



## **Ordinary Council Meeting**

# **Agenda**

**19 November 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, 19 November 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**

15 October 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 8 October 2020 to 7 November 2020

#### MAYORAL MINUTE - MAYORS ACTIVITY

<u>Date</u>	<u>Type</u>	<u>In/Out</u>	<u>Activity</u>
8-Oct	Email	In	Director Corporate - pool season ticket issues
11-Oct	Email	In	Cr Lewis - Allison Bridge
	Email	In	GM - Building Better Regions Fund
12-Oct	Email	In	Rate Payer - Pine Ridge and Lawson Park Roads
	Email	In	Coolah Diary
	Email	Out	Coolah Diary - Mayors Column
	Letter	In	The Hon Mark Coulton MP
	Letter	In	Liverpool Range Wind Farm
13-Oct	Letter	In	Mr AN Brain - Coonabarabran Amateur Boxing Gym Inc
	Meeting	Attended	GM and Deputy Mayor
	Email	In	Coolah Diary - Message from the Mayor
14-Oct	Meeting	Attended	Inspector Dave Maher, Mayor, Deputy Mayor, GM, Cr Todd, Cr Clancy and Cr Shinton
	Meeting	Attended	Jenny Dowell - Mayoral Mentor Programme
15-Oct	Email	In	Binnaway Progress Association - Showground drainage
	Email	In	GM - Mayoral Roles and Delegations
	Email	In	Director Technical - Chambers roof
	Email	In	Director Corporate - updated financials
	Meeting	Chaired	October Council Meeting
16-Oct	Phone Call	Out	Principal St Lawrences School - pool issues meeting
	Email	In	Principal St Lawrences School - pool issues
20-Oct	Email	In	Coona Times - Mayoral column
	Email	In	GM - Fixing Local Roads
	Email	In	Coolah Development Group - medical situation
	Email	In	GM - Performance Agreement
	Meeting	Attended	Mendooran Community Consultation Meeting
21-Oct	Meeting	Attended	Principal and Deputy Principal St Lawrences School, Michael Donnelly Bathurst Diocese WHS Officer
	Meeting	Attended	GM, Cr Todd, Cr Clancy, Acting Director Technical - Dunedoo Lewis Road Issues
	Meeting	Attended	Dunedoo Community Consultation Meeting
	Email	In	Paul Bredereck - Crystal Kingdom
	Email	In	Rate payer - issues Koala Place
	Email	In	Cr Iannuzzi - COVID safety at meetings
22-Oct	Email	In	Cr Capel - road complaint - Coolah Creek Vinegaroy Road
	Meeting	Attended	Coonabarabran Community Consultation Meeting
23-Oct	Email	In	Coonabarabran Historical Society - storage issues
27-Oct	Email	In	GM - Three Rivers Radio
	Meeting	Attended	Baradine Community Consultation Meeting
28-Oct	Meeting	Attended	Jim Larkin, Director Technical - Binnaway Showground

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			drainage, tennis court issues
	Meeting	Attended	Binnaway Community Consultation Meeting
29-Oct	Letter	In	Mayor of the Shire of Brewarrina
	Email	In	Director Technical - Booloolo Road
	Email	In	GM - Booloolo Road
	Meeting	Attended	Coolah Community Consultation Meeting
30-Oct	Email	In	GM - Local Roads and Community Infrastructure
	Email	In	Director Technical - Box Ridge Road
	Email	In	Jane Judd - Coal Seam Gas
	Email	In	GM - Country Mayors
2-Nov	Email	In	GM - Lewis Road
	Email	In	GM - Coolah Aerodrome
3-Nov	Phone Call	Out	GM - governance issues, boxing gym
	Phone Call	Out	John Clements, Roy Butler's Chief of Staff, introductions
	Meeting	Attended	GM and Deputy Mayor
	Meeting	Attended	Jane Judd - Coal Seam Gas
	Meeting	Attended	Donna and Gary McKernan - boxing gym licence
4-Nov	Invitation	In	Fundraising Book Launch 14 November 2020
	Phone Call	In	Cr Todd - Country Mayors
	Phone Call	In	Cr Lewis - Mendooran sewerage
	Phone Call	Out	GM - Country Mayors
	Phone Call	Out	Cr Iannuzzi - governance issues
5-Nov	Letter	In	Warren Shire Council Appointment of Interim General Manager
	Phone Call	In	Cr Todd - Country Mayors
	Phone Call	In	GM - Country Mayors
	Phone Call	In	Elizabeth Macintosh - book launch
	Phone Call	Out	Communications Officer - eNewsletter
	Email	In	Cr Lewis - Binnaway Pool
	Email	In	Director Technical - Binnaway Pool
	Email	In	Cr Capel - DA issues
	Email	Out	Councillors and GM - DA issues
	Email	In	Cr Todd - Notice of Motion Lewis Lane
6-Nov	Meeting	Attended	Country Mayors Meeting
	Phone Call	In	Cr Lewis - governance issues
	Phone Call	Out	Cr Iannuzzi - submission to Upper House Inquiry
	Phone Call	In	Ratepayer - concerns over two rate notices
	Phone Call	In	GM - Country Mayors
	Email	In	Cr Capel - DA issues
	Email	In	Ratepayer - concerns over two rate notices
	Email	In	GM - Binnaway Jockey Club
	Email	Out	GM - Binnaway Jockey Club
7-Nov	Phone Call	In	Cr Iannuzzi - governance issues
	Phone Call	In	Cr Lewis - Neilrex Hall
	Phone Call	In	Cr Todd - DA issues
	Email	In	Allison Reynolds - arts and culture

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	Email	In	Cr Capel - DA issues
8-Nov	Phone Call	In	Cr Todd - DA issues
	Phone Call	In	GM - DA issues
	Phone Call	In	Ratepayer - DA issues
	Phone Call	In	Cr Lewis - road issues
	Phone Call	Out	Cr Lewis - road issues
9-Nov	Meeting	Attended	Acting GM - DA issues and governance

Date of Journey		Purpose of Journey	Odometer		KM Travelled
Start Date	End Date		Start	Finish	
13-Oct	13-Oct	Coonabarabran - meeting with GM and Deputy Mayor	661	687	26
14-Oct	14-Oct	Coonabarabran - meeting with Inspector Maher	687	715	28
16-Oct	16-Oct	Coonabarabran - meeting with GM	715	742	27
20-Oct	20-Oct	Coonabarabran - meeting with Deputy Mayor	742	769	27
22-Oct	22-Oct	Meeting with Principal St Lawrences School	769	789	20
25-Oct	25-Oct	Coonabarabran Cup to present the Shire ribbon	789	817	28
27-Oct	27-Oct	Baradine Community Consultation Meeting	817	1003	186
28-Oct	28-Oct	Binnaway Community Consultation Meeting	1003	1030	27
5-Nov	5-Nov	Toorawandi - Dubbo - Country Mayors	1030	1186	156
6-Nov	6-Nov	Return from Country Mayors from Dubbo	1186	1333	147
<b>Total KM travelled for period 13/10/2020 - 06/11/2020</b>					<b>672</b>

### MAYORAL MINUTE - EXPENSES 9 October 2020 to 6 November 2020

<u>Date</u>	<u>Transaction Details</u>	<u>Comments</u>	
13-Oct	Flight Centre	Flights - Country Mayors Meeting	\$474.03
<b>Total expenditure for period 9/10/2020 - 6/11/2020</b>			<b>\$474.03</b>

### RECOMMENDATION

That Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 8 October 2020 to 7 November 2020.
2. Notes the report on the Mayor's credit card expenses between 8 October 2020 to 7 November 2020 and approves the payment of expenses totalling \$474.03.



# WARRUMBUNGLE SHIRE COUNCIL

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### Item 2 Councillors' Monthly Travel Claims – October 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 October 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	360	0.78	\$280.80
Cr Todd	472	0.78	\$368.16
Cr Brady	-	0.78	-
Cr Capel	-	0.78	-
Cr Clancy	-	0.68	-
Cr Doolan	-	0.78	-
Cr Hill	220	0.68	\$149.60
Cr Iannuzzi	-	0.78	-
Cr Lewis	126	0.78	\$98.28
<b>Total:</b>			<b>\$896.84</b>

### Issues

Nil.

### Options

Nil.

### Financial Considerations

Outlined above.

### Community Engagement

To inform the community.

# **WARRUMBUNGL SHIRE COUNCIL**

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### **Attachments**

1. Councillors Monthly Travel Claims

### **RECOMMENDATION**

That the Councillors' monthly travel claims report in the amount of \$896.84 is noted.

# **WARRUMBUNGLA SHIRE COUNCIL**

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### **Item 3 Minutes of Traffic Advisory Committee Meeting – 22 October 2020**

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

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#### **Reason for Report**

The purpose of this report is to present minutes from the meeting of the Traffic Advisory Committee held at Coonabarabran on the 22 October 2020.

#### **Background**

Authority has been delegated to Council from Transport for NSW (TfNSW) in relation to prescribed traffic control devices and traffic control facilities. Council may only exercise its delegated function in accordance with the Delegation. The Delegation requires Council to seek advice of the NSW Police and TfNSW and this is usually done via the Local Traffic Advisory Committee. The Local Traffic Advisory Committee has no decision-making powers and is primarily a technical review committee. The Committee has four formal members; NSW Police, TfNSW, Council Representative and the local State Member of Parliament or their nominee.

#### **Issues**

There is an increase in traffic and pedestrian movements at the Dunedoo truck parking area as a result of the silo art depicting Hugh Bowman and Winx, and the Committee reviewed traffic management arrangements. The western end of the truck parking area will be closed for the opening of the Silo Art.

Other matters considered by the Committee include traffic management at the entrance to the Coolah Sports Ground, traffic management for Remembrance Day and speed limits in Central Lane, Coolah.

#### **Options**

Council may wish to adopt the recommendations from the Committee meeting. There are several recommendations that are being managed under delegates authority.

#### **Financial Considerations**

The cost of recommendations from the meeting on the 22 October 2020 can be accommodated within existing budget allocations.

#### **Community Engagement**

The level of engagement for this report is to inform.

# **WARRUMBUNGLÉ SHIRE COUNCIL**

## **Ordinary Meeting – 19 November 2020**

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### **Attachments**

1. Minutes of the Traffic Advisory Committee Meeting – 22 October 2020.

### **RECOMMENDATION**

That:

1. Council accepts the minutes of the Traffic Advisory Committee meeting held at Coonabarabran on the 22 October 2020.
2. Consent be granted to the Dunedoo & District Development Group to close the western end of the Heavy Vehicle Parking Bay in Bolaro Street, Dunedoo on Thursday 26 November 2020 from 9.30am to 11.00am for the Silo Art Opening event subject to:
  - Installation of a VMS Board at the eastern end of the Heavy Vehicle Parking Bay
  - Compliance with Council's Road Closure Guidelines
  - Transport for NSW Western Region concurrence
  - Receipt of current Public Liability Insurance.

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### Item 4 Minutes of Economic Development and Tourism Meeting

<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>	LE4.1 Work with local business and industry to foster local economic development, innovation and expansion.

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### Reason for Report

The purpose of this report is to present minutes from the meeting of the Economic Development and Tourism Committee held at Coonabarabran on Thursday 22 October 2020.

### Background

The purpose of the Committee is to provide advice and guidance to Council on planning and priorities for tourism and economic development for Warrumbungle Shire.

Core responsibilities and duties of the Committee are to:

- Provide a forum for discussion and act in an advisory role and not commit Council resources outside the allocated budget for Tourism and Economic Development Promotions.
- Work within the framework of the Community Strategic Plan and Warrumbungle Shire Economic Development Strategy and not deal with day to day operational matters.

### Issues

The Economic Development and Tourism Committee have not met quorum for the past two meetings. Subsequently projects, issues and regional initiatives could not be progressed or addressed.

As a result, an emergency meeting of the Committee was held on 22 October 2020 to discuss the Terms of Reference, in particular representative organisations and quorum.

The minutes for Economic Development and Tourism Committee are provided for Council's information as Attachment 1 to this report.

### Options

Nil

### Financial Considerations

Nil

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# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 19 November 2020**

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### **Attachments**

1. Minutes of the Economic Development and Tourism Committee meeting held at Coonabarabran on 22 October 2020.

### **Community Engagement**

The level of engagement for this report is to Inform

### **RECOMMENDATION**

That Council notes the minutes of the Economic Development and Tourism Committee meeting held on 22 October 2020.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 19 November 2020

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### Item 5 Minutes of Coonabarabran Town Beautification Advisory Committee Meeting – 7 October 2020

<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>	Rural & Urban Development
<b>Priority:</b>	RU4 Our towns and villages are characterised by their attractiveness, appearance, safety and amenity

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#### **Reason for Report**

The purpose of this report is to present minutes from the meeting of the Coonabarabran Town Beautification Advisory Committee held at Coonabarabran on the 7 October 2020.

#### **Background**

The purpose of the Committee is to make recommendations on specific projects and or development of strategies for the beautification of Coonabarabran.

Core responsibilities and duties of the Committee are to:

- Input into the development of a beautification Master Plan with a strategic focus on improving the appearance of street landscapes.
- Assistance with determining current issues with town landscapes, including identification of issues that need to be rectified.
- Investigation into, and assistance in obtaining, external sources of funding.
- Making of recommendations to Council on matters relating to specific town beautification projects or strategies.

#### **Issues**

Committee members have been holding workshops to determine preferred plant species particularly for the centre garden bed in John Street and a recommendation has been adopted by the Committee. The cost implications of this recommendation have not yet been assessed.

At the meeting on the 7 October 2020, the Committee expressed concern about illegal dumping and made a recommendation to install signs on roads on the edge of town.

#### **Options**

Council may wish to adopt the recommendations from the Committee meeting.

#### **Financial Considerations**

The recommendations from the Committee may have implications for the budget particularly in relation to planting of listed plant species in the centre of John Street.

# **WARRUMBUNGLE SHIRE COUNCIL**

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### **Community Engagement**

The level of engagement for this report is to inform.

