeting	with	GM re governance and Mayor Facebook page
	Meeting	with	Director CCS re Community Consultation Meeting
	Email	In	John Renshaw re proposed visit
	Email	In	Manager Corporate re draft media release

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25-Sep	Phone Call	In	EA to GM re iPad and governance
	Phone Call	In	Director CCS re Community Consultation Meeting
	Phone Call	In	GM re JO, Mark Coulton MP visit, governance
	Phone Call	Out	Cr Lewis re Box Ridge Road
	Phone Call	In	Cr Iannuzzi re governance and planned meetings
	Phone Call	In	GM re JO
	Letter	In	Christina Munns
	Email	In	John Renshaw re visit to Council
	Email	In	EA to GM re governance
	Email	In	GM re list of projects Local Road Community Infrastructure
	Email	In	Communications Officer re press release LRCI
	Email	In	GM re JO rules
26-Sep	Phone Call	In	Cr Todd re JO meeting
27-Sep	Email	In	GM re Mentor program for Mayor
28-Sep	Phone Call	In	EA to GM re iPad set up
	Letter	In	Dubbo Regional Council - Councillor Ben Shields, Mayor
	Meeting	with	GM, Cr Capel, Mark Coulton re grant funding, Dunedoo TRRRC and water
	Meeting	with	JB Renshaw and family to receive mementos from his late father Premier JB Renshaw former Shire President
	Email	In	GM re JO
	Email	In	Anna Conn re Mark Coulton MP media release
29-Sep	Phone Call	In	Cr Todd re road issues and JO
	Phone Call	Out	Cr Iannuzzi re governance
	Phone Call	In	Cr Brady re DA concerns
	Phone Call	Out	GM re DA concerns
	Phone Call	In	GM re DA concerns
	Phone Call	Out	Cr Brady re DA concerns
	Email	In	Manager Corporate re media release
	Email	Out	Manager Corporate re media release
	Email	In	GM re Lawson Park Road
	Email	Out	GM re Lawson Park Road
	Email	In	Communications Officer re Mayor Facebook
	Meeting	with	GM, Communications Officer re Mayor Facebook page
30-Sep	Phone Call	In	GM re road issues
	Phone Call	In	Cr Todd re road issues
	Phone Call	In	EA to GM re governance issues
	Email	In	Jenny Dowell re Mayoral Mentor
	Email	In	GM re governance
	Email	In	Communications Officer re Facebook
	Email	In	Cr Capel re koala sepp 44 koala map
1-Oct	Phone Call	In	Cr Lewis re planned NOM
	Phone Call	Out	Cr Brady re DA concerns
2-Oct	Letter	In	Coonabarabran Boxing Gym re licence
	Email	In	Coonabarabran Boxing Gym licence

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	Phone Call	In	Cr Todd re general governance
	Phone Call	In	GM re governance
	Phone Call	In	ABC Orange Coolah MPS
	Phone Call	Out	Cr Iannuzzi re Coolah MPS
	Phone Call	Out	GM re future plans
4-Oct	Phone Call	In	Cr Todd re Inland Rail, Baradine sewerage
	Email	In	GM re Section 10 Certificates
5-Oct	Phone Call	In	Mark Coulton MP re funding opportunities
	Phone Call	Out	Mark Coulton MP re funding opportunities
	Phone Call	Out	Cr Iannuzzi re meeting times
	Phone Call	Out	GM re meeting times
6-Oct	Email	In	EA to GM re Mayoral Mentoring
	Email	In	Communications Officer re Facebook set up
	Email	In	Cr Capel re regional visitors guide
	Phone Call	Out	Jenny Dowell re Mayoral Mentoring
	Phone Call	Out	GM re general business
	Phone Call	In	Cr Todd re funding opportunities
	Meeting	with	GM and Communications Officer re Facebook
	Facebook	posts	Meeting with Mark Coulton MP re road funding
	Facebook	posts	Meeting with Renshaw Family
7-Oct	Letter	In	Gunnedah Shire Council - Councillor Jamie Chaffey, Mayor
	Phone Call	In	Cr Todd re funding opportunities

Date of Journey		Purpose of Journey	Odometer		KM Travelled
Start Date	End Date		Start	Finish	
24-Sep	24-Sep	Pick up vehicle from town	564	578	14
24-Sep	24-Sep	Coonabarabran office - meeting with GM and EA to GM	578	606	28
6-Oct	6-Oct	Coonabarabran office - meeting with GM and Communications Officer	606	633	27
7-Oct	7-Oct	Coonabarabran office - meeting with EA to GM	633	661	28
<b>Total KM travelled for period 17/09/2020 - 07/09/2020</b>					<b>97</b>

### MAYORAL MINUTE – EXPENSES 17 September 2020 to 7 October 2020

<u>Date</u>	<u>Transaction Details</u>	<u>Comments</u>
	Nil expenses	

### RECOMMENDATION

That Council notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 17 September 2020 to 7 October 2020.



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### Item 2 Councillors' Monthly Travel Claims – September 2020

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

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#### Reason for Report

To provide Council with details of travel claims of councillors for the month of September 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	32	0.78	\$24.96
Cr Todd	-	0.78	-
Cr Brady	-	0.78	-
Cr Capel	210	0.78	\$163.80
Cr Clancy	-	0.68	-
Cr Doolan	-	0.78	-
Cr Hill	220	0.68	\$149.60
Cr Iannuzzi	-	0.78	-
Cr Lewis	126	0.78	\$98.28
<b>Total:</b>			<b>\$436.64</b>

#### Financial Considerations

Outlined above.

#### Community Engagement

To inform the community.

#### Attachments

1. Councillors Monthly Travel Claims.

#### RECOMMENDATION

That the Councillors' monthly travel claims report in the amount of \$436.64 is noted.

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## **Ordinary Meeting – 15 October 2020**

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### **Item 3 Minutes of Internal Audit Committee Meeting**

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Corporate Services
<b>Author:</b>	Manager Corporate Services – Jenni Maundrell
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity

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### **Reason for Report**

To present Internal Audit minutes of the meeting on Tuesday 25 February 2020 adopted by the Internal Audit Committee held at Coonabarabran on Thursday 10 September 2020. Additionally, present the draft Minutes of the Internal Audit Committee meeting from that meeting.

### **Background**

The Internal Audit Committee was formed by Council Resolution 339/1819 (21 March 2019), comprising two independent members and one councillor delegate.

### **Issues**

At the Internal Audit Committee meeting of 25 February 2020, the Committee discussed:

- External Audit – Management Letter items
- Action plan for completion of the 2019/20 Financial Statements and External Audit
- Project risk

The Minutes of this meeting were adopted by the Internal Audit Committee on 10 September 2020 and are provided as Attachment 1 to this report.

The draft Minutes of the Internal Audit Committee meeting held on 10 September 2020 are provided for Council's information as Attachment 2 to this report.

### **Options**

Nil

### **Financial Considerations**

Nil

### **Community Engagement**

The level of engagement for this report is to Inform.

### **Attachments**

1. Minutes of the Internal Audit Committee meeting held at Coonabarabran on 25 February 2020.

# **WARRUMBUNGL SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2020**

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2. Draft Minutes of the Internal Audit Committee meeting held at Coonabarabran on 10 September 2020.

### **RECOMMENDATION**

That Council notes the minutes of the Internal Audit Committee meeting held on 25 February 2020 adopted at the Internal Audit Meeting 10 September 2020.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2020

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### Item 4 Meeting Schedule

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Executive Assistant to General Manager – Erin Player
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

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### Reason for Report

To fix Council's meeting schedule from February 2021 to December 2021.

### Background

The *Local Government Act 1993* (NSW) s 365 stipulates that Council is required to meet at least ten (10) times each year, each time in a different month.

Traditionally, Council has agreed on a 12 month program of proposed meeting dates and venues for Ordinary Council meetings. In Council's Code of Meeting Practice, section 3.1 it states:

*Ordinary meetings of the Council will be held on the third Thursday of each month, commencing at 5.00pm and shall be alternated between:*

- *Council Chambers Binnia Street Coolah; and*
- *Council Chambers John Street Coonabarabran*

*Council may change the time and/or date of any particular meeting by resolution.*

It has also been determined that the Ordinary Council meeting would, during the COVID-19 crisis, be chaired from the Coonabarabran Council Chambers.

### Issues

The schedule does not include Community Consultation meetings, typically held in November and March each year, nor the various committee meetings, extra ordinary Council meetings, training, civic functions and other commitments of councillors.

### Options

Local Government Elections are to be held on Saturday, 4 September 2021 and this will affect the meeting schedule. It is to be recommended that Council not hold an Ordinary Council meeting during the month of September 2021. It will be further recommended that Council authorise the General Manager to call an Extra Ordinary Council meeting to be held within seven days of the declaration of the election and the purpose of this meeting is to hold the election of the Mayor and the Deputy

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## Ordinary Meeting – 15 October 2020

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Mayor, appoint Councillors to Committees and as delegates along with any other matters deemed necessary at this time.

The meetings will commence at 5.00pm. Council may, by resolution, amend the date and time of its Ordinary meetings.

2021

February	Thursday 18
March	Thursday 18
April	Thursday 15
May	Thursday 20
June	Thursday 17
July	Thursday 15
August	Thursday 19
September*	TBA
October	Thursday 21
November	Thursday 18
December	Thursday 9#

\*Extra Ordinary Meeting

#Meeting held on the second Thursday in December

Council meetings are to be held at Coonabarabran during the COVID-19 pandemic crises.

