



Ordinary Council Meeting

Agenda

21 October 2021

**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, 21 October 2021 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

WARRUMBUNGL SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

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
16 September 2021

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

Ordinary Meeting – 21 October 2021

INDEX

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 9 September 2021 to 7 October 2021	6
RECOMMENDATION	7
Item 2 Mayoral Minute – Newell Highway Upgrade, Coonabarabran	8
RECOMMENDATION	10
Item 3 Mayoral Minute – Infrastructure Contributions Reform	11
RECOMMENDATION	12
Item 4 Councillors’ Monthly Travel Claims	13
RECOMMENDATION	14
Item 5 Council Offices Christmas Closure	15
RECOMMENDATION	16
Item 6 Returns Under s4.21 of the Model Code of Conduct – Disclosing of Interests of Councillors and Designated Persons	17
RECOMMENDATION	19
Item 7 Council Resolutions Report	20
RECOMMENDATION	20
Item 8 Community Services Expo Coonabarabran	21
RECOMMENDATION	23
Item 9 Investments and Term Deposits – month ending 30 September 2021	24
RECOMMENDATION	29
Item 10 Next Round of Regional Roads Transfer and Road Classification Review	30
RECOMMENDATION	33
Item 11 Place Name Proposal for Reserve in Gordon Street	34
RECOMMENDATION	35
Item 12 Truck Tenders	36
RECOMMENDATION	37
Item 13 Warkton Bridge – Tender	38
RECOMMENDATION	40
Item 14 Coolah Water Supply Scheme Upgrade Scoping Study	41
RECOMMENDATION	43
Item 15 Outdoor Smoke-Free Areas Policy	44
RECOMMENDATION	45
Item 16 Small Heritage Grant Program	46
RECOMMENDATION	48

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 17 Warrumbungle Shire Community Heritage Strategy 20221-2024.....	49
RECOMMENDATION	51
Item 18 Rural Boundary Clearing Code	52
RECOMMENDATION	53
Item 19 Draft Warrumbungle Section 7.12 Contributions Plan	54
RECOMMENDATION	56
Item 20 Development Application (DA)11/2021 – Feedlot	57
RECOMMENDATION	59
Item 21 Inland Rail Update Report – October 2021	60
RECOMMENDATION	62
Item 22 Development Applications	63
RECOMMENDATION	63
Item 23 Notice of Motion – Vacant Building Blocks.....	64
Item 24 Reports to be Considered in Closed Council	65
Item 24.1 Organisational Development Monthly Report.....	65
RECOMMENDATION	65
Item 24.2 Three Rivers Regional Retirement Community Information Report.....	65
RECOMMENDATION	66
Item 24.3 Valley of the Winds Wind Farm.....	66
RECOMMENDATION	66

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 9 September 2021 to 7 October 2021

MAYORAL MINUTE - MAYORS ACTIVITY

Date	Type	In/Out	Activity
16-Sep	Meeting	Chaired	September Council Meeting
17-Sep	Email	In	GM - dog attack in Binnaway
	Email	In	GM - RDO
20-Sep	Email	Out	Mr Gary Begg - Regional Golf Tournament proposal
23-Sep	Phone Call	In	Cr Davies, Narromine Mayor - Country Cabinet meeting proposal
24-Sep	Email	In	Vincent Young - Boulus mediation
	Email	In	Cr Brady - ratepayer concerns
27-Sep	Email	In	Transport for NSW - reply to Council's submission re bypass
	Email	Out	Sam Farraway MLC - Coona bypass
	Phone Call	In	Coolah resident re doctors house
28-Sep	Email	In	Vincent Young - Dunedoo TRRRC mediation
29-Sep	Email	In	GM via ratepayer - compliment re Orana Road works
	Email	In	Cr Capel - doctors house at Coolah
1-Oct	Email	In	Vincent Young - Dunedoo TRRRC mediation
	Phone Call	In	Dunedoo Can Assist - Community Financial Assistance Donation
	Email	In	Wes Leedham - Murray-Darling Healthy Rivers Grant
	Email	In	Craig Davies, Narromine Mayor - Murray Darling Committee
2-Oct	Email	In	GM - Doctors house Coolah
5-Oct	Phone Call	Out	GM - Murray Darling Healthy Rivers Grant
	Phone Call	Out	Wes Leedham - Murray-Darling Healthy Rivers Grant
	Phone Call	Out	GM - Dunedoo TRRRC
	Email	In	GM and Vincent Young - Boulus mediation Dunedoo TRRRC
6-Oct	Phone Call	In	Mark Coulton MP - Cooina funding, Inland Rail, Local Roads and Community Infrastructure
	Phone Call	Out	Wes Leedham - Murray-Darling Healthy Rivers Grant
	Email	In	GM and Vincent Young - Dunedoo TRRRC
	Email	In	Ratepayer - motorbikes on Convent Hill
	Email	In	Purlewaugh CWA invitation
7-Oct	Phone Call	Out	Wes Leedham - Murray-Darling Healthy Rivers Grant
	Phone Call	In	Wes Leedham - Murray-Darling Healthy Rivers Grant
8-Oct	Email	In	Craig Davies, Narromine Mayor - Murray Darling Association
	Email	In	Ratepayer - concerns over Little Timor Street development
	Email	In	GM - Aerodrome bore test
9-Oct	Email	In	Deputy Mayor - forward from ratepayer - concerns re Little Timor Street redevelopment
11-Oct	Email	In	NSW RFS - allocation of Rural Fire appliances
	Phone Call	In	Cr Todd - Inland Rail
	Phone Call	In	GM - Dunedoo TRRRC
	Phone Call	In	Coona Times - pool issues
12-Oct	Phone Call	In	Cr Lewis - governance issues
	Phone Call	Out	Coona Times - pool issues

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Date of Journey		Purpose of Journey	Odometer		KM Travelled
Start Date	End Date		Start	Finish	
9-Sep	9-Sep	Meeting Coonabarabran bypass - Council Chambers	10036	10068	32
16-Sep	16-Sep	Meeting GM - Council Chambers	10068	10100	32
16-Sep	16-Sep	September Council Meeting	10100	10132	32
27-Sep	27-Sep	Meeting - Dunedoo TRRRC	10132	10164	32
30-Sep	30-Sep	Meeting - Dunedoo TRRRC	10164	10197	33
1-Oct	1-Oct	Mediation - Dunedoo TRRRC	10197	10230	33
5-Oct	5-Oct	Council Chambers - GM	10230	10264	34
7-Oct	7-Oct	Council Chambers	10264	10300	36
Total KM travelled for period 11/08/2021 - 19/08/2021					264

MAYORAL MINUTE - EXPENSES 8 September 2021 to 7 October 2021

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

RECOMMENDATION

That Council notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 9 September 2021 to 7 October 2021.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 2 Mayoral Minute – Newell Highway Upgrade, Coonabarabran

In December 2020 Transport for NSW placed the Review of Environmental Factors (REF) report on the Coonabarabran bypass, with documents on display at for comment up until 29 January 2021.

Key features of the proposal include:

- A new two-lane, two-way road, about eight kilometres long to the east of Coonabarabran, between the Newell Highway and Oxley Highway with a posted speed limit of 110 kilometres per hour;
- Changes to the intersection arrangement of the Newell Highway and Oxley Highway to the north of Coonabarabran;
- Intersections and local road adjustments at Purlewaugh Road and River Road, transforming both local roads into staggered T-intersections;
- A bridge crossing of the Castlereagh River;
- Two stock culverts - one under the highway just south of Purlewaugh Road and a private stock access under the highway between River Road and Chinamans Gully;
- Property acquisitions and adjustments to some property access;
- Drainage adjustments and utility relocations;
- Temporary ancillary facilities during construction including water quality controls, site offices and stockpile sites.

Once approved and funded the work is expected to take around 20 months to complete.

Council made a submission on the proposal. There were a further 27 submissions by other persons, groups or organisations.

Council's concerns on the proposal centred on:

1. Socio-economic, property and land use
2. Signage
3. Traffic and transport
4. Design
5. Relevant legislation

The most significant issues being the economic impact on the town and Shire of the proposed By-Pass and safety.

The threat of a proposed by-pass has been around the neck of the town for a considerable period of time. This threat has divided many within the community with some seeing the proposal to be detrimental to the future of the town while others see it as a potential benefit for the town.

Without getting into the argument of the pros and cons of the proposal itself it is inevitable that the by-pass will occur and it is most important that it be completed in a manner that it has maximum possible benefit for the town of Coonabarabran and Warrumbungle Shire and is safe.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Regrettably, it seems to me that these concerns are not of paramount interest to those that are preparing the proposal. Further to that the submission process earlier this year on the Review of Environmental Factors (REF) was a tick a box process and not taken seriously. This approach was evidenced during a recent videolink meeting with Transport for NSW, Council's General Manager and myself.

Council's submission to Transport for NSW on safety was heavily influenced by the local Volunteer Rescue Association and their assessment that the proposed design of the intersections with the Purlewaugh and River Roads was unsafe, especially as the bypass is planned to have a 110km/h speed limit. I am sure that councillors would appreciate that these will be the people who have attended many incidents and their views should not be dismissed so quickly. However during the meeting with TfNSW we were informed that no changes were to be made to the plans.

Council was further advised that through this process there will be no funding made available for dealing with the economic issues highlighted in Council's submission. It is clear that the design brief for Transport NSW(TfNSW) was simply to reduce road transport transit times along the Newell Highway with the lowest cost design.

There was no consideration whatsoever to the economic impact on Coonabarabran or the surrounding shire and no consideration to the impact on traffic movement in an east west direction. Further, in an effort to minimise construction cost, the proposed design has created a serious safety hazard which, like the economic factors, are also glossed over in their proposal.