### **Attachments**

1. Minutes of the Coonabarabran Town Beautification Advisory Committee Meeting – 7 October 2020.

### **RECOMMENDATION**

That:

1. Council accepts the minutes of the Coonabarabran Town Beautification Advisory Committee meeting held at Coonabarabran on the 7 October 2020.
2. Signs are installed along with media messages about illegal dumping around the outskirts of Coonabarabran.
3. The John Street central planting project consist of Japanese Box for the central hedges and Lavender for the outer edges.



# WARRUMBUNGLE SHIRE COUNCIL

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### Item 6 Minutes of Coonabarabran Swimming Pool Advisory Committee Meeting – 13 October 2020

<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>	RO1 The planning and provision of local sports and recreation facilities and parklands reflect community needs and anticipated demographic changes.

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#### **Reason for Report**

The purpose of this report is to present the minutes from the Coonabarabran Swimming Pool Advisory Committee meeting held at Coonabarabran on the 13 October 2020.

#### **Background**

The purpose of the Advisory Committee is to assess the condition and usefulness of the existing amenities, buildings, and facilities at the Coonabarabran Swimming Pool Complex and develop a long-term strategy for upgrade and improvement to these facilities, based on existing and future sport and recreation demands of the Shire.

#### **Issues**

The Committee discussed the status of the current concept plans for upgrading the Coonabarabran Pool. The Committee received information on the refurbishment project currently occurring at Bingara Pool.

The Committee is wanting to obtain more accurate cost estimates that can be used in future funding applications.

#### **Options**

The Committee made no recommendations however, Council may wish to note the minutes from the meeting.

#### **Financial Considerations**

There are no budget implications from the minutes of the Coonabarabran Swimming Pool Advisory Committee meeting held on the 13 October 2020.

#### **Community Engagement**

The level of engagement for this report is to inform.

#### **Attachments**

1. Minutes of the Coonabarabran Swimming Pool Advisory Committee Meeting- 13 October 2020.

# **WARRUMBUNGLA SHIRE COUNCIL**

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### **RECOMMENDATION**

That Council notes the minutes of the Coonabarabran Swimming Pool Advisory Committee meeting held at Coonabarabran on the 13 October 2020.

# WARRUMBUNGLE SHIRE COUNCIL

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### Item 7 Robertson Oval Building Project and Minutes of Advisory Committee Meeting – 14 October 2020

<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>	Local Governance and Finance
<b>Priority:</b>	GF2.1 – Give communities of the shire opportunities to be informed about and involved in Council's activities and decision making.

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#### **Reason for Report**

The purpose of this report is twofold, firstly to present minutes from the meeting of the Robertson Oval Advisory Committee held at Dunedoo on the 14 October 2020 and secondly to advise on the status of the building project.

#### **Background**

Council established the Robertson Oval Advisory Committee to review and assist with the preparation of a strategy document and plans to involve the community along with staff and possibly specialist consultants, to identify current and potential users, demand and frequency of use and importantly operation management of any new facility at the Robertson Oval complex.

Council will be aware that an application under the Australian Government's Building Better Regions Fund Round 4 for construction of an amenities building was successful. A grant agreement between Council and the Australian Government has now been completed for the project. The project activities and milestones in the grant agreement are outlined in the following table:

In undertaking the Activity, the Grantee will meet the following milestones by the due dates.

Milestone number	Milestone name and description	Due date
001	Milestone Progress 1 <ul style="list-style-type: none"><li>• Final costs confirmed</li><li>• Final design completed</li><li>• Construction contract awarded following tender process</li><li>• Demonstrated progress, to the satisfaction of the Commonwealth.</li></ul>	30/04/2021
002	Milestone Progress 2 <ul style="list-style-type: none"><li>• Demonstrated progress, to the satisfaction of the Commonwealth.</li></ul>	31/10/2021

# **WARRUMBUNGLE SHIRE COUNCIL**

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Milestone number	Milestone name and description	Due date
003	Milestone Progress 3 • Demonstrated progress, to the satisfaction of the Commonwealth.	30/04/2022
004	End of Project • All key activities, at Clause B of the Agreement, are complete; • the project, at Clause B of the Agreement is complete; • all approvals required to enable public access and use of the facility have been met; and • the Project is fully Operational. • An event invitation has been submitted to the Department.	31/10/2022

### **Issues**

The were no particular issues arising from the meeting of the Robertson Oval Advisory Committee on the 14 October 2020. The Committee received a presentation from Barnson Consulting on the progress of preparing construction plans for the proposed amenities building. The Committee considered and agreed on types of floor coverings and colours for coverings including the colour of the external brick wall for the building.

Barnson Consulting are on track to complete the suite of construction drawings for the project by December 2020. Tender documentation is currently being prepared by staff. Tender prices will be sought for a building with one set of change rooms and a gym area, and prices will be sought for a building with two sets of change rooms, without the gym area.

A search is underway for a person to act as Council's Superintendent for the project. Under the rules of the grant agreement, Council employee wages and salaries are not eligible for reimbursement and so the Superintendent must be employed as a Contractor.

### **Options**

Council may wish to adopt the recommendations from the Committee meeting. Similarly, Council may wish to endorse the grant agreement made with the Australian Government for the building project.

### **Financial Considerations**

There are not expected to be any budget implications for the project from the decisions made by the Committee in respect of floor coverings and colours.

The value of the grant agreement between Council and the Australian Government for the Robertson Oval Amenities Building project is \$1,409,550. The contribution from the Australian Government is \$1,284,954 and the contribution from Council is \$124,596.

### **Community Engagement**

The level of engagement for this report is to inform.

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 19 November 2020**

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### **Attachments**

1. Minutes of the Robertson Oval Advisory Committee Meeting – 14 October 2020.

### **RECOMMENDATION**

That:

1. Council notes the minutes of the Robertson Oval Advisory Committee meeting held at Dunedoo on the 14 October 2020.
2. The grant agreement executed between Council and the Australian Government for the Robertson Oval Amenities Building project valued at \$1,409,550 is endorsed by Council.

# WARRUMBUNGLE SHIRE COUNCIL

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### Item 8 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

### Attachments

1. Council Resolution Report

### RECOMMENDATION

That the Council Resolution Report be noted for information.

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### Item 9 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 10 Records Management Strategy, Policy and Procedure

<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>	GF4.1 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**

To seek Council endorsement of the publicly exhibited draft *Records Management Strategy* and the *Records Management for Councillors Policy* to incorporate councillors’ statutory duties relating to recordkeeping and in assisting councillors to meet the recommendations of the S430 Improvement Plan.

#### **Background**

Council received the draft *Records Management Strategy*, *Records Management for Councillors Policy*, and *Records Management for Councillors Procedure* at the Ordinary Council meeting of 17 September 2020. Council subsequently resolved to adopt the draft *Records Management Strategy and Records Management for Councillors Policy* documents (Resolution 82/2021).

#### **Issues**

The draft Strategy and Policy were on public exhibition from 24 September 2020 until 22 October 2020. Submissions closed on 5 November 2020. No submissions were received.

Following the public exhibition and submission period, no amendments are proposed to the draft Strategy or Policy. These documents are provided as an attachment to this report as well as the Records Management for Councillors Procedure.

#### **Options**

This report recommends the adoption of the Records Management Strategy and the Records Management for Councillor’s Policy.

#### **Financial Considerations**

Nil

#### **Community Engagement**

The level of community engagement is ‘Inform’.

The community will be informed by the Council business paper and website.



# WARRUMBUNGLA SHIRE COUNCIL

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### **Attachments**

1. Draft *Records Management Strategy*
2. Draft *Records Management for Councillors Policy*
3. Draft *Records Management for Councillors Procedure*

### **RECOMMENDATION**

That Council adopts the Records Management Strategy and the Records Management for Councillor's Policy.

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### Item 11 2019/20 Annual Report

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Manager Corporate and Community Services – Jenni Maundrell
<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

The reason for this report is to present Council with the 2019/20 Annual Report.

### Background

The 2019/20 Annual Report has been prepared as required by sections 428 and 428A of the *Local Government Act 1993* (NSW) and clause 217 of the *Local Government (General) Regulation 2005* (NSW) and is attached to this report for information of the Council and community.

### Issues

The Annual Report highlights Council's achievements and progress against each of the *2017-2032 Community Strategic Plan* key themes:

- Natural Environment.

Goal: the good health of our natural environment and biodiversity is preserved and enhanced.

*"We value our pristine, healthy, natural environment with clean water resources and diverse flora and fauna. We enjoy the close proximity to National Parks and large areas of forest and bushland. We love that we are surrounded by wide open spaces and spectacular mountain landscapes. We enjoy the peace and quiet, our temperate climate with four distinct seasons, the fresh, unpolluted air and clear night skies."*

- Local Economy.

Goal: our economy is strong and sustainable, providing our communities with localised employment opportunities and ease of access to markets, goods and services.

*"Our solid local tourism industry is based on local attractions including three National Parks, Siding Spring Observatory and a*

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*range of tailored facilities and amenities. The contribution of our diverse agricultural industry is highly valued, made possible by good climate and rainfall, productive soils, clean water supplies and ready access to markets.*

*We benefit from good transport links within the shire and to external markets and customers and from an abundance of natural resources which provide our shire with opportunities for local economic growth. We have diverse local employment and business opportunities and we have access to a wide range of trades, services and businesses that are locally owned and operated, providing personalised customer service.”*

- Community and Culture.

Goal: the communities of our shire are safe, harmonious and supportive and are bound by vibrant social and cultural interaction and a strong local identity.

*“Our communities are strong, resilient and inclusive and provide support and assistance to those in need. Local volunteers contribute greatly to our community wellbeing and we enjoy the freedoms that are afforded through our safe, friendly and caring community. Our shire is a great place to raise a family and we value the contributions and participation of our younger people who are provided opportunities to support their development. Relationships between our indigenous and non-indigenous communities are harmonious and respectful and our diverse community is reflected through a wide range of arts and cultural activities, festivals and events.”*

- Rural and Urban Development.

Goal: our shire is characterised by its peaceful rural landscape, its thriving towns and villages and diverse agricultural activities.

*“Our shire is centrally located in NSW, within close proximity to regional centres and cities and we offer a range of affordable housing options. We enjoy a relaxed pace of life with low traffic volumes, no overcrowding and our urban centres are enhanced by the surrounding rural landscape and atmosphere. Our local history and heritage is visible in our towns and villages which are clean, tidy and well-presented.”*

- Recreation and Open Space.

Goal: the communities of our shire have abundant opportunities to participate in sporting and recreational interests of their choice.

*“People within the shire have opportunities to participate in a diverse range of locally based sports catering for people of all ages, activity levels and interests. Our rural setting provides*

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*children with opportunities to play in and explore their natural environment and our communities have easy access to a wide range of active and passive recreational pursuits through close proximity to National Parks and other open spaces. Organised sporting and recreational activities within the shire are coordinated by an array of active clubs and volunteer organisations and Council provides communities across the shire with well-maintained sporting facilities, parks and gardens.”*

- Public Infrastructure and Services.

Goal: our communities are provided with safe, functional, and well-maintained infrastructure and a comprehensive range of services.

*“We have a range of essential local services and facilities supporting the health, medical and aged care needs of our communities and we benefit from the local presence of State and Federal agencies and non-government organisations that provide a range of essential services. Local children and young people benefit from provision of high quality educational services and facilities. We have an array of public infrastructure, such as parks, libraries, community halls, swimming pools, sporting facilities and tourism amenities that are important for the prosperity and well-being of our communities.*

*Our towns benefit from the secure supply of potable water and our villages and rural areas have access to water from rainfall, rivers and artesian systems. Our shire accommodates major road transport links that are of national importance for the movement of people and freight and Council maintains three aerodromes and an extensive network of roads and bridges that provide connections within the shire and to other regional centres. We are also supported by volunteer emergency services that are critical in providing immediate accident and disaster response.”*

- Local Governance and Finance.

Goal: Warrumbungle Shire Council is recognised for its strong community leadership, sound financial and asset management, and ethical, accountable and responsive local government.

*“Our councillors represent the communities of the shire well and work effectively together, taking their responsibilities as elected officials seriously. Council provides an appropriate range of services and facilities that are responsive to community needs and Council bases its activities and decision-making on principles of openness, transparency and accountability. Council maintains a visible presence across the shire through decentralised offices, services and depot facilities.*

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*Council is the major employer within the shire, providing a wide range of local training and employment opportunities and Council's staff members are friendly and approachable and are an integral part of the communities of the shire. Council is proactive in providing financial, staff and other resources to develop programs and services that support the well-being of its communities."*

The Annual Report documentation comprises the 2019/20 Annual Report which highlights Council's achievements and progress towards the Community Strategic Plan and other statutory information as prescribed by the Local Government Act and Regulations.

The audited Financial Statements are in draft form at the time of preparing this report. The final audited Financial Statements will be presented as an attachment to the Annual Report when it is made available to the Minister for Local Government by 30 November 2020, as prescribed.

The audited Financial Statements 2019/20 detail the income and expenditure and financial position of Council over this period as well as specific schedules and the Special Purpose Financial Reports.

### **Options**

Not applicable

### **Financial Considerations**

Nil

### **Community Engagement**

The level of community engagement is Inform. The community is informed of publication of the Annual Report through the Council business paper, website and social media.

### **Attachments**

1. 2019/20 Annual Report

### **RECOMMENDATION**

That Council endorses the 2019/20 Annual Report and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

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### Item 12 Quarterly Budget Review Statement for the 1<sup>st</sup> Quarter Ending 30<sup>th</sup> September 2020

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

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#### **Reason for Report**

To present a summary of Council's financial position as at 30<sup>th</sup> September 2020 including information regarding the supplementary vote requests.

#### **Summary**

The 1<sup>st</sup> Quarterly Budget Review Statement report (refer attachments) is to inform Council on major variations and recommend changes to the budget. Explanations for major variations are reported within the attached 1<sup>st</sup> Quarterly Budget Review Statement. Also included is a list of supplementary votes for approval.

#### **Background**

Section 203 of the *Local Government (General) Regulation 2005* regarding budget review statements and revision of estimates states that:

- (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
  - (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
  - (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

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The minimum requirements for the Quarterly Budget Review Statement are included in the Code of Accounting Practice and Financial Reporting.