### **Financial Considerations**

Council meetings are a normal part of the operation of the organisation, and budgeted for in the 2020/21 Operational Plan. This includes travel reimbursement costs of councillors and catering for meals.

### **Community Engagement**

To inform the community by advertising the Council meeting schedule via Council's community eNewsletter, council's website, social and digital media and media releases.

### **Attachments**

Nil

### **RECOMMENDATION**

That Council:

1. Adopts the following Meeting Schedule:

2021

February	Thursday 18
March	Thursday 18
April	Thursday 15
May	Thursday 20
June	Thursday 17
July	Thursday 15
August	Thursday 19

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## Ordinary Meeting – 15 October 2020

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September*	TBA
October	Thursday 21
November	Thursday 18
December	Thursday 9#

2. That Council meetings be held and chaired from the Coonabarabran Chambers during the COVID-19 pandemic crises.
3. That the purpose of the meeting to be held in September 2021 be an Extra Ordinary meeting only to elect a Mayor and Deputy Mayor along with the appointment of Councillors as delegates and to Committees, along with other matters deemed appropriate by the General Manager.
4. Authorise the General Manager to call the September 2021 Council meeting but the meeting is to be held no later than seven days after the declaration of the election.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2020**

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### **Item 5 Council Offices Christmas Closure**

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	General Manager – Roger Bailey
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council's governance practices and organisational structure reflects the vision, direction and priorities outlined in the Community Strategic Plan

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### **Reason for Report**

To notify Council of the 2020 Christmas closure period for the Council offices.

### **Background**

In 2009 Council entered into the Indoor Staff Working Hours Agreement (the Agreement) with various Unions. Under the Agreement, indoor staff accrue seventeen (17) rostered days off (RDO) in each calendar year; of those, three (3) RDOs are to be taken between Christmas Day and New Year's Day, with another one (1) RDO to be taken in either December or January. Consequently, the Council offices in Coonabarabran and Coolah close down over the Christmas/New Year period.

There is a separate Agreement between Council and various Unions for Outdoor Staff Working Hours, whereby outdoor staff work a 9-day fortnight. Essential outdoor operations only continue over the Christmas/New Year period.

With Christmas being on a Friday this year it is proposed that the closure period commence from 3.00pm on Thursday 24 December 2020.

Services that close between Christmas and New Year are:

- Coonabarabran and Coolah administration offices
- Service NSW

Services that remain open between Christmas and New Year are:

- Coonabarabran Visitor's Information Centre
- Transfer Stations
- Waste services
- Urban Services with limited services
- Road Operations with limited services
- Warrumbungle Community Care, with limited service

Children's Services close down for three weeks on 23 December 2020.

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### **Issues**

Nil

### **Options**

Nil

### **Financial Considerations**

Nil

### **Community Engagement**

To inform the community through advertising the closure through council's community eNewsletter, council's website, social and digital media and media releases.

### **Attachments**

Nil

### **RECOMMENDATION**

That Council note the closure of Coonabarabran and Coolah administration offices, including Service NSW, from 3.00pm on Thursday 24 December 2020, reopening on Monday 4 January 2021.



# WARRUMBUNGLE SHIRE COUNCIL

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### Item 6 Office of Local Government S430 Report

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	General Manager – Roger Bailey
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF8.1 Council undertakes periodic performance reviews to ensure the effective and efficient management of its assets, finances and workforce and modifies its actions to deliver better outcomes for the community

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### Reason for Report

To provide further advice on progress with the Section 430 Implementation Plan and seek Council approval to submit the updated Plan to the Office of Local Government.

### Background

On 5 February 2018 the Chief Executive of the Office of Local Government determined that an investigation under section 430 of the *Local Government Act 1993* be undertaken into Council. The investigation was to centre around:

- The Council's consideration of its 2017 waste services tender for the supply and installation of skip bins
- Strategic, operational and management aspects of its water resources function
- Whether the conduct of councillors, senior Council officers and Council staff, has hindered the provision of efficient, effective and appropriate standards of governance

The Final Report was provided to the Minister for Local Government, the Hon. Shelley Hancock MP who tabled the report in Parliament and a copy of the report was provided to Council. An emailed copy of the report was received by Council on Friday 25 October 2019.

The Final Report detailed the issues above and provided a number of findings as well as making 10 recommendations. The more significant of these recommendations included:

- The Minister considers issuing a Performance Improvement Order (PIO) to improve performance in planning for and managing its water, waste water and other assets, and also for procurement and tendering processes
- Appointing a Temporary Adviser to Council

The Final Report of the Section 430 investigation into the Warrumbungle Shire Council was presented to Council at its 21 November 2019 meeting. Subsequently

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Council made a submission to the Office of Local Government on the report. Council emailed its submission to the Office of Local Government on 18 December 2019.

The Minister wrote to Council on 26 May 2020 acknowledging that:

- Council is working with DPIE-Water and NSW Health to address water issues
- Council is working to address cultural issues within staff

The Minister also pointed out that there were short comings in Council's submission including:

- Not recognising the importance of the issues raised within the Report, both in regard to Council's water function and in relation to the performance of councillors
- Councillors not understanding their role when dealing with a tender or tenderer

The Minister's determination was to:

- Defer consideration of a Performance Improvement Order and appointment of a Temporary Adviser in relation to provide assistance to Council in regard to water and waste water functions
- Require Council to implement the Improvement Plan (water and waste water) and report its progress to the Deputy Secretary, Local Government, Planning and Policy on a three monthly basis. The first report would be due six weeks following the date of the letter, hence due by 7 July 2020
- Require Council to report its progress in addressing the findings in the Report, in particular, staff cultural and conduct issues and that this report be submitted to the Deputy Secretary. The first report should be provided within six weeks from the date of the Minister's letter

As part of the reporting obligations Council resolved at its meeting held on 20 June 2020 to submit the Warrumbungle Council Drinking Water Management System Improvement Plan to the Office of Local Government in relation to the reporting requirements. The DWMS Improvement Plan was submitted on 25 June 2020.

At the Council meeting held on 16 July 2020 Council resolved to submit a submission dealing with the issues dealt with in the report other than on water to the Minister. This was submitted to the Minister on 23 July 2020.

Further work on the Improvement Plan has been undertaken since that time and the next report is coming due. Council has already resolved to submit the latest version of the Warrumbungle Council Drinking Water Management System Improvement Plan.

The OLG has accepted that four monthly reports would be sufficient.

### **Financial Considerations**

Nil at this stage.

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### **Community Engagement**

To inform the community through the Business Paper.

### **Attachments**

1. Council's updated Section 430 Improvement Plan Table.

### **RECOMMENDATION**

That Council submits the Draft Council submission on the Section 430 Report as required by the Minister for Local Government.

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### Item 7 Returns Under s4.21 of the Model Code of Conduct – Disclosing of Interests of Councillors and Designated Persons

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

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#### **Reason for Report**

To advise Council of returns lodged with the General Manager under section 4.21 of the Model Code of Conduct for Local Council's in NSW for Councillors & Designated Persons for the period 1 July 2019 to 30 June 2020.

#### **Background**

Section 4.21 of the Model Code of Conduct for Local Council's in NSW requires councillors or designated persons to lodge returns to the General Manager for the period 1 July 2019 to 30 June 2020. The due date for returns is 30 September 2020.

Section 4.21 States:

*A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:*

- a) becoming a councillor or designated person, and*
- b) 30 June of each year, and*
- c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).*

Councillors and designated persons have responded and completed their returns prior to the due date.

Section 4.8 classifies a designated person as

#### **Designated persons include:**

- (a) the general manager*
- (b) other senior staff of the council for the purposes of section 332 of the LGA*
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it*

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*involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest*

(d) *a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

The General Manager and the following positions have been classified as designated persons:

- Director Environment and Development
- Director Technical Services
- Director Corporate and Community Services
- Manager Projects
- Manager Road Operations
- Manager Planning and Regulatory Services
- Building Certifier
- Town Planner

Under Section 4.25 returns are required to be lodged with the General Manager and tabled at the first meeting of Council after the last day the return is required to be lodged.

The Information and Privacy Commission (IPC) in 2019 issued *Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the Government Information (Public Access) Act 2009 (NSW)*. This Guideline states that all disclosure of interest forms for Councillors and designated persons must be made publicly available on councils website. If Council agrees the disclosure has an overriding public interest against it then personal information can be extracted from the document that is placed on the website, in accordance to Section 6(4) of the GIPA Act:

*6 (4) An agency must facilitate public access to open access information contained in a record by deleting matter from a copy of the record to be made publicly available if inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record and it is practicable to delete the matter.*

### **Financial Implications**

Nil

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### **Community Engagement**

To inform the community by placing disclosure for Councillors and Designated Persons on council's website.

### **Attachments**

1. Register of Disclosures by Councillors and Designated Persons Section 449 Local Government Act 1993 as at 30 June 2020 (to be tabled at the meeting).

### **RECOMMENDATION**

That Council:

1. Acknowledge the tabling of the disclosures received under Section 4.21 of the Model Code of Conduct for Local Councils in NSW for Councillors and Designated Persons for the period 1 July 2019 to 30 June 2020.
2. Acknowledge that the disclosure of interest forms for councillors and designated persons are to be placed onto Council's website.

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### Item 8 Council Committees

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	General Manager – Roger Bailey
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council's governance practices and organisational structure reflects the vision, direction and priorities outlined in the Community Strategic Plan

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### Reason for report

Following the Mayoral election the Report is to inform Council of the functions and representation of each external and internal committee of Council.