It is my view that if the current design were implemented without any modification and without mitigating measures to entice travellers to stop, the negative impact on the economy of the shire will be disastrous. In addition, the safety issues have the potential to make Coonabarabran famous for serious and fatal traffic accidents.

Given our failure to date to have any of these issues even acknowledged let alone addressed, we need a new strategy to convince the Government that a more expensive project design to address our concerns is justified and cost effective in the long term. There is no more important issue facing this council.

So that we can fight for a proposal that will give maximum benefit and safety I am proposing that a group of key individuals representing various sectors of Coonabarabran form a working party to provide advice on lobbying for an improved bypass proposal that sees a maximum benefit for the town of Coonabarabran and the Warrumbungle Shire.

Some of the more significant concessions that Council is seeking include:

- That Transport for NSW (TfNSW) conduct a more detailed assessment of the potential impact on Coonabarabran of the proposed by-pass and prepare a strategy for dealing with these impacts.
- TfNSW to work with Warrumbungle Shire Council and the Coonabarabran and District Chamber of Commerce to identify potential impacts to local businesses from loss of trade and have solutions identified prior to the pre-construction phase.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

- That TfNSW work with Council and engage a consultant to conduct an independent survey/data collection with local businesses to establish an economic baseline prior to construction of Bypass.
- That TfNSW design the Coonabarabran By-Pass with vehicle overpass/underpass arrangements for the intersections of Oxley Highway, Purlewaugh Road and River Road.

In order to break the current impasse and get the ear of both the relevant senior bureaucrats and parliamentary members and ministers, it is likely that council will need to commission a credible expert and independent study which includes the long-term benefit cost analysis of different design approaches to the project.

We as Council need to find a way to change this project from a TfNSW narrow road transport brief to a Whole of Government “Building Better Regions “brief. We will also need expert help to demand access and challenge any TfNSW modelling and analysis that exists to justify that they have adequately address these wider issues and explain why, given the significant impact on the shire, alternate designs we not evaluated.

RECOMMENDATION

That:

1. Council Authorise the Mayor, with the assistance of a Working Group, to identify the key issues and opportunities from an optimum Bypass design and what that design might look like, identify appropriate consultant advice, prepare a brief for that advice and subsequently make submissions and representations on behalf of Council in relation to the proposed upgrade of the Newell Highway.
2. The Working Group consist of a small group of interested locals appointed by the Mayor who can assist with facilitating the above actions.

AMBROSE DOOLAN
MAYOR

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 3 Mayoral Minute – Infrastructure Contributions Reform

Reason for the Report

To seek Council support for the Local Government NSW campaign on changes to infrastructure contributions.

Background

Local Government NSW (LGNSW) is seeking support for its campaign for the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill).

Developer contributions may be charged by councils, including Warrumbungle Shire, to help fund important community capital projects to ensure that our public infrastructure continues to grow and match the private sector investment in our council area. These projects include Roads, footpaths, intersection upgrades, community facilities, recreation facilities, parks and gardens, public boat ramps, libraries, public pools, essential servicing (water and sewer treatment plants) etc. Projects that Council has planned to deliver under this funding will be in jeopardy. Ironically Council is considering a report to this meeting on the adoption of the Section 7.12 Contributions Plan.

The introduction of the Bill, if passed will mean that developer contributions will be transferred to either the NSW state Government to redistribute across the State, or into a regional fund with no guarantees that our Council would receive funding back to complete the capital works projects that our ratepayers require. Warrumbungle Shire Council would be competing with other councils for projects to be funded.

It is critical that local governments receive adequate funding via the current developer contribution process to ensure these funds are spent on what infrastructure the Warrumbungle Shire community requires, and not what the NSW State Government wants our funds to be spent on.

Financial Considerations

Council has recognised the following revenue from developer contributions in recent years:

2015-16	\$86,970
2016-17	\$39,644
2017-18	\$39,067
2018-19	\$37,423
2019-20	\$136,412
2020-21	\$53,684

Attachments

1. Local Government NSW Infrastructure Contributions Reform
2. Local Government NSW Infrastructure Contributions Reforms Presentation

WARRUMBUNGL E SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

RECOMMENDATION

That Council:

1. Opposes the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 for the reasons outlined in this report.
2. Calls on the NSW Government to withdrawal the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 from the NSW Parliament.
3. Supports the Local Government NSW campaign on Council's behalf to raise public awareness of the importance of developer contributions to communities

AMBROSE DOOLAN
MAYOR

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 4 Councillors' Monthly Travel Claims

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

Reason for Report

To provide Council with details of travel claims of councillors for the month of September 2021.

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	94	0.78	\$73.32
Cr Todd	575	0.78	\$448.50
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	252	0.78	\$196.56
Total:			\$867.98

Issues

Nil.

Options

Nil.

Financial Considerations

Outlined above.

Community Engagement

To inform the community.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Attachments

1. Councillors Monthly Travel Claims

RECOMMENDATION

That the Councillors' monthly travel claims report for September 2021 in the amount of \$867.98 is noted.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 5 Council Offices Christmas Closure

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

Reason for Report

To notify Council endorsement of the 2021 Christmas closure period of Council offices.

Background

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

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

With Christmas being on a Saturday this year it is proposed that the closure period commence from 1.00pm on Friday 24 December 2021.

Services that close between Christmas and New Year are:

- Coonabarabran and Coolah administration offices
- Service NSW

Services that remain open between Christmas and New Year are:

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

Children's Services close down for three weeks on 24 December 2021

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Financial Considerations

Nil

RECOMMENDATION

That Council note the closure of Coonabarabran and Coolah administration offices, including Service NSW, from 1.00pm on Friday 24 December 2021, reopening on Tuesday 4 January 2022.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 6 Returns Under s4.21 of the Model Code of Conduct – Disclosing of Interests of Councillors and Designated Persons

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

Reason for Report

To advise Council of returns lodged with the General Manager under section 4.21 of the Model Code of Conduct for Local Council's in NSW for Councillors & Designated Persons for the period 1 July 2020 to 30 June 2021.

Background

Section 4.21 of the Model Code of Conduct for Local Council's in NSW requires councillors or designated persons to lodge returns to the General Manager for the period 1 July 2020 to 30 June 2021. The due date for returns is 30 September 2021.

Section 4.21 States:

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

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

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

Section 4.8 classifies a designated person as

Designated persons include:

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

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

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

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

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

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

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

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

Financial Implications

Nil

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Community Engagement

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

Attachments

1. Register of Disclosures by Councillors and Designated Persons Section 449 Local Government Act 1993 as at 30 June 2021 (to be tabled at the meeting).

RECOMMENDATION

That Council:

1. Acknowledge the tabling of the disclosures received under Section 4.21 of the Model Code of Conduct for Local Councils in NSW for Councillors and Designated Persons for the period 1 July 2020 to 30 June 2021.
2. Acknowledge that the disclosure of interest forms for councillors and designated persons are to be placed onto Council's website.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 7 Council Resolutions Report

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

Reason for Report

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

Background

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

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

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

Issues

This feedback is provided to Council for information purposes.

Options

Nil

Financial Consideration

Nil

Community Engagement

Level of Engagement - Inform

Attachments

1. Council Resolution Report

RECOMMENDATION

That the Council Resolution Report be noted for information.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 8 Community Services Expo Coonabarabran

Division:	Corporate and Community Services
Management Area:	Community Care
Author:	Supervisor Warrumbungle Community Care (WCC) – Deanne Britton
CSP Key Focus Area:	Local Government and Finance
Priority:	GF3 The local resource allocation and service provision reflects the needs of our ageing population

Reason for report

The reason for this report is to advise of the cancellation of the Community Services Expo for 2021.

Background

Community Services Expo hosted by Warrumbungle Community Care (WCC) has been running annually for approx. 15 years at the Town Hall Coonabarabran, with the support of Warrumbungle Shire Council.

Expo started off as a Community and Health Expo to showcase the local providers and what they could offer to the elderly community within our Shire, mainly Coonabarabran area.

Over time WCC began to expand the invites for the expo, we lost the wording “health”, and increased our reach of providers.

Each year Community Services Expo has grown, with the 2019 Expo hosting over 80 stall holders from a diverse range of services, local and interstate. The 2020 event was cancelled due to COVID.

Issue with holding it this year is COVID restrictions, attendee numbers and adhering to COVID distancing rules.

WCC believe this year will be hard to maintain the quality of stall holders/ providers, and the ability to reach the wider community.

Purpose of Expo

Expo was set up for service providers to network amongst like minded services, this grew exponentially to allow the community across the shire to attend, with WCC offering free transport for clients, and each year clients and community would feedback to WCC staff what was needed for next years expo.

Expo gives the community the access to a vast amount of information in one place, that being rural and remote they would never get to liaise with normally, allowing face to face conversations, and networks to be created.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Expo also is a platform to showcase our town/shire, along with local services/stall holders.

WCC also use Expo to look for potential volunteers and clients. Each Expo had been successful with 80 stall holders in 2019 and we have had on average between 300 to 500 community through the doors.

Achievements of EXPO would be the networking among the different stall holders and community attending, this has allowed so many services and programs into our community that our local community could not access.

Many providers have gone on to hold training within the community, with face to face contact that would not have been possible otherwise.

Target group

Expo has always been targeted towards the elderly or people with disabilities in our local Shire area, however in the last few years Expo has had more of the general community attending, along with the elderly, young parents, the disabled and everyone else in between.

WCC have attempted to bring new and exciting information stalls to Expo to bring the community in, keeping in mind that everyone who attends could be a future client or volunteer.

Service Providers /Stall holders Targeted

Expo has always been targeted towards the elderly and disabled of our community with local service providers being invited, however with the needs of the community changing, WCC have broadened the invitations to a wider group of providers and stall holders.

