



## **Ordinary Council Meeting**

# **Agenda**

**21 April 2022**

**Notice is hereby given in accordance with the provisions of the  
*Local Government Act 1993* that an  
Ordinary Meeting of Warrumbungle Shire Council  
will be held in the Council Chambers, John Street,  
Coonabarabran  
on Thursday, 21 April 2022 commencing at 5:00 pm.**

**Mayor:** Cr Ambrose Doolan

**Councillors:** Kodi Brady  
Dale Hogden  
Zoe Holcombe  
Aniello Iannuzzi (Deputy Mayor)  
Carlton Kopke  
Jason Newton  
Kathryn Rindfleish  
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

# **WARRUMBUNGLE SHIRE COUNCIL**

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### **AGENDA**

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

Turn Off Mobile Phones

Audio Recording of Council Meetings

**Apologies/Leave of Absence**

**Confirmation of Minutes**

17 March 2022

**Disclosure of Interest**

Pecuniary Interest

Non Pecuniary Conflict of Interest

**Mayoral Minute/s**

**Delegate Report/s**

**Reports of Committees**

**Reports to Council**

**Notices of Motion/Questions with Notice/Rescission Motions**

**Reports to be considered in Closed Council**

**Conclusion**

.....  
**ROGER BAILEY**  
**GENERAL MANAGER**

# **WARRUMBUNGLE SHIRE COUNCIL**

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### **Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 10 March 2022 to 8 April 2022**

#### **MAYORAL MINUTE - MAYORS ACTIVITY**

| <b><u>Date</u></b> | <b><u>Type</u></b> | <b><u>In/Out</u></b> | <b><u>Activity</u></b>                                 |
|--------------------|--------------------|----------------------|--|
| 10-Mar             | Email              | Out                  | LANDCOM - Reservoir Street Subdivision                 |
|                    | Email              | Out                  | Jane Burkitt - Castlereagh River Project               |
| 11-Mar             | Email              | Out                  | Director Tech Serv - Castlereagh River Project         |
|                    | Email              | In                   | Angela Shepherd - Dunedoo investment renewal fund      |
|                    | Email              | In                   | Director Tech Serv - Castlereagh River Project         |
|                    | Email              | In                   | Coonabarabran RSL - Anzac Day                          |
| 13-Mar             | Invitation         | In                   | Coona High School - Opening of Wellbeing Hub-Maarumali |
| 14-Mar             | Email              | In                   | GM - Three Rivers                                      |
| 15-Mar             | Email              | In                   | Chris Buckman - proposal to lease                      |
|                    | Email              | Out                  | Director Tech Serv - Castlereagh River Project         |
|                    | Email              | Out                  | Director Enviro & Dev - smart places                   |
| 16-Mar             | Email              | Out                  | GM - Disclosure of Interests                           |
|                    | Email              | In                   | Director Enviro & Dev - town signs                     |
| 17-Mar             | Email              | Out                  | GM - Disability Accommodation                          |
|                    | Email              | In                   | Cr Kopke - Pink Stumps invitation                      |
|                    | Email              | In                   | GM - public liability                                  |
|                    | Email              | In                   | Ratepayer - disability accommodation                   |
| 19-Mar             | Email              | Out                  | Cr Kopke - Tour de OROC                                |
| 22-Mar             | Email              | Out                  | Jane Burkitt - Castlereagh River Project               |
|                    | Email              | In                   | GM - Castlereagh River Project                         |
|                    | Email              | In                   | GM - Stop & Play Park                                  |
|                    | Email              | In                   | Jane Burkitt - Castlereagh River Project               |
| 23-Mar             | Email              | Out                  | Director Tech Serv - Road access                       |
|                    | Email              | Out                  | Graeme Fleming - GM Review                             |
| 24-Mar             | Email              | Out                  | Ratepayer - Disability Housing                         |
|                    | Email              | In                   | Graeme Fleming - GM Review                             |
|                    | Email              | In                   | Chris Buckman - disability action plan                 |
| 25-Mar             | Email              | Out                  | GM - Stop & Play Park                                  |
| 28-Mar             | Email              | In                   | GM - Maroo Road  |
|                    | Email              | In                   | Roy Butler - meeting                                   |
|                    | Email              | In                   | Coonabarabran LALC - Acknowledgement of Council        |
| 29-Mar             | Email              | Out                  | Jane Burkitt - Castlereagh River Project               |
|                    | Email              | In                   | GM - Stop & Play Park                                  |
|                    | Email              | In                   | Ratepayer - Homeleigh Drive                            |
| 30-Mar             | Email              | In                   | GM - Dunedoo Three Rivers                              |
|                    | Email              | In                   | GM - Dunedoo Three Rivers                              |
| 1-Apr              | Email              | Out                  | GM - Hartwood Festival                                 |
|                    | Email              | In                   | GM - Dunedoo Three Rivers                              |
|                    | Email              | Out                  | GM - Hartwood Festival                                 |
| 4-Apr              | Email              | Out                  | Coonabarabran RSL - Anzac Day                          |
|                    | Email              | In                   | GM - Blazeaid  |