### Background

At the commencement of the new Council term in September 2016, the committees and representatives from the elected Council were reviewed. Councillors were nominated to be members of certain committees as a representative of Warrumbungle Shire Council, for the full four (4) year Council term.

At the June 2019 Council meeting Resolution 437/1819 Council resolved the following;

1. *Notes the information contained in the Council Committees report.*
2. *Delete the following committees and delegates that are no longer relevant including;*
  - *Central Ranges Natural Gas and Telecommunications*
  - *Orana Regional Organisation of Councils*
  - *Geopark Steering committee*

Since that time further changes have been made to the Committee Structure with Council making the following resolution at the February 2020 Council meeting:

### **273/1920 RESOLVED** that Council:

1. *Notes the information contained in the February 2020 Report on the Council Committees.*
2. *Deletes the following committees and delegates that are no longer relevant including:*
  - *Orana Arts Incorporated*
  - *Warrumbungle Shire Mayors Bushfire Appeal Advisory Committee (established for the Wambelong Fire)*
  - *Macquarie Regional Library*
3. *Council confirms Cr Peter Shinton to be Council's representative on the following committees:*

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- *Castlereagh Bushfire Management Committee (BFMC)*
- *Castlereagh Zone Liaison Committee*
- *Mining Related and Energy Related Councils*

A list of Council's current external and internal committees, with a brief description and the current nominated councillor/s is provided in Attachment 1.

A small number of committees require technical or specialist expertise, in which case the responsible Director who is delegated as Council representative is also noted for councillors information.

With the election of Mayor there are some issues that may need attending to, including:

- **Internal Audit Committee** – the Terms of Reference for this Committee provide that the Mayor is not to be a member of this Committee. Discussions have been held with the Committee Chair who indicated that he believes that it would be acceptable that the Mayor continue in this role, at least for the remainder of the term of this Council.
- **Orana Joint Organisation** – the *NSW Local Government Act* provides that the Mayor is the Council delegate to this position. The Warrumbungle Shire Council has appointed a Deputy Mayor to act in the Mayor's absence or at the request of the Mayor. There may be occasions where these people are unable to attend and an alternate be appointed under Clause 397F of the *Local Government (General) Regulation 2005*.
- **Finance and Projects Committee** – be deleted. The responsibilities of this Committee are now being undertaken by either the full Council or the Internal Audit Committee.

### **Community Engagement**

To inform the community.

### **Attachments**

1. List of External and Internal Committees

### **RECOMMENDATION**

That Council:

1. Notes the report on Council Committees.
2. Delete the following Committee:
  - Finance and Projects Committee.



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### **Item 9 Delegations of Authority due to COVID-19 Pandemic**

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	General Manager – Roger Bailey
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council's governance practices and organisational structure reflects the vision, direction and priorities outlined in the Community Strategic Plan

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### **Reason for Report**

To seek extension of delegations due to COVID-19 pandemic.

### **Background**

The World Health Organization has announced that COVID-19 is a pandemic. On 15 March 2020, NSW Health Minister Brad Hazzard made an Order under Section 7 of the *Public Health Act 2010* to force the immediate cancellation of major events with more than 500 people. Individuals who fail to comply could face up to six months in prison or a fine of up to \$11,000 or both, plus additional penalties for each day the offence continues. Corporations face even harsher fines.

Around the same time the Prime Minister announced that all non-essential indoor events of more than 100 people were banned effective immediately. Essential gatherings include airports, public transport, hotels, prisons, courts, shopping centres, offices and factories, and construction sites. Further measures were put in place to combat the virus with many countries, including Australia, went into complete lock down. In order for an effective response further delegations of authority were issued by Council, see Minute No. 331/1920 March 2020.

The delegation of Council functions is essential to the effective and efficient governance of a local Council. The *Local Government Act 1993* (LGA) establishes the statutory framework for the delegation of Council's authority. Principally, section 377 of the LGA provides the Council with the power to delegate certain functions to the General Manager or any other person or body (not including another employee of the council). However, the scope of the power to delegate is not without restrictions and Councils need to be aware of the legal principles governing delegations.

A Council may delegate functions to the General Manager and to other persons or bodies. However, a Council cannot delegate any of its functions directly to an employee of the Council, other than the General Manager. The delegation must be made to either a specified person or body (by name) or to a particular officer or the holder of a particular office. Where a function has been delegated to the holder of a particular office or position, the delegation does not cease to have effect merely because the person in the particular office or position ceases to hold that office or position. In that case, the person occupying the office or position is taken to be the

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delegate. A function can only be delegated to an office or position that is in existence at the time that the delegation is made.

At the time and with the situation around COVID-19 changing rapidly and the Council's Executive Leadership Team (ELT) met and dealt with a number of issues. The following were some of the actions taken:

- Putting in place succession plans should people be affected by the virus, here some staff will be isolated from the rest of the organisation to reduce the impact of infection.
- Establishing offices in the old RFS building behind the Coonabarabran Town Hall to house some staff, at the Coonabarabran Visitor Information Centre and Community Centre building
- Endorsed the Joint Media statement by LGNSW and the unions
- Reviewed opportunities for some staff to work remotely such as from home
- Reviewed essential services and ensuring they receive priority access to resources
- Reviewed facilities and adjusting hours and service levels as appropriate
- Reviewed the Council's Business Continuity Plan (BCP) and implementing procedures where appropriate
- Some services were closed, e.g. Visitor Information Centre

Numerous video meetings and teleconferences were held since that time with many organisations in relation to the pandemic.

In order for Council operations to continue as effectively as possible additional delegations maybe granted to the Mayor, Deputy Mayor and General Manager should the need arise.

In addition to the above the legislative changes have been made that permit councils to hold official meetings electronically instead of physically for a further six months as communities recover from the COVID-19 pandemic. This regulatory extension means councils have the ability to continue to meet electronically for a further six months until March 25 2021.

### **Community Engagement**

To inform the community.

### **Attachments**

1. Shelley Hancock, Minister for Local Government, Media Release; Virtual Council Meetings Permitted for Another Six Months.
2. OLG Circular 20-37; Status of Special COVID-19 Measures

### **RECOMMENDATION**

That:

1. If the need arises, and subject to consultation with the Mayor and Deputy Mayor, that the General Manager be authorised to shut services considered non-essential due to the COVID-19 pandemic.

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2. In addition to the existing delegations made to the Mayor, Deputy Mayor and General Manager that the following additional functions be delegated:
  - (a) That Council pursuant to Section 226(d) and Section 377 of the Local Government Act 1993, delegate authority to the Mayor and the General Manager (or their delegates) jointly to exercise any functions of Council that may lawfully be delegated under Section 377 of the Local Government Act. This should be enacted in the event that the need arises which would limit the orderly operations of Council in regards to the operation of the governing body of elected members, including the ability to convene Ordinary and Extraordinary meetings and subject to the restrictions outlined in point (b) and point (c) below.
  - (b) That a list of any matters considered under such delegated authority be submitted for Council's information via email as soon as possible following the execution of such delegation and be formally reported to the next available scheduled Ordinary Meeting of Council.
  - (c) That this temporary delegation of authority only be put into effect if the elected Council is unable to meet because of a lack of a quorum from councillors being affected by the virus. Further that this temporary delegation be put into effect if Council is unable to conduct ordinary meetings of Council due to restrictions imposed by relevant authorities and if no reasonable alternative or provision is available.
  - (d) That this temporary delegation also apply in light of any legislative change, direction or advice arising as a direct result of the COVID-19 situation.
  - (e) That these additional delegations remain in place until 30 June 2021 or unless terminated sooner by Council.
3. Council note that it may continue to hold meetings electronically until 25 March 2021.

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### **Item 10 Council Resolutions Report**

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

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### **Reason for Report**

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 the community.

### **Attachments**

1. Council Resolution Report

### **RECOMMENDATION**

That the Council Resolution Report be noted for information.

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### **Item 11 Revotes and High Value Projects Report**

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

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### **Reason for Report**

To provide Council with updated information on the progress of projects that Council has funded by revote and projects that are considered to be high value and potentially high risk.

### **Background**

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

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

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

### **Issues**

Nil

### **Options**

Nil

### **Financial Considerations**

As set out in the report.

### **Community Engagement**

To inform the community by placing the information on Council's website through the Business Paper.

### **Attachments**

1. Revote Report
2. High Value High Risk Revotes

### **RECOMMENDATION**

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

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### **Item 12 Australia Day 2021**

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Community Services
<b>Author:</b>	Personal Assistant to Director Corporate and Community Services – Kira Alexander
<b>CSP Key Focus Area:</b>	Community and Culture
<b>Priority:</b>	CC3 Our shire is home to a vibrant arts and cultural life which is promoted and supported as an essential aspect of community well-being.

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### **Reason for Report**

To provide Council with an overview of plans for Australia Day 2021 and seek support for programs and activities to be implemented as part of annual Australia Day celebrations.

### **Background**

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

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

### **Issues**

#### Australia Day Ambassador Program

The Australia Day Ambassador program is not yet available for registration.

#### NSW Local Citizen of the Year Awards

The NSW Local Citizen of the Year Awards for Australia Day 2020 are awarded in the following categories:

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

The Environment Citizen of the Year Award is presented in partnership with Return and Earn NSW. The Award recognises individuals and organisations for work in the community that achieves litter reduction and recycling outcomes, preserving the environment and using the Return and Earn scheme for a meaningful cause. This will be the third year it will be run through the Australia Day Council of NSW and our local winner can go in the running for the overall state winner.