An example of this was during the drought a lot of the providers were drought specific, mental health, department of health and Centrelink were highly sought after for information.

Disability services are also in demand and in past years we have had a Melbourne Disability Service who specialises in holidays for people with disabilities and their carers attend.

LGBTQI services also travel from Newcastle to attend to assist with any questions or training that is required

Issues

Coonabarabran Expo date has historically been annually in November.

Due to Covid Restrictions and crowd expectations WCC is cancelling the event for 2021. This would give the community and service providers/stall holders time to regroup after lockdown and tight restrictions in their areas.

A lot of attendees do travel to Expo, without these services Expo would be very limited in its information and networking capabilities.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Dunedoo Expo is held every 2 years in the Jubilee Hall – smaller attendance both community and stall holders.

Invites for providers would be going out end of September each year, for the November date. Mid-October community and media release invites, for November date.

Options

The options considered include:

1. Cancel the 2021 EXPO and prepare for November 2022. This will give the community more time to recover from the COVID restrictions and vaccinations should be higher, allowing more providers to attend from the regional areas and interstate. This option will give a better overall outcome. WCC will also have more time to organise and plan a more successful EXPO.
2. Move this year's date to March 2022. This time will give a bigger chance at having attendees from the local regions and communities, however won't be as big or successful as waiting for November 2022 – hard to calculate due to restrictions. This option will be a new month and as we have not had EXPO in this month, might be successful.

Financial Considerations

Nil

Community Engagement

The level of Community Engagement is to Inform the community.

Attachments

Nil

RECOMMENDATION

That Council note the cancellation of the Community Services EXPO for Coonabarabran to November 2022.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 9 Investments and Term Deposits – month ending 30 September 2021

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

Reason for Report

As required by clause 212 of the *Local Government (General) Regulation 2005*, the details of all monies invested by Council under section 625 of the *Local Government Act 1993* must be reported to Council at each Ordinary Meeting.

Background

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

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

Issues

Comments on Performance

Marketable Securities, Term Deposits and At Call Investment Accounts

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

Marketable Securities

Council currently holds no Marketable Securities.

Term Deposits

During the month, \$2,000,000.00 worth of term deposits matured, earning Council a total of \$7,787.95 in Interest.

In September, the following placements were made into term deposits:

- \$1,000,000.00 with MAQ at a rate of 0.40%
- \$1,000,000.00 with NAB at a rate of 0.35%

The balance of the term deposits at the end of the month was \$18,000,000.00.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

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, (\$138.69) interest was earned on the balances in the accounts and net transfers of (\$1,189,998.64) were made from these accounts resulting in a month end balance of \$2,616,343.11.

Cash at bank balance

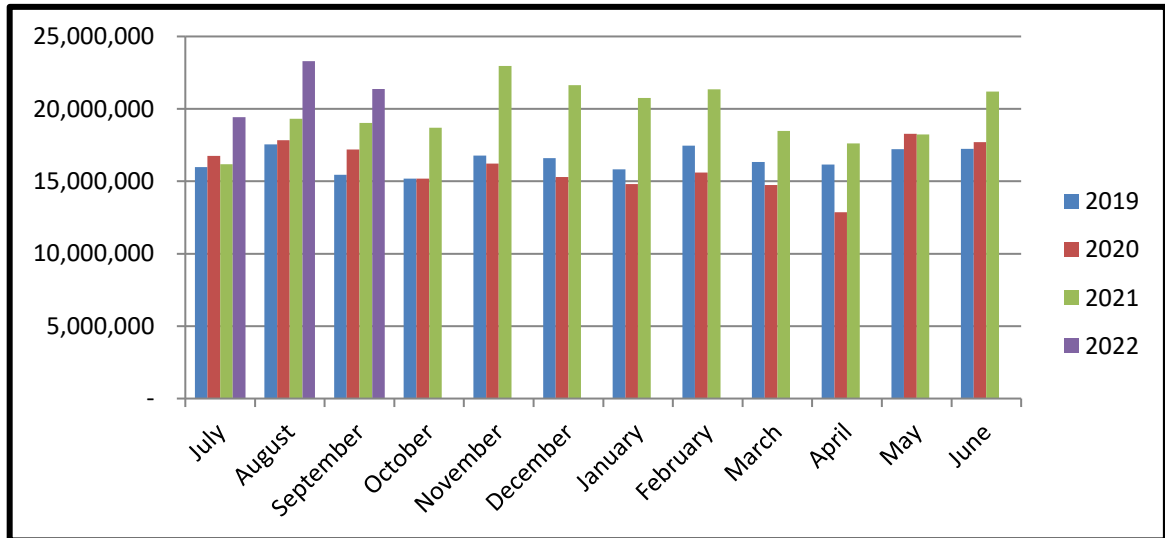
In addition to the at call accounts and term deposits, as at 30 September 2021, Council had a cash at bank balance of \$748,283.16.

Income Return

The average rate of return on Investments for September 2021, of 0.368% exceeded Council's benchmark Bank Bill Swap Rate (BBSW) of 0.0196% by 1782 points or 0.3493%.

Council's budget for year 2021/22 for interest on investments is \$83,291.00. At the end of September 2021, the amount of interest received and accrued should be around 25% of the total year budget, i.e. \$20,822.75. On a year to date basis, interest received and accrued totals \$17,762, which is 21.33% of the annual budget.

Graph by Month Investments



WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Table 1: Investment Balances – 30 September 2021

Financial Institution	Lodgement Date	Maturity Date	Total Days	Original Rating	Current Rating	Yield (%)	Investment Amount (Redemption Value)
At Call Accounts							
NAB	1-Nov-18	At Call	at call	ADI	ADI	0.05%	194.80
ANZ	2-Nov-18	At Call	at call	ADI	ADI	0.05%	6,828.42
T Corp IM Cash Fund	3-Nov-18	At Call	at call	P	P	0.04%	2,599,303.53
CBA At Call	4-Nov-18	At Call	at call	ADI	ADI	0.01%	10,016.36
							2,616,343.11
Term Deposits							
CBA	29-Oct-20	25-Oct-21	361	ADI	ADI	0.50%	1,000,000.00
CBA	30-Nov-20	29-Oct-21	333	ADI	ADI	0.55%	1,500,000.00
WBC	30-Nov-20	26-Oct-21	330	ADI	ADI	0.45%	1,000,000.00
CBA	25-Nov-20	22-Nov-21	362	ADI	ADI	0.57%	1,000,000.00
AMP	27-Nov-20	24-Nov-21	362	LMG	LMG	0.70%	1,000,000.00
CBA	08-Jan-21	06-Dec-21	332	ADI	ADI	0.41%	1,500,000.00
NAB	09-Jun-21	19-Jan-22	224	ADI	ADI	0.25%	1,000,000.00
MAQ	09-Jun-21	15-Feb-22	251	UMG	UMG	0.35%	1,000,000.00
WBC	10-Jun-21	23-Mar-22	286	ADI	ADI	0.30%	1,000,000.00
WBC	23-Apr-21	23-Apr-22	365	ADI	ADI	0.36%	1,000,000.00
NAB	09-Jun-21	23-May-22	348	ADI	ADI	0.30%	1,000,000.00
MAQ	18-Jun-21	15-Jun-22	362	UMG	UMG	0.40%	500,000.00
NAB	06-Aug-21	10-Dec-21	126	ADI	ADI	0.26%	1,000,000.00
MAQ	09-Aug-21	08-Nov-21	91	UMG	UMG	0.40%	500,000.00
MAQ	10-Aug-21	03-Mar-22	205	UMG	UMG	0.40%	500,000.00
AMP	09-Aug-21	05-Jul-22	330	LMG	LMG	0.75%	500,000.00
NAB	18-Aug-21	26-Jul-22	342	ADI	ADI	0.29%	1,000,000.00
MAQ	28-Sep-21	28-Sep-22	365	UMG	UMG	0.40%	1,000,000.00

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

NAB	29-Sep-21	17-Aug-22	322	ADI	ADI	0.35%	1,000,000.00
						Sub-Total	18,000,000.00
						Total	20,616,343.11

Credit Rating Legend

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

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Table 2: At Call and Term Deposits – Monthly Movements

Bank	Opening Balance	Interest Added to Investment or Redeemed	Net Placements/ Withdrawals	Closing Balance
NAB	194.69	0.11		194.80
ANZ	6,843.14	0.28	(15.00)	6,828.42
T Corp IM Cash Fund	2,599,442.61	(139.08)	-	2,599,303.53
CBA At Call	1,200,000.00		(1,189,983.64)	10,016.36
Total at call	3,806,480.44	(138.69)	(1,189,998.64)	2,616,343.11
WBC	1,000,000.00	3,664.66	(1,003,664.66)	
MAQ	1,000,000.00	4,123.29	(1,004,123.29)	
CBA	1,000,000.00			1,000,000.00
CBA	1,500,000.00			1,500,000.00
WBC	1,000,000.00			1,000,000.00
CBA	1,000,000.00			1,000,000.00
AMP	1,000,000.00			1,000,000.00
CBA	1,500,000.00			1,500,000.00
NAB	1,000,000.00			1,000,000.00
MAQ	1,000,000.00			1,000,000.00
WBC	1,000,000.00			1,000,000.00
WBC	1,000,000.00			1,000,000.00
NAB	1,000,000.00			1,000,000.00
MAQ	500,000.00			500,000.00
NAB	1,000,000.00			1,000,000.00
MAQ	500,000.00			500,000.00
MAQ	500,000.00			500,000.00
AMP	500,000.00			500,000.00
NAB	1,000,000.00			1,000,000.00
MAQ			1,000,000.00	1,000,000.00
NAB			1,000,000.00	1,000,000.00
Total Term deposits	18,000,000.00	7,787.95	(7,787.95)	18,000,000.00
Total	21,806,480.44	7,649.26	(1,197,786.59)	20,616,343.11

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Compliance with Council's Investment Policy

Council's Investment portfolio is 100% compliant.