The QBRS is composed of, but not limited to, the following budget review (BR) components:

- A statement by the responsible accounting officer on council's financial position at the end of the year based on the information in the Quarterly Business Review Statement (Part 2)
- Budget Review – Income and Expenses Statement in one of the following formats (Parts 3, 5 & 6):
  - consolidated;
  - by fund (eg. General Fund; Water Fund; Sewer Fund); or
  - by function, activity, program etc. to align with the management plan / operational plan.
- Budget Review – Capital Budget (Parts 7 and 8)
- Budget Review – Cash and Investments Position (Part 10)
- Budget Review – Key Performance Indicators (Part 12)
- Budget Review – Contracts and Other Expenses (Part 13)

The following important financial information has also been provided in addition to the information required as part of the Quarterly Budget Review Statement reporting framework:

- Balance Sheet as at 30<sup>th</sup> September 2020 (Part 9)
- A Loan Movement Schedule (Part 11)

### **Report**

The 1<sup>st</sup> Quarterly Budget Review Statement shows that Council's consolidated revised income budget for the 2020/21 financial year is \$42,886,800. Expenses from continuing operations are projected to be \$39,852,651. This results in a projected consolidated operating result from continuing operations of \$3,034,149 surplus as compared to original \$2,489,000 consolidated budget. The revised before Capital Grants & Contributions deficit is \$2,905,851 as compared to \$2,551,000 estimated at the original budget.

This improvement from the original budget after Capital Grants & Contributions is mainly due to country fixing roads grant and drought stimulus funding.

Council's 30<sup>th</sup> September 2020 year to date (YTD) actual consolidated result is a \$10,698,435 surplus including Capital Grants and Contributions and an increase in cash of \$1.3M from \$18.35M to \$19.65M.

The corresponding General Fund 1<sup>st</sup> Quarterly Budget Review Statement figures (includes waste) are a revised income budget for the 2020/21 financial year of \$33.76M. Expenses from continuing operations are projected to be \$33.71M. This results in a projected operating surplus from continuing operations of \$50,000.

Council's General Fund (excluding Water & Sewer Fund) 30<sup>th</sup> September 2020 year to date (YTD) actual result is \$6.4M surplus including Capital grants and Contributions of \$2.1M (General Fund budgeted Capital Expenditure is \$16.8M).

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Council's projected unrestricted cash and investments balance is \$2.7M as at 30<sup>th</sup> September 2020.

Significant actual items to note from the QBRS include:

- Rates and Annual Charges are 98 % of the budget forecast
  - This is mainly because the billing is done in advance for the financial year for rates and annual charges.
- User charges and fees are 16% per budget (under budget by 8% \$451,500). The major areas are:
  - RMS Charges nil – quarter 1 claim yet to be lodged and paid.
  - Lower Water Supply Services User Charge as the billing is raised in 2nd quarter.
- Interest and investment revenue is under budget (\$292,000) mainly due to reversal of last year accrual and much lower interest rates.
- Other Revenues are under budget at 18% (\$95,000) mainly due to lower rental income from properties and lower diesel rebate.
- Operational Grants and Contributions are at 23% slightly under the budget.
- Capital grants income is over per pro rata budget at 37% mainly due to receipt of block grant, repairs program and drought stimulus funding.

Further information is provided in the 1<sup>st</sup> Quarterly Budget Review Statement (*Attachment 1*).

### Supplementary Vote Requests

Supplementary Vote requests have been received for the items outlined in Table 1a.

**Table 1a: Supplementary Vote Request Variations**

Description	Revenue	Operational Expenditure	Capital Expenditure	Net Impact on Budget	Comments
<b>General Fund</b>					
<b>General Revenue</b>					
Interest Revenue	(160,000)			(160,000)	Interest on investment budget revised downward due to lower interest rates envisaged for 2020/21 (revised budget \$120,000)
General Grants	(43,190)	-	-	(43,190)	Decrease in FAG Grant (General comp \$13k; Roads comp. \$30k) as per allocation for 2020/21
<b>Total General Revenue</b>	<b>(203,190)</b>	<b>-</b>	<b>-</b>	<b>(203,190)</b>	Negative Impact



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Description	Revenue	Operational Expenditure	Capital Expenditure	Net Impact on Budget	Comments
<b>Corporate and Community Services</b>					
Administration Services		(30,000)		(30,000)	Funds allocated for Customer Satisfaction Survey as per Cnl Res. 126/2021.
<b>Total Corporate And Comm Services</b>		<b>(30,000)</b>		<b>(30,000)</b>	Negative Impact
<b>Technical Services</b>					
<b>Road Operations</b>					
Regional Roads	1,027,085	-	(1,027,085)	-	Revenue: - Increase in Revenue as a result of fixing Country Road Grant. Capital Expenditure: W/O 1364 - \$200,000 out of \$650,000 transferred to W/O 2126. W/O 2126 - \$800,000 transferred from W/O 2126 to WO 2423 W/O 2423 - Total budget of \$1.8M includes \$1.027M Fixing country Roads Grant.
RMCC and Other Road Contracts	246,620	(246,620)		-	Increase in RMCC works envisaged for 2019/20
<b>Total Road Operations</b>	<b>1,273,705</b>	<b>(246,620)</b>	<b>(1,027,085)</b>	-	Positive impact
Property and Risk	215,000		(215,000)	-	DSF Grant
Public Halls	160,000		(160,000)	-	DSF Grant
<b>Total Property And Risk</b>	<b>375,000</b>	-	<b>(375,000)</b>	-	Nil Impact
<b>Urban Services</b>					
Horticulture	-	-	(8,548)	(8,548)	Suggested removal of old Toilet Block - McMaster Park Coolah W/O 2408

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Description	Revenue	Operational Expenditure	Capital Expenditure	Net Impact on Budget	Comments
Ovals	100,000	-	(115,000)	(15,000)	Resolution 6/2021 - Reallocation from W/O 2366
Town Streets	125,000	-	(118,000)	7,000	Resolution 6/2021 - Reallocation to W/O 1309 (\$15,000 transferred from W/O 2366 to 1309) + W/O 2450 Coolah Shared Pathway \$133,000
Public Swimming Pools	300,000	-	(226,000)	74,000	<u>Revenue:</u> Net impact of - \$300,000 Grant - DSF <u>Capital Expenditure:</u> - W/O 2327 - Baradine Pool water Connection to Sewer - Filter Media Replacement - W/O 2328 - Binnaway Pool - Upgrade Chlorinator - W/O 2330 - Coolah Pool - New Acid Tank - W/O 2333 - Dunedoo Pool - Backwash water connection to sewer 83% Council Funded - W/O 2487 - Chlorine Disinfectant 100% Council Funded - W/O 2488 - Concrete Concourse Coonabarabran, Dunedoo -100% Council Funded - W/O 2489 - Shade Shelter Dunedoo 100% Council Funded
<b>Total Urban Services</b>	<b>525,000</b>	<b>-</b>	<b>(467,548)</b>	<b>57,452</b>	Positive Impact

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Description	Revenue	Operational Expenditure	Capital Expenditure	Net Impact on Budget	Comments
<b>Total Tech Services</b>	<b>2,173,705</b>	<b>(246,620)</b>	<b>(1,869,633)</b>	<b>57,452</b>	Positive Impact
Depreciation		(539,996)		(539,996)	Increase in Depreciation due to revaluation of transport infrastructure assets conducted in 2019/20
<b>Total General Fund</b>	<b>1,970,515</b>	<b>(816,616)</b>	<b>(1,869,633)</b>	<b>(715,734)</b>	Negative Impact
<b>Water Fund</b>					
Warrumbungle Water	(10,000)	-	-	(10,000)	Interest on investment budget revised downward due to lower interest rates envisaged for 2020/21 (revised budget \$20,000)
Depreciation	-	(168,000)	-	(168,000)	Infrastructure assets depreciation has been revised upward based on actual depreciation for 2019/20
<b>Total Water Fund</b>	<b>(10,000)</b>	<b>(168,000)</b>	<b>-</b>	<b>(178,000)</b>	<b>Negative Impact</b>
<b>Sewer Fund</b>					
Warrumbungle Sewer	(28,715)	-	-	(28,715)	Interest on investment budget revised downward due to lower interest rates envisaged for 2020/21 (revised budget \$10,000)
Depreciation	-	(65,000)	-	(65,000)	Infrastructure assets depreciation has been revised upward based on actual depreciation for 2019/20
<b>Total Sewer Fund</b>	<b>(28,715)</b>	<b>(65,000)</b>	<b>-</b>	<b>(93,715)</b>	<b>Negative Impact</b>
<b>Total Warrumbungle Shire Council</b>	<b>1,931,800</b>	<b>(1,049,616)</b>	<b>(1,869,633)</b>	<b>(987,449)</b>	<b>Net Negative Impact</b>

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Below is a reconciliation of the OPERATING RESULT (Table 1b) from continuing operations (including capital grants) for QBRs1 to the Revised Budget 2020/21 (refer Revised Budget Column of Part 3 Income Statement of QBRs1 attachment to this report):

**Table 1b – Reconciliation of the Operating Result**

Description – Operating Changes	\$'000	\$'000
<b>Brought Forward Operating Result from Continuing Operations - Original Budget 2020/21</b>		<b>2,489</b>
Revotes operational expenditure adjustment		<b>(337)</b>
Revenue Budget – Supplementary vote QBRs1 increase in income	1,932	<i>see (a) in above table 1a</i>
Operational Expenditure Budget – Supplementary vote QBRs1 increase in expenditure	(1,050)	<i>see (b) in above table 1a</i>
<b>QBRs1 Improvement to Income Statement</b>	Subtotal	<b>882</b>
Consolidated Operating Result from Continuing Operations – Income Statement Budget		<b>3,034 Surplus</b>
<i>(or \$2,905,851 Net Consolidated Operating Result Deficit before Capital Grant &amp; Contributions).</i>		

### Financial Considerations

- The total amount of operating and capital expenditure supplementary vote requests from Table 1a is an increase of \$2,919,249 (increase in operating expenditure of \$1,049,616 and increase in capital expenditure of \$1,869,633); and
- For income, an increase of revenue of \$1,931,800.

This means a net consolidated impact on the 2020/21 budget being a decrease or negative impact of \$987,449.

### Rates and Annual Charges

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

The Office of Local Government (OLG) recommends, via their accepted benchmark, a ratio of less than 5% for Urban and Coastal Councils and less than 10% for Rural Councils.

Council's outstanding ratio as at 30th June 2020 was 10.93% which is slightly above the recommended benchmark.

The outstanding rates and annual charges ratio as at 30<sup>th</sup> September 2020 is 17.92%. A high arrears balance affects Council's cash flow, and represents monies outstanding that Council could be gaining a return on if invested in a term deposit. The higher percentage of outstanding for September 2020 can be attributed to the 1<sup>st</sup> Rates instalment not falling due until 30 September 2020.

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**Table 2a: Council's outstanding rates and annual charges ratios for the last six years.**

Year	Rates and Annual Charges Outstanding Ratio as at 30 <sup>th</sup> September.	Rates and Annual Charges Outstanding Ratio as at 30 <sup>th</sup> June.
2021	17.92%	Updated at year end.
2020	13.63%	10.93%
2019	12.10%	10.22%
2018	11.49%	8.68%
2017	11.65%	7.91%
2016	12.55%	8.32%

**Table 2a: Rates and Annual Charges Outstanding Ratio**

The proportion of rates and annual charges outstanding related to residential properties is 64%. 22% of outstanding rates and annual charges relates to farmland and 14% to business.

Table 2b provides an overview of outstanding rates and annual charges, as at 30<sup>th</sup> September 2020, by rate and / or charge type.

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**Table 2b: Outstanding Rates and Annual Charges – By Rate and Charge Type**

Rate/Charge Type	\$ Rate Arrears 2019/20	\$ 2020/21 Levy	\$ Pensioner Write Off	\$ Abandoned	\$ Interest	\$ Legal Fees	\$ Rate Arrears And Net Levy	\$ Total Payments To Date	\$ Total Outstanding 2020/21	Collection % 2020/21	\$ Total Arrears As At EOM	Outstanding Rates And Annual Charges %
<b>General</b>	861,816	8,346,153	(151,696)	(109)	(1,601)	752	9,055,315	(2,335,928)	6,719,387	25.80%	1,400,020	15.46%
<b>Water</b>	410,806	1,973,851	(67,801)	(160)	-	-	2,316,696	(688,459)	1,628,237	29.72%	472,486	20.39%
<b>Sewerage</b>	231,092	1,484,484	(49,091)	10,677	-	-	1,677,162	(463,798)	1,213,364	27.65%	286,745	17.10%
<b>Trade Waste</b>	575	8,811	-	-	-	-	9,386	(4,292)	5,094	45.73%	849	9.05%
<b>Storm Water</b>	21,342	105,038	-	(225)	-	-	126,155	(38,394)	87,761	30.43%	24,069	19.08%
<b>Garbage</b>	427,979	2,174,239	(105,420)	-	-	-	2,496,798	(779,401)	1,717,397	31.22%	490,249	19.64%
<b>TOTAL RATES AND ANNUAL CHARGES</b>	1,953,610	14,092,576	(374,008)	10,183	(1,601)	752	15,681,512	(4,310,272)	11,371,240	27.49%	2,674,418	17.05%
<b>Sewerage Access (Water Billing)</b>	101,395	276,714	-	-	-	-	378,109	(18,494)	359,615	4.89%	84,207	22.27%
<b>Water Consumption</b>	604,491	1,433,811	-	1,203	(273)	-	2,039,232	(138,973)	1,900,259	6.81%	487,306	23.90%
<b>Sewer Consumption</b>	22,265	95,038	-	(51)	-	-	117,252	(2,756)	114,496	2.35%	19,656	16.76%
<b>Trade Waste Usage</b>	9,901	40,391	-	(28)	-	-	50,264	(1,349)	48,915	2.68%	8,628	17.17%
<b>TOTAL WATER SUPPLY SERVICES</b>	738,052	1,845,953	-	1,124	(273)	-	2,584,857	(161,572)	2,423,285	6.25%	599,797	23.20%
<b>GRAND TOTAL</b>	2,691,662	15,938,529	(374,008)	11,307	(1,874)	752	18,266,369	(4,471,844)	13,794,525	24.48%	3,274,215	17.92%

# **WARRUMBUNGLE SHIRE COUNCIL**

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### **Options**

Council can choose to:

1. Accept the Quarterly Budget Review Statement (QBRs) and:
  - (a) approve all supplementary votes requested; or
  - (b) select projects from the supplementary votes and approve a lower amount; or
  - (c) approve the supplementary votes requested and postpone selected current year projects to reduce the capital works program for 2020/21; or
  
2. Accept the Quarterly Budget Review Statement (QBRs) subject to changes and:
  - (a) approve all supplementary votes requested; or
  - (b) select projects from the supplementary votes and approve a lower amount; or
  - (c) approve the supplementary votes requested and postpone selected current year projects to reduce the capital works program for 2020/21; or
  
3. Not accept the Quarterly Budget Review Statement (QBRs) and:
  - (a) reject the whole amount requested; or
  - (b) select projects from the requested supplementary votes and approve a lower supplementary vote amount; or
  - (c) approve the supplementary votes requested and postpone selected current year projects to reduce the capital works program for 2020/21.