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The *Warrumbungle Shire Council Australia Day Awards* are administered by Warrumbungle Shire Council. In 2021 it is proposed that the awards are awarded in the following categories:

- Citizen of the Year
- Young Citizen of the Year
- Sportsperson of the Year
- Environmental Citizen of the Year (open age)
- Young Environmental Citizen of the Year (school aged)
- Australia Day Award – Senior Citizen of the Year
- Australia Day Award – Cultural Achievement Award
- Australia Day Award – Community Event of the Year

*Guidelines & Criteria* and *Nomination Forms* for these categories are attached and will also be available as an online form on Council's Website on the 'Have Your Say Page'. Nominations open on Friday 16 October 2020 and close on Friday 20 November 2020 at 4.30pm.

Further local awards are awarded by local Organising Committees.

### Selecting Recipients of Awards

In late 2018 Council formed a s355 Committee to select the recipients of Australia Day Awards under delegated authority for Australia Day in 2019. The Committee is comprised of all Councilors and the Director Corporate and Community Services. The Committee Terms of Reference is attached (Attachment 3).

A meeting will be scheduled on 10 December 2020 to select the recipients of the 2021 awards.

### Funding Support – Local Events

For a number of years Council has supported the conduct of Australia Day events in each town through the provision of a small contribution of funding. This funding is provided to assist with costs such as printing, promotion, local awards and catering. It is proposed that this funding be allocated again in 2021 as follows:

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

Funding is provided directly to the Local Organising Committees.

### Additional Government Grant Funding (Australia Day Council) to assist the local government sector deliver Australia Day 2021 events

Details have been provided to Development Groups and Community Development Coordinators of these available grants closing 9 October 2020. Council will be submitting applications where it is considered Council further support each Local Organising Committees in addition to the funding highlighted above.

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### Free Entry to Public Swimming Pools

The provision of free entry to swimming pools in each town has been well-received for a number of years. It is proposed to again offer free entry to pools for Australia Day 2021.

### **Options**

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

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

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

### **Financial Considerations**

Council has funding allocated in the Executive Services budget to support Australia Day programs and activities. The total budget allocation for Australia Day 2021 is \$7,200. This covers the cost of advertising, awards, certificates and frames, contributions to each community and hosting two (2) Australia Day Ambassadors. It also allows for donations of \$600 for each of the five towns in the LGA and \$750 for Coonabarabran.

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

### **Community Engagement Considerations**

The level of community engagement is inform + consult + involve and will involve media releases, notices, social media posts and the taking of nominations.

### **Attachments**

1. Australia Day Award Guidelines and Criteria
2. Australia Day Award Nomination Form
3. S355 Committee Terms of Reference
4. Australia Day Council Grant Details (Doc Id 120812)

### **RECOMMENDATION**

That Council:

1. The Australia Day Award Committee be delegated the authority to select the Australia Day Award recipients.
2. Participates in the 2021 ***NSW Local Citizen of the Year Awards*** by administering and presenting the *Warrumbungle Shire Council Australia Day Awards* in the following categories:
  - Citizen of the Year
  - Young Citizen of the Year
  - Sportsman of the Year



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- Environmental Citizen of the Year
  - Young Environmental Citizen of the Year
  - Australia Day Award
3. Open public swimming pools in Baradine, Binnaway, Coolah, Coonabarabran, Dunedoo and Mendooran free of charge on Australia Day 2021

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### **Item 13 Community Financial Assistance Donations 2020/21 (Round One)**

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	PA to Director Corporate Services – Kira Alexander
<b>CSP Key Focus Area:</b>	Community and Culture
<b>Priority</b>	CC4 There is a high degree of public involvement in community activities including volunteerism

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#### **Reason for Report**

To present to Council 27 (totaling \$13,280) on time applications received in Round One of the 2020/21 Community Financial Assistance Donations for the determination by Council.

#### **Background**

The budget allocation for this area is \$20,000 each year and therefore \$10,000 is generally the target for each round. This means not every application can be recommended though they may be worthy activities or if the applicant's organization has received other Council funding recently this may be used to not to be included in the recommendation. Likewise, some application amounts recommended may be less than that applied for.

Each year Warrumbungle Shire Council offers two (2) rounds of Community Financial Assistance Donations to provide some limited support local community groups and organisations in Warrumbungle Shire. The maximum amount of financial assistance provided is \$500.

Applying groups and organisations were offered to complete and submit the Community Financial Assistance Donations Online Application Form by the due date of 28 August 2020. Application forms were not available to organisations online after the due date. Hardcopy forms were also offered as an alternative.

Through the provision of Community Financial Assistance Donations, Warrumbungle Shire Council provides support for community-based projects and activities in Warrumbungle Shire. Community Groups and organisations are encouraged to apply for funding to support projects which promote and support people living in the towns and villages in Warrumbungle Shire.

The Community Financial Assistance Donations are made in addition to annual donations and contributions outlined in Council's Donations' Policy. Annual Donations are considered in the yearly Operational Plan Budget and associated Delivery Program deliberations.

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### **Issues**

#### **Assessment Guidelines**

The Council's Community Financial Assistance Donations Guidelines state that, applications are assessed against the following criteria:

1. contribution to addressing gaps in service provision or community development programs and activities,
2. activities which promote community development in a multicultural context and seek to address issues of access and equity,
3. involvement from volunteers and self help initiatives which build upon Council's contribution,
4. consumer / user participation in management of services / activities,
5. innovative and creative approaches to identified needs, and
6. activities which use Council funding to attract further resources and funding.

The Guidelines also state that Council will give low priority to following types of requests:

- activities/services which do not attempt to become self-supporting where the potential exists through fees or other feasible income-producing activities,
- activities of a purely social nature, which do not address the needs of disadvantaged groups,
- activities which are eligible for support from state-wide or regional parent bodies, and
- organisations which have not observed accountability requirements for past Council assistance.

The list of applications includes information on whether or not the applicant:

- Received funding in the 2019/20 Round 2 Community Financial Assistance Donation Program
- Receives an annual donation from Council as part of Council's Donations Policy, and
- Where an amount was not included in the application an amount of \$500 has been included.

### **Financial Considerations**

The recommended recipients amounting to \$9,600 is within budget of 50% or \$10,000 of the total \$20,000 available.

### **Community Engagement**

The level of engagement is inform and consult.

### **Attachments**

1. Community Financial Assistance Donations – All on time completed applications.
2. Summary table of applications and assessment comments.

### **RECOMMENDATION**

That Council funds 20 of the 27 applicants under Round One of the 2020/21 Community Financial Assistance Donations at a total amount of \$9,600.

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Ref	Doc ID	Applicants	Amount Recom'ed	Project Description
1	119381	Dunedoo Historical Museum	\$500	Heritage Photo Display for Dunedoo Library Walls
2	119391	Creatives Collective ARI Inc.	\$500	Start Art 2020 - completely inclusive art competition -funds go toward prizemoney
3	119398	Little People Task Force	\$500	Little People Fun Day
4	119452	Coonabarabran Club Cooperative Limited	\$500	Assist with costs involved in updating the Club's heating.
5	119696	Yearinan Rural Fire Brigade	\$500	Community BBQ and mental / physical health days - Purchase of a new BBQ
6	119733	Coolah District Development Group	\$500	Book Launch Coolah Railway Centenary - Advertising the book launch, print media and social media.
7	119745	Ulamambri Hall	\$500	Provide lighting at the back where Christmas Party's are held
8	119817	Mendooran Art & Craft Shop	\$500	Install lighting or skylight in shop
10	119822	Warrumbungle Regional Radio Incorporated (2WCR-FM)	\$400	Resolving Precise Time Issue in Outside Broadcast Van
15	119833	Baradine Rusty Club Men's Shed	\$500	Baradine Rusty Club Tools for Mental Health project - to purchase a free-standing stove and oven for use by the volunteer members.
16	119662	Coonabarabran Swimming Club	\$500	Refurbishment of Lane Rope Reel Wheels.
17	120005	Binnaway Lions Club	\$500	Purchasing a hands-free soap dispense, a hands-free hand sanitizer and a paper towel dispenser all which can be mounted onto the Lions BBQ trailer
18	120007	Warrumbungle Domestic Violence Committee	\$500	Warrumbungle White Ribbon Event - purchase 4 white flags

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<b>Ref</b>	<b>Doc ID</b>	<b>Applicants</b>	<b>Amount Recom'ed</b>	<b>Project Description</b>
19	120060	Dunedoo and District Development Group	\$500	Dunedoo Silo Art Sign
20	120061	Dunedoo Amateur Swimming Club	\$300	Dunedoo Swimming Carnival
21	120064	Coolah District Development Group	\$500	Volunteers Insurance at Tourism information and Gallery
22	120065	Coolah Youth & Community Centre	\$500	Protect our volunteers
23	120066	Presbyterian Church Coolah	\$500	Painting hall and new cupboard storage
24	120082	Baradine squash and volleyball club	\$500	Air conditioning installation
25	120085	Coonabarabran Amateur Boxing Gym Inc.	\$400	Covid-Safe, Keeping it Clean

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### **Item 14 Community Strategic Plan Review and Customer Satisfaction Survey**

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Manager Corporate Services – Jenni Maundrell
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	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

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#### **Reason for Report**

The reason for this report is to inform Council of the process that will be undertaken to review the Community Strategic Plan during the final year of this Council term, including the recommendation to undertake a Customer Satisfaction Survey.