The table below provides compliance status against the Investment Policy:

Institution	Credit Rating	Investment \$	Actual Exposure	Max. Limit per Policy	Compliance status
Tcorp	Prime	2,599,303.53	12.61%	33.30%	Compliant
	Total Prime	2,599,303.53	12.61%	100.00%	Compliant
ANZ	ADI	6,828.42	0.03%	33.30%	Compliant
CBA	ADI	5,010,016.36	24.30%	33.30%	Compliant
WBC	ADI	3,000,000.00	14.55%	33.30%	Compliant
NAB	ADI	5,000,194.80	24.25%	33.30%	Compliant
	Total ADI	13,017,039.58	63.14%	100.00%	Compliant
MAQ	UMG	3,500,000.00	16.98%	20.00%	Compliant
	Total UMG	3,500,000.00	16.98%	60.00%	Compliant
ME	LMG	-	0.00%	10.00%	Compliant
AMP	LMG	1,500,000.00	7.28%	10.00%	Compliant
	Total LMG	1,500,000.00	7.28%	10.00%	Compliant
	Grand Total	20,616,343.11	100.00%		

Certification of Responsible Accounting Officer

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

Responsible Accounting Officer

RECOMMENDATION

That Council accept the Investments Report for the month ending 30 September 2021 including a total balance of \$21,364,26.27 being:

- \$2,616,343.11 in at call accounts.
- \$18,000,000.00 in term deposits.
- \$748,283.16 cash at bank.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 10 Next Round of Regional Roads Transfer and Road Classification Review

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

Reason for Report

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

Background

Council received reports on the 20 August 2020 and on the 17 September 2020 in relation to the State Government's intention to transfer up to 15,000 kilometres of regional roads to State Management. Council resolved to make application to transfer management of Black Stump Way and Forest Road to the State Government and to reclassify Tooraweenah Road to Regional Road.

89/2021 RESOLVED that Council:

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

These applications were not successful. The Review Panel is now referring to these applications as priority round applications and the Panel is now inviting applications for what is now called the full round.

Applications for the full round close on the 24 December 2021 and Council again has the opportunity to consider the potential benefits of transfer or reclassification of roads currently managed by Council.

Issues

There has been no feedback on applications made by Council in 2020 so it is difficult to determine if any of the three roads would warrant further consideration by the State Government. Given that one of the objectives of the Review is to ease the financial burden on Councils, it is appropriate that Council focus on roads that are or may become a relatively high financial burden.

Expenditure on maintenance and renewal works on Black Stump Way is disproportionately higher than on any of the other six (6) regional roads within the Shire, see Table 1. It is the regional road with the highest traffic volume. On average over the last five (5) years there is one (1) vehicle crash per year on Black Stump Way.

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

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

The intersections of Booyamurra Street and Binnia Street, and of Cunningham Street and Binnia Street do not meet turning circle standards for road train trucks and AB Triple trucks, which means that as demand for access by higher productivity trucks increases, so to will the demand for better intersection layout.

Tooraweenah Road connects Mendooran to Tooraweenah and then onto Coonamble. It is a local road and it was nominated as an alternate freight route by the Orana Joint Organisation Transport Sub-Committee. The length of the road between Mendooran and Tooraweenah is 48km and within Warrumbungle Local Government Area (LGA) the road length is 19km. Council has recently been offered funding under the NSW Government's Fixing Local Roads Program to seal the remaining 3.4km of unsealed road within the Warrumbungle LGA. Once sealed, the annual maintenance burden on Council associated with maintaining the unsealed road section will be reduced.

Options

It is difficult to advise Council on which regional roads should be nominated for transfer when there is no certainty about financial impact. However, Council may consider the increased demand by the freight industry for wider access for higher productivity vehicles and the burden placed on Council for managing that demand.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Council may wish to consider the increased demand for access by higher productivity vehicles to Black Stump Way in general and Binnia Street in Coolah in particular.

The financial burden on Council associated with maintenance of Tooraweenah Road will increase when there is a significant increase in the number of trucks travelling between Mendooran and Tooraweenah. Now that the last remaining section of unsealed road will soon be sealed, it will be difficult for Council to make the case that the route is a financial burden on Council. This may change if the road within the Gilgandra LGA is fully sealed. Should Gilgandra Shire wish to pursue the reclassification of the route, Council may wish to support their application.

Financial Considerations

The Block Grant income received by Council in 2020/21 for expenditure on all regional roads was \$2,876,000. The allocation of funding under the Block Grant is determined by Transport for NSW (TfNSW) based on a formula that considers not only road length, but type of road, bridge length and type of bridge. There are 28 councils within the western region of TfNSW and of those councils only Lachlan Shire Council and Mid-Western Regional Council attract a higher Block Grant allocation than Warrumbungle.

Historically, Council's budget allocation for regional roads is around 33% of the total budget for Road Operations and around 10% of Council's expenditure budget in General Fund. Average expenditure on each of the regional roads within the Shire is outlined in Table 1.

Black Stump Way consistently receives the maximum available funding of \$400,000 each year under the NSW Government's REPAIR Program, because the merit-based program takes into consideration the relatively high traffic volumes on the road. If Black Stump Way is transferred to State Management, there is no guarantee that Council will continue to receive this level of funding for improvement works on either Black Stump Way or on any other regional roads.

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

Road No	Road Name	Road Length (km)	Av. Annual Mtc Exp per km* (\$)	Av. Annual Total Exp per km**	Freight Access
MR55	Black Stump Way	89	3,749	13,167	HML B Double access full length.
MR129	Purlewaugh Road / Baradine Road	132	1,623	4,666	HML B Double Access full length. Road Train Access between Baradine and Coonamble. Road Train access by conditional permit.
MR329	Gwabegar Road	36	1,734	1,734	Road Train access between Baradine and Gwabegar.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Road No	Road Name	Road Length (km)	Av. Annual Mtc Exp per km* (\$)	Av. Annual Total Exp per km**	Freight Access
MR396	Warrumbungles Way	396	1,842	5,390	B Double access (conditional).
MR618	Vinegaroy Road	22	2,059	7,619	B Double access.
MR4053	Timor Road	24	3,136	12,646	General access – semi trailer.
MR7519	Forest Road	14	1,643	15,068	B Double access in Warrumbungle Shire only.

Notes

* Average over 6 (six) years to 30 June 2020. Excludes expenditure on bridges.

** Average over 6 (six) years to 30 June 2020. Excludes expenditure on bridges and bitumen surface reseals.

Community Engagement

The level of engagement for this report is to inform.

Attachments

Nil

RECOMMENDATION

That Council:

1. Responds to the State Governments invitation to nominate roads for either transfer or reclassification by nominating Black Stump Way subject to the following conditions:
 - a. There is no reduction in income received by Council for roadworks associated with Black Stump Way.
 - b. Binnia Street between Booyamurra Street and Cunningham Street is declassified as a regional road and replaced by the alternate truck route which incorporates Cunningham Street and Booyamurra Street.
 - c. That roadworks on Black Stump Way continue to be undertaken by Council through a maintenance contract similar to that which exists on the state roads.
2. Support any application by Gilgandra Shire Council to reclassify Tooraweenah Road.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 11 Place Name Proposal for Reserve in Gordon Street

Division:	Technical Services
Management Area:	Urban Services and Facilities
Author:	Project Manager – Kevin Tighe
CSP Key Focus Area:	Community and Culture
Priority:	CC4 There is a high degree of public involvement in community activities including volunteerism.

Reason for Report

To consider a proposal to name a reserve to commemorate the contribution of a local family.

Background

A proposal has been received from a local Aboriginal Elder, to name the reserve on the corner of Gordon Street and Hill Street, Coonabarabran as Martin Reserve.

The reserve is Crown Reserve (No R86082) and Council on the 21 May 2020 resolved to classify this Reserve as Community and categorise it as Park. The area of the reserve is approximately 5,000m². Council staff maintain the reserve, which is limited to grass mowing and tree maintenance. There are no structures on the land, the land is traversed by a water main.

The NSW Geographical Names Board (GNB) is the only authority to approve the gazetting of place names and they have produced a policy "*Geographical Names Board of NSW Policy, Place Naming, July 2019*".

Issues

Should Council decide to support the proposal, an application must be made to NSW GNB. Such an application must be supported by evidence that community consultation on the naming proposal has occurred. Community consultation may be in the form of a newspaper advertisement, notices to residents in the area surrounding the Reserve and notices to relevant community groups.

From page 4 of the Policy '*The names of deceased persons are suitable for the naming of reserves. Such persons shall have had a long term association with the area, or have made a significant contribution to the area of the proposed park or reserve.*'

The writer of the proposal states '*The Martin family was and still is a well-respected family in Coonabarabran. This family built the handee store owned and operated it for many many years also had other business in town and still have 3 adjacent houses attached to the land/park area.*' The full version of the submission is included in the attachments.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Options

Council has discretion in this matter and may wish to consult with adjacent property owners and the Coonabarabran Historical Society.

Financial Considerations

There is no specific budget allocation for maintenance works on the Reserve. The annual cost of maintenance is estimated to be around \$1,000 per year, which is based on the estimated cost of mowing the area five times per year.

Community Engagement

The minimum level of engagement associated with this report and recommendation is to inform and consult.

Attachments

1. Submission on the Naming of Gordon Street Reserve.

RECOMMENDATION

That Council supports the proposal to name the Crown Reserve (No R86082) on the corner of Gordon Street and Hill Street in Coonabarabran, as 'Martin Reserve', and seeks community feedback on the proposal through the following mechanisms:

1. Public advertising.
2. Writing to property owners in Gordon Street and Hill Street.
3. Writing to the Coonabarabran Historical Society.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 12 Truck Tenders

Division:	Technical Services
Management Area:	Fleet Services
Author:	Project Manager – Kevin Tighe
CSP Key Focus Area:	Public Infrastructure and Services
Priority:	P15 Council manages its assets and infrastructure to meet the agreed service levels.

