



Ordinary Council Meeting

Agenda

18 November 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, 18 November 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

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AGENDA

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

Turn Off Mobile Phones

Audio Recording of Council Meetings

Apologies/Leave of Absence

Confirmation of Minutes

21 October 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

WARRUMBUNGLA SHIRE COUNCIL

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Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 11 October 2021 to 9 November 2021

MAYORAL MINUTE – MAYORS ACTIVITY

<u>Date</u>	<u>Type</u>	<u>In/Out</u>	<u>Activity</u>
15-Oct	Email	In	Vincent Young - Dunedoo TRRRC
14-Oct	Email	In	Ratepayer - recycling
		Out	Ratepayer - recycling
18-Oct	Letter	In	Anti-Poverty Week 2021
	Email	In	Ratepayer - water rates
19-Oct	Email	Out	Minister for Transport - more driver tests to clear covid induced backlog
20-Oct	Email	In	Ratepayer - water quality complaint
	Email	In	Ratepayer - Baradine Christmas Event
	Email	In	Ratepayer - Orana Road
21-Oct	Meeting	Chaired	October Council Meeting
22-Oct	Email	In	Ratepayer - DA 11/2021
	Email	In	Ratepayer - DA 11/2021
23-Oct	Email	In	GM - covid case Coonabarabran
24-Oct	Email	In	Ratepayer - concerns about solar and wind farms
	Email	In	Cr Capel - Coolah storm damage
25-Oct	Meeting	Attended	Mendooran Community Consultation Meeting
26-Oct	Meeting	Attended	Baradine Community Consultation Meeting
	Letter	In	Chris Minns MP
	Email	In	Ratepayer - overgrown blocks
27-Oct	Meeting	Attended	Acting GM and Roy Butler MP in Baradine - camp cypress and sewerage connection
	Email	In	Narromine Mayor - Alliance of Western Councils
	Email	Out	Letter of support - Beau Robinson for Leadership Course
28-Oct	Email	In	Ratepayer - Orana Road
	Email	In	Mel Manchee, Roy Butler Office, Dunedoo Flood Disaster
29-Oct	Email	In	Director Development services / Acting GM - positive covid sewerage test Coonabarabran
30-Oct	Email	In	Cr Capel - WSC financials
31-Oct	Email	In	Dunedoo Landcare - Riverside walk
1-Nov	Email	In	Cr Capel - disabled toilets in Coolah
	Meeting	Attended	Binnaway Community Consultation Meeting
2-Nov	Email	In	Lachlan Barnsley - letter re bypass from Sam Farraway MLC to the Deputy Premier
3-Nov	Email	In	Ratepayer - Coolah Feedlot proposal
	Letter	In	Alice Glachan - candidate for President LGNSW
	Meeting	Attended	Coolah Feedlot inspection and Coolah Community Consultation Meeting
4-Nov	Email	Out	Letter of support - potential project for leadership grant application
	Email	In	Potential project - thanks for the above

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5-Nov	Phone Call	Out	Louise Johnson - Inland Rail opportunities and meeting with contractors
	Phone Call	In	Louise Johnson - Inland Rail opportunities and meeting with contractors
	Phone Call	Out	Ratepayer - bypass taskforce
	Phone Call	In	GM, Director Technical Services, TRRRC
	Phone Call	Out	Ratepayer - Monkey Room future
	Phone Call	Out	Ratepayer - bypass taskforce
	Meeting	Attended	Country Mayors via Zoom
	Email	Out	Letter of support - Castlereagh River grant application
6-Nov	Phone Call	In	Cr Todd - Baradine Showground
	Phone Call	In	GM - Director Technical Services position
	Phone Call	Out	GM - Director Technical Services position
	Phone Call	Out	Deputy Mayor - governance issues, election
7-Nov	Phone Call	In	Cr Todd - Baradine Showground
	Phone Call	Out	Chair Baradine Showground Trust - sewerage
	Email	In	Baradine Showground Trust - letter of support for sewerage connection
8-Nov	Meeting	Attended	Coonabarabran Community Consultation Meeting
	Phone Call	In	GM - Director Technical Services position
	Phone Call	In	Ratepayer - Mullaley Showground
	Phone Call	In	Roy Butler's Chief of Staff - natural disaster declaration
	Phone Call	In	Cr Lewis - road construction
	Phone Call	In	Ratepayer - Dunedoo TRRRC
	Phone Call	Out	GM - Director Technical Services - Community CC meeting
	Email	In	Wes Leedham - grant submission Castlereagh River
9-Nov	Meeting	Attended	Dunedoo Landcare - Riverside walk
	Phone Call	In	Deputy Mayor - governance issues
	Phone Call	Out	GM - Director Technical Services position
	Phone Call	In	Cr Todd - Baradine Showground
	Email	In	Dunedoo Landcare - Riverside walk
	Email	Out	Ratepayer - Dunedoo TRRRC
	Meeting	Attended	Dunedoo Community Consultation Meeting

Date of Journey		Purpose of Journey	Odometer		KM Travelled
Start Date	End Date		Start	Finish	
11-Oct	11-Oct	Coonabarabran Council Chambers	10300	10330	30
13-Oct	13-Oct	Coonabarabran Council Chambers	10330	10360	30
15-Oct	15-Oct	Coonabarabran Council Chambers	10360	10390	30
18-Oct	18-Oct	Purlewaugh CWA	10390	10426	36
21-Oct	21-Oct	Council Chambers - meeting with GM	10426	10456	30
21-Oct	21-Oct	October Council Meeting	10456	10486	30
24-Oct	24-Oct	Coolah inspect hail storm damage	10486	10653	167

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24-Oct	24-Oct	Coonabarabran Cup and Bypass Meeting	10653	10683	30
25-Oct	25-Oct	Mendooran Community Consultation Meeting	10683	10840	157
26-Oct	26-Oct	Baradine Community Consultation Meeting	10840	10957	117
27-Oct	27-Oct	Baradine - meeting with Roy Butler MP	10957	11078	121
1-Nov	1-Nov	Binnaway Community Consultation Meeting	11078	11132	54
3-Nov	3-Nov	Coolah Feedlot inspection and Coolah Community Consultation Meeting	11132	11327	195
5-Nov	5-Nov	Coonabarabran Chambers to sign letters	11327	11357	30
8-Nov	8-Nov	Coonabarabran Community Consultation Meeting	11357	11387	30
Total KM travelled for period 11/10/2021 - 08/11/2021					1,087

MAYORAL MINUTE - EXPENSES 8 October 2021 to 8 November 2021

<u>Date</u>	<u>Transaction Details</u>	<u>Comments</u>	
24-Oct	Black Stump Service Station Coolah	Fuel	\$80.00
Total expenditure for period 08/10/2021 – 08/11/2021			\$80.00

RECOMMENDATION

That Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 11 October 2021 to 9 November 2021.
2. Notes the report on the Mayor's credit card expenses between 8 October 2021 and 8 November 2021 and approves the payment of expenses totalling \$80.00.

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Item 2 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 October 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	574	0.78	\$447.72
Cr Todd	115	0.78	\$89.70
Cr Brady	-	0.78	-
Cr Capel	210	0.78	\$163.80
Cr Clancy	-	0.68	-
Cr Doolan	-	0.78	-
Cr Hill	220	0.68	\$149.60
Cr Iannuzzi	220	0.78	\$171.60
Cr Lewis	126	0.78	\$98.28
Total:			\$1,120.70

Issues

Nil.

Options

Nil.

Financial Considerations

Outlined above.

Community Engagement

To inform the community.

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Attachments

1. Councillors Monthly Travel Claims

RECOMMENDATION

That the Councillors' monthly travel claims report for October 2021 in the amount of \$1,120.70 is noted.

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Item 3 Delegates Report – Minutes of Country Mayors Meetings – 5 November 2021

Division:	Executive Services
Management Area:	Executive Services
Author:	Mayor – Ambrose Doolan
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 report to Council on the Country Mayors Association meetings held via videolink on Friday 5 November 2021.

Background

The General Manager and I attended via videolink the Country Mayors Association General Meeting on Friday, 5 November 2021. The General Meeting was followed by the Annual General Meeting (AGM).

Cr Linda Scott, President LGNSW, addressed the meeting and spoke about the changes made this year from the Minister of Local Government that current councillors and mayors cease their civic roles until declaration of the new election. All councils wrote to the Minister but the rule was not changed.

Cr Scott suggested that seeing it is a time for storms, floods and/or fires, all Council's should move a motion at their next Council Meeting that to give authority to the current Mayor to carry out civic and ceremonial functions until a new Mayor is elected.

During the General Meeting, a number of people attended and presented the following:

- Mr Grant Barnes, Chief Regulatory Officer, Natural Resources Access Regulator, Department Planning, Industry and Environment discussed what the role of the Natural Resources Access regulator was.
- Mr Joseph Rahme, Senior Manager, Stakeholder Engagement, NSW Telco Authority spoke about the Public Safety Network and the different programs that are available at the moment.

The following resolutions were made:

- Cobar Shire Council, Walgett Shire Council, Weddin Shire Council and Wingecarribee Shire Council be admitted as members of the Association.
- The Financial Reports for the period to 30 September 2021 were accepted.

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- The amended Constitution that was distributed to members in accordance with Clause 33 of the Constitution together with amendments in the minutes was adopted.
- The NSW Government's proposed employment zones framework not apply to regional areas because:
 - (a) It will redirect limited Council resources away from priority tasks to undertake a large body of work for which there is no identified need or benefit;
 - (b) It does not consider potential negative impacts on regional economies whose competitive advantage is reliant on natural assets and overall lifestyle appeal;
 - (c) It does not support the hierarchy of centres and will undermine the orderly economic development of regional areas;
 - (d) It has a narrow metropolitan focus which fails to consider the economic opportunities of rural and regional specialisations including agriculture, tourism, aquaculture, health care and social assistance, forestry and food manufacturing.
- The Country Mayors Association oppose the Energy from Waste (EfW) infrastructure in its current form and request that it not be advanced until it is amended at least, to include metropolitan locations for (EfW) facilities and extensively exhibited for public and Councils' feedback before any decision is made to advance a regulation or other provisions to bring it into effect.
- LGNSW call upon the State Government to introduce a model for rural councils to impose commensurate governance and oversight by the State Government.
- The NSW CMA call upon the State Government to undertake an urgent review into the cost shifting from the State to Local Government, particularly in the areas of emergency services, external audit, crown land management, planning, companion animals, underground petroleum storage systems and now COVID 19 Health Order Compliance.
- The CMA advocates to the Australian and State Governments on a fairer grant system for small and rural councils, to ensure they are not disadvantaged compared to better resourced councils in terms of ability to provide co-contributions to either comply with the grant conditions or to be competitive against other submissions.
- A review of how the speed zoning guidelines are applied, most especially in regards to 50km/hr limits outside built up areas and greater regard for local council knowledge, including improved engagement, when identifying safety risk and safety investment priorities and when introducing new speed limits.
- The CMA approaches all political parties to seek a bi partisan approach to bringing mayoral and Councillor allowances in rural NSW to reflect a midpoint between Qld and Vic.
- The MOU as distributed to members be adopted with the addition that clause 2.3 be amended to exclude "and ends four years from the commencement date".

At the AGM it was resolved that the appointment of the Returning Officer and election of office bearers be adjourned to the March 2022 meeting.

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The fees for the 2022 calendar year will remain at \$750 for councils with a population of 10,000 and over, and councils with a population of less than 10,000 paying 75% \$562.50.

Meeting dates for 2022 are to be 11 March, 27 May, 5 August and 4 November.

Issues

Nil

Options

Nil

Financial Considerations

Nil

Community Engagement

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

Attachments

1. Minutes, Country Mayors Association General Meeting 5 November 2021
2. Minutes, Country Mayors Association Annual General Meeting 5 November 2021

RECOMMENDATION

That Council note the Delegate's Report in relation to the Country Mayors Association meetings held at Sydney on Friday 5 November 2021.

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Item 4 Minutes of Traffic Advisory Committee Meeting – 28 October 2021

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

Reason for Report

The purpose of this report is to present minutes from the meeting of the Traffic Advisory Committee held at Coonabarabran on the 28 October 2021.

Background

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

Issues

The following matters were considered by the Committee:

- Heavy Vehicles Parking in Dalgarno Street, Coonabarabran
- Proposed Car Park at Bugaldie Store – Lots No 4 & 5, Baradine Road
- Warrumbungle Eventing – Change of date for part closure of Reservoir Street, Coonabarabran for the cross-country phase of the one-day horse event from 28 November 2021 to 10 April 2022.
- Jump the Stump Skate Park Signage at Entrances to Coolah

Options

Council may wish to adopt the recommendations from the Committee meeting. The following matters are being managed under delegated authority:

- Proposed Car Park at Bugaldie Store – Lots No 4 & 5, Baradine Road
- Jump the Stump Skate Park Signage at Entrances to Coolah

Financial Considerations

The cost of recommendations from the meeting on the 28 October 2021 can be accommodated within existing budget allocations.

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Community Engagement

The level of engagement for this report is to inform.

Attachments

1. Minutes of the Traffic Advisory Committee Meeting – 28 October 2021.

RECOMMENDATION

That:

1. The Minutes of the Traffic Advisory Committee Meeting held on the 28 October 2021 are noted.
2. No action be taken in restricting heavy vehicles from parking at the eastern end of the CBD in Dalgarno Street, Coonabarabran due to the following reasons:
 - Large volumes of heavy vehicles parking in Dalgarno Street is not a regular occurrence.
 - Heavy vehicles are legally entitled to park in Dalgarno Street to comply with the conditions of fatigue legislation.
 - There is no approved signage to treat the circumstances of heavy vehicles parking in Dalgarno Street
3. The application by Warrumbungle Eventing to close part Reservoir Street, Coonabarabran on Sunday, 10 April 2022 between 9.00am and 3.00pm for the cross-country phase of the One Day Event be approved subject to compliance with Council's Road Closure Guidelines.

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Item 5 Delegations for Mayor Post Election

Division:	Executive Services
Management Area:	Governance
Author:	General Manager – Roger Bailey
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 delegations to a person to carry out civic and ceremonial functions of the Mayoral office, between election day on Saturday 4 December 2021 and the holding of the Mayoral election after the election of councillors.