#### **Background**

The Community Strategic Plan (CSP) is the overarching document in Council's Integrated Planning and Reporting Framework. It translates the community's key priorities and aspirations into long-term strategic goals that guide the future direction of Council.

During the twelve months before a local government election, the outgoing Council oversees a review of progress in implementing the CSP for that term of Council. The resulting report (the End of Term Report) is presented to the final meeting of the outgoing Council, and is published in the Annual Report.

The local government elections will be held on 4 September 2021, having been postponed for 12 months due to the COVID-19 pandemic.

#### **Issues**

The Community Strategic Plan 2017-2032 sets out seven (7) key priority areas for residents of the Warrumbungle local government area: Natural Environment, Local Economy, Community and Culture, Rural and Urban Development, Recreation and Open Space, Public Infrastructure and Services, and Local Governance and Finance. These priority areas are used as the basis to determine the Delivery Program over the four-year term of Council, which sets out how Council will deliver the needs and aspirations identified by the CSP.

There are various measures that can be employed to review the CSP. Achievements against the four-year Delivery Program adopted by Council in June 2017 should be analysed using the performance indicators included in the Delivery Program ('What will we achieve with this money?' 'How will we track out progress?'). This analysis will be aided by the Delivery Program progress reports presented to Council; as of 1 July 2020, Council has received these reports quarterly.

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### Customer Satisfaction Survey

Another measure that may be used to review the CSP is to conduct customer satisfaction surveys. Council committed to conducting a survey to gauge community satisfaction in the current Delivery Program; however, there is not an amount currently budgeted in the Operational Plan to conduct a professional survey.

Preliminary discussions have been held with two (2) survey companies regarding carrying out a Shire-wide customer satisfaction survey. A survey would likely involve a professional survey company interviewing up to 400 residents about their satisfaction with a wide range of Council services, and asking residents to rate the importance of those services. This results in a useful snapshot of the services that are most important to the community, and how well the community feels the services are delivered.

Preliminary investigations indicate a professional survey would cost approximately \$30,000. This amount is inclusive of the conduct of a survey and a report on the survey results; options may include assistance to develop an improvement action plan and integration with the Employee Engagement Survey conducted in June 2019. Should Council proceed with this project, quotations will be sought by in accordance with Council's *Procurement Policy*.

### Community Consultations

The half-yearly Community Consultation meetings present a great opportunity to engage with the community about Council's implementation of the CSP and promote ways that residents can participate in a customer satisfaction survey. A community engagement program would be time lined to coincide with the second round of Community Consultation meetings for 2020/21 (held March/April 2021).

### **Options**

Council must demonstrate that it has extensively consulted the community in its review of the CSP; however, Council has options in the methods of engagement.

### **Financial Considerations**

Consider the provision for the cost of \$30,000 at the next Quarterly Business Review Statement (QBRS).

### **Community Engagement Considerations**

The level of community engagement is to Inform + Consult + Involve + Collaborate and will involve media releases, notices, social media posts and the consultation with a demographically representative group of shire residents.

### **Attachments**

Nil

### **RECOMMENDATION**

That Council:

1. Notes the information contained in the Community Strategic Plan Review report.

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2. Conduct a Customer Satisfaction Survey in the 2020/21 financial year at an approximate cost of \$30,000 following provision being considered and funded at the next available Quarterly Business Review Statement (QBRs).



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### **Item 15 Code of Meeting Practice Review**

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Corporate Services
<b>Authors:</b>	Manager Corporate Services – Jenni Maundrell
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council's governance practices and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

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### **Reason for Report**

To seek Council's consideration and endorsement of the reviewed draft Code of Meeting Practice. The proposed changes to Council's current Code of meeting Practice relate to Council Meetings, Public Forums, retention of the recording of Council meetings and some style changes.

### **Background**

#### Review of Council's Code of Meeting Practice

Council's current Code of Meeting Practice was adopted in March 2019 and is based on the *Model Code of Meeting Practice for Local Councils in NSW* (the Model Code).

The LG Act (s363) states that '*a council may amend a code adopted under this Part by means only of a code so adopted.*' Further, the LG Act (s361) sets out a public exhibition period of at least 28 days with submissions received for at least 42 days for codes of meeting practice.

The Office of Local Government (OLG) Circular to Councils 20-31, dated 14 August 2020, specifies a new requirement prescribed under the *Local Government (General) Regulation 2005* (NSW) for councils to retain recordings of meetings on their websites for a minimum of 12 months. Previously, councils were required to specify in their codes of meeting practice a minimum time period that a webcast recording would be made publicly available on a council's website, but a minimum time period was not prescribed.

### **Issues**

The Model Code contains clauses that are mandatory for all councils to adopt, along with a number of optional clauses. Due to the requirement to update the current Council Code of Meeting Practice because of the OLG Circular referred to above, a review of the current document has been carried out and a number of other changes suggested.

A copy of Council's Code of Meeting Practice with highlighted tracked changes that address each of the issues outlined below is provided as an attachment to this report. Further, a contents page has been added to the beginning of the document, and the

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cover page has been altered to the style recently adopted in the Council's Style Guide.

Clause 3.1 of Council's Code of Meeting Practice deals with the place and time of Council meetings. It is mandatory for councils to include this section in their codes of meeting practice, however the wording to be used is not specified in the Model Code.

In practice, Ordinary Council meetings are held generally on the third Thursday of each month, with no Ordinary meeting scheduled for January. Currently, due to COVID-19 considerations, Council meetings are only being held at the Council Chambers, John Street Coonabarabran and live streamed.

The revised draft Code of Meeting Practice has been modified:

- Specifying that Ordinary Council meetings are *generally* held on the third Thursday of each month, with no Ordinary Council meeting held in January.

Part 4 of Council's Code of Meeting Practice deals with Public Forums.

Time limits for public forums are not specified in the Model Code. Clause 4.13 of Council's adopted code puts a time limit of 4 minutes per speaker, but there is not a provision for a time limit on the overall public forum.

The Model Code made provision for this section to be included as an 'option'; that is, it is not mandatory for councils to include information about a Public Forum in their codes of conduct. However, Council's current Code of Meeting Practice adopted the wording suggested in the Model Code, which took the approach that Public Forums could deal only with items appearing in the business paper for the meeting immediately following the Public Forum. The change below provides for matters of other Council related business.

The revised draft Code of Meeting Practice has been modified:

- Making provision for Public Forums to hear from speakers on items other than those appearing in the business paper for the Council meeting immediately following the Public Forum.

Note: should this be adopted, the Public Forum Policy will require an update.

Clause 5.21 of Council's Code of Meeting Practice deals with posting recordings of Council meetings to Council's website. The revised wording of this clause is in line with mandatory requirements set out in the OLG Circular to Councils 20-31. The revised draft Code of Meeting Practice has been modified:

- Specifying that recordings of each meeting of Council or Committee of the Council is to be retained on the website for *a minimum of one (1) year*.

### **Options**

The suggested changes to clause 3.1 and part 4 of the current Code of Meeting Practice may be endorsed as presented or amendments may be made.

The change to clause 5.21 is in line with the requirement prescribed under the *Local Government (General) Regulation 2005 (NSW)* and must be adopted.

### **Financial Implications**

Nil

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### **Community Engagement Considerations**

The level of engagement for this report is to Inform and Consult and will involve Public Exhibition in accordance with Section 361 of the NSW Local Government Act for a minimum of 28 days, with submissions open on the matter for a minimum of 42 days.

### **Attachments**

1. Office of Local Government (OLG) Circular to Councils 20-31.
2. Council's revised draft Code of Meeting Practice.

### **RECOMMENDATION**

That Council endorses the reviewed Code of Meeting Practice to proceed for Public Exhibition for a minimum of 28 days with submissions received for a minimum of 42 days.

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### **Item 16 Investments and Term Deposits – month ending 30 September 2020**

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

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#### **Reason for Report**

As required by clause 212 of the *Local Government (General) Regulation 2005*, the details of all monies invested by Council under section 625 of the *Local Government Act 1993* must be reported to Council at each 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, \$1,000,000.00 worth of term deposits matured, earning Council a total of \$9,224.66 in Interest.

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

- \$1,000,000 with AMP at a rate of 0.55%

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

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### At Call

At call accounts are used to hold funds for shorter periods and generally are adjusted on a weekly basis to meet cash flow requirements. During the month, \$675.96 interest was earned on the balances in the accounts and net transfers of \$33,892.68 were made from these accounts resulting in a month end balance of \$2,427,101.11.

### Cash at bank balance

In addition to the at call accounts and term deposits, as at 30 September 2020, Council had a cash at bank balance of \$593,810.43.

### Income Return

The average rate of return on Investments for the month of 0.70% exceeded Council's benchmark Bank Bill Swap Rate (BBSW) of 0.09% % by 675 points or 0.61%.