Reason for Report

The purpose of this report is to authorise the General Manager to award a contract for the purchase of trucks.

Background

Tenders were invited on the 6 October 2021 for supply and delivery of four (4) trucks. The trucks replace existing trucks in Council's fleet and include two (2) 8 tonne tipping trucks used in Urban Service Operations, one (1) 8 tonne service truck used in the Coolah Workshop and one (1) 22 tonne tipper used in Road Operations. Tenders close on the 26 October 2021.

Issues

Council caretaker provisions commence on the 4 November 2021 and entering into any contract or undertaking involving an expenditure or receipt by the Council of an amount equal to or greater than \$150,000 or 1% of the Council's revenue from rates in the preceding financial year (whichever is the larger) in the month-long caretaker period is not permitted. There is generally a long lead time for supply of trucks and lead times in excess of six (6) months are not uncommon. To enable the best opportunity for trucks to be delivered within the current financial year, it is necessary to place an order for the trucks prior to December.

If the contract for supply and delivery is awarded to the one supplier, the contract amount will exceed the General Manager's delegation of \$250,000. To enable the General Manager to award the contract following close of tenders and before commencement of the caretaker period, it is necessary for Council to provide specific authority to the General Manager.

Options

Council may wish to delay consideration of the truck tenders, however Council's first opportunity to consider the tenders will not be until the 17 February 2022 and if this occurs delivery of the vehicles before 30 June 2022 is unlikely. In accordance with Section 377 of the Local Government Act 1993, Council has the option of delegating authority to the General Manager to accept tenders for a specific project and or establishing an upper price limit for acceptance of tenders.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Financial Considerations

The budget allocation for replacement, which includes trade and purchase, of all four (4) trucks is \$350,000. The trucks are being packaged into one tender on the expectation that savings will arise if one supplier is awarded the contract.

Community Engagement

The level of engagement for this report is to inform.

RECOMMENDATION

That Council authorise the General Manager to accept, and if necessary, negotiate the best fit tender for replacement of four (4) trucks in Council's plant fleet.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 13 Warkton Bridge – Tender

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

Reason for Report

The purpose of this report is to authorise the General Manager to award a contract for the replacement of Warkton Bridge.

Background

Council has obtained a grant from the NSW Government under the Fixing Country Bridges (FCB) Program to replace Warkton Bridge. The FCB Program is specifically aimed at replacing timber bridges and Warkton Bridge is the last remaining bridge in the Shire that is fully constructed in timber. The program requires the bridge to be completed by June 2023.

Warkton Bridge is a relatively small bridge with a span of just 7 metres and a width of 5.1 metres. The height of the bridge above the creek bed level is 5 metres. The replacement bridge will be constructed on the same road alignment and height however, tenders have been invited for a bridge with a span of 12 metres and a width of 6 metres. During construction of the replacement bridge it will be necessary to construct a side track on private land, which will incorporate a low-level temporary bridge.

A requirement of the FCB grant is that Council must enter into a Memorandum of Understanding (MOU) with other Councils for the procurement process. Warrumbungle Shire Council has a MOU with three other Councils; Walgett, Mid-Western and Lithgow and across all four Councils there are six (6) bridges to be replaced.

A joint tender process has been developed for a design and construct type of contract. Even though there has been a joint procurement process, each Council in the MOU will be required to enter into an individual contract for the project.

Tenders closed on the 8 October 2021. Three (3) submissions were received for the Warkton Bridge project, three (3) submissions received for the bridges in the Lithgow City LGA, four (4) for the bridge in the Mid-Western Regional LGA and one (1) for the bridge at Walgett.

Issues

There is a tender evaluation plan in place for assessment of tender submissions, however at the time of preparing this report, a tender evaluation report is not

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

available for consideration by Council at the October 2021 Council meeting. A tender evaluation report is expected to be available for the meeting in November 2021, however Council will be in the pre-election caretaker period and decisions on expenditure exceeding \$150,000 are not permitted during this period.

To enable construction completion before June 2023, it is necessary to award the contract for the bridge projects as soon as possible, which in effect means as soon as possible after the end of the caretaker period, which ends on the 4 December 2021. The newly elected Council will not be in a position to decide on the tender submissions until the ordinary meeting scheduled for the 17 February 2022.

The contract amount for Warkton Bridge will exceed the General Manager's current delegation of \$250,000. To enable the General Manager to award the contract for the Warkton Bridge project it is necessary for Council to provide specific authority to the General Manager.

Options

Council has the option of delaying a decision on awarding the bridge contract until February 2022, however such a delay increases the risk of the project not being completed by the funding milestone of June 2023.

The Local Government Act was amended in 2016 to remove the restriction on councils' ability to delegate the acceptance of tenders. Subject to their having the relevant delegations, council staff and others may now accept tenders on behalf of a council other than where they involve the outsourcing of services currently performed by council staff.

The Regulation continues to restrict the ability of councils to delegate decisions not to accept tenders. Under clause 178(3), decisions not to accept tenders and to do any of the following must be made by a resolution of the governing body of the council:

- postpone or cancel the proposal for the contract,
- invite fresh tenders based on the same or different details,
- invite, fresh applications from persons interested in tendering for the proposed contract using the selective tendering method by which invitations to tender for the proposed contract are made following public advertisement asking for expressions of interest,
- invite fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract, using the selective tendering method by which recognised contractors listed by the council are invited to tender for the proposed contract,
- enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, and
- carry out the requirements of the proposed contract itself. If a council resolves to enter into negotiations, its resolution must state:
 - the council's reasons for declining to invite fresh tenders or applications, and
 - the council's reasons for determining to enter into negotiations

In accordance with Section 377 of the Local Government Act 1993, Council has the option of delegating authority to the General Manager to accept tenders for a specific project and or establishing an upper price limit for acceptance of tenders.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Should tender prices exceed the budget allocation it will be necessary to seek a variation from Transport for NSW (TfNSW) for additional funding.

If the application for a variation is unsuccessful, then it may be necessary to decline to accept tenders.

As stated above the decision to decline to accept tenders is not one that can be delegated and can only be made by resolution of the council.

Financial Considerations

The budget allocation for the Warkton Bridge project is \$735,000. The funding is sourced from TfNSW - \$555,000 and the Roads to Recovery Program (R2R) - \$180,000.

Should tender prices exceed budget allocations, it will be necessary to seek a variation from TfNSW for additional funding. However, any variation request to TfNSW for additional funding should be on the basis that Council's current commitment to the project through the R2R Program of \$180,000 does not increase.

Community Engagement

The level of engagement for this report is to inform.

Attachments

Nil

RECOMMENDATION

That:

1. The General Manager is authorised, if necessary, to seek additional funding from TfNSW to facilitate the ability to award a contract for the replacement of Warkton Bridge.
2. The General Manager is authorised to accept the tender for the replacement of Warkton Bridge subject to Council's commitment to the project capped at the R2R contribution of \$180,000.
3. Should it be considered necessary to decline to accept tenders, that this is reported back to council for resolution.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 14 Coolah Water Supply Scheme Upgrade Scoping Study

Division:	Environment and Development Services
Management Area:	Warrumbungle Water
Author:	Project Engineer Warrumbungle Water – John Boyle
CSP Key Focus Area:	Public Infrastructure and Services
Priority:	PI7 appropriate planning is needed to ensure the ongoing security of energy and clean water supplies to communities within the shire

Reason for report

The reason for this report is to present the Coolah Water Supply Scheme Scoping Study to Council and to inform Council of future funding possibilities.

Background

Previous investigation into concrete deterioration of the Coolah reservoirs led to the Coolah Water Supply Scheme Scoping Study project, funded under the Safe and Secure Water Program (SSWP).

Key objectives of the study were to improve water stability to minimise corrosion, determine the cause of heavy metals and improve disinfection and reduce water age.

The study scope included:

- Water quality data review
- Water monitoring
- Options development and assessment, identification of recommendations and options study report

Three (3) options were identified as outlined in below table, with Option 1 identified as preferred option due to the increased operational cost with the other two options.

	Description	Estimated Capital Cost	Estimated Annual Operational Cost
Option 1	Aeration and improved chlorine disinfection at reservoir site	\$215,280	\$10,880
Option 2	Aeration and pH correction at reservoir site	\$337,870	\$24,256
Option 3	Aeration, ion exchange and improved chlorine disinfection at reservoir site	\$824,720	\$135,880

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Other related projects in relation to the Coolah Water Supply are:

- Construction of a dedicated rising main
- Upcoming replacement of Martin Street reservoir (FY 2023/24)
- Shire wide Bore Condition Assessment, funded via SSWP; an update report was provided to Council in Item 19 of the June 2021 Business Paper
- New back-up bore at Neilrex Road, funded via Infrastructure NSW (Water Security for Regions Program)
- New and potable chlorine room at Coolah town well site
- Shire wide Automation Audit, funded via SSWP; a report was provided to Council in Item 21 of the May 2021 Business Paper
- Shire wide SCADA/Telemetry Network Upgrade; a confidential report was provided to Council in Item 21.3 of the April 2021 Business Paper

Issues

The Water Quality of the Coolah Supply was assessed by the Department of Planning Industry and Environment (DPIE) as representing a high risk and was therefore prioritised for funding under the SSWP-v2 to reduce this risk.

The risk reason being '*Drinking water management fails to effectively control chlorine resistant pathogens (e.g. Cryptosporidium). High risk from Cryptosporidium as assessed by NSW Health*'.