Background

Council has been advised that under the Local Government Act (1993), all current councillors and mayors elected by councillors cease to hold their civic offices on election day 4 December 2021. This means Council will be without a governing body from 4 December 2021 until the declaration of the election occurs. Further to that the Council will be without a Mayor until the first meeting of the new Council where the Mayor will be elected.

The Office of Local Government advised via its Pre-election Guide for Councils 2021:

“There is nothing to prevent councils from authorising the general manager to exercise the civic and ceremonial functions normally exercised by the mayor during this period in the absence of a mayor.

The Office of Local Government is aware that some councils that elect their mayors have expressed a preference that the outgoing mayor should continue to exercise the functions of mayor in the period between election day and the holding of the mayoral election after the election.

There is nothing to prevent Councils from authorising the outgoing Mayor to continue to exercise the civic and ceremonial functions normally exercised by the Mayor during this period in the absence of a Mayor, should they wish to do so, (even though the outgoing Mayor will have ceased to hold any civic office in the Council as of the day of election).

Given the possibility that the outgoing Mayor may not be re-elected at the election and may therefore cease to be accountable to the Council and the community, Councils should refrain from making any delegations to the outgoing Mayor.”

Whilst the Office of Local Government has urged caution, it is considered desirable that the existing Mayor continues to exercise the civic and ceremonial functions of

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the Mayor in the period between election day and the holding of the Mayoral election after the election. This will provide continuity for Council and the community of representation from the elected body. It is to be noted that the practice of the Mayor continuing his/her role has always been standard protocol for councils across the State. The ruling of the Mayor ceasing to hold office has only just occurred for this and the last election and has been objected to by the industry.

The role of the Mayor is as per Section 226 of the Local Government Act (1993):

“226 Role of mayor

The role of the mayor is as follows—

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

It is being recommended that Council delegates to Mr Ambrose Doolan the authority to carry out the civic and ceremonial functions of the Mayoral office, between election day and the holding of the Mayoral elections after the elections.

Financial Implications

The costs of civic and ceremonial functions are contained within existing budgets. Mr Doolan will not be paid Mayoral or Councillor fees during this period.

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RECOMMENDATION

That Council delegates to Mr Ambrose Doolan the authority to Carry out civic and ceremonial functions of the Mayoral office, between election day on Saturday 4 December 2021 and the holding of the Mayoral election after the Council election.

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Item 6 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.

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Item 7 Budget Revotes Report

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

Reason for Report

To provide Council with updated information on the progress of projects that Council has funded by revote.

Background

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

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

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

Issues

Nil

Options

Nil

Financial Considerations

As set out in the report.

Community Engagement

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

Attachments

1. Revote Report

RECOMMENDATION

That the Budget Revotes Report be noted for information.

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Item 8 2020/21 Annual Report

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

Reason for Report

The reason for this report is to present Council with the 2020/21 Annual Report.

Background

The 2020/21 Annual Report has been prepared as required by sections 428 and 428A of the *Local Government Act 1993* (NSW) and clause 217 of the *Local Government (General) Regulation 2005* (NSW) and is attached to this report.

Issues

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

- Natural Environment.

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

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

- Local Economy.

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

"Our solid local tourism industry is based on local attractions including three National Parks, Siding Spring Observatory and a range of tailored facilities and amenities. The contribution of our diverse agricultural industry is highly valued, made possible by

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good climate and rainfall, productive soils, clean water supplies and ready access to markets.

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

- Community and Culture.

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

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

- Rural and Urban Development.

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

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

- Recreation and Open Space.

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

“People within the shire have opportunities to participate in a diverse range of locally based sports catering for people of all ages, activity levels and interests. Our rural setting provides children with opportunities to play in and explore their natural environment and our communities have easy access to a wide range of active and passive recreational pursuits through close

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proximity to National Parks and other open spaces. Organised sporting and recreational activities within the shire are coordinated by an array of active clubs and volunteer organisations and Council provides communities across the shire with well-maintained sporting facilities, parks and gardens.”

- Public Infrastructure and Services.

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

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

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

- Local Governance and Finance.

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

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

Council is the major employer within the shire, providing a wide range of local training and employment opportunities and

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Council's staff members are friendly and approachable and are an integral part of the communities of the shire. Council is proactive in providing financial, staff and other resources to develop programs and services that support the well-being of its communities."

The Annual Report documentation comprises the 2020/21 Annual Report which highlights Council's achievements and progress towards the Community Strategic Plan and other statutory information as prescribed by the Local Government Act and Regulations.

The final audited Financial Statements will be presented as an attachment to the Annual Report when it is made available to the Minister for Local Government by 30 November 2020, as prescribed.

The audited Financial Statements 2020/21 detail the income and expenditure and financial position of Council over this period as well as specific schedules and the Special Purpose Financial Reports.

Options

NA

Financial Considerations

Nil

Community Engagement

The level of community engagement for this item is Inform.

Information is provided by way of the business paper report, which is published on the Council website.

Attachments

1. Warrumbungle Shire Council 2020/21 Annual Report

RECOMMENDATION

That Council:

1. Endorses the 2020/21 Annual Report.
2. Makes the Annual Report available to the public on Council's website.
3. Submits the Annual Report to the Minister for Local Government.

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Item 9 End of Term Report

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

Reason for Report

The reason for this report is to table the Warrumbungle Shire Council End of Term Report 2016-2021.

Background

The End of Term Report is to be prepared and presented to the community in the year in which an ordinary election of councillors is to be held in accordance with section 428(2) of the *Local Government Act 1993* (NSW), and will inform the new Council on the progress to date of the achievements from the Community Strategic Plan. With the Local Government Election to occur on 4 December 2021, the outgoing Council is now required to prepare and table this report.

Issues

The End of Term Report forms the final report of the term of Council and details how Council has achieved the objectives set out in the Warrumbungle Shire Council Community Strategic Plan 2017-2032, which has led the direction of Council works and activities over the last five years. Council has reported on its progress in meeting the community strategic direction through a series of half-yearly reports, which became quarterly reports in 2020, during this term of Council.

In a normal electoral cycle, publication of the End of Term Report is embargoed until the release of the Annual Report. This is because the End of Term Report may be considered to constitute electoral material, as it deals with the achievements of the council during the preceding term; there are restrictions on the publication of electoral material during the regulated electoral period for the 6 weeks before the election. Therefore, while the End of Term Report is tabled at the final meeting of the outgoing council, its publication is held back until after the election. This year the election has been postponed until December due to the COVID-19 pandemic. The Office of Local Government has not made any amendments to the Integrated Planning and Reporting timetable as a result of the election date. The Annual Report is still required to be adopted by 30 November 2021 and the End of Term Report is required to be included as an attachment to the Annual Report.

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Following the election of the Council in December 2021, the Integrated Planning and Reporting cycle recommences starting with a review of the Community Strategic Plan.

Options

NA

Financial Considerations

Nil

Community Engagement

The level of community engagement for this item is Inform.

Information is provided by way of the business paper report, which is published on the Council website.

Attachments

1. Warrumbungle Shire Council End of Term Report 2016-2021.

RECOMMENDATION

That Council:

1. Endorses the End of Term Report 2016-2021.
2. Makes the End of Term Report available to the public on Council's website.
3. Submits the End of Term Report as an attachment to the Annual Report to the Minister for Local Government.

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Item 10 Delivery Program Progress Report – 30 September 2021

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

Reason for Report

To present the quarterly Delivery Program Progress Report for the period 1 July 2021 to 30 September 2021 to Council for their information and endorsement.

Background

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

Issues

The attached report details Council's progress for the period 1 July 2021 to 30 September 2021 in carrying out and/or completing activities identified in the Delivery Program 2017/18 to 2020/21 adopted by Council at its Ordinary meeting of 15 June 2017 (Resolution 310/1617). The report highlights areas where progress is behind schedule and/or more action is required.

Due to the postponement of local government elections in 2020 in response to the COVID-19 pandemic, the four-year Delivery Program adopted in 2017 has continued for an extra 12 months. A new Delivery Program will be adopted with the commencement of a new Integrated Planning and Reporting cycle, which begins after the election to be held on 4 December 2021.

Options

Nil

Financial Considerations

Nil

Attachments

1. Delivery Program Progress Report – 30 September 2021

RECOMMENDATION

That Council endorses the Delivery Program Progress Report for the period 1 July 2021 to 30 September 2021.

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Item 11 Youth Strategy Update

Division:	Corporate and Community Services
Management Area:	Community Services
Author:	General Manager – Roger Bailey
CSP Key Focus Area:	Community and Culture
Priority:	CC1 Opportunities and support mechanisms are developed to ensure that communities across the Shire attract and retain young people and families

Reason for Report

To provide an update to Council on funding for a Youth Strategy.

Background

Council had previously resolved:

374/1819 RESOLVED that Council:

- 1. Identify suitable sources of external funding and make applications for funding for the development of a Youth Strategy; and*
- 2. Progress with the development of a Youth Strategy only if an appropriate level of funding can be secured for this purpose.*

Since that time Council has been endeavouring to source grant funding to complete this process as per Council Resolution 374/1819, so far without success.

Previously Council was informed that despite no funding being sourced that staff were attempting, in-house, the development of a Youth Strategic Plan. Unfortunately, this in-house attempt has not progressed to enable the development of a Plan for a range of reasons, initially due to the interruptions due to the Covid pandemic, this was then followed by the discovery that financial acquittals for various community services and children's services acquittals had not been completed, some since 2013-14. Other interruptions to completing this have included the success of funding for other competing projects and staff absences.

Issues

Though concerns have been raised that the Youth related area is important no ongoing funding has been allocated towards this area. Council has received funding for the Targeted Earlier Intervention (TEI) Program this was to replace the Youth Development Program.

The Youth Development Program transitioned to Targeted Earlier Intervention (TEI) Community Connections Program in 2019 which led to the renaming of the part-time (4 days/week) Youth Development Officer to Community Services Connections Officer (CSCO).

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The TEI Community Connections Program has continued to actively engage and empower the youth of our Shire through a variety of programs, activities and initiatives under the Department of Communities and Justice (DCJ) Community Connections Program, (previously Department of Family and Community Services). This TEI program is not funded to develop a Youth Strategy, however is funded to support vulnerable children, families and young people and identify and address gaps in the Shire, therefore retains a focus on young people.

The current TEI Community Connections Program funding period is 1 July 2020 – 30 June 2022 with an option to extend for 3 years – determined by DCJ if milestones achieved to DCJ satisfaction.

TEI Program is funded under 3 Service levels;

- Community Connections – Community Sector Planning, Community Sector Coordination, Indigenous Social participation
Includes coordination of Warrumbungle Interagency and involvement and support of DV Committee, LDAT Committee, Suicide Prevention Network, child and youth Planning activities group and Local Reference Groups. NAIDOC activities, Reconciliation Week, Indigenous Literacy Day.
- Community Centres – Information Advice and Referral, Social Participation
Includes providing information and support across the Shire including social participation activities such as Youth Week, School holiday Program, Drop In Centre, family community activities and other initiatives as required, for example Love bites Program, RAGE program and Save a Mate Program.
- Community Support – Advocacy and support, Indigenous Advocacy and support

Funding was also been received under the Building Our Youth Pathways Drought Extension Funding project that has funded activities such as the Regional Youth Leadership Summit organised for young people 15-18 years in February 2021 in both Coonabarabran and Dunedoo bringing together young people across the Shire.

Assertions have been made that Council has previously sourced funding to hire a youth worker and that Council has unspent monies available for the preparation of a strategy, however apart from the above programs this is not the case.

Council did have the opportunity to seek funding through the Stronger Country Communities Fund. The objectives of this funding were;

1. to boost the liveability of communities in regional areas by providing new or upgraded social and sporting infrastructure or community programs that have strong local support
2. to provide programs and infrastructure that enhance opportunities for young people to be work ready and thrive in regional NSW

A total of \$100 million was available in Round Three, including at least \$50 million for projects that improve the lives of young people (12-24 years old) with the remaining funding being available for other local community and sporting infrastructure, street beautification, and community programs and events.

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A section of this funding was dedicated to youth. Youth-related projects must be for:

- development of new or upgrades to existing infrastructure for young people; or
- delivering programs for young people.

Council's priorities for this funding was to apply for the following:

- Coolah Jump the Stump ##
- Shade for the Dunedoo Playground and Skate Park ##
- Coonabarabran Stop and Play ##
- Mendooran Park Playground ##
- Mullaley Sportsground amenities
- Coonabarabran No.1 Oval Upgrade
- Baradine Hall roof

Those projects marked with ## were funded under this program in 2020.

This funding was also available to other sections of the community and the Binnaway Progress Association made application for a Community Youth Development Officer and was successful in obtaining NSW funding of \$75,840.

Other than outlined above Council has not identified the development of a Youth Strategy in its Community Strategic Plan, 2017 Delivery Program, annual operational plans or other strategic documents.

RECOMMENDATION

That Council note the report on the Youth Strategy development and other youth related information.

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Item 12 Community Development Coordinator Program – Memorandum of Understanding (MOU)

Division:	Corporate and Community Services
Management Area:	Community Services
Author:	General Manager – Roger Bailey
CSP Key Focus Area:	Community and Culture
Priority:	CC5 Smaller communities across the Shire remain sustainable

Reason for Report

To seek Council endorsement for the Memorandum of Understanding for the Community Development Coordinator Program.

Background

The Community Development Coordinator Program is a program that promotes and supports community partnerships and collaboration throughout Warrumbungle Shire. The purpose of the program is to build active and sustainable communities in order to enhance community social, economic and environmental objectives. In other words, community development is about community members taking the lead and deciding how they want their community to be, and how to make it a better place.

The program has provided support to each of the six (6) communities in the Shire to attract funding for community development activities including local infrastructure, programs and projects which relate specifically to the needs of each community.

This program was originally developed in 2005 with the intent that a community development strategy would be useful in empowering the six towns throughout the LGA following recommendations for the amalgamation of Coolah and Coonabarabran Shire Councils. Council ratified the introduction of the Community Development Coordinator (CDC) Program in a Memorandum of Understanding (MOU) with local progress associations/economic development groups that articulated the provision of the four-year funding regime to employ a part time Community Development Coordinator to meet the terms and conditions of this MOU. The amount grew in 2005 from \$10,000 per annum per Association to \$16,000 (2013 to 2017); \$25,000 (2017 to 2021). Council adopted a total budget of \$150,000 for the 2021-22 period for the Community Development Coordinator Program, that is \$25,000 per town.