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|       |        |     |   |
|-------|--------|-----|---|
|       | Email  | In  | Jane Burkitt - Castlereagh River Project  |
|       | Email  | In  | Roy Butler - childcare                    |
| 5-Apr | Email  | Out | Ratepayer - Coonabarabran Pool            |
|       | Email  | In  | Cr Brady - Neilson Park                   |
|       | Email  | In  | GM - Dunedoo Three Rivers                 |
|       | Email  | In  | Mayor Dubbo Regional Council - invitation |
| 6-Apr | Email  | Out | Graeme Fleming - GM Review                |
|       | Email  | In  | GM - Dunedoo Three Rivers                 |
|       | Email  | In  | Graeme Fleming - GM Review                |
| 7-Apr | Email  | In  | GM - Dunedoo Three Rivers                 |
| 8-Apr | Email  | In  | Cr Rindfleish - Blazeaid                  |
|       | Email  | In  | Cr Kopke - Notice of Motion               |
|       | Letter | In  | Cricket NSW                               |

| Date of Journey  |          | Purpose of Journey                           | Odometer |        | KM Travelled |
|--|----------|--|----------|--------|--------------|
| Start Date   | End Date |  | Start    | Finish |              |
| 10-Mar   | 11-Mar   | Dubbo - Country Mayors                       | 13026    | 13362  | 336          |
| 14-Mar   | 14-Mar   | Budget Meeting                               | 13362    | 13393  | 31           |
| 15-Mar   | 15-Mar   | Meeting with Mark Coulton                    | 13393    | 13423  | 30           |
| 17-Mar   | 17-Mar   | Meeting with GM & Deputy Mayor               | 13423    | 13453  | 30           |
| 17-Mar   | 17-Mar   | Council Meeting                              | 13453    | 13483  | 30           |
| 21-Mar   | 21-Mar   | Goolhi Community Consultation Meeting        | 13483    | 13656  | 173          |
| 22-Mar   | 22-Mar   | Coonabarabran Community Consultation Meeting | 13656    | 13686  | 30           |
| 28-Mar   | 28-Mar   | Dunedoo Community Consultation Meeting       | 13686    | 13885  | 199          |
| 29-Mar   | 29-Mar   | Baradine Community Consultation Meeting      | 13885    | 13915  | 30           |
| 4-Apr  | 4-Apr    | Mendooran Community Consultation Meeting     | 13915    | 14056  | 141          |
| 5-Apr  | 5-Apr    | Coona High School Opening                    | 14056    | 14086  | 30           |
| Total KM travelled for period 10 March 2022 - 5 April 2022 |          |  |          |        | 1,060        |