The future risk reduction project was discussed and a project snapshot developed (attached). Next steps include a meeting with DPIE to discuss the pathway forward for this and other risk prioritised projects within the LGA, including Binnaway, Dunedoo, Mendooran and Baradine; an update report on the Baradine situation was presented to Council in Item 20 of the June 2021 Business Paper.

Options

Council has the option to commit funds to the installation of bore water aerator.

Council has further the option to commit funds to a new, overall options study in Coolah to address all water quality risks, including the failure to effectively control chlorine resistant pathogens (e.g. Cryptosporidium). The options study at hand has not addressed that risk as it had not been identified at the time the study was scoped and funding committed to it via a deed; addressing all identified risks holistically is strategically advantageous over addressing a single risk with an identified solution at the present time – i.e. aeration of the bore water.

It is expected that DPIE will commit to funding 75% of the new options study under SSWP-v2. It is recommended to postpone the commitments of funds to a further options study until after written confirmation from DPIE has been received to co-fund.

Progressing to getting the required works done as currently identified will then form part of the next steps following the further options study. The currently identified and further identified required works are also expected to be covered under SSWP-v2.

Financial Considerations

The Coolah Water Supply Scheme Scoping Study has a project value of \$80,000 including 75% State Government funding. Committed and expended to date are \$53,037 leaving project savings of \$26,963.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Costing for a future project addressing all Water Quality risks in Coolah will need to be determined following an overall, new options study that will consider the various studies, projects and findings to date. Costs of this further options also remain to be determined.

The installation of an aerator only has been estimated to \$215,280 in capital expenditure, based on the options study at hand.

Community Engagement

The current project requires a level of engagement of 'Inform'; the described future project would require a level of engagement of 'Inform and Consult' based on the moderate Scale and moderate Impact.

Attachments

1. Coolah Options Study, July 2021
2. Updated Project Snapshot for Coolah Water Treatment Works, SSWP, received July 2021

RECOMMENDATION

That Council:

1. Notes the information contained in the Coolah Water Supply Scheme Upgrade Scoping Study report.
2. Commits to a further options study under the Safe and Secure Water Program Version 2, once the Department of Planning Industry and Environment commits to funding this.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 15 Outdoor Smoke-Free Areas Policy

Division:	Environment and Development Services
Management Area:	Planning and Regulatory Services
Author:	Environmental Compliance Officer – Fran Scott
CSP Key Focus Area:	Local Government and Finance
Priority:	GF4 Council's governance practices and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for report

To seek Council adoption to rescind the strategic Outdoor Smoke-Free Areas Policy.

Background

Council resolved to adopt the modified Outdoor Smoke-Free Areas Policy at the Ordinary Council Meeting of 15 June 2017. The policy is due for review.

Issues

The policy provides information that is covered by legislation managed by State Government.

Smoking in outdoor public areas is banned under Section 6A of the *Smoke-free Environmental Act 2000* and the *Smoke-free Environmental Regulation 2016*. The list of smoke-free areas is extensive and covers many public areas – not just facilities provided by Council.

Information on the NSW Health Tobacco Strategy and Policy webpage – Smoke-free laws state that NSW Health are the responsible authority for compliance of outdoor smoke-free areas, and inspectors conduct regular compliance monitoring and enforcement activity.

In relation to Council property and facilities, No Smoking signs can be placed on Council property, eg sporting event areas or a child's playground etc. that are accessed by the public. If a member of the public is seen to be smoking in these areas Council can seek their name and contact details and pass this information onto the Department of Health as the regulators of No Smoking areas. Whilst this is possible, Council officers are powerless to enforce anti-smoking laws.

With continual anti-smoking campaigns, less smokers are evident across the general population. The Australian Government section known as the Australian Institute of Health and Welfare advise on their website *there has been a long-term downward trend in daily tobacco smoking since 1991 (24%), with a significant decline between 2016 (12.2%) and 2019 (11.0%). There has been an increase in the number of people choosing to never take up smoking (63% in 2019, up from 49% in 1991).*

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Council is unable to police the requirements within the policy, and has no power to stop persons smoking in prohibited areas. With the policy being of little effect, it is of no real benefit to assist the day to day operations of the Council.

In relation to employees and smoking in and around Council buildings, Council could generate a Management policy to address outdoor smoking by employees if required.

Options

Council can either accept the proposal to rescind the Outdoor Smoke-Free Areas Policy or continue with the current policy.

Financial Considerations

Nil

Community Engagement

The level of engagement is 'Inform'.

Attachments

Nil

RECOMMENDATION

That Council:

1. Notes the information contained in the Outdoor Smoke-Free Areas Policy report.
2. Rescinds the current Outdoor Smoke-Free Areas Policy.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 16 Small Heritage Grant Program

Division:	Development Services
Management Area:	Regulatory Services
Author:	PA to Director Environment and Development Services – Cheryl Tillman
CSP Key Focus Area:	Rural and Urban Development
Priority:	RU4 Our towns and villages are characterised by their attractiveness, appurtenance, safety and amenity

Reason for Report

During July 2021, Warrumbungle Shire Council advertised for applications for Council's Small Heritage Grants Program. The grants provide financial assistance for conservation and restoration work on heritage buildings, heritage places and heritage items. It is recommended that the grants be allocated from the fund based on the recommendations provided by Council's Heritage Adviser.

Background

Council received funding from Office of Environment and Heritage (OEH) to run the annual Small Heritage Grants Program to assist owners undertake conservation and maintenance works on heritage buildings, items and places within the Shire.

In financial year 2019/20, Council managed the fund in accordance with the requirements of OEH on a \$ for \$ basis. As a result, Council has established a matching budget for its Small Heritage Grants Program of \$5,550 this financial year.

This year, the funding agreement does not seek a matching contribution from Council, however it is recommended that Council does provide a matching contribution to provide incentive for owners to preserve and restore heritage items. The Department of Planning, will reimburse up to \$5,500 (excl. GST).

Council can choose to allocate the \$5,500 from the State Government only, or match it with a contribution as per budgetary allocations of \$5,500 to provide a total of \$11,000 for allocation under the Small Heritage Grants Program.

One of the key requirements is that the fund be dispersed with regard for the recommendations of Council's Heritage Adviser.

After advertising seven (7) applications for financial assistance was received for works on the following properties.

- Cobbora Station Outbuilding, Dunedoo
- 27 Cowper Street, Coonabarabran
- The Bank, 39 John Street, Coonabarabran
- 48 Cassilis Street, Coonabarabran

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

- Cobbora Courthouse, Cobbora
- Coolah Creek Homestead, Coolah
- St Johns Church, Baradine

Council's Heritage Adviser, Mr Peter Duggan, evaluated the applications and has recommended that the grants be dispersed as shown in the Table 1 below.

Table 1: Recommendations for Small Heritage Grant

Property	SHI No.	Works	Heritage Justification	Cost of Works	Amount Request	Recommend \$ from Fund Pool
Cobbora Station Outbuilding, 127 Cobbora Station, Dunedoo	2021/22_1	Outbuilding Repairs	Consider of Heritage Significance	\$7,000	\$3,000	\$1,650
27 Cowper Street, Coonabarabran	2021/22_2	Exterior paint of house	Consider of Heritage Significance	\$15,708	\$15,708	\$2,390
The Bank, 39 John Street, Coonabarabran	2021/22_3	Guttering, fascia, doors, windows repair and paint.	LEP Heritage Listed	\$20,000	\$5,000	\$2,500
48 Cassilis Street, Coonabarabran *	2021/22_4	Heritage fencing	Consider of Heritage Significance	\$3,105	\$1,500	\$1,000
Cobbora Courthouse, 14 Dunedoo Street, Cobbora	2021/22_5	Gutters and window Repair	Consider of Heritage Significance	\$4,285	\$3,285	\$1,000
Coolah Creek Homestead, Coolah Creek, Coolah *	2021/22_6	Gutters and fascia repairs	Consider of Heritage Significance	\$30,090	\$10,000	\$1,500
St Johns Church, Baradine	2021/22_7	Replace water damaged and cracked ceiling panels	LEP Heritage Listed	\$1,918	\$959	\$959
			TOTAL	\$82,106	\$39,452	\$10,999

* Received Small Heritage Grant funding in 20/21FY

Issues

The current funding agreement specifies that OEH pays the full grant amount (of \$5,500) and no matching contributions are required from Council. However, Council has budgeted to provide matching \$ for \$ funding of \$5,500 this financial year.

Applications for funding assistance are evaluated by the Heritage Adviser and new applicants with new projects will be provided a larger percentage of the funding to encourage more heritage restoration and preservation across the Shire. Some of our regular applicants received funding in prior years for continuing projects.

Applicants who receive an offer of funding less than requested can either accept the funding or not accept the funding. If the funding is not accepted the money will not be

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

expended and therefore not claimed from OEH at the end of the financial year. The government funding is on a yearly basis and is not carried forward to the next year.

Options

Given that Council has a budgeted allocation, it would be reasonable to offer the full amount of \$11,000 to assist with heritage work across the LGA for this financial year.

Financial Considerations

Council has an amount of \$11,000 available for its Small Heritage Grants in 2021/2022.

- \$5,500 from OEH
- \$5,500 in Council's budget for FY 2021/22

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

Nil

RECOMMENDATION

That Council grant a total of \$10,999 under the Small Heritage Grants to undertake heritage repairs and restoration works for the following heritage items:

1. Cobbora Station Outbuilding, Dunedoo - \$1,650
2. 27 Cowper Street, Coonabarabran - \$2,390
3. The Bank, 39 John Street, Coonabarabran - \$2,500
4. 48 Cassilis Street, Coonabarabran - \$1,000
5. Cobbora Courthouse, Dunedoo - \$1,000
6. Coolah Creek Station, Coolah - \$1,500
7. St Johns Church, Baradine - \$959

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 17 Warrumbungle Shire Community Heritage Strategy 20221-2024

Division:	Environment and Development Services
Management Area:	Regulatory Services
Author:	PA to Director Development Services – Cheryl Tillman
CSP Key Focus Area:	Rural and Urban Development
Priority:	RU4 Our towns and villages are characterised by their attractiveness, appurtenance, safety and amenity

Reason for Report

To present the draft *Warrumbungle Shire Council Community Heritage Strategy for 2021-2024* for Council adoption.