The Community Development Coordinator Program was a finalist and winner in the NSW Local Government Excellence Awards for 2017. The awards recognise the excellent contributions and outstanding achievements and innovations being implemented to advance and improve the local government sector in New South Wales. Additionally, in 2017, the National Federation Awards was founded by LG Professionals Australia. As the winner of the NSW Local Government Community

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Partnerships and Collaboration Award winner this saw the WSC CDC program being automatically shortlisted as a finalist; although, not the winner.

The Warrumbungle Community Development Achievement (2017-2021) strategy was also nominated for the NSW LG Excellence Awards 2021 in the Community Partnerships and Collaboration category. The Community Development Officers worked closely with their local Progress Associations or Economic Development Committees to achieve a broad range of outcomes in their local communities; have woven their sound leadership and liaison skills into the fabric of their communities and realised excellence in community development in the process whether social, economic arts and cultural enhancement. The high level of success with grant funding lies at the foundation of excellent communication, analytical skills and localised Community Development Officer mentoring. The achievements over the past four years of the Community Development Coordinator program have been very pleasing.

The program has been an example of genuine and effective partnerships that have resulted in better outcomes for Council, as well as each of the communities.

Council has, in the past, entered in to a Memorandum of Understanding for a period of four (4) years. The Memorandum of Understanding relates to the provision of funding, by Council, to be used by each group to employ a part-time Community Development Coordinator to meet the terms and conditions of this Memorandum of Understanding.

Community Development is about community members taking the lead and not being nurtured in a dependent model on external facilitators. The evidence of our CDC program, with local progress associations/economic development groups directly managing the strategy is testimony to the success of this approach and, resonates a direct link to Council's Community Strategic Plan (2017-2032)

GF2 The demographic makeup of the community is well represented in local activities, service delivery and decision-making

GF7.1 Ensure that communities of the Shire have opportunities to be informed about and involved in Council's activities and decision-making

CC2 Issues arising from social isolation in communities across the Shire are identified and the causes effectively addressed

CC3 Our Shire is home to vibrant arts and cultural life and supported as an essential aspect of community well-being

CC4 There is a high degree of public involvement outlined in the Community Strategic Plan in community activities including volunteerism

CC5 Smaller communities across the Shire remain sustainable

CC6 The causes and effects of economic and social disadvantage in communities across the shire are identified and addressed

CC7 Communities and organisations across the Shire collaborate to raise awareness of and respect for locals indigenous heritage and culture

Issues

The Memorandum of Understanding outlines the agreement between Council and the Development Group / Progress Association in relation to the Community Development Coordinator Program.

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The Memorandum of Understanding provides an agreement that outlines:

- what funding is to be used for
- requirements in relation to the employment of a Community Development Coordinator
- expected outcomes
- expectations in relation to reporting and attendance at meetings
- Council's financial contribution

A copy of the Memorandum of Understanding is provided as an enclosure.

Options

Council can choose to:

- Endorse the Memorandum of Understanding as presented;
- Endorse an amended Memorandum of Understanding; or
- Not endorse a Memorandum of Understanding for this program.

Financial Considerations

Funding of \$150,000 per annum has been allocated in the Council budget for the Community Development Coordinator Program.

The Memorandum of Understanding states that Council's direct financial contribution to the Group is limited to the amount stated in the Memorandum of Understanding.

Five of the communities have each been paid \$17,000 (GST exclusive) in 2021-22. The Coonabarabran 2357 body has not been paid due to its inactivity.

Attachment

1. Draft Memorandum of Understanding - Community Development Coordinator Program

RECOMMENDATION

That Council endorse the Memorandum of Understanding for the Community Development Coordinator Program and enter into the arrangements with each of the local Development Groups and Progress Associations.

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Item 13 Draft Investments Policy

Division:	Corporate and Community Services
Management Area:	Finance
Authors:	Executive Assistant to the General Manager – Erin Player
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4 Council's governance practice and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

Reason for Report

To seek Council endorsement of the Investments Policy.

Background

Council adopted the Draft Investment Policy at Ordinary Council Meeting 20 August 2020 with amendments that was outlined in the report.

Under the Local Government Act 1993 Section 412 Accounting Records:

- (1) A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.*
- (2) In particular, a council must keep its accounting records in a manner and form that facilitate--*
 - a. the preparation of financial reports that present fairly its financial position and the results of its operations, and*
 - b. the convenient and proper auditing of those reports.*

The Investment Policy is to be reviewed at least once a year or as required in the event of legislative changes. No legislative changes have been made that affect the current policy. The next review is to be November 2022.

Council is required to report on Council's investments under *Local Government (General) Regulation 2021 Section 212:*

- (1) The responsible accounting officer of a council—*
 - (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented—*
 - i. if only one ordinary meeting of the council is held in a month, at that meeting, or*
 - ii. if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*

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- (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- (2) The report must be made up to the last day of the month immediately preceding the meeting.*

Issues

Nil

Options

Nil

Financial Considerations

Whilst there are no direct financial considerations, the structure of the Investment Policy will directly influence the investments made and therefore the return on investments.

Attachments

1. Draft Investments Policy.

RECOMMENDATION

That Council adopts the Investments Policy.

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Item 14 Draft General Purpose and Special Purpose Financial Statements for the 2020/2021 Financial Year

Division:	Corporate and Community Services
Management Area:	Financial Services
Author:	General Manager – Roger Bailey
CSP Key Focus Area:	Local Government 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

The purpose of this report is for Council to comply with the statutory requirements relating to the General Purpose Financial Statements and Special Purpose Financial Statements for the year ending 30 June 2021.

The Draft Financial Statements are required to be referred to Council's Auditor after certification by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

Background

In accordance with Section 416(1) of the *Local Government Act 1993 (the Act)*, a Council's Financial Statements for a year must be prepared and audited within four (4) months of the end of the reporting period concerned.

The statutory process that must be followed is that:

1. A statement as required under section 413(2)(c) of the Act, must be made by resolution and signed by the Mayor, one (1) Councillor, the General Manager and the Responsible Accounting Officer.
2. The Financial Statements must then be referred to the Council's Auditor for audit and once audited the statements must be included in Council's Annual Report.
3. Copies of the Audited Financial Statements must be lodged with the Office of Local Government by 31 October.
4. As soon as practicable after Council receives a copy of the Auditor's report, the Statements must be placed on public exhibition and notice given of a meeting at which Council proposes to present its Audited Financial Statements, together with the Auditor's report.

Note: A request to the Office of Local Government has been made for an extension this has been granted to 30 November 2021.

This act of giving notice of the meeting is required to be delegated to the General Manager as technically the notice of meeting cannot be set until the final audited Statements and Audit Report are received.

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The Draft Financial Statements are yet to be presented to the Internal Audit Committee.

Discussion

The Draft General Purpose Financial Statements and Draft Special Purpose Financial Statements for Council for the year ended 30 June 2021 are distributed with this report under separate cover (Attachment 1).

The Auditor's Reports and analysis will be presented to Council at a meeting yet to be determined. This is to be in accordance with Section 419(1) of the Act.

Overall Result

The Draft Income Statement details a Net operating result of \$1,921M surplus (before grants and contributions provided for capital purposes). This compares to the unfavourable Net operating result of \$1,515M loss (before grants and contributions provided for capital purposes) for the 2019/2020 Financial Year.

It should be noted that this is a preliminary result and the Draft Financial Statements are still required to be audited by Council's External Auditors.

As detailed above, the Audited Financial Statements will be presented to Council at a future meeting.

The Adopted Budget for the 2020/2021 Financial Year predicted a Net Operating Result of \$2,551M loss (before grants and contributions provided for capital purposes).

The better than anticipated operating result is primarily due to:

- Lower than expected depreciation, due to changes in valuations and asset issues from prior years
- Improved user charges
- Increases in grants and contributions for operating purposes
- Lower than expected employee costs

The following ratios are anticipated for the 2020/2021 Financial Year:

Operating performance ratio

Predicted to be 2.87% positive. The benchmark for this ratio is greater than 0%. The ratio achieved in the 2019/2020 Financial Year was negative 5.09%. Council will need to ensure that a focus is made on maintaining a positive ratio. This will assist in ensuring that Council remains financially sustainable.

Own source operating revenue ratio

Predicted to be 43.29%. The benchmark for this ratio is greater than 60%. The ratio achieved in the 2019/2020 Financial Year was 53.08%. The decline here has been as a result of increased grant revenue.

Unrestricted current ratio

Predicted to be to be 2.60x. The benchmark for this ratio is greater than 1.50x. The ratio achieved in the 2019/2020 Financial Year was 2.95x.

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Funds

The break down of results by Funds is:

	General		Water		Sewer		Consolidated	
	2021	2020	2021	2020	2021	2020	2021	2020
Total Income from Continuing Operations	42,861	37,057	4,543	3,847	2,375	2,142	49,779	43,046
Expenses from Continuing Operations	32,398	34,327	4,053	4,440	1,865	2,019	38,316	40,786
Operating Result from Continuing Operations	10,463	2,730	490	(593)	510	123	11,463	2,260
Net Operating Result	2,110	(665)	(352)	(828)	163	(22)	1,921	(1,515)

Certification

Section 413(2)(c) of the Act, requires that before audit certificates can be issued, Council is to adopt a resolution to be attached to the Financial Statements stating that:

Council's General Purpose Financial Statements and Special Purpose Financial Statements are being prepared in accordance with:

- The Act and the Regulations made thereunder;
- The Australian Accounting Standards and professional pronouncements;
- The Local Government Code of Accounting Practice and Financial Reporting;
- The Department of Water and Energy Practice Management of Water Supply and Sewerage Guidelines;
- NSW Government Policy Statement '*Application of National Competition Policy to Local Government*';
- Department of Local Government Guidelines '*Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*'.

These Statements must be signed by the Mayor, one (1) other Councillor, the General Manager and the Responsible Accounting Officer.

A copy of the required statement to be signed is included in the attached Draft Financial Statements.

It should be noted that the unaudited Financial Statements reflect an opinion only and are not legally binding.

Implications

(a) Financial

The Financial Statements are Council's primary form of review on Council's sustainability and the financial performance of Council throughout the reporting period.

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For this reason, they remain a crucial part of the performance measurement framework and the financial performance as disclosed should be a serious consideration in any future decision making.

(b) Governance/Policy

The following standards and guidelines apply:

- The Australian Accounting Standards and professional pronouncements;
- The Local Government Code of Accounting Practice and Financial Reporting;
- The Department of Water and Energy Practice Management of Water Supply and Sewerage Guidelines;
- NSW Government Policy Statement '*Application of National Competition Policy to Local Government*';
- Office of Local Government Guidelines '*Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*'.

(c) Legislative/Statutory

The relevant sections of the Local Government Act 1993 are as follows:

413 Preparation of Financial Reports

- (1) A council **must** prepare financial reports for each year and **must** refer them for audit as soon as practicable.
- (2) A Council's Financial Reports must include:
 - (a) A General-Purpose Financial Report, and
 - (b) Any other matters prescribed by the regulations, and
 - (c) A statement in the approved form by the Council as to its opinion on the General-Purpose Financial Report.
- (3) The General-Purpose Financial Report **must** be prepared in accordance with this Act and the regulations and the requirements of:
 - (a) The publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to the regulations, and
 - (b) Such other standards as may be prescribed by the regulations.

416 Time for preparation and auditing of Financial Reports

- (1) A Council's Financial Reports for a year **must** be prepared and audited within the period of 4 months after the end of the year.
- (2) A Council may from time to time apply to the Departmental Chief Executive for an extension of that period.
- (3) A Council must make such an application if requested to do so by its auditor.
- (4) Before deciding whether or not to grant an extension, the Departmental Chief Executive may require the Council to give reasons, additional to those set out in the application, as to why the extension should be granted.
- (5) The Departmental Chief Executive may grant an extension of such period as, in the opinion of the Departmental Chief Executive, is necessary in the particular circumstances of the case.
- (6) A Council must notify its auditor of any application for an extension made under this section and of the outcome of the application.

418 Public notice to be given of presentation of Financial Reports

- (1) As soon as practicable after a Council receives a copy of the Auditor's Reports:

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- (a) It must fix a date for the meeting at which it proposes to present its Audited Financial Reports, together with the Auditor's Reports, to the public, and
- (b) it must give public notice of the date so fixed.
- (2) The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the Auditor's Report are given to the Council.

Note

Unless an extension is granted under section 416, the meeting must be held on or before 5 December after the end of the year to which the reports relate.

- (3) The public notice **must** include:
 - (a) A statement that the business of the meeting will include the presentation of the Audited Financial Reports and the Auditor's Reports, and
 - (b) A summary in the approved form, of the Financial Reports, and
 - (c) A statement to the effect that any person may, in accordance with section 420, make submissions (within the time provided by that section and specified in the statement) to the Council with respect of the Council's Audited Financial Reports or with respect to the Auditor's Reports.
- (4) Copies of the Council's Audited Financial Reports, together with the Auditor's Reports, must be kept available at the office of the Council for inspection by members of the public on and from the date on which public notice of the holding of the meeting is given and until the day after the meeting (or any postponement of the meeting).

419 Presentation of Council's Financial Reports

- (1) A Council must present its Audited Financial Reports, together with the Auditor's Reports, at a meeting of the Council held on the date fixed for the meeting.
- (2) The Council's auditor may attend the meeting at which the Financial Reports are presented.
- (3) A Council's auditor who carries out the functions of the auditor under an appointment by the Auditor-General **must** attend the meeting at which the Financial Reports are presented if the Council gives not less than 7 days notice in writing that it requires the auditor to do so.

Link to the Delivery Program/Operational Plan

The Audited Financial Statements form part of Council's Annual Report and therefore represents an integral part of the Integrated Planning and Reporting Framework.

The Audited Financial Statements provide an important avenue for the review of Council's progress by any interested stakeholders, including the Community.

By providing this avenue for review, Council also strengthens its accountability to all of its stakeholders, which is a key aspect of the Community Strategic Plan 2017-2027; in particular, the area of Council Sustainability, Transparency and Communication.

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Conclusion

It is a requirement under Section 413(2)(c) of the Act that a Statement, signed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer is prepared for the General Purpose Financial Statements and the Special Purpose Financial Statements so that they can be forwarded to Council's Auditor for audit.