### MAYORAL MINUTE - EXPENSES 10 March 2022 to 8 April 2022

| <u>Date</u>  | <u>Transaction Details</u> | <u>Comments</u>                |                        |
|--|----------------------------|--------------------------------|------------------------|
| 10-Mar   | Transport for NSW Opal     | Travel - Country Mayors        | \$19.80                |
| 10-Mar   | Transport for NSW Opal     | Travel - Country Mayors        | \$19.80                |
| 10-Mar   | SMP Edes Restaurant        | Meal - Country Mayors          | \$19.31                |
| 10-Mar   | GYC Australia Square       | Meal - Country Mayors          | \$12.90                |
| 10-Mar   | Travelodge                 | Accommodation - Country Mayors | \$177.30               |
| 11-Mar   | San Jose Place             | Meal - Country Mayors          | \$7.10                 |
| 11-Mar   | Hero Sushi Dom Airport     | Meal - Country Mayors          | \$14.10                |
| 12-Mar   | Transport for NSW Tap      | Travel - Country Mayors        | \$17.69                |
| 28-Mar   | Meyers Motors - Binnaway   | Fuel                           | \$93.00                |
| Total expenditure for period 10/03/2022 - 08/04/2022 |                            |                                | <u><u>\$381.00</u></u> |

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### **RECOMMENDATION**

That Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 10 March 2022 to 8 April 2022.
2. Notes the report on the Mayor's credit card expenses between 10 March 2022 and 8 April 2022 and approves the payment of expenses totalling \$381.00.



# **WARRUMBUNGLE SHIRE COUNCIL**

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### **Item 2 Councillors' Monthly Travel Claims**

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

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### **Reason for Report**

To provide Council with details of monthly travel claims of councillors.

### **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**

| <b>Councillor</b> | <b>Kilometres February</b> | <b>Kilometres March</b> | <b>\$ per KM</b> | <b>Total Amount (\$)</b> |
|-------------------|----------------------------|-------------------------|------------------|--------------------------|
| Cr Brady          | -                          | -                       | 0.78             | -                        |
| Cr Doolan         | -                          | -                       | 0.78             | -                        |
| Cr Hogden         | -                          | 410                     | 0.78             | 319.80                   |
| Cr Holcombe       | -                          | -                       | 0.68             | -                        |
| Cr Iannuzzi       | -                          | -                       | 0.78             | -                        |
| Cr Kopke          | -                          | 720                     | 0.78             | 561.60                   |
| Cr Newton         | -                          | -                       | 0.78             | -                        |
| Cr Rindfleish     | 870                        | 522                     | 0.78             | 1,085.76                 |
| Cr Todd           | -                          | 460                     | 0.78             | 358.80                   |
|                   |                            |                         | <b>Total:</b>    | <b>\$2,325.96</b>        |

### **Issues**

Nil.

### **Options**

Nil.

### **Financial Considerations**

Outlined above.

### **Community Engagement**

To inform the community.

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Attachments**

1. Councillors Monthly Travel Claims

### **RECOMMENDATION**

That the Councillors' monthly travel claims report in the amount of \$2,325.96 is noted.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 3 Delegates Report – Country Mayors Meeting 11 March 2022**

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

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#### **Reason for Report**

To report to Council on the Country Mayors Association meetings held in Sydney on Friday 11 March 2022.

#### **Background**

The General Manager and I attended the Country Mayors Association General Meeting on Friday, 11 March 2022. The General Meeting was followed by the Annual General Meeting (AGM).

At the AGM Cr Ken Keith was elected as Chairperson for the 2022 year, with Cr Jamie Chaffey elected as Vice Chairperson and Mr Kent Boyd as Secretary / Public Officer. In addition, the following delegates were elected to the Executive for the 2022 year:

- Cr Craig Davies, Narromine Shire Council
- Cr Rick Firman, Temora Shire Council
- Cr Russel Fitzpatrick, Bega Valley Shire Council
- Cr John Medcalf, Lachlan Shire Council
- Cr Phyllis Miller, Forbes Shire Council
- Cr Sue Moore, Singleton Council
- Cr Kylie Thomas, Kyogle Council
- Cr Russell Webb, Tamworth Regional Council

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

- Cr Darriea Turley, President LGNSW, discussed how LGNSW has been working on rate pegging determination and provided a report on the work of LGNSW since the last meeting.
- Mr Scott Phillips, CEO LGNSW, spoke about the shocked IPART's decision to cap rate increases for the 2022/23 year and how there is an opportunity for Council's to apply to IPART directly to apply for an increase that aligns with their long term financial plan.
- Ms Ally Dench, Executive Director OLG, spoke about her new role at the OLG as well as IPART's decision and the Emergency Services Levy.
- Cr Linda Scott, President ALGA, gave an overview of the ALGA organisation.