Background

To assist Council fulfil its local heritage obligations it is a requirement of the Heritage Office that a heritage strategy is generated and adopted; particularly when a Council is provided funding on an annual basis to assist support and improve heritage across their LGA.

Warrumbungle Shire Council has successful applied for and received heritage funding for a number of years on an annual basis as per the following funding streams offered by the Heritage Office:

- Heritage Adviser Program – used to engage the services of a heritage adviser to assist Council with DA referrals and provide free advice to residents
- Local Heritage Fund – distributed to local applicants on an annual basis to undertake works and improvements to heritage items across the LGA.

In 2021/22 Financial Year, Council has received the following amounts:

- Small Heritage Grant \$5,500
- Heritage Adviser \$6,000

The draft strategy has been prepared as per relevant guidelines issued by the NSW Heritage Office to support local government heritage management in NSW. It is a requirement that it is the strategy is prepared and updated every three (3) years.

The strategy, once complete, should be adopted by Council and is a non-statutory strategic document for local heritage management.

It is also a requirement that all councils with heritage advisers (that are funded through the Heritage Office) report annually on the progress made against their adopted heritage strategy over the past 12 months.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Issues

Council's Heritage Advisor, Mr Peter Duggan, has drafted the strategy on Council's behalf and provides nine (9) recommendations and subsequent actions for inclusion in the strategy; these recommendations are as follows:

1. Engage with interested and relevant community bodies to deal with heritage matters in your area.
2. Identify heritage items in your area and list them in your local environmental plan.
3. Appoint a heritage advisor to assist the council, the community and owners of listed items.
4. Manage local heritage in a positive manner.
5. Manage the Local Heritage Fund to provide small grants to encourage local heritage projects.
6. Run a heritage main street program.
7. Present educational and promotional programs.
8. Set a good example to the community by properly managing places owned or operated by the Council.
9. Promote sustainable development as a tool for heritage conservation.

Actions for each recommendation are provided in the draft strategy as attached.

Options

As Council receives annual funding from the NSW Heritage Office it is necessary that a heritage strategy is adopted.

Financial Considerations

The strategy was prepared by Council's Heritage Adviser using funding allocated to Council under the Heritage Adviser Service valued at \$2,800.

The Heritage Adviser Service Funding is valued at \$6,000 of which Council is required to match \$ for \$ meaning a total of \$12,000 is available for Heritage Adviser Services. Council has budgeted for this amount in the 2021-22 financial year.

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

1. Draft *Warrumbungle Shire Council Community Heritage Strategy 2021-2024*.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

RECOMMENDATION

That:

1. Council adopts the draft *Warrumbungle Shire Council Community Heritage Strategy 2021- 2024* for the purposes of public exhibition for a minimum of 28 days.
2. A further report be presented to Council on the draft Strategy after the public exhibition period is completed.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 18 Rural Boundary Clearing Code

Division:	Development Services
Management Area:	Regulatory Services
Author:	PA to Director Development Services – Cheryl Tillman
CSP Key Focus Area:	Natural Environment
Priority:	NE3.1 Work with private and public landholders to build and maintain awareness of their responsibilities and requirements regarding environmental, land and natural resource management.

Reason for Report

To inform Council about the commencement of the Rural Boundary Clearing Code aimed at helping landholders in identified areas remove certain vegetation from their property boundary to help prevent the spread of fire.

Background

The NSW Government has introduced a Rural Boundary Clearing Code which came into force on 11 September 2021. The code was created to give landowners stronger protection against bush fires and was developed in response to community concerns after the devastating bush fires in 2019/20.

The code permits rural landowners to clear vegetation within 25 metres of the property boundary to minimise the potential for the spread of bush fires, noting there are restrictions on clearing some vegetation based on environmental values. This Code extends the existing exempt clearing provisions in NSW (such as the Allowable Activities under the Local Land Services Act 2013) to provide for clearing as firebreaks along property boundaries.

The code is designed to assist landowners in meeting their obligation under Section 63 (2) of the Rural Fires Act 1997 to take any notified or other practicable steps to minimise the occurrence and spread of bush fires on or from their land. Landholders (and regulatory authorities including Councils) will be able to ascertain how and where the boundary clearing rules apply. The Code outlines how the scheme works, and what provisions and protections may apply in an area.

The NSW Rural Fire Service has developed a Rural Boundary Clearing Code Tool to help identify if the Code applies to a landholding, this tool can be accessed via www.rfs.nsw.gov.au/boundaryclearing. This tool does not provide an assessment of the bush fire risk that may be faced on a property.

Issues

This code applies to land owned by the property owner, which means it does not apply to road reserves.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Clearing of vegetation on the road reserve requires the approval by Council. Generally, Council will provide approval to clear vegetation on the road reserve up to 3 metres from the boundary subject to assessment of that vegetation to determine environmental sensitivity, e.g. endangered tree species, habitat value.

Options

Nil

Financial Considerations

Nil

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

1. Rural Boundary Clearing Code for New South Wales 26 August 2021.
2. Map Rural NSW Fire Service – boundary Clearing Tool.

RECOMMENDATION

That Council notes the introduction of the Rural Boundary Clearing Code from 11 September 2021.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 19 Draft Warrumbungle Section 7.12 Contributions Plan

Division:	Environment and Development Services
Management Area:	Planning and Regulation
Author:	Director Environment and Development Services – Leeanne Ryan
CSP Key Focus Area:	Rural and Urban Development
Priority:	RU1.1 Council conducts periodic reviews of its planning instruments to ensure that land use planning support the long term sustainability of our local communities and our economy

Reason for report

The purpose of this report is to seek adoption of the draft *Warrumbungle Section 7.12 Contributions Plan*.

Background

This matter was considered by Council on 15 July 2021, when it was resolved to exhibit the draft Plan for public comment. A copy of the previous report is at Attachment 3, and provides greater technical detail about development contributions and the contents of the Plan than this report.

The draft Plan was exhibited from 29 July 2021 to 13 September 2021. Six (6) submissions were received, and a summary of the submissions is at Attachment 2.

Issues

A number of submissions identified a small number of areas where the draft Plan narrative could be clarified or corrected. As a result, the draft Plan has been amended to address these matters as appropriate. This includes the deletion of the example in Section 3.9 which could be seen to be confusing. These changes are not substantive.

A number of submissions queried the source of the items on the Plan's work schedule. Some submissions sought the inclusion of other items, such as some of the projects identified at the recent Peter Kenyon workshops.

The items on the work schedule reflect Council's priorities, and development contributions provide a way of resourcing these priorities, sometimes complementing with other financial resources.

The work schedule priorities are consistent with Council's integrated strategic planning framework, including the Community Strategic Plan, PAMP, Delivery Program, as well as from other identified sources such as community consultations, Council committees and Council discussions. There is scope to amend the Plan in the future when Council adopts new initiatives as new projects arising from the community (such as those from the Peter Kenyon workshops) are refined, costed

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

and evaluated in the context of Council's evolving priorities through its integrated strategic planning and budgetary process.

A submission raised the quantum of funds identified to undertake some projects, and their timeframe. A number of projects in the works schedule will not be solely funded from development contributions, and other Council or external funds will be used if available. Projects may also be funded from multiple sources if future opportunities arise.

A submission raised the potential inclusion of industrial land projects. While the development of new industrial land is important, it is considered that it is not appropriate for development contribution funding, which should be directed towards community assets rather than "commercial" development.

A submission raised the validity of one of the items on the works schedule. All items in the draft works schedule are considered appropriate because they are Council managed assets, and generally respond to growth and/or change.

A submission raised concerns about development contributions discouraging development. This is unlikely. For example, recent NSW Productivity Commission review of development contributions found: "...one of the biggest concerns about infrastructure contributions is that they will add to the cost of housing and therefore reduce housing supply or affordability. Economic analysis indicates that the impacts should be minimal". The Productivity Commission recommended a continuation of development contributions as a way of funding the capital costs of community infrastructure.

The levy is not a major impost on development, and no change is proposed to Warrumbungle Shire's current long-standing rate of contribution (which is a percentage of development cost). Most Councils set their contributions at this level. Increasing the rate would require State Government approval.

The issue of the Council reporting of the collection and expenditure of development contributions was raised in a submission. Council is already required to maintain rigorous records in this regard, and have them readily available to the public. Furthermore, as of July 2022 this and other information will have to be posted online via the NSW Planning Portal. It is considered that this level of statutory reporting does not need to be supplemented.

Options

Council could resolve to do one or more of the following:

1. Adopt the draft Section 7.12 Plan, as attached
2. Amend the draft Plan, which would require a public re-exhibition
3. Resolve to not charge development contributions

It is recommended that Council adopt the draft Section 7.12 Plan at Attachment 1.

Financial Considerations

Development contributions provide a useful source of revenue for Council to meet the community infrastructure needs. It should be noted that these funds are only for

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

capital works and must be used for the items shown in the work schedule. They complement Council's other revenue sources.

It should be noted that other funds available to Council, such as grants, will be used in concert with contributions to implement, and/or accelerate the implementation, of some projects on the work schedule.

While there is a "compliance cost" of administering development contributions, the benefits outweigh this cost, and the requirements reflect good administrative practice in any case.