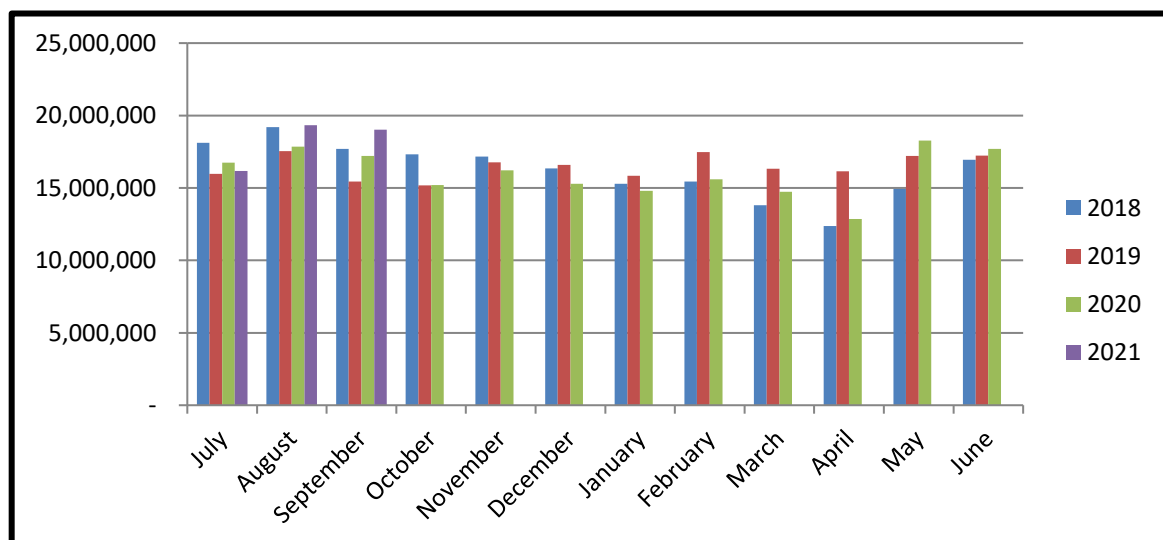
Council's full year budget for 2019/2020 for interest is \$348,715. At the end of September, the amount of interest received and accrued should be around 25% of the total year budget, i.e. \$87,178.75. On a year to date basis, interest received and accrued totals \$10,825.80, which is 3.10% of the annual budget, (after the reversal of last year accrual and quarterly adjustments).

### **Financial Implications**

This much reduced receipts level on interest on investments will be re-examined as part of Council's 1st Quarterly Business Review Statement due to Council's November Council Meeting.

The Federal Budget is due to be delivered 6 October 2020 and may provide some elements that will lift the current low level of interest rates being received on Council's Investments.

### **Graph by Month Investments**



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**Table 1: Investment Balances – 30 September 2020**

Financial Institution	Lodgement Date	Maturity Date	Total Days	Original Rating	Current Rating	Yield (%)	Investment Amount (Redemption Value)
<b>At Call Accounts</b>							
NAB		At Call	at call	ADI	ADI	0.05%	355.10
NAB		Bpay	at call	ADI	ADI	0.00%	712,986.75
ANZ		At Call	at call	ADI	ADI	0.05%	6,754.59
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	0.52%	676,505.35
CBA At Call		At Call	at call	ADI	ADI	0.70%	1,028,953.16
<b>Sub-Total</b>							<b>2,427,101.11</b>
<b>Term Deposits</b>							
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
AMP	28-Sep-20	29-Mar-21	182	LMG	LMG	0.55%	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
<b>Sub-Total</b>							<b>16,000,000.00</b>
<b>Total</b>							<b>18,427,101.11</b>

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### Credit Rating Legend

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

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**Table 2: At Call and Term Deposits – Monthly Movements**

Bank	Opening Balance	Interest Added to Investment	Net Placements/ Withdrawals	Closing Balance
NAB	355.10	0.20	-	355.30
NAB Bpay At	146,864.43	-	566,122.32	712,986.75
ANZ	6,769.23	0.36	(15.00)	6,754.59
Regional	1,545.96	-	-	1,545.96
T Corp IM	1,675,959.27	546.08	(1,000,000.00)	676,505.35
CBA At Call	628,823.84	129.32	400,000.00	1,028,953.16
<b>Total at call</b>	<b>2,460,317.83</b>	<b>675.96</b>	<b>(33,892.68)</b>	<b>2,427,101.11</b>
AMP	1,000,000.00	9,224.66	(1,009,224.66)	-
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
AMP	-	-	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
<b>Total Term</b>	<b>16,000,000.00</b>	<b>9,224.66</b>	<b>(9,224.66)</b>	<b>16,000,000.00</b>
<b>Total</b>	<b>18,460,317.83</b>	<b>9,900.62</b>	<b>(43,117.34)</b>	<b>18,427,101.11</b>

### 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
T Corp	Prime	676,505.35	3.67%	33.30%	Compliant
	Total Prime	676,505.35	3.67%	100.00%	Compliant
ANZ	ADI	4,506,754.59	24.46%	33.30%	Compliant
CBA	ADI	4,528,953.16	24.58%	33.30%	Compliant
WBC	ADI	2,000,000.00	10.85%	33.30%	Compliant
NAB	ADI	5,713,342.05	31.01%	33.30%	Compliant
	Total ADI	16,749,049.80	90.89%	100.00%	Compliant



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RAB	LMG	1,545.96	0.01%	10.00%	Compliant
AMP	LMG	1,000,000.00	5.43%	10.00%	Compliant
	Total LMG	1,001,545.96	5.44%	10.00%	Compliant
<b>Grand Total</b>		<b>18,427,101.11</b>	<b>100.00%</b>		

### **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.

**Khurram Javed**

\_\_\_\_\_  
**Responsible Accounting Officer**

### **RECOMMENDATION**

That Council accept the Investments Report for the month ending 30 September 2020 including a total balance of \$19,020,911.64 being:

- \$2,427,101.11 in at call accounts.
- \$16,000,000.00 in term deposits.
- \$593,810.43 cash at bank.

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### Item 17 Occupation of the Mezzanine Level of the Coonabarabran Sport and Recreation Building

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

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#### Reason for Report

The purpose of this report is to advise Council on the status of a proposed licence agreement with the Coonabarabran Boxing Club.

#### Background

The following resolutions have been made by Council in relation to this matter:

**'365/1920 RESOLVED** that the Coonabarabran Amateur Boxing Association Incorporated is given access to the mezzanine level at the Coonabarabran Sport and Recreation Building subject to the following conditions:

1. A licence agreement is in place to occupy the mezzanine level of the Coonabarabran Sport and Recreation Building.
2. The Coonabarabran Amateur Boxing Association Inc. is responsible for legal costs associated with preparing the licence agreement.
3. The period of the licence agreement is two (2) years renewable for a further two (2) years upon application to Council.
4. The annual rental fee is \$2,400.
5. Daily use fee in accordance with Council's fees and charges will apply if after 28 days after the licence agreement document has not been returned by the Association.'

**'94/2021 RESOLVED** that a report to be presented to the next Council meeting relating to the submissions received on the Coonabarabran boxing gym licence.'

#### Issues

The Coonabarabran Sport and Recreation Building is on land classified as community land and in relation to the process of entering into a licence agreement, Council is bound by the requirements the Local Government Act. In particular, the Minister's consent is required if any objections are received by Council to the proposed licence agreement. What is not clear from legislation is whether or not

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Council is required to take a position on the proposed licence agreement now that objections have been received. Advice on this matter is being sought from Office of Local Government and at the time of preparing this report that advice has not been received.

The licence agreement document has been sent to the Coonabarabran Amateur Boxing Association Inc. and to date it has not been signed. Even if the document is signed and returned to Council as requested, the agreement is not binding until the document is signed by Council. Should the Association not sign the document, the Association will be required to make a booking to occupy the mezzanine level and pay the daily use fee.

### **Financial Considerations**

There are no significant financial implications associated with the process of referring the proposed licence agreement to the Minister.

### **Community Engagement**

The proposed licence agreement was advertised and submissions closed on the 17 September 2020. There are 28 submissions expressing support for the Coonabarabran Amateur Boxing Association Inc. and their occupation of the mezzanine level within the Coonabarabran Sport and Recreation Building. There are 11 submissions expressing an objection to Council entering into a licence agreement with the Boxing Association. A copy of the submissions have been forwarded to Council under separate confidential cover. Council may also be aware that the proposed licence agreement is the subject of some of the letters to editor published in the Coonabarabran Times.

### **Attachments**

1. Summary of Submissions for Boxing Gym Licence Agreement (*Confidential*)
2. Copy of Submissions for Boxing Gym Licence Agreement (*Confidential*)

### **RECOMMENDATION**

That the report on Occupation of the Mezzanine Level of the Coonabarabran Sport and Recreation Building be noted.

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### **Item 18 Neilson Park – Stop & Play Project**

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

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### **Reason for Report**

The reason for this report is to make a resolution on a concept plan for the proposed Coonabarabran Stop and Play Project in Neilson Park

### **Background**

Council will recall that it's application under the NSW Government's Stronger Country Communities Fund Round 3 (SCCF3) for Coonabarabran Stop & Play in Neilson Park was successful. The Stop & Play Project was promoted by a group of local residents, who obtained widespread support for the project, which was referenced in the funding application. Since announcement of the funding, the group has worked with Council Officers to research various types of play equipment and they worked to develop a concept plan for the project, a copy of which is included in the attachments.

### **Issues**

The Stop & Play Project is essentially a series of graduated play areas and play equipment. The location of the project is at the eastern end of Neilson Park and the proposed play area and equipment will consume a significant area of this part of the park.

Features of the Stop & Play Park include; play equipment that is accessible for all users, musical play equipment; equipment suitable for children and young adults; fitness equipment, learn to ride cycle path, fences and shade shelter.

The construction of the Stop & Play Park involves earthworks, concrete works, installation of soft fall equipment, installation of play equipment, installation of fences and a shade shelter. It is expected that works associated with fencing, shade shelter, soft fall will attract the interest of local and regional contractors. The supply and installation of equipment is expected to be sourced from metropolitan areas or from large regional centres. The irrigation system that is currently in place will require modification to fit in with the footprint of the Stop & Play equipment.