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- The Hon Sam Farraway MLC, Minister for Regional Transport and Roads, addressed the meeting about his recent tour of Northern NSW where a national disaster was declared and the recent investments by the NSW Government into the regional and rural transport network.
- Mr Simon Hunter, Director Strategy and Innovation, NSW department of Planning and Environment, spoke about the Smart Places program.

The following resolutions were made:

- The financial reports for the last quarter were tabled and accepted.
- That the Country Mayors Association express sincere concerns to the State Government on the impact on rural NSW and development opportunities for growth caused by the Bio Diversity Offset Scheme and the Minister for Environment and Heritage James Griffin be invited to attend a future meeting.
- That the Country Mayors Association writes to the NSW OLG to request a copy of any opinion (legal or accounting or other) in relation to the accounting treatment of RFS assets by NSW Councils, respectfully requesting such opinion/s be furnished by 31 March 2022.
- The CMA make representation to the Minister for Rural Health The Hon Bronnie Taylor requesting that a health forum be conducted after the release of the Upper House Enquiry, to help to develop policies and outcomes and that an invitation be extended to the Shadow Minister for Health to attend and participate.

### **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 11 March 2022
2. Minutes, Country Mayors Association Annual General Meeting 11 March 2022

### **RECOMMENDATION**

That Council note the Delegate's Report in relation to the Country Mayors Association meetings held at Sydney on Friday 11 March 2022.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 4 Delegate's Report – Mining and Energy Related Councils Meeting 18 March 2022**

|                            |  |
|----------------------------|--|
| <b>Division:</b>           | Executive Services   |
| <b>Management Area:</b>    | Governance   |
| <b>Author:</b>             | Councillor Denis Todd  |
| <b>CSP Key Focus Area:</b> | Local Government and Finance   |
| <b>Priority:</b>           | GF4 Council governance and organisation structure, reflects the vision, directions and priorities outlined in the Community Strategic Plan |

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#### **Reason for Report**

To report to Council on the Mining and Energy Related Councils Meeting held Friday 18 March 2022 at the Ex-Services Club in Orange.

#### **Background**

A welcome address was provided by Cr Jason Hamling, Mayor Orange City Council.

The Returning Officer (MERC Executive Officer) called for nominations for positions on the Executive Committee. Cr Figliomeni declined his nomination due to his level of commitments. The Executive Officer announced the result being Councillors Scott Ferguson (Blayney Shire), Dennis Brady (Lachlan Shire) and myself duly elected to the Executive Committee of MERC.

Also elected were Cr Michael Banasik (Wollondilly Shire Council) as Chair, Cr Phyllis Miller OAM (Forbes Shire Council) and Cr Kevin Duffy (Orange City Council) as Deputy Chair's.

Roy Butler MP addressed the meeting on current regional issues such as the Resources for Regions Program, Mining, Rural and Business rates changes, energy projects being held up by Essential Energy approvals, Solar Waste Management toxicity issues, and Voluntary Planning Agreements.

Also attended the meeting via Zoom were Brett Cooke from Phil Donato's Office – MP Orange, Ross De Rango, Electric Vehicle Council and Tim McMinn, DPE-Hydrogen Hub.

#### **Issues**

Nil

#### **Options**

Nil

#### **Financial Considerations**

Nil

# **WARRUMBUNGLA SHIRE COUNCIL**

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### **Community Engagement**

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

### **RECOMMENDATION**

That Council notes the Delegate's Report on the Mining and Energy Related Councils Meeting held Friday 18 March 2022 in Orange.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 5 Minutes of Traffic Advisory Committee Meeting – 24 March 2022**

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

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#### **Reason for Report**

The purpose of this report is to present minutes from the meeting of the Traffic Advisory Committee held at Coonabarabran on the 24 March 2022.