Community Engagement

Community Engagement has occurred through a public exhibition process, pursuant to statutory requirements. The level of community engagement was Inform + Consult.

The draft Plan was notified on Council's website, print media and social media. It was exhibited at Council's offices in Coonabarabran and Coolah, and on Council's website. The exhibition also received some media publicity.

The Have Your Say function of Council's website provided a mechanism for community members to make written submissions on the draft policy.

Attachments

1. Draft Warrumbungle Shire Section 7.12 Contributions Plan
2. Summary of public submissions
3. Council report 15 July 2021 – Draft Warrumbungle Section 7.12 Contributions Plan

RECOMMENDATION

That Council adopt the draft *Warrumbungle Section 7.12 Contributions Plan*, pursuant to the *Environmental Planning and Assessment Act 1979* as amended.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 20 Development Application (DA)11/2021 – Feedlot

Division:	Environment and Development Services
Management Area:	Regulatory Services
Author:	Consultant Town Planner – Donna Ausling
CSP Key Focus Area:	Rural and Urban Development
Priority:	RU1 Land use planning across the Shire acknowledges the rural character of the area whilst encouraging ecologically sustainable development.

Reason for report

Development Application (DA)11/2021 has been referred to Council for determination as the proposal has attracted community interest with five (5) submissions being received in response to the public exhibition of the proposal.

Background

Development Application (DA)11/2021 was received by Council on 17 February 2021 and seeks development consent for a 1,000 head cattle feedlot. The feedlot is proposed to be located at the Mount Mill property at 1170 Coolah Creek Road, Coolah, being Lot 2 in DP1107124. The existing emergency feeding pens constructed during the recent major drought are proposed to be repurposed for permanent use as a cattle feedlot. The previous emergency feedlot was a permissible use pursuant to the provisions of *State Environmental Planning Policy (Primary Production and Rural Development) 2019* (Rural SEPP).

Under the application the proposed feedlot includes the following works:

- Pens
- Handling yards
- Drains, diversion channels, irrigation areas and ponds
- Manure stockpile and composting pads

Issues

The DA was exhibited from 31 March 2021 to 23 April 2021 in accordance with the provisions of Council's Community Engagement Strategy, the requirements of the *Environmental Planning and Assessment Act 1979* and corresponding *Regulation 2000*. A total of five (5) submissions were received in response to the public exhibition period, with two (2) of the submissions being identical in nature. The submissions raised a range of issues which are addressed in detail as part of the enclosed Planning Assessment Report for DA11/2021. These issues include, but are not limited to, odour, ground water quality impacts, noise, traffic and amenity considerations.

The Planning Assessment Report for DA11/2021, including design plans and the recommended schedule of consent conditions for the proposed development, is attached separately for the information of Councillors.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

It is recommended that Council approve Development Application 11/2021 subject to the conditions of development consent included as Appendix B at the end of the detailed Planning Assessment Report.

Options

Council has the following options available:

1. Grant consent subject to conditions, as detailed in Appendix B of the Planning Assessment Report for DA 11/2021 for a 1000 head feedlot at Lot 2 DP 1107124, 1170 Coolah Creek Road, Coolah, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.
2. Grant consent with alternate conditions of consent.
3. Refuse consent under Council Delegation.

Financial Considerations

Financial implications as a result of this proposal are detailed within the body of the Planning Assessment Report.

Community Engagement

Exhibition of the proposal has been undertaken in accordance with the requirements of Council's Community Engagement Strategy. The results of these engagement process, and the mechanisms applied to elicit feedback from the community in relation to this development application, are addressed in the enclosed Planning Assessment Report.

The level of community engagement for this report is to inform and consult.

Mandatory Statutory Requirements

Councillors, applicants, persons making public submissions (written or verbal) and members of the public submissions (written or verbal) and members of the public are advised of the following relevant procedural requirements.

1. Record (Division) of Voting

In accordance with Section 375A(3) of the *Local Government Act 1993*, A Division is required to be called wherever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

A division under Section 375A(3) of the Act is required on this Planning Application.

2. Relevant Planning Legislation

In accordance with Section 10.4(4) of the *Environmental Planning and Assessment Act 1979*, a person that makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) All reportable political donations made to any local councillor of the Council;
- (b) All gifts made to any councillor or employee of the Council.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

3. Relevant Public Submission

In accordance with Section 10.4(5) of the *Environmental Planning and Assessment Act 1979*, a person who makes a relevant planning applications made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the submission is determined.

Disclosure of Reportable Political Donations and Gifts

a) *Planning Applications*

Nil.

b) *Public Submissions*

Nil.

Attachments

1. Detailed Planning Assessment Report for DA 11/2021.
2. Copies of submissions (redacted).

RECOMMENDATION

That Council:

1. Grant consent subject to conditions, as detailed in Appendix B of the Planning Assessment Report for DA 11/2021 for a 1000 head feedlot at Lot 2 DP 1107124, 1170 Coolah Creek Road, Coolah, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.
2. The submitters be advised in writing of Council's decision to grant consent subject to Conditions.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 21 Inland Rail Update Report – October 2021

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

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: inlandrail.artc.com.au/where-we-go/#narromine-to-narrabri

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Issues

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

- N2N is still in the response to submissions stage. N2N Project is classified as State Significant Infrastructure application (SSI) which is required to go through a comprehensive assessment process. The main steps for this process are early consultation, prepare EIS, exhibit EIS, response to submissions, assess SSI, and determine SSI.
- N2N project is classified as the Southern Civil Works Program, as oppose to the Central Civil Works Program which includes Narrabri to North Star (N2NS).

Recently ARTC have awarded 50-50 joint venture between ACCIONA and CPB Contractors as the preferred proponents to work on the Southern Civil Works Program. The contractor joint venture is referred to as ACACPB JV. The N2N Southern Civil Works Program is valued at approximately \$1.2 billion. Interested suppliers are encouraged to register their interest at ICN Gateway at: [Inland Rail \(icn.org.au\)](http://Inland Rail (icn.org.au))

Laing O'Rourke was awarded preferred proponent for Central Civil Works Program.

- In September 2019, the Senate announced an inquiry to consider the management of Inland Rail project by ARTC and Australia Government. This resulted to the 'Rural and Regional Affairs and Transport Committee report on Inland Rail' which was published August 2021.

The report makes 26 recommendations relating to the management of the Inland Rail project, with 2 directly addressing Narromine to Narrabri project, in particular flood modelling and design features, and a review of the current N2N alignment This can be found at: [Chapter 6 – Parliament of Australia \(aph.gov.au\)](http://Chapter 6 – Parliament of Australia (aph.gov.au))

- Round 5 for Building Better Regions Funding (BBRF) is experiencing lengthy delays to announce successful applications. Therefore, Council is yet to receive a result for Baradine Sewer Connection BBRF application in anticipation for the Baradine workers camp listed in the EIS.
- ARTC has produced information regarding the management of rail corridor fencing along the Inland Rail alignment. This document can be found at: [Managing Rail Corridor Fencing factsheet \(netdna-ssl.com\)](http://Managing Rail Corridor Fencing factsheet (netdna-ssl.com))

Options

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

Financial Considerations

Nil

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

Nil

RECOMMENDATION

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 22 Development Applications

Division: Development Services

Management Area: Regulatory Services

Author: Administration Assistant Environment and Development Services – Jenni Tighe

CSP Key Focus Area: Rural and Urban Development

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

Development Applications

(i) Approved – September 2021

Development Application / Complying Development	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type of Development	Referral Days	Stop the Clock Days
DA43/2021	01/07/2021	08/09/2021	Taylor Made Buildings	86 Bullinda Street	Dunedoo	New Dwelling	12	0
DA47/2021	03/08/2021	22/09/2021	Planned Environment Pty Ltd	62-64 Cobborah Street	Dunedoo	Alterations and Additions	24	0
DA53/2021	02/09/2021	30/09/2021	Nigel Boyce	Sullivan Street	Dunedoo	New Garage/Carport	15	0
DA48/2021	10/08/2021	30/09/2021	Josephine Redden	31 Nandi Hills Place	Coonabarabran	New Dwelling/Verandah/Pool	17	0

RECOMMENDATION

That Council notes the Applications and Certificates approved during September 2021, under Delegated Authority.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 23 Notice of Motion – Vacant Building Blocks

Notice of Motion – Vacant Building Blocks

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

That Council contact owners of vacant residential blocks in each town and village of the Warrumbungle Shire to encourage them to place their properties on the market for sale.

Rationale

It is often spoken that there are many available residential building blocks in our towns and villages, however there is a lack of such blocks being available to purchase. With such alleged availability it would not be appropriate to go ahead and develop further residential building blocks, instead I am proposing that Council encourage land owners to put their unwanted parcels on the market for sale. It would be most relevant at the moment as there appears to be an overall desire for people to leave the large cities and come to rural and regional areas.

**DENIS TODD
COUNCILLOR**

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

Item 24 Reports to be Considered in Closed Council

Item 24.1 Organisational Development Monthly Report

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 24.2 Three Rivers Regional Retirement Community Information Report

Division: Environment and Development Services

Author: Director Environment and Development Services – Leeanne 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:

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

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 October 2021

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 24.3 Valley of the Winds Wind Farm

Division: Environment and Development Services

Author: Director Environment and Development Services – Leanne Ryan

Summary

The purpose of this report is to advise Council on the proposal to enter into a Voluntary Planning Agreement for the Valley of the Winds Wind Farm.

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 commercial information of a confidential nature and is classified **CONFIDENTIAL** under section 10A(2)(c) of the Act, which permits the meeting to be closed to the public for business relating to the following:

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

RECOMMENDATION

That the Valley of the Winds Wind Farm Report be referred to Closed Council pursuant to section 10A(2)(c) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

FURTHER that Council resolve that:

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