It should be noted that the unaudited Statements reflects an opinion only and are not legally binding until such time as the Financial Statements have been audited by the External Auditors.

Attachments

1. Draft Financial Statements.

RECOMMENDATION

1. In accordance with Section 413(2)(c) of the Local Government Act 1993:
 - a) Council resolves that, in its opinion, the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2021 and the Special Schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations thereunder.
 - b) Council authorises for the Financial Statements for the year ending 30 June 2021 to be certified and signed by the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer on behalf of Council.
2. The Financial Statements be referred to Council's Auditor for audit.
3. The General Manager be delegated authority to, after Council receives a copy of the Audited Financial Statements and Auditor's report, place the Audited Financial Statements on public exhibition and give notice that Council will present its Audited Financial Statements at an Extra-Ordinary Council Meeting.
4. That Council hold an Extra-Ordinary Council Meeting for the Audited Financial Statements be presented to the Council, in accordance with Section 419(1) of the Local Government Act 1993.
5. Council authorise the Mayor to call a Extra-Ordinary Council Meeting for the Council to receive the Audited Financial Statements for 2020-21.

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Item 15 Investments and Term Deposits – month ending 31 October 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, \$3,500,000.00 worth of term deposits matured, earning Council a total of \$16,486.84 in Interest.

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

- \$1,500,000.00 with CBA at a rate of 0.44%

The balance of the term deposits at the end of the month was \$16,000,000.00.

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At Call

At call accounts are used to hold funds for shorter periods and generally are adjusted on a weekly basis to meet cash flow requirements. During the month, (\$688.13) interest was earned on the balances in the accounts and net transfers of (\$100,015.00) were made from these accounts resulting in a month end balance of \$2,515,665.18.

Cash at bank balance

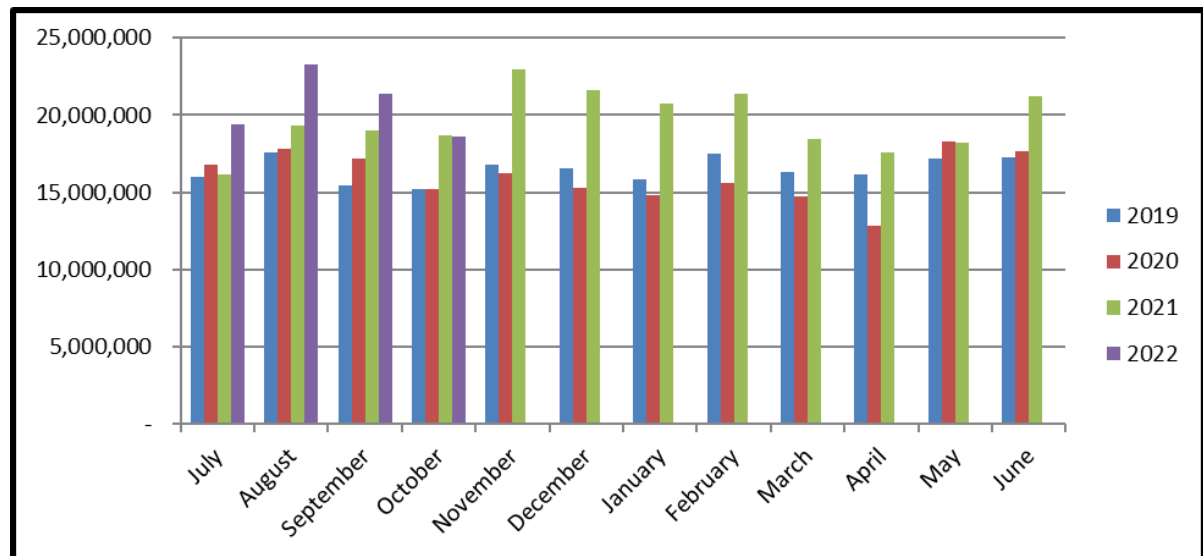
In addition to the at call accounts and term deposits, as at 31 October 2021, Council had a cash at bank balance of \$780,685.64.

Income Return

The average rate of return on Investments for October 2021, of 0.4499% exceeded Council's benchmark Bank Bill Swap Rate (BBSW) of 0.0702% by 541 points or 0.3797%.

Council's budget for year 2021/22 for interest on investments is \$83,291.00. At the end of October 2021, the amount of interest received and accrued should be around 33.33% of the total year budget, i.e. \$27,763.67. On a year to date basis, interest received and accrued totals \$40,907.53, which is 49.114% of the annual budget.

Graph by Month Investments



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Table 1: Investment Balances – 31 October 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%	194.90
ANZ	2-Nov-18	At Call	at call	ADI	ADI	0.05%	6,813.54
T Corp IM Cash Fund	3-Nov-18	At Call	at call	P	P	2.40%	798,640.38
CBA At Call	4-Nov-18	At Call	at call	ADI	ADI	0.01%	1,710,016.36
							2,515,665.18
Term Deposits							
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
NAB	29-Sep-21	17-Aug-22	322	ADI	ADI	0.35%	1,000,000.00
CBA	26-Oct-21	07-Sep-22	316	ADI	ADI	0.44%	1,500,000.00
						Sub-Total	16,000,000.00
						Total	18,515,665.18

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Credit Rating Legend

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

Table 2: At Call and Term Deposits – Monthly Movements

Bank	Opening Balance	Interest Added to Investment or Redeemed	Net Placements/ Withdrawals	Closing Balance
NAB	194.80	0.10		194.90
ANZ	6,828.42	0.12	(15.00)	6,813.54
T Corp IM Cash	2,599,328.73	(688.35)	(1,800,000.00)	798,640.38
CBA At Call	10,016.36		1,700,000.00	1,710,016.36
Total at call	2,616,368.31	(688.13)	(100,015.00)	2,515,665.18
CBA	1,000,000.00	5,637.53	(1,005,637.53)	
CBA	1,500,000.00	6,780.82	(1,506,780.82)	
WBC	1,000,000.00	4,068.49	(1,004,068.49)	
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
CBA	0.00		1,500,000.00	1,500,000.00
Total Term deposits	18,000,000.00	16,486.84	(2,016,486.84)	16,000,000.00
Total	20,616,368.31	15,798.71	(2,116,501.84)	18,515,665.18

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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	798,640.38	4.31%	33.30%	Compliant
	Total Prime	798,640.38	4.31%	100.00%	Compliant
ANZ	ADI	6,813.54	0.04%	33.30%	Compliant
CBA	ADI	5,710,016.36	30.84%	33.30%	Compliant
WBC	ADI	2,000,000.00	10.80%	33.30%	Compliant
NAB	ADI	5,000,194.90	27.01%	33.30%	Compliant
	Total ADI	12,717,024.80	68.68%	100.00%	Compliant
MAQ	UMG	3,500,000.00	18.90%	20.00%	Compliant
	Total UMG	3,500,000.00	18.90%	60.00%	Compliant
ME	LMG	-	0.00%	10.00%	Compliant
AMP	LMG	1,500,000.00	8.10%	10.00%	Compliant
	Total LMG	1,500,000.00	8.10%	10.00%	Compliant
	Grand Total	18,515,665.18	100.00%		

Certification of Responsible Accounting Officer

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

Responsible Accounting Officer

RECOMMENDATION

That Council accept the Investments Report for the month ending 31 October 2021 including a total balance of \$19,296,350.82 being:

- \$2,515,665.18 in at call accounts.
- \$16,000,000.00 in term deposits.
- \$780,685.64 cash at bank.

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Item 16 Update Report on Acquisition of Land for Proposed Rocky Glen RFS Brigade Shed

Division:	Technical Services
Management Area:	Technical Services
Author:	Acting Director Technical Services, Gary Murphy
CSP Key Focus Area:	Public Infrastructure & Services
Priority:	Ensure that local emergency services are equipped, trained and prepared to manage natural disasters and critical incidents.

Reason for Report

The purpose of this report is to update council on progress with the resolution to acquire land for the purpose of constructing a Rural Fire Service shed for the Rocky Glen Brigade.

Background

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

Council at its meeting of 19 November 2020 resolved the following:

‘163/2021 RESOLVED that:

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

Council’s solicitors have been instructed to facilitate the process of procuring the land from Mr Knight.

At this stage we do not have an anticipated timeframe for finalisation of the acquisition and subdivision.

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

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Issues

The proposed shed for Rocky Glen RFS Brigade is part of a long-term program to establish permanent Brigade sheds throughout the Shire. The RFS Castlereagh Zone is also planning to construct a Brigade shed at Goolhi and at Warkton.

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

In terms of s31(2) of the Local Government Act 1993, before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.

In this instance, the appropriate classification is operational.

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

Options

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

Financial Considerations

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

Community Engagement

The community scale and the community impact of acquiring land for an RFS Brigade shed at Rocky Glen is expected to be low and low respectively, therefore the level of community engagement is at the inform level only.

Attachments

Nil

RECOMMENDATION

That:

1. Council note the update report on acquisition of land for the proposed Rocky Glen RFS Brigade shed.
2. Council accept the donation of land measuring approximately 30m x 44m from the owner of Lot 20, DP757085 for the purpose of constructing a shed for the Rocky Glen RFS Brigade.

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3. Council classify the land to be acquired for the proposed Rocky Glen RFS Brigade Shed as operational land in accordance with s31(2) of the Local Government Act 1993.

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Item 17 Update Report on Coonabarabran Mungindi Road Upgrade Project

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

Reason for Report

The reason for this report is to review the current status of the Coonabarabran Mungindi Road Upgrade Project. for Council Resolution No 411/1920 and determine if further action should be taken.

Background

A report on the Coonabarabran Mungindi Road project was considered by Council on the 15 November 2018 and the following Resolution was made:

'198/1819 RESOLVED that:

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

A further report was considered by Council on 21 May 2020 (*attached*) where Council resolved:

'411/1920 RESOLVED that:

- 1. Council Resolution No 198/1819 of 15 November 2018 seeking funding for the Coonabarabran to Mungindi Road be abandoned by Council.*
- 2. A report be prepared on the cost of preparing concept designs for a project to upgrade the road between Coonabarabran and Baradine to road train access standard.'*

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Issues

Unfortunately owing to competing priorities this project has not progressed. With the recent appointment of a new Design Engineer, it will now be possible to develop the necessary costings for inclusion in the 2022/23 Operational Plan.

Options

It is considered prudent to progress the Baradine Road Upgrade Project in a two-step process by refining the scope of works and then developing design plans to concept stage. The assistance of a consultant will be required to develop the project to design stage particularly for the task of developing a scope of works.

Financial Considerations

The purpose of the resolution is to determine the likely costs of developing concept plans for this project. It will be a significant project if progressed and understanding up front the likely costs and benefits is important from a funding perspective.

Community Engagement

If the project is to proceed, it will be of considerable interest to not just the communities of Coonabarabran and Baradine but the freight industry as well. The level of engagement is inform + consult.

Attachments

1. Business Paper Report – Coonabarabran Mungindi Road Upgrade Project – 21 May 2020

RECOMMENDATION

That:

1. Council note the update report on Coonabarabran Mungindi Road Upgrade Project.
2. A report be prepared on the cost of preparing concept designs for a project to upgrade the road between Coonabarabran and Baradine to road train access standard.

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Item 18 Update Report on Management of Roadside Vegetation

Division:	Technical Services
Management Area:	Technical Services
Author:	Acting Director Technical Services – Gary Murphy
CSP Key Focus Area:	Public Infrastructure and Services
Priority:	PI 3 Roads throughout the shire are safe, well-maintained and appropriately funded.

Reason for Report

This report provides an update on the management and control of roadside vegetation resolution.

Background

Council at its meeting on 21 May 2020 resolved the following:

'412/1920 RESOLVED that:

- 1. Council note the report on the management of roadside vegetation.*
- 2. When the opportunity arises applications are made through NSW Environmental Trust for funding to prepare a Roadside Vegetation Management Plan.*
- 3. Council not permit the collection of vegetation, including fallen timber within road reserves, by persons unless an environmental assessment is undertaken by a qualified person.'*

Issues

The management of road reserves is governed by the Roads Act 1993 and the Local Government Act 1993 and a range of other environmental legislation. Section 88 of the Roads Act states "A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard." This means that the Council "as the Road Authority" of the roads under its jurisdiction has the authority to remove or lop any tree, or clear vegetation on the road reserve, that pose a hazard to traffic.

In relation to compliance with environmental legislation, the process of vegetation identification, impact assessment and implementation of control measures is best done through a Roadside Vegetation Management Plan. Once adopted by Council a vegetation management plan not only covers activities on rural road reserves undertaken by Council, it also covers activities by individuals, community groups and commercial operators. For example, a Roadside Vegetation Management Plan will outline the locations and processes to be undertaken by commercial seed collectors. Local Government NSW has published model guidelines and a management plan

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framework for development and implementation of a Roadside Vegetation Management Plan. Councils that have developed a Plan include Parkes Shire, Orange City, Bathurst City and Mid-Western Regional. Without such a plan being in place individuals cannot collect firewood or seeds. Such a plan must be undertaken by a qualified person doing an environmental assessment.

A Vegetation Management Plan for Roadsides will take at least 12 months to develop and may depend upon grant funding being available.

Currently it appears that there is no grant program available through NSW Environmental Trust that could fund the development of a Roadside Vegetation Management Plan.

Options

Council can continue to explore all grant opportunities for the development of a Roadside Vegetation Management Plan.

Financial Considerations

The budget allocation for roadside vegetation control is generally based on historical expenditure and not on predetermined plans or expected work accomplishments. Actual expenditure on roadside vegetation control depends upon seasonal conditions and is dominated by expenditure on the task of roadside slashing. Table 1 provides a summary of actual expenditure on rural local roads and regional roads over the last five years.

Table 1 – Expenditure on Roadside Vegetation Control

	Actual Expenditure on Vegetation Control (\$)				
	2016	2017	2018	2019	2020*
Rural Local Roads	134,617	258,721	128,666	99,734	88,148
Regional Roads	183,240	285,336	236,084	127,538	96,962
Totals	317,857	544,057	364,750	227,272	185,110

* Year to date.