### **Statement by Responsible Accounting Officer**

The following statement is made in accordance with clause 203(2) of the *Local Government (General) Regulation 2005*.

It is my opinion that the Quarterly Budget Review Statement for Warrumbungle Shire Council for the quarter indicates that Council's financial position as at 30<sup>th</sup> September 2020 is satisfactory having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

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### **Responsible Accounting Officer**

### **Attachments**

1. 1<sup>st</sup> Quarterly Budget Review Statement

### **RECOMMENDATION**

That Council:

1. Accept the first quarter Quarterly Budget Review Statement for the 2020/21 financial year, as presented;
2. Approve the variations as described in Table 1a; and
3. Note and accept the information provided on the status of the rates and annual charges for the period ending 30<sup>th</sup> September 2020.

# **WARRUMBUNGLE SHIRE COUNCIL**

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### **Item 13 Completion of Annual Financial Statements as at 30 June 2020**

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Financial Services
<b>Author:</b>	Director Corporate and Community Services – Kim Parker
<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**

In September Council meeting held on 17 September 2019, Council authorised the signing of declarations for 2019/20 General Purpose Financial Statements (GPFS) and Special Purpose Financial Statements (SPFS) based on the drafts presented in that Council meeting.

Based on review of the auditors/audit office NSW and subsequent discussions during the course of audit, the draft GPFS and SPFS have been updated and submitted to auditors on 11 November 2020. It is possible that there will be further review feedback on the updated drafts of GPFS and SPFS from Prosperity and Audit Office NSW, based on which of these may need to be further updated. Progress on review feedback will be advised nearer or during the meeting.

Due to amendments of the first draft GPFS and SPFS, this item is included again in the Council business papers to seek approval for signing of Statements by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer in accordance with the legislation and accounting standards and lodgement of financial statements to the Office of Local Government.

#### **Report**

It has been agreed with the auditors that the date of signature will be 19 November 2020 and they will seek to issue the audit report on that date or shortly thereafter. It is expected that a representative of Prosperity Audit Services and the NSW Auditor General's Office will attend a Council meeting when it comes to the presentation their report. This is expected to now occur at Council's December Council Meeting following public advertising of at least seven days before that meeting after receipt of the final audit reports.

Attached to this report are the updated draft GPFS and SPFS and the Declaration Statements for signature.

#### **Impact of amendments on the Financial Statements**

Items that have significantly impacted the Annual Financial Statements as a result of audit process undertaken to date, since September 2020, are adjustments relating to



# WARRUMBUNGLE SHIRE COUNCIL

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reclassification of contract assets and RMCC works receivables as per details given below:

- Reclassification of contract assets under new accounting standards AASB 15 and 1058 – decrease in revenue by \$419,563 (General fund \$391,425; Water fund \$28,138)
- Reversal of overstated RMCC related receivables identified during checking of receipts subsequent to 30 June 2020 – decrease in revenue by \$382,470 relating to general fund.

Below is a comparison of financial results between updated draft annual financial statements and the draft submitted in the September Council meeting:

**Table 1**

Fund	Current updated Draft 2019/20 Net Operating Surplus (Deficit) \$'000	Current updated Draft 2019/20 Net Operating Surplus (Deficit) before capital grants \$'000	Original September Draft 2019/20 Net Operating Surplus (Deficit) \$'000	Original September Draft 2019/20 Net Operating Surplus (Deficit) before capital grants \$'000
General Fund	2,730 Surplus	(665) Deficit	3,504 Surplus	(283) Deficit
Water Fund	(593) Deficit	(828) Deficit	(565) Deficit	(828) Deficit
Sewer Fund	123 Surplus	(22) Deficit	123 Surplus	(22) Deficit
<b>Consolidated</b>	<b>2,260 Surplus</b>	<b>(1,515) Deficit</b>	<b>3,062 Surplus</b>	<b>(1,133) Deficit</b>

An Internal Audit Committee meeting has been arranged before the 19 November 2020 to allow their consideration of the updated draft 2019/20 General Purpose Financial Statements (GPFS) and Special Purpose Financial Statements (SPFS).

### Attachments

1. Complete set of draft financial statements comprising of GPFS, SPFS and Special Schedules, including the General Purpose Council Declaration under Section 413(2)(c) and Special Purpose Council Declaration

### RECOMMENDATION

That:

1. The report on amendments of Annual Financial Statements for the Warrumbungle Shire Council as at 30 June 2020 be noted; and
2. Council authorise the signing of the Statement subject to processing of feedback from audit as follows:-  
The General Purpose Financial Statements have been prepared in accordance with:
  - The Local Government Act 1993 (as amended) and the Regulations made thereunder,
  - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, and
  - The Local Government Code of Accounting Practice and Financial Reporting.

# **WARRUMBUNGLE SHIRE COUNCIL**

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To the best of our knowledge and belief, these Statements:

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

The Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- The Division of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these Statements:

- Present fairly the Operating Result and Financial Position for each of Council's declared business activities for the year, and
- Accord with Council's accounting and other records.
- Present overhead reallocation charges to the businesses as fair and reasonable.

3. Council authorise the lodgement of the Audited financial statements to the Office of Local Government on their finalisation.

# WARRUMBUNGLE SHIRE COUNCIL

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### Item 14 Investments and Term Deposits – month ending 31 October 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 \$4,602.74 in Interest.

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

- \$1,000,000 with NAB at a rate of 0.64%
- \$1,000,000 with CBA at a rate of 0.57%

The balance of the term deposits at the end of the month was \$17,000,000.

# WARRUMBUNGLE SHIRE COUNCIL

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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, \$577.22 interest was earned on the balances in the accounts and net transfers of \$1,288,540.17 were made from these accounts resulting in a month end balance of \$1,139,138.16.

### Cash at bank balance

In addition to the at call accounts and term deposits, as at 31 October 2020, Council had a cash at bank balance of \$564,864.04.

### Income Return

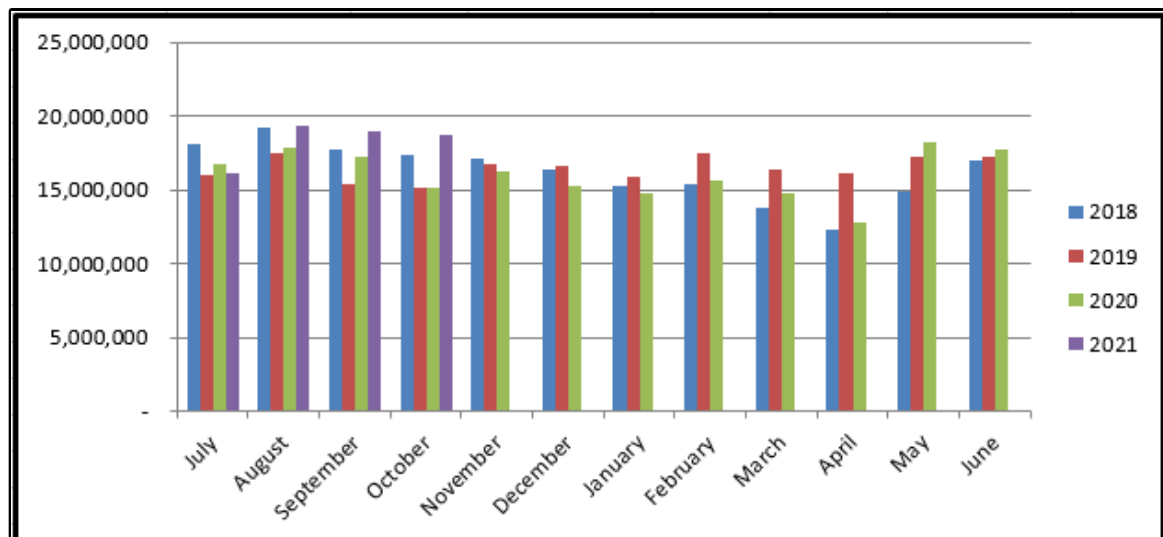
The average rate of return on Investments for the month of 0.713% exceeded Council's benchmark Bank Bill Swap Rate (BBSW) of 0.0568% by 1155 points or 0.6562%.

Council's full year budget for 2020/21 for interest is \$348,715. At the end of October, the amount of interest received and accrued should be around 33.33% of the total year budget, i.e. \$116,238.33. On a year to date basis, interest received and accrued totals \$15,587.18, which is 4.47% of the original annual budget.

### **Financial Implications**

This much reduced receipts level on interest on investments referred to above has been examined as part of Council's 1st Quarterly Business Review Statement to Council's November Council Meeting. The initial reduction of \$160,000 has been recommended within the QBRs1, however, this is likely to need to be revisited at the time of the QBRs2.

### **Graph by Month Investments**



# WARRUMBUNGLA SHIRE COUNCIL

## Ordinary Meeting – 19 November 2020

**Table 1: Investment Balances – 31 October 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%	355.50
NAB		Bpay	at call	ADI	ADI	0.00%	124,590.90
ANZ		At Call	at call	ADI	ADI	0.05%	6,739.86
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	0.60%	676,952.78
CBA At Call		At Call	at call	ADI	ADI	0.20%	328,953.16
<b>Sub-Total</b>							<b>1,139,138.16</b>
<b>Term Deposits</b>							
ANZ	25-May-20	05-Nov-20	164	ADI	ADI	0.71%	1,000,000
ANZ	28-May-20	27-Nov-20	183	ADI	ADI	0.80%	2,000,000
NAB	28-May-20	18-Dec-20	204	ADI	ADI	0.97%	1,500,000
CBA	28-May-20	08-Jan-21	225	ADI	ADI	0.75%	1,500,000
CBA	28-May-20	29-Jan-21	246	ADI	ADI	0.75%	2,000,000
ANZ	28-May-20	19-Feb-21	267	ADI	ADI	0.80%	1,000,000
NAB	26-Jun-20	12-Mar-21	259	ADI	ADI	0.88%	1,000,000
ANZ	26-Jun-20	01-Apr-21	279	ADI	ADI	0.58%	500,000
WBC	13-Aug-20	23-Apr-21	253	ADI	ADI	0.69%	1,000,000
NAB	28-Aug-20	14-May-21	259	ADI	ADI	0.69%	1,500,000
WBC	31-Aug-20	03-Jun-21	276	ADI	ADI	0.67%	1,000,000
AMP	28-Sep-20	29-Mar-21	182	LMG	LMG	0.55%	1,000,000
NAB	15-Oct-20	06-Aug-21	295	ADI	ADI	0.64%	1,000,000
CBA	29-Oct-20	02-Oct-21	338	ADI	ADI	0.57%	1,000,000
<b>Sub-Total</b>							<b>17,000,000.00</b>
<b>Total</b>							<b>18,139,138.16</b>

# WARRUMBUNGLE SHIRE COUNCIL

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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	355.30	0.20		355.50
NAB B pay At	712,986.75		(588,395.85)	124,590.90
ANZ	6,754.59	0.27	(15.00)	6,739.86
Regional	1,545.96			1,545.96
T Corp IM	676,505.35	447.43		676,952.78
CBA At Call	1,028,953.16	129.32	(700,129.32)	328,953.16
<b>Total at call</b>	<b>2,427,101.11</b>	<b>577.22</b>	<b>(1,288,540.17)</b>	<b>1,139,138.16</b>
NAB	1,000,000.00	4,602.74	(1,004,602.74)	-
ANZ	1,000,000.00	-	-	1,000,000.00
ANZ	2,000,000.00	-	-	2,000,000.00
NAB	1,500,000.00	-	-	1,500,000.00
CBA	1,500,000.00	-	-	1,500,000.00
CBA	2,000,000.00	-	-	2,000,000.00
ANZ	1,000,000.00	-	-	1,000,000.00
NAB	1,000,000.00	-	-	1,000,000.00
ANZ	500,000.00	-	-	500,000.00
WBC	1,000,000.00	-	-	1,000,000.00
NAB	1,500,000.00	-	-	1,500,000.00
WBC	1,000,000.00	-	-	1,000,000.00
AMP	1,000,000.00	-	-	1,000,000.00
NAB	-	-	1,000,000.00	1,000,000.00
CBA	-	-	1,000,000.00	1,000,000.00
<b>Total Term</b>	<b>16,000,000.00</b>	<b>4,602.74</b>	<b>995,397.26</b>	<b>17,000,000.00</b>
<b>Total</b>	<b>18,427,101.11</b>	<b>5,179.96</b>	<b>(293,142.91)</b>	<b>18,139,138.16</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	676,952.78	3.73%	33.30%	Compliant
	Total Prime	676,952.78	3.67%	100.00%	Compliant
ANZ	ADI	4,506,739.86	24.85%	33.30%	Compliant
CBA	ADI	4,828,953.16	26.62%	33.30%	Compliant
WBC	ADI	2,000,000.00	11.03%	33.30%	Compliant
NAB	ADI	5,124,946.40	28.25%	33.30%	Compliant

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	Total ADI	16,460,639.42	90.89%	100.00%	Compliant
RAB	LMG	1,545.96	0.01%	10.00%	Compliant
AMP	LMG	1,000,000.00	5.51%	10.00%	Compliant
	Total LMG	1,001,545.96	5.44%	10.00%	Compliant
	<b>Grand Total</b>	<b>18,139,138.16</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.