The project is required to be completed by 31 December 2021.

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### **Options**

The concept plan reflects the scope of works described in the funding submission and it also reflects the presentation made by the local group to a Council workshop on the 23 August 2019. Council however has the option of modifying or rejecting any aspect of the concept plan.

### **Financial Considerations**

The budget allocation for the project is \$278,137 which is fully funded through the SCCF3 Grant. Funding for ongoing maintenance and operational costs associated with the Stop & Play Project will need to be sourced from Council's revenue sources.

### **Community Engagement**

The scale of this project is considered to be moderate and the impact on the community of the project is low. The level of engagement with the community is to inform and consult.

### **Attachments**

1. Concept Plan Revision A

### **RECOMMENDATION**

That:

1. The project is publicly advertised and written submissions sought on the Coonabarabran Stop & Play concept plan.
2. Once submissions have been assessed that tenders are invited for design and construction of Coonabarabran Stop & Play.

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### Item 19 Offer of Reserve from Crown Lands

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Urban Services & Facilities
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Recreation and Open Space
<b>Priority:</b>	RO2 National parks & reserves in and around the Shire need to be well maintained and accessible in the long term for recreational activities.

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### Reason for Report

The purpose of this report is to make a resolution on an offer from Crown Lands on Reserve 97121.

### Background

Crown Reserve No 97121 is located in Coolah and has been managed by Castlereagh Macquarie County Council. Crown Lands advise that the County Council want to resign as Manager of the Reserve and they have offered Management of the Reserve to Council.

Reserve 97121 is located between the Coolah Waste Transfer Station and the old night soil depot. Both of these land parcels are Crown Reserve and both are managed by Council.

The Reserve has an area of just 1,000m<sup>2</sup> and there is a small storage shed located on it. A copy of a diagram showing the location of the Reserve and a photograph of the shed is provided in the attachments.

If Council does not take up the offer, Crown Lands will invite expressions of interest from members of the public to lease the Reserve.

### Issues

The Reserve and the shed may be beneficial to the operations of the adjoining Waste Depot, particularly in relation to storage of equipment, however there is no identified need in the short term for the shed and the site.

It is not clear if the site was used for any other purpose by Macquarie County Council other than storage of equipment. There is a possibility that chemicals were stored and perhaps mixed on site, however there is no evidence of this and there is no water supply to the site.

Council has applied to classify the two Reserves either side as Operational Land and should Council wish to take up the offer from Crown Lands, it is appropriate that application is made to also classify Reserve 97121 as Operational Land for the purpose of storage.

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### **Options**

The following options are apparent:

- Accept the offer for Management of Reserve 97121 subject to classification being the same as the Reserves immediately adjacent.
- Decline the offer for Management of Reserve 97121, knowing that Crown Lands may offer management of this Reserve to members of the public.

### **Financial Considerations**

There will be some administrative costs associated with Management of Crown Reserve 97121, however they are expected to be within existing budget allocations. The cost of preparing a Plan of Management for Reserve 97121 will be minimal and within existing budget allocations, if the Reserve is classified as Operational.

### **Community Engagement**

The community scale and the community impact of the proposal to accept management responsibility for Reserve 97121 is expected to be low and low respectively, therefore the level of community engagement is at the inform level only.

### **Attachments**

1. Locality Map of Reserve 97121
2. Photograph of Reserve 97121

### **RECOMMENDATION**

The offer from Crown Lands for Council to Manage Crown Reserve 97121 is accepted subject to the following conditions:

1. Crown Lands identifying and remediating soil within the Reserve that may be contaminated.
2. Classification of the land being the same as that of the two adjoining Crown Reserves.

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### Item 20 Draft Business Use of Footpath Policy

<b>Division:</b>	Development Services
<b>Management Area:</b>	Planning and Regulatory Services
<b>Author:</b>	PA to Director Development Services – Kelly Dewar
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF4 Council's governance practices and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.

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### Reason for Report

To present Council with a draft Business Use of Footpaths Policy in response to Resolution 22/1920.

### Background

At the July 2019 Ordinary Meeting of Council, a report was considered by the elected body relating to re-establishment of Alcohol-Free Zones across the LGA. At the time, a number of submissions were considered from the general public, and it was noted that Council could better facilitate the use of Council's footpaths; particularly in relation to outdoor dining.

As a result, it was resolved (Resolution 22/1920):

*That Council:*

- 1. Re-establish the Alcohol Free Zones in the towns of Baradine, Binnaway, Coonabarabran, Coolah, Dunedoo and Mendooran for a period of four (4) years from July 2019 to July 2023.*
- 2. Develop a policy to address and facilitate outdoor dining and business use of footpaths.*

Prior to this, Council had minimal policy documents relating to business use of Council's footpaths, apart from an adopted Street Stall Policy that had been endorsed on 17 August 2017 (Resolution 66/1718) that dealt with street stalls and raffle ticket selling only.

The new draft policy (the subject of this report) outlines up-to-date information and current approval processes to ensure use of footpaths are in line with the current industry standards. The policy covers the use of the footpath for trade, dining and community fundraising. The policy also covers the use of footpaths for permanent and temporary events.

A copy of the draft policy and associated documents is attached.



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### **Issues**

The draft policy aims to promote public access and well managed business use and outdoor dining on footpath.

It seeks to maintain a clear path of travel at all times with an area retained for pedestrian circulation of at least 1.5 metres, while also allowing opportunities for beneficial uses on the public footpath.

The draft policy is accompanied by a guideline that provides more specific details on the approval process, legislative requirements and permissible uses.

Persons seeking to use footpath areas will need to apply to Council to obtain approval as per the draft policy before using the footpath. Each application will be assessed on merit in particular seeking sufficient pedestrian circulation for movement of pedestrians. All applications will be required to provide proof of Public Liability insurance with a minimum of \$20 million coverage noting Warrumbungle Shire Council as an interested party.

### **Options**

Council can either accept the draft policy or seek changes to be made to the policy before adoption.

### **Financial Considerations**

Under Council's current fees and charges the cost for an Application for Footpath Occupation for Business Use is \$187 plus administration fee of \$53 totalling \$240 per business application (currently not waived under COVID-19), there is no charge for local or Shire based not for profit organisations.

To promote use of footpath areas and encourage local businesses to become compliant, Council could waive both the application and administration fee for the first year for each application that is lodged with Council.

### **Community Engagement**

Community engagement would be at the level of 'Inform + Consult' as per Council's *Community Engagement Strategy 2020-2024*.

Information to the community would be available by way of the Community e-Newsletter; social, digital, and print media (incorporating the Council website, Have Your Say and printed publications in each town throughout the Shire); and through interaction with Customer Service Officers.

Consultation with the community would be by way of 'On Exhibition – Public Submissions'. The endorsed documents would be on exhibition for at least 28 days, with submissions invited for at least 42 days.

### **Attachments**

1. Draft Business Use of Footpath Policy
2. Business Use of Footpath Guidelines
3. Business Use of Footpath Application Form – Permanent Use
4. Business Use of Footpath Application Form – Temporary Use

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### **RECOMMENDATION**

That Council:

1. Notes the information contained in the Draft Business Use of Footpath Policy Report.
2. Adopts the Draft Business Use of Footpaths Policy for community consultation.
3. Places the Draft Business Use of Footpaths Policy and associated documents on public exhibition for at least 28 days, with submissions invited for at least 42 days.
4. Receives a further report on the Draft Business Use of Footpaths Policy after the public exhibition phase has been completed.

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### Item 21 Planning System Acceleration Program and ePlanning

<b>Division:</b>	Environment and Development Services
<b>Management Area:</b>	Planning and Regulatory Services
<b>Author:</b>	Manager Planning & Regulation – Ken Stratton
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	RU1 Land use planning across the shire acknowledges the rural character of the area whilst encouraging ecologically sustainable development.

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#### **Reason for report**

To provide Council with information on changes to planning processes, in particular the Planning System Acceleration Program (fast track process) and ePlanning provisions.

#### **Background**

In April 2020 the State Government announced the Planning System Acceleration Program which was designed to support NSW's immediate and long-term economic recovery from the COVID-19 crisis.

The purpose of the program was to fast track assessment of projects which may be able to get shovel ready projects underway quickly. The program redirects existing resources from the Department of Planning to speed up the determination of projects (assessed at state level) that inject investment into the NSW economy, this in turn aiming to keep people in jobs.

There have been a number of projects approved under the program, with the sixth tranche of projects currently under assessment; when these 11 projects have been determined, it will mean more than 100 projects have received fast-tracked planning assessments since April.

Council agreed to be a participating Council in the Planning System Acceleration Program some months ago.

The other planning initiative that Council has become involved in relates to ePlanning, or electronic lodgment of development applications (it will be expanded to other applications at a later date). Council has nominated to be online by January 2021 with all Councils in NSW going online by July 2021.

At this stage there are 69 Councils using electronic lodgment platform with another 60 due to come on board by the 1<sup>st</sup> July 2021. The use of electronic lodgment for development applications will become mandatory for all Councils. Applications will be lodged through the Planning Portal, allowing assessment to be undertaken by the Council or other relevant authority as required.

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The electronic lodgement system has been in place in other states for some time, and there are mixed results. Many people turned to using consultants to prepare and lodge their information for them as found the process too difficult.

### **Issues**

#### Planning System Acceleration Program

Projects that require State planning approval are being considered under this program including State Significant Developments, State Significant Infrastructure, major projects, and planning proposals.