At this stage it is not known how much it would cost to develop a Roadside Vegetation Management Plan. Mid-Western Regional Council advised that it cost in the order of \$90,000 to develop their plan in 2011. They are currently in the process of reviewing that 2011 plan at a cost of a further \$100,000.

Community Engagement

Development of a Roadside Vegetation Management Plan would be relevant to a large geographical area of the Shire and could generate some risk of controversy. Therefore, the level of community engagement would be inform + consult + involve.

Attachments

Nil

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RECOMMENDATION

That:

1. Council note the update report on the development of a Roadside Vegetation Management Plan.
2. When the opportunity arises, applications are made through NSW Environmental Trust for funding to prepare a Roadside Vegetation Management Plan.

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Item 19 Update Report on Classification and Categorisation of Crown Reserves

Division:	Technical Services
Management Area:	Technical Services
Author:	Acting Director Technical Services – Gary Murphy
CSP Key Focus Area:	Recreation and Open Space
Priority:	R02 National parks and reserves in and around the Shire need to be well maintained and accessible in the long term for recreational activities.

Reason for Report

The purpose of this report is to update Council on the Classification and Categorisation of Crown Reserves.

Background

Council at its meeting of 21 May 2020 resolved the following:

'410/1920 RESOLVED that Council:

1. *Endorse initial Classification and Categorisation of the following Crown Land Reserves:*

Reserve No	Categorisation	Classification
89960	P	Community – Park
68452	GCU/P	Community – General Community Use/Park
65440	GCU	Community – General Community Use
90694	P	Community – Park
36127	CS	Community – Area of Cultural Significance
31715	P	Community – Park
51177	P	Community – Park
81773	GCU	Community – General Community Use
83250	P	Community – Park
11	P	Community – Park
14138	P	Community – Park
49164	P	Community – Park
520072	P	Community – Park
56732	P	Community – Park
86082	P	Community – Park
88128	P	Community – Park
88348	P	Community – Park

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Reserve No	Categorisation	Classification
89680	P	Community – Park
90768	P	Community – Park
46646	S	Community – Sportsground
47760	S	Community – Sportsground
89626	NA	Community – Natural Area – Bushland
96923	GCU	Community – General Community Use
97723	P	Community – Park
86105	P	Community – Park
89668	P	Community – Park
1997	P	Community – Park
91389	P	Community – Park
92335	P	Community – Park
97307	P	Community – Park
47862	GCU	Community – General Community Use
76398	P	Community – Park
86978	P	Community – Park
91071	P	Community – Park
53797	P	Community – Park
68100	P	Community – Park
81962	P	Community – Park
89588	P	Community – Park
520049	GCU	Community – General Community Use
85661	GCU/P	Community – General Community Use/Park
90681	P	Community – Park
87118	GCU	Community – General Community Use
95872	GCU	Community – General Community Use
98063	P	Community – Park
1591	P	Community – Park
1592	P	Community – Park
73370	P	Community – Park
77108	P	Community – Park
85682	GCU	Community – General Community Use
76877	P	Community – Park
78473	P	Community – Park
80278	P	Community – Park
97167	GCU	Community – General Community Use
1205	P	Community – Park

Legend: NA – Natural Area
S – Sportsground

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P – Park
CS – Cultural Significance
GCU – General Community Use

2. *Submit a Classification of Crown Land as Operational Land form to apply for Ministerial consent to classify the following Crown Reserves as Operational Land:*

Reserve No	Known As	Categorisation
85378	<i>Bandulla Rubbish Depot</i>	<i>GCU</i>
86971	<i>Rubbish Depot (closed in 2004)</i>	<i>GCU</i>
120056	<i>Baradine Bushfire Brigade & Rescue Station</i>	<i>GCU</i>
120110	<i>Rifle Range</i>	<i>NA</i>
44862	<i>Night Soil Depot</i>	<i>GCU</i>
51266	<i>Coolah Waste Transfer Depot</i>	<i>GCU</i>
65210	<i>Coolah Night Soil Depot</i>	<i>GCU</i>
44885	<i>Rifle Range (Part)</i>	<i>P</i>
86997	<i>Rubbish Depot</i>	<i>GCU</i>
69283	<i>Mendooran Night Soil Depot</i>	<i>GCU</i>
69431	<i>Rubbish Depot</i>	<i>GCU</i>
120081	<i>Uarbry Rubbish Depot</i>	<i>GCU</i>
86771	<i>Rubbish Depot</i>	<i>GCU</i>
69528	<i>Rubbish Depot</i>	<i>GCU</i>
60139	<i>Sanitary Purposes, Binnaway</i>	<i>GCU</i>
73778	<i>Rubbish Depot, Craboon Village</i>	<i>GCU</i>

Legend: NA – Natural Area
S – Sportsground
P – Park
CS – Cultural Significance
GCU – General Community Use

3. *In accordance with Section 3.23 of the Crown Land Management Act 2016, notification be provided to the Minister of Council's categorisation of Crown Reserves shown in recommendations 1 and 2.'*

Crown Lands NSW has identified 71 Crown Reserves that must be managed by Council. The management process includes classification of the Reserves as either Community Land or Operational Land. In accordance with Section 36 of the Local Government Act, land that is classified as Community Land must then be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

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The management process also involves preparing a Plan of Management (PoM) for Crown Reserves regardless of their classification.

Classifying Crown Reserve as Operational Land is only possible upon approval from the Minister and Council's case must be compelling for an approval to be granted.

A Consultant has been engaged to assist Council with the task of describing each Crown Reserve and for preparing a PoM. Each Crown Reserve has been listed in a table which includes description of purpose and suggested classification and category, and this table along with maps is provided in Attachment 1.

The plan of management document was prepared in March 2021 and subsequently submitted to Crown Lands for comment.

Feedback was received in August 2021 and staff have responded to their queries.

At this time of writing this report, it is unclear when the consultation process with Crown Lands might be finalised.

Issues

The table in Attachment 1 also briefly describes justification for the proposed classification and categorisation of each Crown Reserve. The description covers potential issues such as existing use; endangered or threatened ecological communities, cultural heritage items and significant natural areas.

Options

Council may wish to review each Crown Reserve and change either the proposed classification or categorisation. The Crown Lands Office must be notified of Council's recommended classification and categorisation of each Crown Reserve before a PoM is prepared.

Financial Considerations

A grant of \$90,000 has been received from the Office of Local Government to complete the task of preparing Plans of Management.

Community Engagement

The reserves are relevant to a large area of the Shire and there is moderate potential for some controversy. Therefore, the level of engagement is to inform + consult.

Attachments

1. Crown Land Reserves – table of descriptions and maps.

RECOMMENDATION

That:

1. Council Note the update report on Classification and Categorisation of Crown Reserves.
2. In accordance with Section 3.23 of the Crown Land Management Act 2016, notification be provided to the Minister of Council's categorisation of Crown Reserves shown in Item 1 and 2 of Resolution No 410/1920 of 21 May 2020.

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Item 20 Update Report on RFS Shed at Coonabarabran Aerodrome

Division:	Technical Services
Management Area:	Technical Services
Author:	Acting Director Technical Services – Gary Murphy
CSP Key Focus Area:	Public Infrastructure and Services
Priority:	P12.2 Ensure that local emergency services are equipped, trained and prepared to manage natural disasters and critical incidents

Reason for Report

The reason for this report is to review the status of Resolution No 282/1819 of 21 February 2019.

Background

Council considered minutes from the Warrumbungle Aerodrome Advisory Committee meeting on the 21 February 2019 and made the following resolution:

'282/1819 RESOLVED that Council:

- 1. Accepts the Minutes of the Warrumbungle Aerodromes Advisory Committee meeting held at Coonabarabran on 5 February 2019.*
- 2. Lodge a Development Application for construction of a new two (2) bay Fire Brigade shed incorporating offices and equipment storage rooms at the Coonabarabran Aerodrome.*
- 3. Applies for funding through the Member for Parkes for both the feasibility and design of a sealed runway pavement at Baradine Aerodrome.'*

Council further resolved on the 16 July 2020:

'17/2021 RESOLVED that:

- 1. Upon completion of the LEP review and classification of Council land at the aerodrome as operational land, a Development Application be lodged for construction of a new two (2) bay Fire Brigade shed incorporating offices and equipment storage rooms at the Coonabarabran Aerodrome.*
- 2. This matter be removed from the Action List and become a target in the Delivery Program.'*

Issues

A site for the proposed RFS shed at the Coonabarabran Aerodrome has been identified and basic building plans are available, however a Development Application may only be lodged if the Council owned land at the aerodrome is classified as

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operational land. A change in classification from community land to operational land is only possible through a change to the Local Environment Plan (LEP).

A review of the LEP is currently underway and is expected to be completed in 2022.

Options

Council has the option of renewing the intent of the resolution, abandoning the resolution or modifying it in some way.

Financial Considerations

The cost of lodging a Development Application can be accommodated within existing budget allocations.

Community Engagement

The proposed development is of low complexity and a small change to the aerodrome facility. Therefore, the level of engagement is inform.

Attachments

Nil

RECOMMENDATION

That:

1. Council note the update report in relation to the proposed RFS Shed at Coonabarabran Aerodrome.
2. Upon completion of the LEP review and classification of Council land at the aerodrome as operational land, a Development Application be lodged for construction of a new two (2) bay Fire Brigade shed incorporating offices and equipment storage rooms at the Coonabarabran Aerodrome.

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Item 21 Update Report on Road Closure part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway

Division:	Technical Services
Management Area:	Property
Author:	Acting Director Technical Services – Gary Murphy
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF4.1 Ensure that Council's governance practices, policies and procedures are continuously assessed and revised in reference to the long-term goals of the CSP

Reason for Report

To provide Council with an update on the status of Resolution 162/1718 relating to the Pump House Camping Ground located at Binnaway as the resolution has been outstanding for a period greater than 12 months.

Background

Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway

Council at its meeting of 19 October 2017 resolved the following:

'162/1718 RESOLVED that Council continues the part road closure of Castlereagh Avenue, Binnaway updating the licence agreement and submitting a Development Application for the Pump House Camp Ground, Binnaway as resolved previously via Resolution 87/1617.'

Issues

The current camp ground is located on part of the road reserve associated with Castlereagh Avenue, Binnaway. To formalise an approval for the site to be used as a Primitive Camping Ground the road reserve area needs to be acquired by Council. It is also necessary for a fresh Development Application (DA) to be issued as the previous approval contravened the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005. The contravention related to the number of camp sites approved for the hectare area available.

In November 2018, letters were sent to neighbours notifying of Road Closure and relevant advertisement lodged giving 28 days' notice.

In December 2018, upon closure of the notice period, no submissions were received.

In May 2019, surveyor engaged to undertake survey work.

In April 2020, survey plan completed and plan registered.

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In August 2020, solicitors commenced road closure process and notification of proposed road closure sent to adjoining property owners.

In November 2020, solicitors prepared application to Crown Lands for formal closure of public road.

In March 2021, solicitors initiated a process to respond to two objections and clarification of property ownership.

Further consultation is required to negotiate and resolve the objections.

A subsequent Council report and resolution will be required to proceed. Council will then be in a position to prepare and lodge with Crown Lands the formal Public Road Closure application.

At the time of writing this report, a timeframe for resolving the objections and subsequent report to Council is not able to be quantified but it is unlikely to be before the end of the calendar year.

Options

Council has commenced implementation of the part road closure through the Department of Lands. Once the part road closure is finalised the remaining resolutions relating to the DA and licence agreement will be completed.

Financial Considerations

Costs for surveying and road closure application fees have been incurred to date – valued at \$13,257. The DA fees are expected to be in the vicinity of \$871, with the review of the licence condition likely to incur legal fees of approximately \$1,500.

Some work is also likely to be required to ensure the site addresses compliance requirements under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005. Works noted to date include necessary upgrades to the septic tank and wastewater disposal system, changes to powered sites, upgrades to fixtures within the amenities ie new basins – works are expected to cost approximately \$5,000. The extra legal cost related to the updating of the Licence Agreement is expected to be approximately \$1,500.

Community Engagement

This issue is of particular interest to the Binnaway community and is considered to be of moderate community impact. Therefore, the level of engagement is inform + consult.

RECOMMENDATION

That Council:

1. Note the update report on the Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway.
2. Continues the part road closure of Castlereagh Avenue, Binnaway updating the licence agreement and submitting a Development Application for the Pump House Camp Ground, Binnaway as resolved previously via Resolution 162/1718.

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Item 22 Update Report on Werribee Road Premer

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

Reason for Report

To update Council on the resolution to apply for compulsory acquisition of Part Lot 7304 DP1159006, Black Stump Way, Premer to construct a legal access to Werribee Road. The access will cross Crown Land dedicated for a Travelling Stock Route Reserve 1697, therefore a compulsory acquisition of land is required to formalise access to Werribee Road.