---

**Responsible Accounting Officer**

### **RECOMMENDATION**

That Council accept the Investments Report for the month ending 31 October 2020 including a total balance of \$18,704,002.20 being:

- \$1,139,138.16 in at call accounts.
- \$17,000,000.00 in term deposits.
- \$564,864.04 cash at bank.



# WARRUMBUNGLE SHIRE COUNCIL

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### Item 15 Silo Road Baradine

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Technical Services
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	PI 3 Roads throughout the shire are safe, well-maintained and appropriately funded.

---

### Reason for Report

The purpose of this report is to rescind Resolution 244/1819.

### Background

A report on acquiring Crown Land for the purpose of gazetting a public road was considered by Council on the 13 December 2018. The Crown Land is located in Baradine immediately west of the rail line and just to the north of the Grain Corp Silos. The Crown Land is traversed by a formed road that connects Walker Street to Ashby Road. A plan of the area is shown in the attachments.

The formed road provides practical access to Lot 127, DP750246. The legal access for this property is via an extension to Namoi Street, however this road is neither formed nor constructed. The formed road also provides access to a property that has a frontage to Namoi Street.

The report to Council on the 13 December 2018, referenced a previous report to Council on the 17 March 2016 regarding rural addressing in general and it also canvassed a number of specific addressing issues, including Lot 127, DP750246. At that meeting Council resolved to initiate gazettal of Silo Road so that Lot 127, DP750246 would have both legal and practical access to their property from Silo Road.

### Issues

The resolution of Council on the 13 December 2018 initiated a process of acquiring Crown Land for an ultimate purpose of providing a property address that is readily located by emergency services and other service providers. The Geographical Names Board (GNB) will allow creation of a property address that recognises existing practical access without the requirement to create a public road via gazettal. The owners of Lot 127, DP750246 have now been advised that their address is 74 Silo Road Baradine. Spatial Services have also been notified of this address, which means that the various Government Authorities including Triple 000 will be notified.

The process of acquiring the Crown Land and then establishing a public road involves obtaining approval from the Minister, who is obliged to consider existing multiple Aboriginal Land Claims, it also involves detailed survey and gazettal of part of the land as road. The process may take several years to complete. The process

# **WARRUMBUNGLE SHIRE COUNCIL**

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may not be successful as there is no objective evidence to satisfy the proposed acquisition would satisfy the Essential Public Purpose threshold.

Even though Silo Road is located on Crown Land, Council has a history of completing maintenance works on the road and by doing so has accepted responsibility for the condition of the road. Silo Road however does not appear on Council's Road Register and to recognise it on the register, a resolution of Council is required.

### **Options**

Council may still wish to pursue the acquisition of Crown Land however, there appears to be no real benefit to Council in pursuing the process as the original objective, which is to provide an address for Lot 127, DP750246 has already been achieved. Therefore, Council has the option of rescinding Resolution 244/1819.

To continue to maintain Silo Road, Council may wish to formally include the 1.4km of Silo Road in the Road Register.

### **Financial Considerations**

The cost of establishing Silo Road as a gazetted public road includes costs associated with legal advice, fees, survey costs and plan preparation costs. No detailed cost estimate has been prepared, however given the size of the Crown Land and the complexity of issues, the cost of acquiring the Crown Land is likely to exceed \$25,000.

### **Community Engagement**

The community scale and the community impact of the proposal to rescind resolution 244/1819 is expected to be low and low respectively, therefore the level of community engagement is at the inform level only.

### **Attachment**

1. Silo Road Locality Map

### **RECOMMENDATION**

That Council:

1. Not proceed any further with acquisition of the following Crown Land Parcels:
  - Part Lot 7306, DP1146075
  - Part Lot 29, DP750246
  - Part Lot 7005, DP1002065
  - Part Lot 7006, DP1002065
  - Part Lot 7017, DP1051677
2. Include Silo Road, which connects Walker Street in the north to Ashby Road in the south, on Council's Road Register.

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### **Item 16 Acquisition of Crown Road Adjoining Former Warrumbungle Quarry**

<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>	Local Economy
<b>Priority:</b>	LE5 The local production of any renewable energy or mining and extractive industries should provide economic benefits to the communities of the Shire.

---

### **Reason for Report**

The purpose of this report is to update Council on progress regarding acquisition of the Crown Road adjacent to land owned by Council and land owned by Boral and a resolution is sought to progress the acquisition process. The report also outlines potential options that will enable rock extraction to occur following incorporation of the Crown Road land within Council's property 'Red Hill'.

### **Background**

On the 17 September 2020 Council resolved (Resolution No 93/2021) to receive a report on progress being made on the acquisition of Crown Road adjacent to land owned by Council and land owned by Boral. Advice has been received from Council's Solicitors that the process of acquisition is expected to take another six (6) months.

The advice received from the Solicitors also outlines steps in the process that must be followed to finalise the acquisition. One of those steps is a new resolution from Council so that a fresh application may be made to the Office of Local Government. Consent is also required from Crown Lands and Council's Solicitors have made application for this consent. Council's Solicitors are also pursuing a legal opinion on whether or not Native Title over the land has been extinguished.

Another step in the process is obtaining a valuation report and, in this respect, authorisation is being sought by Council's Solicitors to engage a Valuer.

### **Issues**

The process of acquiring the Crown Road, that is located on the eastern side of the Boral Quarry, first commenced in 2016. The purpose of acquiring the Crown Road was to enable expansion of the quarry in an easterly direction through a two-stage process. The first stage was extraction of rock within the 10 metre buffer zones, which is on land owned by Boral, and for this to occur a variation to Development Consent is required. The second stage in the expansion was extraction of rock from Council's property 'Red Hill' and for this to occur a completely new Development Application is required.

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Council no longer has a lease agreement with Boral to occupy the site and undertake quarrying operations. Boral have advised Council that they will be commencing small scale extraction and production operations from December 2020 with the expectation that they will be able to supply rock product to meet the demands of local businesses. Given the constraints of the current extraction area, it is not known how long Boral will be able to effectively operate and it is anticipated that at some time in the future, attention will turn to the eastern side of the quarry and the rock resource within Council's property 'Red Hill'.

The acquisition of the Crown Road will not immediately allow Council, Boral or any other producer to commence rock extraction of either the buffer area or area within 'Red Hill'. Acquiring the Crown Road for the purpose of rock extraction will secure the resource, which will then enable Council to consider selling the land to a producer. Securing the rock resource will also enable Council to consider entering into a new lease agreement with Boral.

### **Options**

The process of acquiring the Crown Road on the eastern side of the Boral Quarry has commenced and to progress the acquisition process another resolution from Council is required. Council has the option of cancelling the acquisition process, however to do so would jeopardise the future potential of the rock resource that lies under the Crown Road.

### **Financial Considerations**

Sales of rock product to the public ceased on the 30 June 2020, however since then Council has continued to sell the product to its own roadworks and other internal works programs. Expenditure to date is \$79,000 and income to date is \$164,000, which is an operating surplus of \$85,000.

The cost of finalising the Crown Road acquisition process is expected to be around \$20,000.

### **Community Engagement**

The community scale and the community impact of the proposal to acquire the Crown Road adjoining the eastern side of Boral Quarry is expected to be moderate and moderate respectively, therefore the level of community engagement is at the inform and consult level.

### **RECOMMENDATION**

That in relation to acquisition of Crown Road that adjoins the Boral Quarry and Council's Property 'Red Hill':

1. Council make an application to the Minister and the Governor for approval to compulsorily acquire land described as Lot 1, DP 1259353 by compulsory process under sections 186(1) and of the Local Government Act 1993 for the purpose of expansion of and prolonging the commercial viability of the Coonabarabran Quarry in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
2. That the land is to be classified as operational land under the Local Government Act.

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3. Authority be granted to the General Manager to sign all necessary documentation associated with the compulsory acquisition and to pay any compensation as determined in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
4. Authority be granted to affix the Common Seal of the Council to any documentation required to effect the compulsory acquisition.

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### Item 17 Coonabarabran Truck Wash Bay

<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>	Natural Environment
<b>Priority:</b>	Local natural water resources including waterways and aquifers remain unpolluted.

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### Reason for Report

The purpose of this report is to make a resolution on requests to reopen the truck wash facility off Saleyards Road in Coonabarabran.

### Background

Council is responsible for a truck wash bay adjacent to the Coonabarabran Sewage Treatment Plant (STP). Due to water restrictions a lock was placed on the truck wash bay in 2018 and the lock is still in place due to current uncertainty about the financial and environmental sustainability of the truck wash operations.

The site was not open to the general public and prior to 2018 the use of the site by truck operators was managed on a voluntary basis by one local truck operator. Council determined which truck operators had access to the site, and the local truck operator paid the water charges and ensured the site was kept tidy and clean. Council reports from 2008 and 2002 track the history of the site and a copy of these reports are included in the attachments. A photograph of the site is also included in the attachments.

The local truck operator wants the lock removed so that wash down operations may continue under the same arrangements that existed prior to 2018.

### Issues

The capacity of the truck wash is constrained by treatment of the effluent that is discharged from the site. Effluent is discharged via an open channel to the ponds area of the STP. There is no treatment or processing of the truck wash effluent once it reaches the ponds area of the STP. That is, the STP does not have either the infrastructure or the capacity to treat effluent that is discharged from the truck wash.

The physical dimensions limit the site to use by rigid trucks and semi-trailers. The site is not suitable for use by trucks longer than 19 metres, that is, it is not suitable for use by B Double trucks.

The site itself is located partly on road reserve, partly on land owned by Council and partly on land owned by Macquarie County Council. Therefore, any agreement to use the site must be agreed to by Macquarie County Council.

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The truck wash operated as a voluntary run private service. There were no more than five (5) truck operators who had access to the site and frequency of use was limited. It appears that the voluntary run service worked well as water charges were paid and the site was kept clean. However, no detailed analysis was done on the impact that additional effluent loading had on the operation of the STP. Also, there was no licence agreement in place between Council and the voluntary run service, which means that there were no formal controls in place and there was no public liability insurance taken out by operators of the service.

Many of the truck operators that were approved by Council to use the truck wash site are no longer in operation. Whilst there has been interest from one of the former truck operators, the same operator who managed the site on a voluntary basis, the level of demand more generally is not known. It does not appear to be feasible for Council to operate the site on a commercial basis, where it is open to all operators including out of town operators, simply because of the physical constraints and the effluent treatment capacity of the Coonabarabran STP.

### **Options**

Unless Council investigates and implements a process to treat effluent that is discharged from the truck wash, there is no opportunity for Council to enter into any agreement to operate the truck wash.

### **Financial Considerations**

The cost of investigating and implementing a truck wash effluent treatment system has not been determined.

### **Community Engagement**

The community scale and the community impact of not reopening the truck wash facility in Coonabarabran is expected to be low and low respectively, therefore the level of community engagement is at the inform level only.

### **Attachments**

1. Site Photograph
2. Business Paper Reports and Minutes- December 2002 & February 2008

### **RECOMMENDATION**

That Council take no action on requests to operate the truck wash facility in Coonabarabran either on an open commercial basis or on a private voluntary managed operational basis.

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### Item 18 Acquisition of Land for Proposed Rocky Glen RFS Brigade Shed

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Technical Services
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Public Infrastructure & Services
<b>Priority:</b>	Ensure that local emergency services are equipped, trained and prepared to manage natural disasters and critical incidents.

---

#### **Reason for Report**

The purpose of this report is to make a resolution to acquire land for the purpose of constructing a Rural Fire Service shed for the Rocky Glen Brigade.

#### **Background**

The trucks and equipment attached to the Rocky Glen RFS Brigade are currently housed on private property. To enhance the reliability and sustainability of the Brigade it is desirable for RFS trucks and equipment to be housed on land under the control of Council and to this end a site on Borah Creek Road has been identified. The proposed site is located adjacent to the Borah Creek Hall and measures 30m x 44m. The current owner of the site has agreed to donate the land to Council subject to all costs associated with subdivision and acquisition being met by Council. A plan showing the location of the proposed site is included in the attachments.

Once the land is acquired by Council the RFS Castlereagh Zone is in a position to make application for funding to construct a shed on the land.

#### **Issues**

Council will be aware that the construction of a new shed for the Weetaliba Brigade will occur this financial year and this follows completion of a shed for the Mowrock Brigade last year. These RFS Brigade sheds and the proposed shed for Rocky Glen Brigade are part of a long-term program to establish permanent Brigade sheds throughout the Shire. The RFS Castlereagh Zone is also planning to construct a Brigade shed at Goolhi and at Warkton.

The process to acquire land for the Rocky Glen RFS Brigade involves subdivision of Lot 20, DP757085 and whilst the subdivision is permissible under planning laws, a survey plan must be prepared and registered.

The proposed site covers part of the former Rocky Glen school site. The Rocky Glen school site has historical significance and while the school building is no longer in existence the site features a Kurrajong Tree planted in 1943, as a memorial to an airman killed in World War II, and a flag pole made from Cypress.



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### **Options**

Council is acting on advice from the Castlereagh Zone Bush Fire Management Committee that acquisition of land for the Rocky Glen RFS Brigade will enhance the reliability of the Brigade by providing a shed on public property for their truck and equipment.

### **Financial Considerations**

The NSW RFS does not fund acquisition of land and there is no Council budget allocation for acquisition of land for RFS Brigade sheds. Council may wish to establish a budget allocation through the next quarterly budget review or Council may wish to defer consideration until preparation of the 2021/22 budget.

The costs associated with acquiring land on Borah Creek Road for the Rocky Glen RFS Brigade include costs associated with survey and registration, legal costs and Council Development Application costs. All up the cost to acquire the land is estimated to be \$12,000.

### **Community Engagement**

The community scale and the community impact of acquiring land for an RFS Brigade shed at Rocky Glen 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 Proposed Site for Rocky Glen RFS Brigade

### **RECOMMENDATION**

That:

1. Council accept the donation of land measuring approximately 30m x 44m from the owner of Lot 20, DP757085 for the purpose of constructing a shed for the Rocky Glen RFS Brigade.
2. That a budget allocation of \$12,000 is considered at the next quarterly budget review to acquire land from the owner of Lot 20, DP757085 for the purpose of constructing a shed for the Rocky Glen RFS Brigade.