To be considered, a project must already be in the planning assessment phase, it must be able to demonstrate public benefit through new public open spaces or affordable housing, it must demonstrate an ability to create jobs both during construction and once complete, and it must be able to commence construction within six months if it's a DA, or proceed to the DA phase within six months if it's a rezoning.

This includes commercial projects that will drive employment as well as public projects that deliver critical public infrastructure such as schools, hospitals, rail upgrades, housing and public space.

The three essential criteria are:

- Jobs – does the project create jobs during construction and ongoing?
- Timing
  - can a decision on the project be made quickly?
  - for DAs, can the project commence within six months?
  - for planning proposals, can the project proceed to DA within six months?
- Public benefit – can the project deliver or support public benefits (affordable housing or new public space and parklands)?

At this stage there is no development in the Warrumbungle Shire Council that meets the criteria - the program is viewed as being city-centric and catering to the needs of highly populated areas only.

#### ePlanning

The e-Planning Program will provide an online environment where people can access planning services and information from anywhere at any time. This will be a convenient alternative to paper-based transactions that can only take place during business hours.

With the Council going online by January 2020, and the process becoming mandatory on the 1 July 2021, Council staff have formed a working party to analyse the new process and work towards a public education program for our local communities. The process, and Council's infrastructure systems have been assessed with input from IT Support through Tamworth Regional Council and it is noted the current infrastructure and programs, with some fine tuning, will accommodate the new planning portal requirements.

An education program for the community will be required as Council has been accepting paper-based applications for a long time. The consultation information will be tailored to inform and educate the community on the new process. The thought of

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lodging their applications online with no personal or customer service will irritate some members of the public. Some of the issues that may occur are:

- Public may not have internet or computer access
- Public may not be able to use and lodge applications in an electronic format
- Hand drawn plans will need to be scanned to PDF format
- Care needs to be taken with Council staff assisting the public to lodge applications (conflict of interest clause).

The working party are in consultation with Department of Planning NSW to deliver the following:

- Public consultation on the new process
- Media on the new process
- Trial application to be done with a selection of local and regular applicants
- Trade night for local trades with a briefing on the process.

### **Options**

The Planning System Acceleration Program (fast track process) benefits city-centric areas providing limited benefit to the rural areas within NSW. Unless Council has an eligible project, the fast-track process is of little to no value to Council.

Council has no options in relation to participating in ePlanning at this stage, with the changes becoming mandatory from 1 July 2020.

### **Financial Considerations**

Nil at this stage

### **Community Engagement**

Community engagement would be at the level of 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Information to the community would be available by way of the Community e-Newsletter; social, digital, and print media (incorporating the Council website, Have Your Say and printed publications in each town throughout the Shire); and through interaction with Council staff.

### **Attachments**

Nil

### **RECOMMENDATION**

That Council notes the information in the Planning System Acceleration Program and ePlanning Report.

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### **Item 22 Inland Rail Update Report – October 2020**

<b>Division:</b>	Environment and Development Services
<b>Management Area:</b>	Economic Development and Tourism
<b>Author:</b>	Manager Economic Development and Tourism – Jo Houghton
<b>CSP Key Focus Area:</b>	Local Economy
<b>Priority:</b>	LE5.1 – Identify and develop opportunities to realise the shire’s potential as a location for the production of renewable energies.

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### **Reason for Report**

To provide Council with regular updates on Inland Rail discussions and matters that relate to Council.

### **Background**

Inland Rail is a freight rail line that will connect Melbourne to Brisbane through regional Victoria, New South Wales and Queensland. With freight volumes set to almost double in the next 20 years, the Australian Government is building the rail line to address freight needs.

The following broad points relate to the Inland Rail project:

- Inland Rail 1,700km long, from Tottenham in Victoria to Acacia Ridge in Queensland.
- Trains travelling on the Inland Rail track will be able to travel at speeds of up to 115km/h.
- The track will enable the use of double-stacked, 1,800m long trains with a 21 tonne axle load. Each train could carry the equivalent freight volume as 110 B-double trucks.

Within Warrumbungle Shire Council, the Inland Rail will traverse part of our Shire to the west of Baradine. This section of the line sits in the Narromine to Narrabri section of the project, known as N2N. Approximately 42 kms of rail line relating to Inland Rail will be located within our local government area.

In November 2017 the Australian Government confirmed the preferred study area for the N2N section of Inland Rail.

### **Update on N2N Section of the Project**

The N2N section of the line is approximately 300kms in length, with the original study area being 2-5km wide. The study area has now been refined to approximately 150-400m wide, known as the focused area of investigation. It is expected the final width of the rail corridor will be 40-60m wide. Detailed map of the alignment through Warrumbungle Shire can be found at [www.inlandrail.com.au/n2n/](http://www.inlandrail.com.au/n2n/)

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Over the past month, Council has been involved in a number of matters pertaining to the Inland Rail Project as follows:

- Inland Rail commenced seasonal ecology survey work on the Narromine to Narrabri (N2N) project in areas near the proposed rail corridor. The survey work was conducted on public and private land in Gilgandra, Coonamble, Baradine and Narrabri areas, and in the Pilliga Forest. Any queries should be directed to: [inlandrailnsw@artc.com.au](mailto:inlandrailnsw@artc.com.au)
- In response to industry feedback, the Inland Rail Program is accelerating its' procurement and delivery plan. On 17 September ARTC Inland Rail hosted an online industry briefing to provide an overview of market opportunities this plan will bring, including to Narromine to Narrabri Project. The briefing can be viewed at: [www.inlandrail.artc.com.au/industrybriefing](http://www.inlandrail.artc.com.au/industrybriefing)
- An online community forum was held 29 September 2020 to discuss the completion of Parkes to Narromine Project and the transition from construction to operational phase. Construction has supported the community in a number of ways, including 1,862 people worked on the project, of which 762 are local residents. Close to \$110 million was spent with local businesses throughout construction with 99 local businesses supplying to the project. The link to the forum can be found under Key Dates at [www.inlandrail.artc.com.au](http://www.inlandrail.artc.com.au) under the community events tab.
- A council update with Inland Rail representatives is to be organised shortly to provide;
  - an update on the recent landowner consultation and the overall project.
  - upcoming activities across the project
  - road/rail interfaces and/or road treatments – changes based on previous feedback
  - accommodation camp location
  - examples of projects being undertaken with other Councils

A date for the meeting will be advised to councillors when available.

### **Options**

The Inland Rail project will continue to show its presence within Warrumbungle Shire.

### **Financial Considerations**

Nil

### **Community Engagement**

The level of engagement is to inform.

### **Attachments**

Nil

### **RECOMMENDATION**

That Council notes the information contained in the Inland Rail Update Report.

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### Item 23 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 4 The attractiveness appearance and amenity of our towns and villages need to be improved

### Development Applications

#### (i) Approved – September 2020

Development Application / Complying Development	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type Of Development	Stop the Clock Referral Days
DA31/2020	10/08/2020	04/09/2020	Gina Pickette	36 Castlereagh Street	Baradine	New Water Tank	0
DA38/2020	24/08/2020	29/09/2020	Picton Bros	1696 Baradine Goorianawa Road	Baradine	New Awning	0
DA39/2020	26/08/2020	22/09/2020	Guy Mitchell	3 Bullinda Street	Binnaway	New Garage/Shed	16
DA32/2020	14/08/2020	18/09/2020	James, Paul & Belinda Frampton	15404 Golden Highway	Dunedoo	New Garage/Shed	11
DA33/2020	19/08/2020	04/09/2020	Clark & Sharon Abdul	30-32 Yarrow Street	Dunedoo	New Garage/Shed	0
DA36/2020	22/08/2020	22/09/2020	Timothy Salisbury	50 Ulamambri Street	Ulamambri	Demolition	0
DA37/2020	21/08/2020	09/09/2020	Peter Gilmore	Church Street	Uarbry	New Garage/Shed	11

\*Development from the January 2013 Wambelong Bushfires

^ Development from the February 2017 Sir Ivan Bushfires

### RECOMMENDATION

That Council notes the Applications and Certificates approved during September 2020, under Delegated Authority.



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### **Item 24 Notice of Motion – Councillor NOMs**

#### **Notice of Motion – Councillor NOMs**

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

That a Policy for 8 working days for a NOM be reviewed.

If a constituent raised a concern this Saturday they would have to wait 6 weeks to get in the Business Paper. This is not good.

**RAY LEWIS  
COUNCILLOR**

General Managers comment:

Under normal circumstances the closing for NOMs for a Business Paper for a Council meeting is Monday week prior to the Council meeting. The final draft of the Business Paper is usually prepared on the Thursday prior to the Council meeting. This gives just 2-3 days to seek advice should there be a legal or other complications for an item to be placed into the Business Paper. If a matter is urgent then it may be dealt with as Business of Great Urgency in accordance with the provisions of the Act and Council's Code of Meeting Practice.

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### **Item 25 Reports to be Considered in Closed Council**

#### **Item 25.1 Organisational Development Monthly Report – September 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 25.2 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

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### **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 25.3 Tender for Roof Replacement to Office Building at Coonabarabran**  
**Division: Technical Services**  
**Author: Manager Projects – Kumar Satkumaran**

### **Summary**

The purpose of this report is to evaluate tenders received for the project to replace a section of the roof on the Coonabarabran Administration Building.

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 Roof Replacement to Office Building at Coonabarabran 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.

### **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.

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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).