Background

Council at its meeting of 13 December 2018 resolved the following:

'245/1819 RESOLVED that Council:

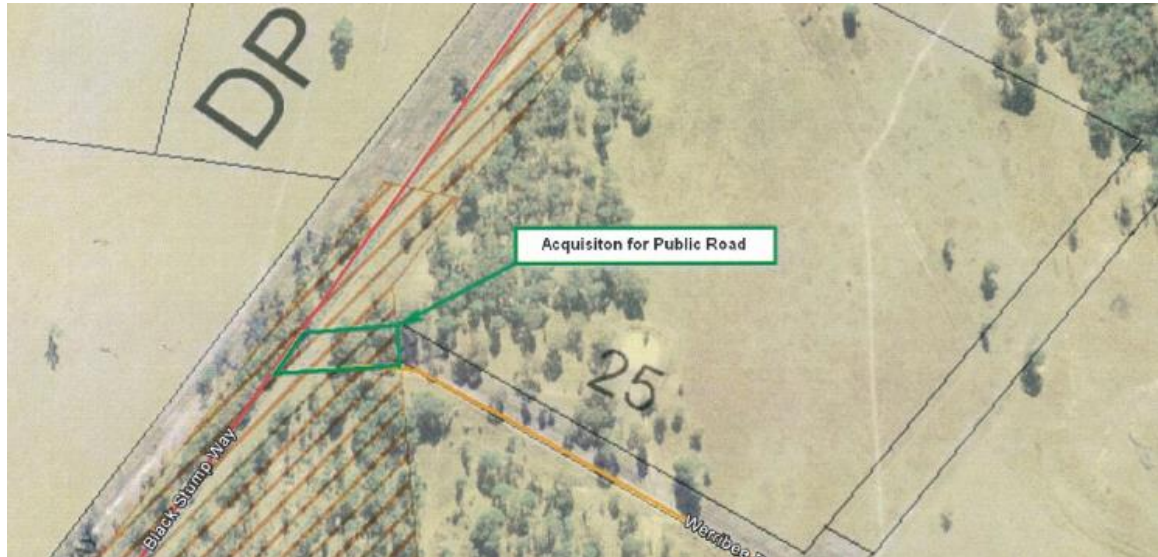
- 1. Apply to the Department of Primary Industries – Lands for consent under section 11 of the Land Acquisition (Just Terms Compensation) Act 1991 to issue a proposed acquisition notice to acquire part of Lot 7304 DP1159006 to establish a roadway, subject to the approval of the Minister for Local Government.*
- 2. Make an application for the compulsory acquisition of part of the land described as Lot 7304 DP1159006 for the purpose of forming an access road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.*
- 3. Make an application to the Minister and Governor for approval to acquire the part of the land described as Lot 7304 DP1159006 by compulsory process under section 186 of the Local Government Act 1993.*
- 4. Authorise for the Common Seal of the Warrumbungle Shire Council to be affixed to any documentation required to effect acquisition of the land, if required.'*

In June 1998, Terra Shell Pty Ltd applied for a 29 Lot Rural Subdivision located at 'Werribee' Black Stump Way, Premer. The proposed application was approved in January 1999 with conditions. In January 2002 the Acting Director Environmental Services signed an internal memo addressed to the General Manager to sign and release the linen plans. The subdivision plans indicated a new road which was to be named Werribee Road needed to be constructed in accordance with Council's

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requirements to ensure access to each lot was through a separate entrance. Once Werribee Road was constructed a compulsory acquisition should have been applied for to allow access from Black Stump Way, this however was not undertaken at the time. The proposed section of land to be acquired is indicated in green in the below map, the area is approximately 0.1ha.



Issues

Since the completion of the subdivision, Council has approved three development applications along Werribee Road. Council was not aware at the time of the approvals that there was no legal access across the Crown Land from Black Stump Way to Werribee Road.

Before an application for the compulsory acquisition is lodged approval from the Department of Primary Industries – Lands needs to be received. The application requests if Council wants to acquire the whole or part of the lot or the land for an easement. Council will apply for the acquisition of part of the land for the construction of an access road. Once approval has been issued Council can commence the acquisition process.

To formalise the access to Werribee Road an application for the compulsory acquisition of part of the land will be required. The parcel of land is located along the Black Stump Way and is dedicated as a Reserve for Travelling Stock (R1697) notified 21 March 1881. There is also a current Aboriginal Lands Claim lodged 23 November 2005 - claim number 8286.

A search of the Native Title Register will need to be obtained for submission with Council's application to the Office of Local Government.

Council will need to obtain a search of the Aboriginal Land Claims (ALC) register to submit with its application to the Office of Local Government and will also need to address Aboriginal Land Claim No 8286 by obtaining either:

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- the written consent of the NSW Aboriginal Land Council and the local Aboriginal Land Council for the compulsory acquisition of this Crown land to proceed, or
- the written agreement of the NSW Aboriginal Land Council and the Local Aboriginal Land Council to remove the Crown land subject to Council's application from the ALC existing claims.

In July 2019, a solicitor was engaged to prepare the acquisition application on behalf of Council.

In December 2020, an application for compulsory acquisition was lodged with the Office of Local Government for approval on 15 December 2020.

In May 2021, advice was received from solicitors that a survey plan is required and must be registered.

In July 2021, a surveyor was engaged to review and quote on the survey works.

In August 2021, the Crown Lands road acquisition team was to contact Council with further instructions on survey works.

The work is ongoing and at the time of writing this report, there is no definitive timeframe for completion.

Options

Council has the option of undertaking a compulsory acquisition of the land to allow access for the owners of properties on Werribee Road.

Council has the option of not undertaking a compulsory acquisition. If the acquisition is not undertaken there will be no legal access to Werribee Road, Premer.

Financial Considerations

Costs involved with the compulsory acquisition of land are not quantified at this stage as there are a number of steps that are required to be undertaken to acquire the parcel of land including costs for the consent from Crown Lands, solicitor's costs for the advice relating to the extinguishment of any Native Title Claims and surveyors costs and Just Terms Compensation.

Community Engagement

The community scale is low with a moderate risk of conflict given the nature of the proposed acquisition. The level of engagement is to inform + consult.

RECOMMENDATION

That Council:

1. Apply to the Department of Primary Industries – Lands for consent under section 11 of the Land Acquisition (Just Terms Compensation) Act 1991 to issue a proposed acquisition notice to acquire part of Lot 7304 DP1159006 to establish a roadway, subject to the approval of the Minister for Local Government.

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2. Make an application for the compulsory acquisition of part of the land described as Lot 7304 DP1159006 for the purpose of forming an access road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
3. Make an application to the Minister and Governor for approval to acquire the part of the land described as Lot 7304 DP1159006 by compulsory process under section 186 of the Local Government Act 1993.
4. Authorise for the Common Seal of the Warrumbungle Shire Council to be affixed to any documentation required to effect acquisition of the land, if required.

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Item 23 Annual Code of Conduct Complaints Statistics

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

Purpose

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

Background

The Office of Local Government requires Council's Complaint Coordinator to report to Council and the Office on code of conduct statistics for the period 1 September 2020 – 31 August 2021.

Issues

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

The report indicates that in the period 1 September 2020 – 31 August 2021, there were no code of conduct complaints, no code of conduct breaches and no referrals of perceived breaches to external agencies. The last time that a code of conduct matter was dealt with was in the period ending 31 August 2018.

Options

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

Financial Considerations

There is no budget impact associated with preparation of the statistics report. The report for the period 1 September 2020 – 31 August 2021 indicates that there was no expenditure on dealing with code of conduct complaints.

Community Engagement

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

Attachments

1. Code of Conduct Complaints Statistics for the period 1 September 2020 – 31 August 2021.

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RECOMMENDATION

That the Annual Code of Conduct Complaints Statistics Report for the period 1 September 2020 to 31 August 2021 as shown in attachments is noted as information.

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Item 24 Timor Dam – Dams Safety Upgrade Requirements

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 of this report is to propose a strategy to comply with Dams Safety NSW requirements regarding Timor Dam, including upgrades involving significant capital costs.

Background

Upgrade requirements for Timor Dam in line with Dams Safety requirements were highlighted in Item 8 of the October 2019 and Item 18 of the April 2021 Business Paper reports; copies of these reports are attached.

Resolution **304/2021** resolved that Council:

- 2. Budgets for required dam safety upgrades, independently of raising the dam.*

Issues

Non-compliance with the *Dams Safety Act 2015* and *Dams Safety Regulation 2019* can attract fines as non-compliance can pose a number of risks to Council, as outlined in the earlier reports attached to this paper.

The proposed approach was chosen to demonstrate to Audit Officers that Council is addressing the fulfillment of its obligations under the Act.

Options

Ongoing non-compliance of the existing asset with relevant legislation is not recommended and Council needs to be taking steps to address dam safety requirements.

External funding has been sought, but no funding avenues are currently available.

To commence addressing dam safety requirements, in the absence of any external funding, Council will need to provide both Capital (CAPEX) and Operational (OPEX) funds for the next 5 years to enable necessary works and operations to be undertaken. A staged approach to undertaking rectification works as per the below matters dealt with in *Financial Considerations* is provided for Council's consideration.

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To expedite the proposed works for this FY (2021/22), the engagement of a dam safety specialist should be considered to develop the required tender documents including a technical brief and potentially to oversee the works and/or act as an external project manager.

Financial Considerations

Achieving compliance with Dams Safety Regulations is costed to approximately \$2.3M over the next five financial years as per below table, including capital and operational expenditures. In lack of more recent estimates, the cost estimates from July 20219 – presented to Council October 2019 in Attachment 5 to Item 8 – have been used.

A staged approach is proposed based on priority, logical sequence and affordability; the first section of the table includes which works/actions have already been completed and are in progress.

Timor Dam Proposed Capital Budget FY 2021/22 – 2025/26

Issue	Action	Cost Est. (\$)	Risk/Consequence	Priority *	Status
Debris clearing and desilting upstream of dam	Clear underwater debris silt operation	\$100,000. Funded via CAPEX	Enables access to back of scour and offtake	2	Completed in FY 19/20
Develop an O&M Plan in accordance with Dam Safety NSW requirements	Convert current Manual into Plan and carry out update	\$15,000. Funded via OPEX	Needs to be kept up to date to allow Council staff to use	1	Completed in Feb 2021
Develop electronic database including installation of telemetry system to record storage level, rainfall and seepage on a continuing basis	Set up telemetry system linked to all dam components. Establish computer gathering of data and plotting of graphical representation	\$100,000. Funded via SSWP (DPIE)	Telemetry provides continuing monitoring of data so that Council remains fully informed of dam behaviour when operator is not in attendance	1	In Progress during FY21/22. Shire wide \$1M project funded via SSWP to 75%
FY 2021/22					
Access to seepage weir downstream of main dam to allow regular reading of seepage and to comply with current WHS requirements	Provide access ladder and platforms down existing side slope and concrete path to seepage weir. Entry at road level above.	\$250,000 To be funded via CAPEX	Seepage needs to be read at least weekly to comply with Dams Safety requirements; currently no WHS conform access	1	Not commenced
Access to scour outlet downstream of main dam to allow valve maintenance and to comply with current WHS requirements	Provide access ladder down existing slope and concrete path to the valve block.	\$25,000 (in addition to cost in above item) to be funded via CAPEX	Allows maintenance and replacement when required. If valve does not work, it becomes a dam safety issue in that it cannot be operated in the event of an emergency	1	Not commenced
Damaged seepage weir downstream of main dam. At present,	Construct new seepage weir with concrete box V-	\$50,000	The seepage weir is the most important	1	Not commenced

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seepage from main dam not read by operators and not repaired because access is very difficult	notch and associated works at site of current weir. Hook up to telemetry system.	To be funded via CAPEX	instrument. Seepage needs to be read regularly so as to keep check on dam performance. Telemetry will provide continuous recording.		
Total		\$375,000 (CAPEX) + \$56,000 (OPEX – from table below)			
FY 2022/23					
Survey monitoring system and initial survey	Establish a survey monitoring system to allow survey monitoring of main arch dam on a two-yearly basis as required by the Dams Safety NSW	\$75,000 To be funded via CAPEX	In association with seepage reading, survey monitoring is critical in assessing the behaviour of the dam over time.	1	Not commenced
Trash-screen and bulkhead replacement at upstream end of scour pipe, is currently corroded	Replace the trash-screen and bulkhead at the base of the trunnion	\$80,000 to be funded via CAPEX	If allowed to totally corrode, scour valve will become very difficult to maintain/operate	2	Not commenced
Scour valve is inoperable. New outlet system is required.	A new outlet system is recommended which includes a separate facility for environmental flows to comply with modern dam practice	\$450,000 (staged over two financial years) to be funded via CAPEX	Current standards require a minimum two valves per line to allow double isolation and isolation for regular operation of the valves for maintenance purposes. This negates the risk or possibility of the dam draining if a single valve cannot be closed properly. In addition, if one valve fails to close, the other valve can be closed to stop the flow.	2	Not commenced
Total		\$605,000 (CAPEX) + \$37,000 (OPEX from table below)			
FY 2023/24					
Scour valve is inoperable. New outlet system is required.	As above	\$450,000 (staged over two financial years) to be funded via CAPEX	As above	2	Not commenced
Total		\$450,000 (CAPEX) + \$47,000 (OPEX from table below)			

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FY 2024/25					
Outflow measurement	Install flow measurement device at offtake	\$50,000	Facilitates measurement of outflow. Can be connected to telemetry system	2	Not commenced
Trunnion replacement	Replace trunnion with updated buoy arrangement including base and associated work	\$250,000 (Over 2 financial years) to be funded via CAPEX	Will be required in long-term following corrosion to current structure	3	Not commenced
Total		\$300,000 (CAPEX) + \$52,000 (OPEX from table below)			
FY 2025/26					
Trunnion replacement	As above	\$250,000 (over 2 financial years) to be funded via CAPEX	As above	3	Not commenced
Current ladder and platform access to the trunnion is not in accordance with current WHS regulations	Replace existing access ladders and platforms to the trunnion	\$100,000 to be funded via CAPEX	Access to the trunnion is currently not WHS compliant and needs to be replaced	2	Not commenced
Total		\$350,000 (CAPEX) + \$52,000 (OPEX from table below)			

Estimated Annual Operational Cost

Issue	Action	Cost Estimate (\$)	Risk/Consequence	Priority	Status
Review Dam Safety Emergency Plan (DSEP), O&M Plan, Safety Management System	Annual review	\$2,000 to be funded via OPEX	DSEP: Contact details require regular review. Exercise of Plan trains operators how to react to emergencies	4	Due annually
Routine dam inspections by Council operators, at least weekly using formal inspection sheets	Carry out inspections of dam components plus appropriate reporting	\$20,000 to be funded via OPEX	Ensures Council is unaware of any issues that may arise at the dam	4	Checklist developed as part of O&M Plan
Dam safety specialist	Engage an experienced dam safety consultant	Incorporated in other costs within this table	Consultant can provide general advice and technical input as required, including annual and 5-yearly updates/reviews	4	
Access road to dam & security fencing	Maintain access road, saddle dam & fence	\$15,000 to be funded via OPEX	Dam access to be clear in case of emergencies	4	Maintenance performed as required
Update DSEP	5-yearly update	\$10,000 (next due in FY 2023/24)		4	Last update completed in June 2019

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		to be funded via OPEX			
Survey Monitoring every 2 years	Provided by external contractor	\$15,000 (2-yearly, starting FY 2024/25, due again in FY 2026/27) to be funded via OPEX	In association with seepage reading, survey monitoring is critical in assessing the dam over time.	4	Cannot commence until after installation of monitoring system
Update O&M Plan	5-yearly update	\$15,000 (5-yearly, next due in FY 2025/26) to be funded via OPEX		4	New plan developed in Feb 2021
Dam Safety training for Council staff	Provide dam safety training to appropriate Council staff, at least 5-yearly	\$4,000 (5-yearly, next due in FY 2026/27) to be funded via OPEX	Staff need to be updated on latest dam safety protocols	4	Training scheduled this FY (2021/22)
Risk Report (previously known as Dam Surveillance Report)	Required every 5 years	\$15,000 (next due in FY 2026/27) To be funded via OPEX		4	Consultant engaged this FY (21/22)
Safety Review	Required every 15 years	TBA (due next in FY 2030/31)		4	Last completed in June 2016
Consequence Category Assessment	Required every 15 years	TBA (due next in FY 2023/33)		4	Last completed in Nov 2017

* as of July-2019 recommendations:

- 1 – initiate within 6 months
- 2 – initiate within 2 years
- 3 – initiate within 10 years
- 4 – ongoing

Community Engagement

The level of engagement currently is to 'Inform', however may increase to 'Inform + Consult' as the upgrade works progress.