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### Item 19 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.

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In accordance with the Act, 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 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.

In accordance also with the Act, Council is required to consider the objections received in relation to the proposed licence agreement with the Coonabarabran Amateur Boxing Association.

The licence agreement document has been sent to the Coonabarabran Amateur Boxing Association Inc. and to date it has not been signed. 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.

### **Options**

Council has the option of proceeding with the proposed licence agreement. Whilst there have been objections to the proposed licence agreement, it is clear that many people in the community make use of the facility. The proposed licence agreement is for a period of two years, after this time, Council will be in a position to decide whether or not the Coonabarabran Amateur Boxing Association has met expectations in relation to providing a community service that is beneficial to the community.

### **Financial Considerations**

There are no significant implications for Council's budget associated with the process of finalising a licence agreement with the Coonabarabran Amateur Boxing Association.

### **Community Engagement**

The community scale and the community impact of the proposal to proceed with the proposed licence agreement with the Coonabarabran Amateur Boxing Association is expected to be moderate and low respectively, therefore the level of community engagement is at the inform level only.

### **Attachments**

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

### **RECOMMENDATION**

That Council:

1. Proceed with entering into a licence agreement with the Coonabarabran Amateur Boxing Association for occupation of the mezzanine level of the Coonabarabran Sport and Recreation Building as per the following:
  - a. The period of the licence agreement is two (2) years renewable for a further two (2) years upon application to Council.

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- b. The annual rental fee is \$2,400.
  - c. 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.
2. Provide a response to those who made a submission, following finalisation of the licence agreement with the Coonabarabran Amateur Boxing Association.

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### Item 20 Annual Code of Conduct Complaints Statistics

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Director Technical Services – Kevin Tighe
<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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#### **Purpose**

Report to Council on code of conduct statistics in accordance with clauses 11.1 and 11.2 of the Model Code Procedures.

#### **Background**

The Office of Local Government requires Council's Complaint Coordinator to report to Council and the Office on code of conduct statistics for the period 1<sup>st</sup> September 2019 – 31<sup>st</sup> August 2020.

#### **Issues**

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

The report in Attachment 1.0 indicates that in the period 1<sup>st</sup> September 2019 – 31<sup>st</sup> August 2020, there were no code of conduct complaints, no code of conduct breaches and no referrals of perceived breaches to external agencies.

#### **Options**

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

#### **Financial Considerations**

There is no budget impact associated with preparation of the statistics report. The report for the period 1<sup>st</sup> September 2019 – 31<sup>st</sup> August 2020 indicates that there was no expenditure on dealing with code of conduct complaints.

#### **Community Engagement**

The community scale and community impact of the report on annual code of conduct statistics is low and low respectively and therefore the level of engagement is inform.

#### **Attachments**

1. Code of Conduct Complaints Statistics for the period 1 September 2019 – 31 August 2020

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### **RECOMMENDATION**

That the annual Code of Conduct Complaints Statistics report for the period 1<sup>st</sup> September 2019 to 31<sup>st</sup> August 2020 as shown in Attachment 1.0 is noted as information.

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### Item 21 Performance Audit on Support for Regional Town Water Infrastructure

<b>Division:</b>	Environment & Development Services
<b>Management Area:</b>	Warrumbungle Water and Sewer
<b>Author:</b>	Manager Warrumbungle Water – Cornelia Wiebels
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	PI7 Appropriate planning is needed to ensure the ongoing security of energy and clean water supplies to communities within the shire.

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#### **Reason for report**

To give Council a brief overview of the recent NSW Auditor-General's Report to Parliament on 'Support for Regional Town Water Infrastructure'.

#### **Background**

The Department of Planning, Industry and the Environment (DPIE) is the lead agency for water resource policy, regulation and planning in NSW. The Audit Report examined whether DPIE has effectively supported the planning for and funding of town water infrastructure in regional NSW.

This is of relevance to Council as, being a Local Water Utility (LWU), it depends on and interacts with DPIE on matters including:

- The development of Council's Integrated Water Cycle Management (IWCM) Strategy;
- Ministerial approval for relevant water and sewer infrastructure developments/construction works (Section 60);
- Infrastructure funding through the Safe and Secure Water Program (SSWP), emergency relief funding or the drought stimulus package.

#### **Issues**

In its Executive Summary, the Auditor-General's Report pointed out that:

- Safe and reliable water and sewer services are essential for community health and wellbeing, environmental protection and economic productivity.
- Ensuring the right water and sewer infrastructure in regional NSW to deliver these essential services involves a strategic, integrated approach to water management.
- The *NSW Water Management Act 2000* aims to promote the sustainable, integrated and best practice management of the State's water resources and establishes the priority of town water for meeting critical human needs.
- There are 92 LWUs in NSW, 89 of these are operated by local councils.
- Apart from the primary regulator, being DPIE, the State Government agencies of NSW Health, Environmental Protection Agency (EPA) and Natural Resources Access Regulator (NRAR) also regulate aspects of LWU's operations.

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- DPIE administers the Best Practice Management of Water Supply and Sewerage Guidelines (BPM Guidelines) to support its regulation and to assist LWUs to strategically plan and price their services, including their planning for town water infrastructure.
- Under the BPM Guidelines, DPIE supports LWU's town water infrastructure planning with the IWCM Checklist. The Checklist outlines steps for LWUs to prepare an IWCM Strategy.
- The IWCM Strategy is a long-term planning document that sets out town water priorities, including infrastructure and non-infrastructure investment, water conservation and drought measures.
- DPIE's objective is to review and approve an IWCM Strategy before the LWU implements it.
- DPIE also assesses and co-funds LWU's town water infrastructure projects; in 2017, DPIE launched the \$1B SSWP to ensure town water infrastructure in regional NSW is secure and meets current health and environmental standards. The program was initially established under the Restart NSW Fund.

The conclusion of the Report has been that:

- **DPIE has not effectively supported or overseen town water infrastructure planning in regional NSW since at least 2014.**
- **DPIE has lacked a strategic, evidence-based approach to target investments in town water infrastructure.**
- **DPIE needs to** continuously focus on coordinating town water planning, investments and sector engagement to more effectively support, plan for and fund town water infrastructure and **work with LWUs to help avoid future shortages of safe water in regional towns and cities.**

This has been evidenced for example by:

- DPIE's lack of internal procedures, records and data, which mean that DPIE cannot demonstrate it has effectively engaged, guided or supported the LWU sector in IWCM planning over the past 6 years; to-date only eight (8) of the 92 LWUs have an IWCM approved by DPIE.
- DPIE's omission to design or implement a strategic approach for targeting town water infrastructure investment through its \$1B SSWP. Most projects were assessed by a Technical Review Panel (TRP), however there was limited evidence available about regional and local priorities to inform the strategic project assessment. About a third of SSPW funded projects were recommended via alternative processes that were not transparent. DPIE recently has developed a risk-based framework to inform future town water infrastructure funding priorities.
- DPIE does not have strategic water plans in place at state or regional levels; key objective of these is to improve town water for regional communities. DPIE started a program of regional water planning in 2018 and has started to develop a state water strategy in 2020; one of the 12 Regional Water Strategies (RWS) has been completed, the remaining ones are being developed; which has limited DPIE's engagement with some LWUs on town water risks and priorities.



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The full Audit Report is made available as attachment to this Business Paper report.

### **Options**

This report is for Council's information only.

### **Financial Considerations**

Nil

### **Attachments**

1. Performance Audit on Support for Regional Town Water Infrastructure, September 2020.

### **Community Engagement**

The level of engagement for this report is to inform.

### **RECOMMENDATION**

That Council notes the information in the Performance Audit on Support for Regional Town Water Infrastructure report.

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### Item 22 Developer Contributions – Request for Exemption

<b>Division:</b>	Development Services
<b>Management Area:</b>	Development Services
<b>Author:</b>	Manager Planning & Regulation – Ken Stratton
<b>CSP Key Focus Area:</b>	Rural and Urban Development
<b>Priority:</b>	RU2 The availability of a range of housing options across the shire, including aged and affordable housing, needs to be expanded.

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### Reason for Report

Council has received a written request from Cooinda Coonabarabran Ltd seeking an exemption from section 7.12 developer contributions levy for recent developments at the Cooinda facility located in Coonabarabran.

### Background

Cooinda Coonabarabran Ltd has lodged three (3) development applications in recent times that have triggered payment of the developer contributions levy (DA22/2018, DA 55/2019 and DA09/2020). The most recent being DA09/2020, for extensions to the Cooinda Hostel and upgrades to the staff accommodation.

As part of the development application process, and on the three occasions, the cost of the development triggered a developer contribution levy to be paid under the *Warrumbungle Shire Council Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009*. As is common practice, the requirement to pay the levy is placed on the approval as a condition for consent, required to be paid before a Construction Certificate is issued.

### Issues

The applicant has provided written correspondence to Council seeking section 7.12 developer contributions levy to be waived for DA09/2020 as per Attachment 1. The value of the developer contribution is \$65,000 and relates to development being undertaken to the value of \$6.5M.

Cooinda Coonabarabran Ltd have requested relief from the developer's contribution levy on prior occasions.

The Council had previously granted the applicant a reduction in developer contributions for DA22/2018, with Council resolving to waive 50% of the section 7.12 fees; meaning a reduction was granted from \$45,000 to \$22,500 (Resolution 283/1819).

Further to that, the applicant also sought a request for exemption from the levy with DA 55/2019. In this case, the Council resolved to remove the condition of consent from their DA determination, effectively waiving payment of \$6,500 (Resolution 246/1920).

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With a change in the scope of works, Cooinda Coonabarabran Ltd has needed to lodge a fresh development application that includes the works approved under DA22/2018. This means DA22/2018 is required to be withdrawn and replaced by DA09/2020. The withdrawal needs to occur as designs and proposed works have changed substantially from the original application.

The DA fees (not including the levy) associated with DA22/2018 should not be refunded because the application has been fully assessed, completed and a determination (DA22/2018) issued. The developer levy of \$22,500 has been paid to Council, and if DA22/2018 is withdrawn, the amount of \$22,500 can be refunded to the applicant. A letter has been received (and attached) advising that DA22/2018 will be withdrawn when DA09/2020 is approved.

The Environment Planning & Assessment Act 1979 and the Ministerial Direction that was given on the 14<sup>th</sup> September 2007 outline the provisions that need to be satisfied before an exemption can be granted to provide relief from developer contributions. A copy of the direction and Council's adopted developer contributions plan is attached. The applicant has based their request for an exemption on the fact that it would be of social and economic benefit to the Shire.

In relation to the request above, the decision to impose a condition requiring payment of development contributions is discretionary. Thus, it is open to the Council to remove the requirement for payment of the levy.

If a condition under section 7.12 is imposed however, Council only has power to impose it in accordance with *Warrumbungle Shire Council Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009*, which does not make any provision for reducing a development contribution liability. In other words, Council can either not impose a condition or impose a condition requiring payment based on the relevant percentage specified in the Contributions Plan.

### **Options**

Council can continue to impose the levy as per a condition of consent, requiring payment of \$65,000 based on the *Warrumbungle Shire Council Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009*.

Alternatively, Council can resolve the condition be removed.

Council could opt to retain the condition of consent for the levy, however provide a donation equivalent to half of the proposed contribution; ie provide a donation of \$32,500. This means whilst the full amount of the levy applies (\$65,000) as per condition of consent for DA09/2020, Council could propose to offset half this amount through providing a donation (\$32,500) to Cooinda.

Council can waive (donate) funds to organisations however this is regulated by the Local Government Act Section 356 provides:

#### **356 CAN A COUNCIL FINANCIALLY ASSIST OTHERS?**

*(1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*

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*(2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*

*(3) However, public notice is not required if—*

*(a) the financial assistance is part of a specific program, and*

*(b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*

*(c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*

*(d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*

Council does not operate a program of providing donations to the extent requested by the Cooina, hence advertising in accordance with Section 356 (2) is required. Council's Code of Meeting Practice Provides:

*3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:*

*(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or*

*(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.*

With Council's financial position of regularly running deficits Council should be showing discipline when it comes to providing donations.

In accordance with clause 3.12(a) of the Code of Meeting Practice if Council was to approve the making of a donation to Cooina then this be made from Council's Financial Assistance Program. Should the funding come from this source then of course it will mean that Council will be unable to allocate the funds to other organisations.

### **Financial Considerations**

The Warrumbungle Shire Council Section 7.11 Levy (Indirect Community Infrastructure Contributions) Plan 2009 states:

*The levying of a Section 94A contribution on applicable development will enable Council to provide quality public community facilities to meet the expectations of the existing and any new residents of Warrumbungle Shire.*

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The Plan outlines where the funding is to be allocated and the priority in which the project is to be carried out. The funds are unable to be utilised outside the parameters set by the plan.

The value of the levy relating to DA 09/2020 is \$65,000.

### **Community Engagement**

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

### **Attachments**

1. Correspondence seeking section 7.12 levy to be waived
2. Correspondence agreeing to withdrawal of DA22/2018
3. *Warrumbungle Shire Council Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009*
4. Ministerial Direction relating to s94A Levy

### **RECOMMENDATION**

That Council continue to impose the levy as per Condition 13 of the Notice of Determination for the approval of DA09/2020, requiring payment of \$65,000 based on the *Warrumbungle Shire Council Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009*.

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### Item 23 Review of Warrumbungle Waste – Commercial Recycling Service

<b>Division:</b>	Environment and Development Services
<b>Management Area:</b>	Waste Services
<b>Author:</b>	Manager Planning & Regulation – Ken Stratton
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	PI8 Local communities have access to effective and efficient waste and recycling services.

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#### **Reason for Report**

To provide Council with a report on the review and proposed cessation of the service to supply and collect woolpacks for commercial recycling (with commercial businesses being offered yellow-lidded recycling bins collected fortnightly) after undertaking public consultation on the proposal during August 2020 as per Resolution 371/1920. The report details submissions received during the exhibition period and provides a recommendation on the future of the service.