Attachments

1. Item 8 of the October 2019 Business Paper
2. Item 18 of the April 2021 Business Paper

RECOMMENDATION

That Council:

1. Notes the information contained in the Timor Dam – Dams Safety Upgrade Requirements report.
2. Budgets for the required Dams Safety Upgrades in its annual capital budget \$2.08M over the next five financial years as follows:

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FY 2021/22 - \$375,000 via supplementary vote;
FY 2022/23 - \$605,000;
FY 2023/24 - \$450,000;
FY 2024/25 - \$300,000;
FY 2025/26 - \$350,000.

3. Includes allocations for the required Dams Safety operations in its annual operational budgets.

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Item 25 Dunedoo Town Water Security – Talbragar Alluvial Groundwater Source Supply

Division:	Environment and Development Services
Management Area:	Warrumbungle Water
Author:	Manager Warrumbungle Water – Cornelia Wiebels
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 update Council on the outcome of Council's objection to the approval of additional groundwater supply works by Water NSW for an application near Dunedoo.

Background

The intention to install and use an additional 70 L/s irrigation pump by Shingle Hut Pty Ltd at near Dunedoo was advertised in the Dunedoo District Diary in mid-2019, referencing the Water NSW application A018537. In comparison, the Dunedoo town supply bore runs at 29 L/s.

Council wrote to Water NSW on 9 August 2019 expressing concerns regarding potential impacts on Council's town water supply at Dunedoo and asking for background information regarding the impact of irrigators on the water table of the common source, the basis for allocation limits and the impact of climate change on resource allocations.

Water NSW replied to Council on 25 November 2019 and 13 July 2020 advising that:

- The applicants were advised of Council's concerns.
- The application was referred to the Department of Planning, Industry and Environment (DPIE) on 4 July 2019, requesting a hydrogeological impact assessment.
- Following receipt of the hydrogeological impact assessment, the application was recommended for approval, subject to a number of conditions including that *'DPIE may revise the extraction limit any time in the event of un-anticipated impact or local impacts such as significant changes in water levels, ...or if there are any unacceptable impacts on neighbouring bores'*.

Council sustained its objection in a further letter to Water NSW on 4 August 2020, pointing out that Council's concern of observed well level drops in relation to other groundwater users requiring the introduction of high-level water restrictions remained. Further, some key requests that Council believed required consideration when approving a new supply works of said size remained unaddressed.

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Water NSW replied to Council on 14 August 2020 and 18 September 2020 advising that:

- Key requests have been referred to DPIE separately as they were not application specific.
- Application relevant DPIE assessment details could be obtained via a GIPA request.
- The approval has been granted for said application in line with Water Sharing Plan (WSP) legislation and the hydrogeologist's assessment.
- The Water Management Act 2000 provides the right of appeal to the Land and Environment Court within 28 days.

Issues

In September 2021, DPIE had a discussion with representatives from Council, which addressed and eased Council's concerns of potential impacts of the new bore on Dunedoo's Town Water Supply (TWS) – the discussion points are summarised as follows:

- **Objection to application A18537**
 - DPIE carries out impact assessments within 5km of the proposed extraction works based on the assumption that impacts beyond this distance diminish and/or are of acceptable proportion.
 - The extraction point for this application is 12km away from the Dunedoo TWS, 18km in a hydrogeological sense along the Talbragar Alluvial channel.
 - Application A18537 was assessed under currently valid criteria, providing protection to the water source and existing users in the assessment area; the relevant assessment criteria are detailed in the Attachment to this report.
- **Global management of groundwater in Talbragar Alluvium Groundwater Source**
 - The global usage of the Talbragar Alluvium is within the WSP compliance limit.
 - In the event of a WSP compliance breach, a reduced Available Water Determination (AWD) will be affected for all extractive users except TWS.
- **Groundwater level fluctuations of monitoring bore nearest to Dunedoo TWS bores**
 - The below hydrograph shows that the groundwater level recovers well in recharge events.

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WaterNSW

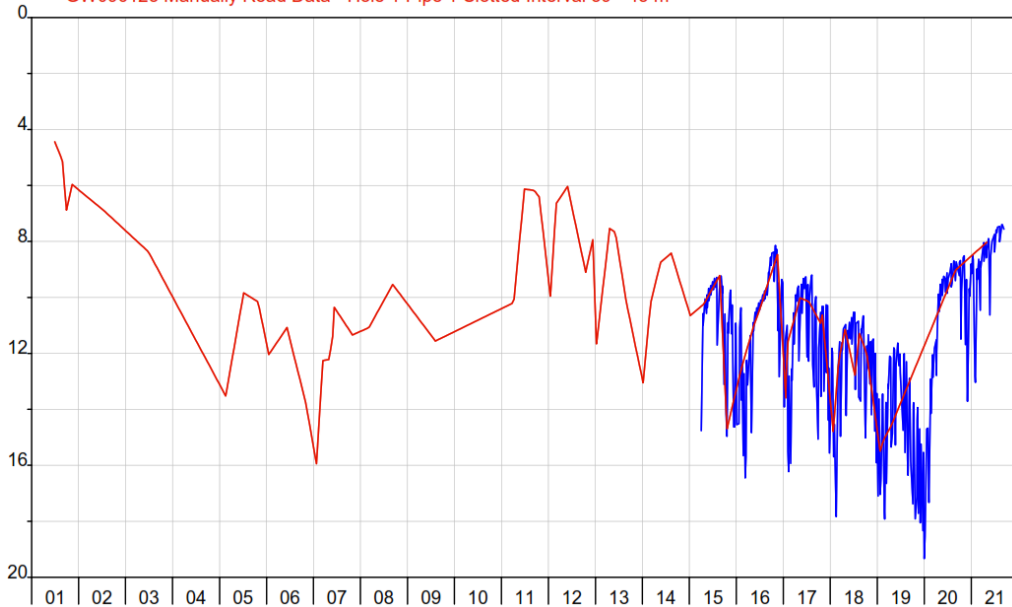
HYPLOT V134 Output 20/09/2021

Bore Water Level below Ground Level (Metres) for site GW096123

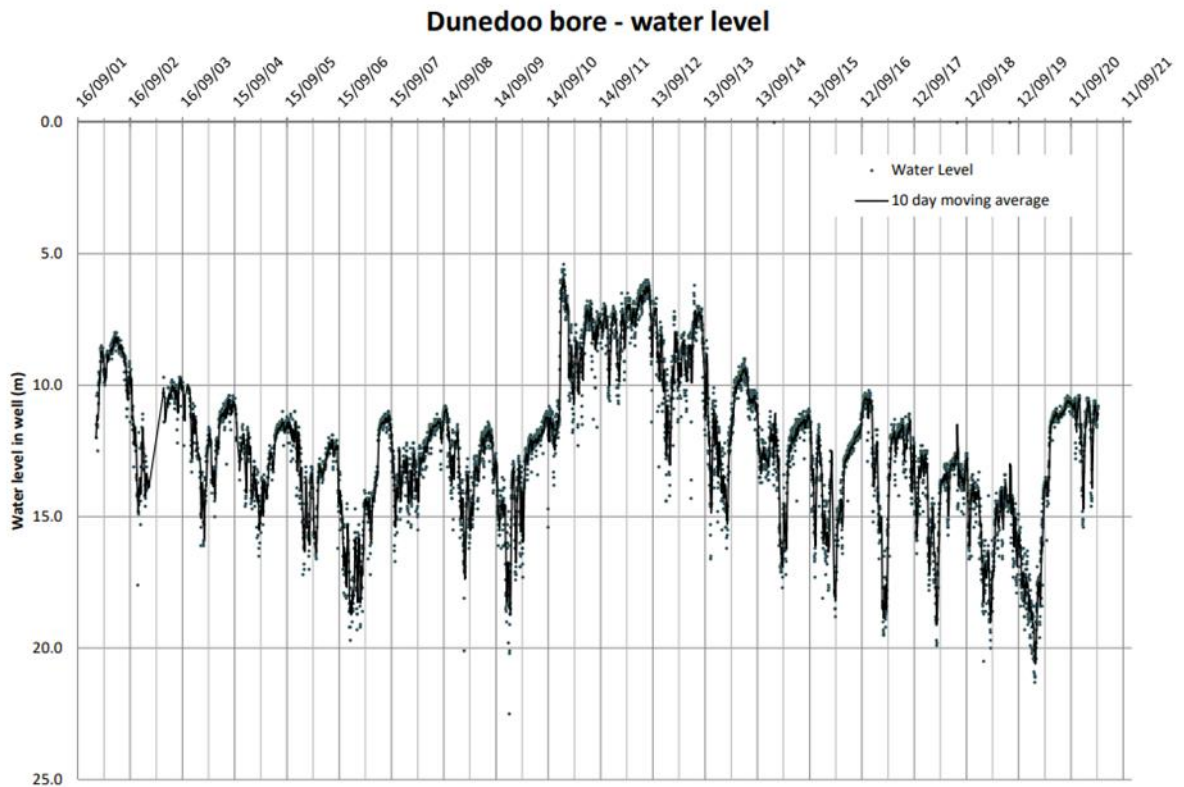
01/01/2001 to 01/01/2022

2001-21

- Logger Data - Hole 1 Pipe 1 Slotted Interval 39 - 45 m
- GW096123 Manually Read Data - Hole 1 Pipe 1 Slotted Interval 39 - 45 m



In comparison, Council's long-term records of Dunedoo's town well level as shown in the graph below looks very similar.



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- Dunedoo TWS bores
 - DPIE advised that the bores are shallow and probably placed in the shallower flanks of the paleochannel, therefore possibly experiencing restricted availability during drought; the general depth of the Talbragar Alluvium paleochannel is around 60m.
 - Establishment of a bore in the deeper paleochannel would ensure maximum availability during drought situations.
 - Council records show that the 1963 installed bore was drilled to 50m with the final depth of the bore being 38m.

- Newly constructed RMS road construction bores
 - The RMS has established 4 deeper water supply bores within a short distance from the Dunedoo TWS bores, 3 of those are in the Talbragar Alluvium, 1 is in the deeper Lachlan Ford Belt fractured rocks.
 - All bores have imposed extraction limits of 20 ML/a to protect existing users, including the Dunedoo TWS; in comparison, Dunedoo's TWS annual limit is 400 ML.
 - Council may consider arranging to switch to extractions from these deeper bores during times of drought when availability in the Dunedoo TWS bores is restricted; this option would need to be pursued further as Council has no control over these bores.

The Orana Water Utility Alliance Condition Assessment of Existing Groundwater Bores report – refer Item 19 of the June 2021 Business Paper – recommended for the old bore in Dunedoo to possibly undertake a staged pump test to confirm bore performance; it commented that the age of the bore may affect the performance of the bore. The considered bore was drilled in 1963. The secondary bore was drilled in 2013 and was therefore – due to its age – not considered in the condition assessment.

Options

The application for Shingle Hut has been approved and the matter is finalised.

DPIE advise that it is not uncommon to see a sharp decline in groundwater levels during summer, with levels replenishing during the cooler months. According to DPIE records the aquifer is able to recover and replenish after periods of drought. This is confirmed by Council's own records of the Dunedoo town well level.

A pump test of the 1963 drilled Dunedoo bore could be undertaken to review whether it is operating to full capacity – it is noted the Dunedoo bores are reportedly shallower than other surrounding bores.

Further to that, Council could consider drilling a new deeper bore that extends into the deeper paleochannel or into the Lachlan Ford Belt fractured rocks, which would ensure maximum availability during drought situations. Alternatively, and/or additionally, a rising main connection to existing deeper RMS bores in proximity to the Dunedoo bores could be considered. At this stage, Council does not have funding for the construction of new water security infrastructure, including a new bore or rising main extension.

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Financial Considerations

Nil

Community Engagement

The level of engagement is 'Inform'.

Attachments

1. Assessing Groundwater Applications Fact Sheet

RECOMMENDATION

That Council:

1. Notes the information contained in the report on Dunedoo Town Water Security – Talbragar Alluvial Groundwater Source Supply.
2. Further explores the increase of Dunedoo's Town Water Security by considering a pump test of the old bore, the cost for drilling a new deeper bore, and the potential to connect to existing deeper nearby RMS bores.

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Item 26 Barneys Reef Wind Farm Community Consultative Committee

Division:	Environment and Development Services
Management Area:	Environment and Development Services
Author:	Assistant to Director Environment and Development Services – Cheryl Tillman
CSP Key Focus Area:	Local Governance and Finance
Priority:	GF2 The demographic makeup of the community is well-represented in local activities, services delivery and decision-making.

Reason for Report

This report seeks Council to nominate representatives for the Barneys Reef Wind Farm Community Consultative Committee (CCC).

Background

Correspondence has been received from the Independent Chair, Mr Gary West, inviting Council to be represented on the CCC.

The CCC aims to provide an avenue for discussion between Renewable Energy System (RES - the proponent) and representatives of the community, stakeholder groups and local councils on issues directly relating to the project.

The proposed Barneys Reef Wind Farm is located approximately 15km north of Gulgong, in the Mid-Western LGA. The town of Dunedoo is located approximately 18km to the north of the site.

Barneys Reef Wind Farm will have a capacity of approximately 340MW and potentially include up to 65 wind turbines. The proposed site extends over thirteen (13) properties where RES has recently formed agreements with the host landholders.

Barneys Reef Wind Farm is expected to generate enough electricity to supply around 265,000 NSW homes.