#### **Background**

At the Ordinary Meeting of Council held 16 April 2020 a report was presented to Council outlining a review of waste management practices. The review examined current waste practices across the LGA, and made a number of recommendations.

As part of the review, the collection of commercial recycling from local businesses (through supplying and emptying woolpacks) by Council's waste staff was undertaken focusing on cost to implement the service, and manual handling associated with the current practices. The following information was noted and provided to Council within the *Review of Warrumbungle Waste* report presented to Council at the April 2020 Council Meeting;

- The general procedure for collection is very labour intensive and requires staff to collect woolpacks full of recyclable materials from commercial businesses and relocate to the materials handling facility (MHF) in Coonabarabran for sorting and processing.
- Woolpacks are dragged or lifted onto a hydraulic tailgate lifter attached to a small truck, and stacked for transport, requiring staff to lift and swap full woolpacks for empty woolpacks increasing risk of work related injury due to lifting heavy articles. The process carries considerable WHS risks associated with manual handling.
- The manual collection service is offered to all towns within the LGA and requires waste staff to pick up from business premises. The runs are as follows;

#### Southern

Coolah – Monday, Wednesday

Dunedoo – Tuesday, Thursday

Mendooran - Thursday

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### Northern

Binnaway – Monday

Coonabarabran – Monday, Tuesday, Wednesday, Thursday, Friday

Baradine – Monday, Wednesday, Friday

- The commercial recycling runs are undertaken separately in the south and north, this is achieved by one waste officer utilising a small truck in the northern area run and one operator and another truck in the south.
- Commercial recycling costs (wages and plant) over the past three years have been incurred as follows;

Financial Year	Wages	Plant	TOTAL
2016/17	\$72,026	\$46,745	\$118,771
2017/18	\$70,480	\$45,732	\$116,212
2018/19	\$85,180	\$51,654	\$136,834

- The commercial recycling collection is weekly and on average 46 bales of cardboard weighing 400kg per bale is collected per month, the sale of the material at the current rate is \$140 per tonne equating to \$2,576 per month or \$30,912 per annum.
- The council transports half a semi load of cardboard per week at the current volume.
- Over the past three years, on average, the service costs \$123,939 per year.
- As per Council's Operational Plan and Delivery Program (relevant to 2018/19 FY), commercial recycling collection incurred a charge of \$223 per year, with the residential recycling collection charge being included in the residential putrescible waste collection fee. According to the plan the commercial recycling charge is incurred by 329 users. Those users of the commercial service incur one commercial charge with unlimited amounts of recyclable materials being placed out for collection (in woolpacks) by Council staff.
- In accordance with 2018/19 Budget Council incurred charges valued at \$73,367 for commercial recycling, and expended \$85,180 in wages to provide the collection service. Plant costs have been omitted from commercial recycling charges in previous years leading to an additional \$51,654 being incurred during the last financial year. This has led to a shortfall in income of \$63,467 to cover the cost of the service. Other waste services are currently subsidising the commercial recycling collection service. If the sale of cardboard is included, then the shortfall is reduced to \$32,555.
- For Council to continue providing commercial recycling in its current format, the annual charge would need to be increased to meet the costs to provide the service. Meaning the service is likely to require increasing upwards to at least \$416 to cover costs; an estimated increase of \$193 per user (based on the 2018/19 FY and does not include increases relating to CPI and award increases as expected in the following years).
- Some business have already commenced using yellow lidded mobile garbage bins (MGB) as their recycling collection container. The number of businesses with this arrangement is very minimal (less than 10). For these businesses, their recycling is currently collected at the same time as woolpacks are emptied.

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Due to manual handling and WHS risks identified, and the financial loss incurred by Council to deliver the commercial recycling, the service was identified as an activity undertaken by Warrumbungle Waste that Council should consider ceasing.

As a result of the report to Council, the following resolution was made (as part of Resolution 371/1920):

*That Council considers the cessation of the service to supply and collect woolpacks for commercial recycling during the 2020/2021 financial year, with commercial businesses be offered yellow-lidded recycling bins that will be collected fortnightly by Council similar to residential recycling arrangements, with the proposed changes being notified to the community via a public consultation phase for 28 days, and a further report be provided to Council on submissions received after the consultation phase has ended.*

### **Issues**

The proposal to cease the service to supply and collect woolpacks for commercial recycling during the 2020/2021 financial year, with commercial businesses being offered yellow-lidded recycling bins was notified to the public as per Council resolution via newspaper, social media and individualised letters to commercial users of the service from 31 July 2020 to 28 August 2020.

A total of 26 submissions were received during the exhibition period. A *Summary of Public Submissions* is provided as Attachment 1, with copies of individual submissions provided as Attachment 2.

The comments in the submissions presented a number of main themes, these being:

- Yellow lidded bins will be too small and inadequate for volume of cardboard, recycled cardboard won't fit in a wheelie bin.
- Difficult to get cardboard into and out of a yellow lidded bin.
- The woolpack system should be retained as it is the most efficient method of collection and disposal of cardboard.
- Storage onsite for yellow lidded bins will be challenging; as too will be the number of bins required to replace a woolpack.
- Cost for businesses to purchase yellow lidded bins.
- Excess cardboard will be placed into general waste and recycling may decrease.
- Commercial users (businesses) would incur increased employee costs for cardboard to be folded down to fit into a yellow lidded bin.
- Changes would not suit all businesses.
- A fortnightly collection would be inadequate.



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- Acknowledgement of woolpacks being awkward and difficult to lift and manage; baled cardboard is present for Council staff for collection also.
- Chance of wheelie bins being knocked over when placed out in street for collection.
- Council should consider other options such as providing skip bins, or lifting arms on trucks, or a trolley type bin.

The submissions raised a number of points, in particular the difficulties of placing large cardboard boxes into yellow lidded bins. It is acknowledged that larger sized boxes will not fit into a wheelie bin however the bins could be provided in two sizes, being either 240l or 360l capacity. Smaller to medium sized cardboard boxes could be folded down and placed into either the 240l or 360l bins. Larger boxes that do not fit into a yellow lidded bin would need to be relocated to a waste facility by other means.

It is noted concerns have been raised regarding the number of bins each business may need in replacement of woolpacks. Those businesses that generate minimal cardboard would obviously require a smaller number of bins compared to those that generate large volumes of cardboard. It would be up to individual businesses to determine how many bins they may need and the storage and the management of such.

Further to the above, the cost of purchasing bins needs to be taken into consideration.

In relation to fortnightly collection of the proposed bins, this can be reviewed and consideration given to weekly collection instead to deal with the sheer volume that is being generated by commercial users.

The concerns regarding bins being knocked over by dogs may relate more to general waste bins where remnant food can be detected; Council has received minimal reports of this occurring. Food products in recycling lines (in particular cardboard) is unlikely to be present in recycling bins; however some contamination from other items does occur in residential recycling bins; Council would prefer for recycling lines to remain clean from contaminants. Further media and education on keeping recycling lines free from contamination is required and will be undertaken in the future.

A number of submissions indicate the current arrangement with the use of the woolpacks is sufficient and should not change. However, the WHS risks associated with continuing on with the woolpacks exposes Council to potential workers compensation claims through manual handling and heavy lifting. Over the past month Council has received a report of an injured worker whilst collecting commercial recycling. Earlier reports of injuries have been received over the past years. Some submissions acknowledge the manual handling aspect, and offer assistance to load the woolpacks (and baled cardboard). Whilst this is appreciated, the woolpacks still need manual handling at the waste facility to be unloaded off the truck and emptied.

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Council does not charge for recycling taken to our waste facilities; apart from commercial green waste. Businesses are encouraged to recycle where possible and not place recycling into general waste.

The recycling is collected from residential properties fortnightly and the truck also collects the recycling from the waste transfer stations on the fortnightly run. The businesses have a separate service of recycling collection in the wool packs, this is for all recycling however the majority is cardboard. It could mean that businesses are disposing of their other recyclable materials in another manner such as taking to the waste transfer stations or putting in the general waste bins which go to landfill. The figures in our annual return on waste have indicated that our general waste is decreasing with our limit of 5,000 tonne to landfill dropping to 4,200 tonne last financial year. In previous years it has fluctuated around the 4,500 tonne mark.

If the 5,000 tonne is exceeded the landfill will need to be licenced and costs will escalate with users of the system incurring higher waste charges; the volume figures indicate that recycling is benefiting the Council area and we should continue on that path.

A new system will give the businesses through the recycle bin system opportunity to recycle more and therefore limiting the recycling going to landfill.

A number of submissions raised possible other options that could be considered by Council to provide commercial recycling services, these being provision of skip bins (or front load bins), providing lifting arms on trucks, or providing trolley type bins. In relation to skip bins (or front load bins), Council does not have a truck suitable to empty skip bins. A local contractor may be available to provide this service separately for interested businesses. Lifting arms on trucks could be explored, and whilst beneficial would be time consuming for staff to operate (particularly with the number of users of the service). Trolley type bins (depending on capacity) maybe suitable depending on weight - would still require staff to be on and off the truck and undertaking manual handling.

It is acknowledged that the proposed changes to the service will not be ideal for all businesses, however a blended approach could possibly work where yellow lidded bins are used for smaller items, with the business arranging delivery of larger recyclable items directly to the waste facility.

Further to consideration of the submissions received, Council has also contacted other Council's to gauge industry standards relating to collection of commercial recycling. The following Council's offer the following:

<b>Council</b>	<b>Charge</b>	<b>Frequency</b>	<b>Additional Information</b>
Dubbo	\$300 per year/per recycling bin; if additional bins are needed - pay an extra \$187.89/per bin/per year.	Pick up fortnightly - 240l bins only	No limit on number recycling bins as long as charge is paid for each one. Bins belong to the contractor as service is carried out under contract.
Narrabri	\$170/per year for waste station	Recycling picked up	Larger cardboard items can be taken to waste facility for

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	contribution + \$330/per year for three bins including general waste, recycling and green waste recycling. Additional bins are charged at \$160/per bin/per year	fortnightly in 240l bin	an annual charge; this charge allows for unlimited drop offs. Service is provided by contractor.
Mid-Western	\$416 per year/per recycling bin, or \$17.25 per week/per recycling bin	Pick up fortnightly 240l bin	Offer four levels of pick-up service ranging from once/week to once/month limited to 1m <sup>3</sup> of material collected at kerbside in 240l recycling bins. Owner to supply bins or source from Council at \$87/bin.
Gilgandra	\$9 per pick up/per woolpack/per week	Weekly collection using woolpacks on stands	Service is provided by contractor. Three staff attend each site to lift the woolpacks. Businesses are advised to half fill the woolpacks only and not to overfill.
Gunnedah Council	Recycling bins are offered for commercial businesses for a per bin/per year charge.	Weekly pickup in 240l bins.	Service is currently under review and in the past has been carried out by contractor.
Narromine Shire Council	No recycling pickup service provided. Allow businesses to take recycling to waste stations for free	Able to dispose of recycling as often as required.	Narromine offer business the right to drop their recycling at the waste stations free of charge. No recycling bins or pick-up is provided by Council.

It has also been brought to Council's attention through undertaking this review, that there are a number of inconsistencies across our current service; these are as follows:

- Some businesses are paying for the service and do not have a recycling collection service (ie woolpack) and are not receiving a weekly collection from Council.
- A number of businesses have more than one (1) woolpack emptied each week. In some cases this can be up to five woolpacks, but only paying for one collection.
- Whilst some businesses have a yellow lidded bin for recycling; a number are putting out more than one bin for collection each week.

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- There are a number that are receiving the service that are not paying for it.
- A number of businesses are baling their own cardboard and placing out for staff to transport.

For the purpose of the report, the differences between residential vs commercial waste and recycling collections are provided as follows:

<b>Residential Service</b>	<b>Commercial Service (plus GST)</b>
Charged domestic waste charge = \$372 This pays for one general waste bin collection (per week) and one yellow lidded recycling bin collection (per fortnight).	Charged non-domestic waste charge = \$372. This pays for one general waste bin collection (per week). <b>Note – no yellow lidded recycling bin is currently included in this charge.</b>
	Charged recycling charge = \$241 This pays for one woolpack collection (per week)
Extra bins are charged at \$372 per service.	Extra woolpacks incur an additional recycling charge per woolpack of \$241.
Waste Management Charge = \$114	Waste Management Charge = \$114

Under the residential service if more than one bin is utilised, Council will charge \$372 for the additional service. For commercial service additional woolpacks incur an additional charge of \$241 per woolpack. Costs of the non-domestic waste charge (\$372) and the recycling charge (\$241) incur charges to commercial businesses of \$613 per year under the current arrangements.

If we compare the services, the commercial businesses are paying for a recycling bin and not receiving the service - they could be supplied a yellow lid bin to come into line with the residential service (this bin to be at no cost to the user).

### Options

The waste service is a large budget area of Council, and it is appropriate for Council to be reviewing the service to see what changes may be necessary, along with continuing to refine waste management practices, costs and encourage sustainability into the future.

As part of an earlier review, it was noted by Council staff that the cessation of commercial recycling could be feasible based on the inherent risks Council faces on a daily basis with manual handling requirements associated with the woolpack collection system. The current system has many issues that relate to WHS and under legislation Council has a duty of care to address these issues. Further to that, the current service is generating a financial loss and would require a large increase in user charges to break even on an annual basis. In reviewing the pick-up schedule, it was identified that a number of businesses were receiving additional services (extra wool packs) and only paying for the single service. With this in mind, at present the service is being subsidised from other areas of the waste business to cover the costs to provide the service.

Based on the above information, and comments received from the public, Council has the following options available;

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**Option 1** – Continue to provide the commercial recycling collection service utilising woolpacks – no change to the current service. WHS risks with manual handling would remain to exist as would the financial loss from the running of the service. This is not acceptable.

**Option 2** – Opt out of providing commercial recycling collection service in its entirety, and businesses arrange their own collection and transport of recyclables to waste facilities.