Infrastructure on the site, may include two substations and transmission connections, which would enable connection of the proposed turbines to the Central-West Orana REZ Transmission Corridor within proximity of the northern end of the proposed project area.

It is expected there will be some impacts to the Warrumbungle LGA associated with the project, e.g. Merotherie Road being used as a transport route (and potentially other local roads), and construction worker accommodation in surrounding towns and villages.

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The project sits in close proximity to the Tallawang Solar Farm; another RES project located within Mid-Western LGA.

The CCC will consist of up to seven (7) community, representatives relevant stakeholder groups, including Councils.

Issues

The CCC is being established in accordance with the NSW Department of Planning and Environment Community Consultative Committee Guidelines.

An invitation has been extended to Council for the appointment of representatives on the CCC by Monday 8 November 2021; an extension has been sought for Council until early December 2021.

Options

Representation to the CCC is recommended consisting of one councillor and one staff member; with the staff member possessing technical skills relevant to matters that will be considered by the proponent.

Financial Considerations

NSW Government Community Consultative Committee Guideline states the committee may seek annual or one-off funding from the proponent to help it perform its functions effectively. It is up to the proponent whether or not it agrees to such requests.

Generally, Council is not reimbursed or paid for representation on CCC's. The Community Consultative Committee Guidelines 31 January 2019 extract 4.8 Committee funding and remuneration indicates:

The committee may seek annual or one-off funding from the proponent to help it its functions effectively. It is up to the proponent whether or not it agrees to such requests.

Community representatives are not eligible to receive sitting fees from the proponent, but may seek reimbursement of personal out of pocket expenses associated with attending meetings. It is up to the proponent whether or not it agrees to these expenses being paid.

If fees or expenses are paid to members for meetings, then the fact that a payment is being made (and not the actual amount) should be declared as a pecuniary interest and recorded in the minutes of the meeting.

Community Engagement

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

Attachments

1. Letter of invitation for CCC Representatives
2. Community Consultative Committee Guideline 31 January 2019

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RECOMMENDATION

That:

1. Council nominates two representatives for the Barneys Reef Wind Farm Community Consultative Committee, with representatives being one (1) Councillor and Council's Director Environment and Development Services.
2. Nomination for a Councillor to be held over until post the 2021 Council election.

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Item 27 Development Application (DA)11/2021

Division:	Environment and Development Services
Management Area:	Regulatory Services
Author:	Donna Ausling – Consultant Town Planner
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

(DA)11/2021 was initially presented for Council's determination to the Council Meeting held on 21 October 2021, with the matter being deferred until a site inspection could be undertaken by Councillors. This site visit occurred on 3 November 2021 with a number of Councillors in attendance along with Council planning staff and consultant planner, and the applicant's representatives.

Immediately prior to the October 2021 Council Meeting, members of the public were provided the opportunity to address Council in the Public Forum session relating to (DA)11/2021.

A further opportunity for members of the public to address Council staff regarding concerns surrounding (DA)11/2021 was made available on 3 November 2021 at the Council's Coolah Administration building.

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Issues

The DA was exhibited 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* and Council's *Development Control Plan (DCP)*; in particular noting the adopted requirements of the DCP being:

Any Development (including change of use) which in the opinion of the Council or its delegated staff may have potential for adverse impacts on the general amenity of a locality including views to or from adjoining property or other perceived impacts. Exhibition period is 14 days with written neighbour notify and if appropriate newspaper advertising and Councils website.

Council wrote to all adjoining neighbours of the property and placed an advertisements in the Coolah Diary and placed it on Councils website notifying residents of the proposed feedlot seeking submissions.

This development is not classed as designated or integrated development due to the number of stock for the feedlot being 1000 head.

The exhibition period was from 31 March 2021 to 16 April 2021, then extended as per a request from member of the public on 13 April 2021 for a further 7 days until the 23 April 2021.

Under the *Environmental Planning and Assessment Act 1979* an allowance was made for documents to be placed on the Planning Portal due to COVID to address inspection requirements in the event physical locations were not available for public to access. In this case, Council Offices were open for public members to attend in person during the exhibition period of this application, and on that basis, Council exhibited the documents as required at Council offices, and not via the Planning Portal.

Requests for maps to be made available were received from one member of the public, and Council supplied the requested information from the application consisting of *Appendix A* and *Effluent Management System* mapping via email on 13 April 2021. No other requests for provision of information relating to the proposal were received from any members of the public during the exhibition period.

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 (DA)11/2021, including design plans and the recommended schedule of consent conditions for the proposed development, is attached separately for the information of Councillors.

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.

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Additional Matters Arising

Following the exhibition of the application and subsequent presentation of the assessment report to the November 2021 Ordinary Meeting of Council, further representations have been made by the submitters. A summary of the issues arising and associated planning commentary is provided herewith for the consideration of Council:

Extent of Consideration of Submissions

The submitters have raised concerns that their submissions were not addressed in sufficient detail.

Planning Commentary:

Upon receipt of all submissions, a copy of same was forwarded to the Applicant's appointed Consultant (Premise) for review and consideration. In response, the proponent forwarded additional information on 27 May 2021 addressing matters raised in the submissions. The submissions were reviewed in detail by the assessing officer and it is considered that the matters raised have been addressed adequately and may be satisfactorily dealt with via the imposition of conditions of development consent. Each of the submissions has also been considered as part of the detailed Assessment Report and a copy of each submission (with personal details redacted) has been made available for the review of Councillors.

Adequacy of submitted technical documentation

The submitters have raised concerns regarding the adequacy of technical information and the ability of Council to make an informed decision regarding the scope and extent of environmental impacts of the proposal.

Planning Commentary:

As detailed in the preceding section, Council's Planning Staff have made a series of requests for additional information over the assessment period to enable a considered and informed assessment of the environmental impacts of the proposal. Additional technical information has been received throughout the assessment process in respect of a range of matters including, but limited to potential traffic impacts, effluent management and disposal and compliance with the statutory planning framework.

In this regard, it is important to note that the development as proposed is anticipated to be at the lower end of the scale in respect of potential environmental impacts by virtue of its nominated scale. An Environmental Impact Statement (EIS) is a document prepared for 'Designated Developments', which is a very detailed and comprehensive assessment process prescribed under the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. There are currently nine (9) planning approval pathways in NSW ranging from exempt development through to state significant development. The size and scale of the development determines which of these assessment pathways is appropriate. In the case of this development, the Development Application (DA) has been accompanied by a Statement of Environmental Effects (SoEE). A SoEE is a report that details and explains the likely impacts of the proposed development both during and after that development, and the proposed measures that will impact it. It also includes an assessment of the proposed development having regard to all policies and planning controls that apply to the land or the type of development.

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On this occasion the submitted SoEE has been prepared by a suitably qualified and experienced planning professional(s). The proponent has also responded to all WSC's requests for additional information with documentation considered to be of sufficient detail in which to make an informed decision. Remaining matters, considered to be outstanding but able to be appropriately mitigated and managed, have been addressed via the imposition of recommended conditions of development consent. Given the prevailing legislative intent of SoEEs, and having regard to the current NSW statutory planning framework, this level of documentation is not comparable with that expected nor required with respect of an Environmental Impact Statement (EIS).

Furthermore, as detailed throughout the Assessment Report and the submitted SoEE, the subject property has successfully operated a temporary 'drought feedlot' on the land without issues or complaint. It is further understood that prior to these recent activities a long-term feedlot arrangement was in place for a considerable period of time which also operated with minimal records of complaint.

Adequacy of Odour Assessment

Concerns have been raised by submitters regarding the adequacy of odour assessment and analysis.

Planning Commentary:

As detailed in the enclosed detailed planning assessment report, a desktop odour assessment was undertaken by Premise Consultants and submitted in support of the Development Application.

The submitted odour assessment notes that there are two available methodologies for the calculation of minimum separation distances for feedlots. In respect of both methodologies, the separation distances are double or greater than those recommended. Considering the history of site operations, the nature of the proposed development in addition to the extensive available separation distances, a more detailed odour assessment (Level 1 or above) is not considered warranted in this instance for a small-scale operation.

A condition of consent is also recommended to be imposed to manage potentially offensive odour. Refer conditions 19 and 40 of the schedule of recommended development conditions.

Adequacy of Buffer Zone

Further concerns have been raised by submitters in relation to the adequacy of buffer zones.

Planning Commentary:

It is considered that the buffer zones nominated in the assessment report are fair and reasonable in the context of the proposed development and have been addressed in draft recommended condition no. 36. They are also considered consistent with available best practice. The Applicant may nominate to widen buffer zones as part of site operational procedures which would be in turn documented in the Feedlot Management Plan, as detailed in recommended condition no. 19.

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Application of Dunedoo Wind Data

Concerns have been raised regarding the use of wind data from the Dunedoo meteorological station, as opposed to data collected in respect of the Liverpool Range Wind Farm.

Planning Commentary:

The proponent has relied on wind data from the closest available meteorological station at Dunedoo. This approach is considered appropriate as statistically accurate data that has been collected from a registered facility has been utilized. It also recognizes the small-scale nature of the proposed operation.

Surface Water and Effluent Management

Submitters have raised concerns regarding the management of surface water and the flow of surface water offsite onto adjoining properties. Issues have also been raised in respect of the location and sizing of the effluent management ponds.

Planning Commentary:

As detailed in the recommended conditions of consent, the Feedlot Management Plan (effectively an operational environmental management plan or OEMP) will stipulate the groundwater and surface water monitoring requirements to be conducted prior to the commencement of operations. Ongoing data monitoring will be required to be reported to Council in the form of an Annual Report. The proponent has also prepared a Water and Waste Management Plan which satisfactorily demonstrates that effluent can be appropriately managed at the subject site.

As part of the recent site inspection, Council will note the availability of two (2) surface water diversion structures (concrete bund and deepened contour bank) that will effectively limit potential surface water inflow into the pens and thus the overall potential catchment area. The submitted Plans and documentation details how surface water and effluent will be managed in respect of the development. Associated recommended conditions of consent have also been formulated to manage and mitigate potential impacts.

Benchmarks for Water Testing

A question has been raised by the submitter(s) in relation to proposed benchmarks for water testing and how this will be managed.

Planning Commentary:

As detailed in the preceding section, the Feedlot Management Plan (effectively an operational environmental management plan) will stipulate the groundwater and surface water monitoring requirements to be conducted prior to the commencement of operations. Ongoing data monitoring will need to be reported to Council in the form of an Annual Report. Both documents will be required to be prepared to the satisfaction of Council.

Loss of Tourism Potential

Concerns have been raised by adjoining landholders regarding loss of tourism potential for existing tourist operations.

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Planning Commentary:

The subject land is zoned RU1 Primary Production under the *Warrumbungle Local Environmental Plan 2013* and the primary objectives of this zone are reproduced below:

Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

As detailed above, the key objectives of this zone focus on ensuring the ongoing sustainability of agriculture as a key local economic base and to manage potential land use conflict. Since the last drought, an ongoing state government program has been progressively implemented to improve drought resilience and property preparation for such extreme events. This approach is intended to acknowledge the current and predicted ongoing impacts of climate change. Accordingly, the proponent has verbally advised that the feedlot will be operated to support and ensure property preparedness in future extreme drought conditions, largely under an 'opportunity feedlot' model to improve operational resilience. It should be noted that if a drought did arise an exemption would be available under the current legislative framework to permit such an activity to operate without the need for development consent.

The submitted detailed planning assessment report outlines that the NSW DPI Land Use Conflict Risk Assessment (LUCRA) tool should be utilised to ensure that the operational environmental management plans reflect site-specific needs and conditions. Furthermore, a search of Council's historical development approvals register has not revealed any approved tourism operations in proximity to the subject site.

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.

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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.

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).

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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.

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Item 28 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 – October 2021

Development Application / Complying Development	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type of Development	Referral Days	Stop the Clock Days
DA42/2021	22/06/2021	14/10/2021	Baradine Bowling Club	55 Narren Street	Baradine	New Recreational Use	13	82
DA49/2021	12/08/2021	19/10/2021	James and Rita McDonald	2-4 Henderson Street	Coolah	Conversion/Change of Use	16	0
DA50/2021	24/08/2021	21/10/2021	Debbie Marshall	106 Binnia Street	Coolah	Alterations and Additions	8	0
DA54/2021	08/09/2021	28/10/2021	Julie Lewis	38-40 Binnia Street	Coolah	Alterations and Additions	10	0
DA51/2021	26/08/2021	14/10/2021	Anthony Briffa	9 Cobbora Street	Neilrex	New Shed	10	0
DA52/2021	27/08/2021	01/10/2021	Joelle Houghton	9441 Newell Highway	Coonabarabran	Alterations and Additions	14	0
DA56/2021	08/09/2021	14/10/2021	Mark McEvoy	53 Gumnut Road	Coonabarabran	New Shed	17	0
DA55/2021	08/09/2021	29/10/2021	Allan Stoddart	10-16 Bolaro Street	Dunedoo	Alterations and Additions	17	0

RECOMMENDATION

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

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Item 29 Notice of Motion – Binnaway Pool

Notice of Motion – Binnaway Pool

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

That Council approves a 30% refund of all 2021-2022 pool season ticket holders whose principle pool of use is the Binnaway Pool and that Council approves 2 weeks of free pool entry for all Binnaway residents in the 2021-2022 swimming pool season.

**ANIELLO IANNUZZI
COUNCILLOR**

WARRUMBUNGLA SHIRE COUNCIL

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Item 30 Reports to be Considered in Closed Council

Item 30.1 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 30.2 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

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RECOMMENDATION

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

Item 30.3 Sustainability of Child Care Services

Division: Community Services

Author: General Manager – Roger Bailey

Summary

The purpose of this report is to advise Council on the reports on the Action Plans to support the transition of Warrumbungle Shire Council child care services to a sustainable business model.

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 commercial information and is classified **CONFIDENTIAL** under section 10A(2)(a)(d) 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)
- (d) commercial information of a confidential nature that would, if disclose:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

RECOMMENDATION

That the Sustainability of Child Care Services be referred to Closed Council pursuant to section 10A(2)(a)(d) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with personnel matters concerning particular individuals (other than councillors) and commercial information of a confidential nature that would, if disclose; prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council, or reveal a trade secret.

FURTHER that Council resolve that:

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

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 18 November 2021

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).