**Option 3** – Cease to provide the commercial recycling collection service utilising woolpacks, and offer recycling bins being 240l capacity that are emptied fortnightly from kerbside by Council as follows:

- Cease to provide the woolpack commercial recycling collection service.
- Offer recycling collection to commercial/business premises on the same basis as residential premises on a fortnightly basis.
- Offer a 240l yellow lidded recycling bin service at no charge as they already pay the charge, in line with residential charges currently \$372 per bin for 20/21FY. After that, additional recycling services could be charged at \$110 per recycling bin per year.
- The cost of purchasing additional bins to be borne by the commercial business owner as per Council's current fees and charges.

Note – it would not be feasible to send a garbage compactor to collect recyclables each week.

### **Financial Considerations**

The above options would incur the following costs:

Option 1 would incur same costs as current arrangement and see no savings made. The cost is upwards of \$136,834 per year. However, it would be necessary for all the costs of the service to be covered by the charges paid by commercial users of the service. Meaning the service is likely to require increasing upwards of at least \$193 per user per woolpack (and does not include increases relating to CPI and award increases as expected in the following years). The Council will undertake an audit of all collection points and add additional charges where there is more than one woolpack being collected.

Option 2 would incur no further ongoing annual costs to Council to collect from individual businesses. [Note - Whilst some commercial businesses have yellow-lidded recycling bins these are not emptied by Council's compactor truck and are manually handled by staff emptying woolpacks.] There would be an increase in recyclable products disposed of at transfer stations and in that instance, Council transfer station staff would place into recycling bins (240l or 360l) for compactor truck collection. Larger recycling items such as cardboard boxes would need to be folded down and transported via small truck or ute to Coonabarabran for processing (no different to current practices, volume may increase). With potential increase in volume, there maybe a need to retain one vehicle (or small recycling truck) with staff

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member to undertake a weekly run to collect larger recycling items from each transfer station. Estimated costs incurred are conservative and provided as follows:

- Plant/truck costs = approximately \$25,000
- Staff costs = approximately \$42,000
- Total cost for Option 2 = approximately \$67,000
- Total cost cannot be offset against income as no user charges incurred. This means Council would lose income from users of \$73,367. Disposal of recyclable items at Council's waste facilities is free (apart from commercial green waste) so no gate fees applicable.
- If income received from sale of cardboard is taken into consideration (\$30,912), then costs can be offset against the income, incurring a small cost to Council of \$36,088.

Option 3 would incur costs related to provision of and collection of recycling bins. At present commercial users pay two charges, one being for waste collection (\$372) and one being for woolpack recycling (\$241). The volume of cardboard collected on a weekly basis using the wool pack system indicates the frequency of collection is correct as the wool packs are coping with the volume. With most commercial businesses requiring more than one recycling bin, Council could provide a 240l recycling bin, as part of the \$372 (non-domestic waste charge). After that, additional recycling services would be charged at \$110 per recycling bin per year. This will see commercial businesses pay a similar fee to the amount they pay now and receive 3 x 240l recycling bin service for a little less than the annual charge.

If the wool pack is swapped for three recycling bins and picked up fortnightly then there will be two issues being;

- the businesses will take the excess to the waste transfer stations and Council will need to transport the cardboard in a small truck back to Coonabarabran for processing - the existing bin system at the transfer stations will not cope with this and a new approach would need to be developed.
- if the collection is done at the same time as the residential it will take longer and we will need to build more storage bunkers to accommodate the extra waste, the truck will also need to empty half way through the run as it will not have capacity to empty from commercial at the same time it does residential.

At this stage it is undetermined how many businesses would take up the offer of a recycling bins, however, on an annual basis in line with preparation of the yearly budget, the collection costs are offset with user charges to cover the cost of providing the service. The service would be conducted early morning to ensure access to bins is available at kerbside and to avoid commercial traffic. From here, Council's compactor truck could continue on and collect residential recycling (on the weeks residential collections are done). Apart from the resources Council currently has, there would be no need to employ additional staff or purchase additional plant. At least one small recycling truck would not be required and savings of at least \$25,000 per year would be achieved. It is possible that one staff member will experience reduced hours, however could be offset with additional duties such as MRF operations and sorting and CDS collection point. Sale of cardboard will still occur as per current regimes with income of \$30.912 per annum still anticipated.

Out of the above three options, it is recommended that Option 3 is the most suitable as:

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- Manual handling is reduced and limits Council's risk of a worker being injured, lessening the chances of a workers compensation claim in the future.
- The true cost of providing the service is recognised and paid for by the users of the service without being subsidised by residential users (as is the current case).
- Those who do not wish to utilise the service can opt out and make other arrangements to transport their recycling to a waste facility.
- The use of 240l recycling bins for commercial businesses is in line with industry practice and similar to services offered by other Councils.

### **Community Engagement**

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

Information to the community has been made available via 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 officers.

Consultation with the community has been undertaken by way of 'On Exhibition – Public Submissions from 31 July 2020 to 28 August 2020. Individualised letters to commercial recycling service users were also sent out seeking comments on the proposed changes.

### **Attachments**

1. Summary of Public Submissions
2. Submissions Received

### **RECOMMENDATION**

That:

1. Council notes the information in the Review of Warrumbungle Waste – Commercial Recycling Service Report.
2. Council ceases to provide the commercial recycling collection service utilising woolpacks.
3. From 1 July 2021, businesses be provided with a service that is inclusive of one 240l general waste bin collected weekly and one 240l yellow lidded recycling bin collected fortnightly.
4. Additional recycling bins collected fortnightly be provided on the basis of \$110 per service per year.

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### Item 24 Terms Of Reference – Economic Tourism and Development Committee

<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>	LE4.1 Work with local business and industry to foster local economic development, innovation and expansion.

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#### **Reason for Report**

To present to Council revised draft Terms of Reference for the Economic Development and Tourism Committee.

#### **Background**

The Economic Development and Tourism (EDT) committee has the primary purpose responsibility to provide advice and guidance to Council on planning and priorities for tourism and economic development for Warrumbungle Shire.

Currently the committee representation is the following:

- Minimum of two (2) Councillors
- One staff representative
- Coonabarabran District Chamber of Commerce Incorporated
- 2357 Partnerships Incorporated
- Dunedoo District Development Group Incorporated
- Coolah District Development Group Incorporated
- Mendooran District Development Group Incorporated
- Baradine Progress Association Incorporated
- Binnaway Progress Association Incorporated
- The Coonabarabran Local Aboriginal Lands Council
- Siding Spring Observatory
- Warrumbungle National Park
- Baradine Area Office of NPWS
- NSW Farmers

The current Terms of Reference (TOR) for EDT committee requires a minimum quorum of eight (8) members, not including Council staff.

#### **Issues**

The past two EDT meetings have not proceeded due to having insufficient members attend to meet quorum numbers under the existing TOR's. As a result, no business has been transacted for four months, meaning projects, issues, and regional initiatives could not be progressed or addressed.



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On 22 October 2020 the EDT committee called an Emergency Meeting to discuss the TOR including:

- Committee representation
- Alternate members for when EDT members cannot attend meeting
- Conditions for observers attending EDT meetings
- Meeting schedules

It was identified that some information in the TOR was outdated, and other items required inclusion as follows:

- Council staff representative to be non-voting
- Warrumbungle National Park and Baradine Area Office National Parks and Wildlife Service members are combined to one member named National Parks.
- Members are to nominate alternatives to attend meetings if the main member cannot attend
- Observers can attend meetings at the discretion of the Chair.
- Frequency of meetings to be altered

At the time of the meeting, it was advised that quorum numbers were required to be half + 1. Since then, further information has been obtained on necessary quorum numbers for committees. Council's *Code of Meeting Practice* states:

*Section 19 – Council committees*

*19.4 The quorum for a meeting of a committee of the council is to be:*

- a) such number of members as the council decides, or*
- b) if the council has not decided a number – a majority of the members of the committee*

There is an opportunity for Council to reduce quorum numbers below the proposed number of seven (7) as per the revised draft TOR attached to this report.

### **Options**

Nil

### **Financial Considerations**

Nil

### **Community Engagement**

The level of engagement for this report is to Inform and Consult.

### **Attachments**

1. Revised Draft Terms of Reference for the Economic Development and Tourism Committee with changes included.
2. Current Terms of Reference

### **RECOMMENDATION**

That Council adopt the revised Terms of Reference for Economic Development and Tourism Committee.

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### Item 25 Inland Rail Update Report – November 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 306kms in length, and is Inland Rail's longest section of new track. 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. A detailed map of the alignment through Warrumbungle Shire can be found at [www.inlandrail.com.au](http://www.inlandrail.com.au).

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### **Issues**

Over the past month, the following new information on the Inland Rail Project has become available:

- ARTC's new website provides detailed information on project stages, interactive maps of alignments, visualisations, and identifying potential opportunities from Inland Rail. Their website can be found at [www.inlandrail.com.au](http://www.inlandrail.com.au)
- On Thursday 29 October 2020 Inland Rail provided Council with N2N project update. Matters that were addressed are as follows:
  - Currently there are 12 land owners in Warrumbungle Shire Council impacted by the N2N project. Transport for NSW (TfNSW) will conduct land acquisitions for Inland Rail. TfNSW and ARTC have entered an agreement which appoints ARTC as TfNSW's representative to undertake land acquisition negotiations for Inland Rail. ARTC have commenced consultation with affected land owners. Discussions included permanent and temporary land requirements and impacts, flooding and hydrology, property access, noise and vibration and visual impacts. Property acquisitions are to commence March 2021.
  - Each project within Inland Rail has its own construction milestones and timelines through the seven (7) project management stages. Currently N2N project is in the reference design phase. The project management stages are detailed on the ARTC's website at [www.inlandrail.com.au](http://www.inlandrail.com.au).
  - Environmental Impact Statement (EIS) for N2N is expected to be on exhibition December 2020. Usually EIS will be on public exhibition for 28 days, however due to Christmas and holidays, it will have an extended public exhibition time.
  - The location for Baradine workers camp is yet to be confirmed. If the preferred location stated in the EIS is incorrect Council will need to send a submission to Department of Planning, Industry and Environment stating the preferred location.
- Gateway 2 submission for Interface Improvement Program – Baradine Silos was submitted Friday 6 November 2020. It will take approximately 6 weeks to receive the result whether Council can proceed to Gateway 3.
- Interested parties can subscribe to ARTC Inland Rail e-newsletter on specific projects, such as Narromine to Narrabri project. The subscription to the e-newsletter can be found at [www.inlandrail.com.au](http://www.inlandrail.com.au).

### **Options**

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

### **Financial Considerations**

Nil

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### **RECOMMENDATION**

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

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### Item 26 Development Applications

<b>Division:</b>	Development Services
<b>Management Area:</b>	Regulatory Services
<b>Author:</b>	Administration Assistant Environment and Development Services – Jenni Tighe
<b>CSP Key Focus Area:</b>	Rural and Urban Development
<b>Priority / Strategy:</b>	RU 4 The attractiveness appearance and amenity of our towns and villages need to be improved

### Development Applications

#### (i) Approved – October 2020

Development Application / Complying Development	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type Of Development	Stop the Clock Referral Days
DA34/2020	19/08/2020	20/10/2020	Jason and Melissa Newton	97 Dandry Road	Coonabarabran	New Dwelling/Shed and Swimming Pool	30
DA40/2020	27/08/2020	07/10/2020	Mary Tanner	38 Dalgarno Street	Coonabarabran	New Fence	32
DA48/2020	22/09/2020	08/10/2020	Emmanuel Dimitry	47 John Street	Coonabarabran	New Food and Drink Premises	7
DA35/2020	19/08/2020	19/10/2020	Andrew and Fiona Adams	1272 Castlereagh Highway	Mendooran	Existing Dwelling	26
DA 41/2020	28/08/2020	07/10/2020	Michael Clout	7674 Black Stump Way	Tambar Springs	New Single Storey Dwelling	23
DA42/2020	07/09/2020	07/10/2020	North Construction and Building Pty Ltd	111-135 Martin Street	Coolah	Demolition of Dwelling	12
DA46/2020	17/09/2020	16/10/2020	Kirsty Arnott	91 Binnia Street	Coolah	Change of Use	14
DA44/2020	16/09/2020	08/10/2020	Maverick Industries	5 Bullinda Street	Binnaway	New Amenities	0

### RECOMMENDATION

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

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### **Item 27 Notice of Motion – Investigation into Lewis Lane Closure**

#### **Notice of Motion – Investigation into Lewis Lane Closure**

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##### **Background**

- Lewis Lane has been closed since the storms in March this year
- The bridge had logs and grass deposited in March 2019 which have not been removed
- Due to the timber build up, the approaches have been washed away
- The Lewis Lane bridge was included in the wooden bridge replacement fund in the last council but this was turned down
- Water from Fairfield and Talbragar Park has been diverted to Lewis Lane, and has washed the road away
- The southern end of Lewis Lane has been resheeted and there is no need to resheet it further
- There are three (3) landowners who join the northern side of the bridge who need access to their properties
- There are many farmers who live north of Lewis Lane who have properties in Craboon area that are also rural contractors who need to travel machinery across the lane.
- At the last Dunedoo community consultation meeting, four (4) people spoke strongly about Lewis Lane not being able to be used by vehicles.

##### **RECOMMENDATION**

That Council be provided with a report from staff concerning the closure of the bridge located along Lewis Lane across the Talbragar River. That this report also deal with:

- Where the funds from the wooden bridge replacement fund in the last Council have been transferred to
- The legality of the diversion of water from the properties Fairfield and Talbragar Park
- Why the northern end of Lewis Lane has not been resheeted with gravel
- Who authorised the staff to dig out the approaches to Lewis Lane bridge.

**DENIS TODD  
COUNCILLOR**

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### Item 28 Reports to be Considered in Closed Council

#### Item 28.1 Organisational Development Monthly Report – October 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 28.2 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 28.3 Tender – Concrete Culvert & Pipe Extension on Black Stump Way**  
**Division: Technical Services**  
**Author: Project Manager – David Sturtridge**

### Summary

The purpose of this report is to make a resolution on tenders received for concrete culvert works on Black Stump Way.

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 Concrete Culvert and Pipe Extension on Black Stump Way 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



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business to be considered is classified confidential under the provisions of Section 10A(2) as outlined above.

3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993* (NSW).