#### **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:

- Extension of Double Unbroken Lines on the Newell Highway from Gardener Street to Dandry Road, Coonabarabran
- Baradine Junior Sports Club – Request for Closure of Darling Street and Masman Street for 2022 Baradine JRL&NC
- Request for Timed Parking Southbound Lane John Street, Coonabarabran – Opposite Shell Service Station
- Reinstallation of Sign at Intersection of Castlereagh Highway and Barney's Reef Road, Birriwa
- Revised Traffic Guidance Scheme (TGS) for Mendooran ANZAC Day Service – 25 April 2022
- North West Equestrian Expo – Request for Closure of Reservoir Street, Coonabarabran for Cross Country Event – 4-5 June 2022
- WSC – Request for Closure of Wellington Street, Baradine for Light the Night Market – 8 April 2022
- Coonabarabran Aero Club – Warrumbungle Wings & Things Event at Coonabarabran Aerodrome – 23 April 2022
- Request to Delineate Driveway Access at 30 Dalgarno Street, Coonabarabran

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- Hartwood Campfires and Country Music Festival – 301 Saltwater Road, Tambar Springs – 4-17 April 2022
- Additional Parking in John Street, Coonabarabran at the Little Timor Street Plaza

The following items were raised without recommendation:

- Public Toilet Sign at Little Timor Street Plaza – request for distance to be included on public toilet service sign. Council advise that an additional service sign will be erected at the rear of the Plaza.
- Overhanging trees on the southern travel lane of Oxley Highway from the intersection of Yaminbah Road for approximately 15km. Assessment to be undertaken by TfNSW.
- 'No Stopping' and '45° Angle Parking' signs are missing in John Street, Coonabarabran in front of the Shell Service Station. Council to reinstall signage.
- Council to provide a quotation to TfNSW for the marking of zig zag lines at pedestrian crossings located in John Street, Coonabarabran near the Council Office and swimming pool.
- Speed Zone Review for River Road, Coonabarabran – traffic counter installed by Council on River Road to assist TfNSW with traffic data for speed zone review. Review to consider starting a 60kph speed zone at East Street and maintaining the 60kph speed zone past the curve to 100kph.
- Speed Zone Review for Timor Road – nearing completion. Review to consider 80kph speed zone at Observatory Road to the other side of the causeway. Gilgandra Boundary – 60kph speed zone out past Observatory turn off.
- Rail line at Mary Jane Cain Bridge has lifted. Council advise that TfNSW and John Holland Rail support Council's request to remove a specific section of rail line through the level crossing. Approval however, does not include closure of the rail line. Council is currently awaiting third party approval prior to commencing works.
- Implementation of 80kph Speed Zones at Rail Crossings – TfNSW awaiting quotation from Council for the supply and installation.

### **Options**

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

### **Financial Considerations**

The cost of recommendations from the meeting on the 24 March 2022 can be accommodated within existing budget allocations.

### **Community Engagement**

The level of engagement for this report is to inform.

### **Attachments**

1. Minutes of the Traffic Advisory Committee Meeting – 24 March 2022



# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **RECOMMENDATION**

That:

1. Minutes of the Traffic Advisory Committee Meeting held on the 24 March 2022 are noted for information.
2. Approval be granted to Mendooran RSL Sub Branch for part closure of Bandulla Street, Mendooran between Pampoo Street and Napier Street on Monday, 25 April 2022 from 9.00am to 12.00pm to conduct the ANZAC Day event subject to compliance with:
  - Council's Road Closure Guidelines
  - Traffic Guidance Scheme
  - Traffic Management Plan
  - TfNSW Special Events Guide
  - TfNSW Road Occupancy Licence
  - TfNSW Regional Special Events concurrence
  - Receipt of current Public Liability Insurance
3. Approval be granted to Coonabarabran Aero Club to conduct the Wings & Things event at Coonabarabran Aerodrome on Saturday, 23 April 2022 between 9.30am and 4.00pm subject to compliance with:
  - Traffic Management Plan
  - Traffic Guidance Scheme
  - Vehicle Management Plan
  - TfNSW Special Events Guide
  - Receipt of current Public Liability Insurance.
4. Approval be granted to Hartwood Festival to conduct the Hartwood Campfires and Country Music Festival at 301 Saltwater Road, Tambar Springs from 4-17 April 2022 subject to provision of and compliance with:
  - TfNSW Special Events Guide
  - Risk Management Plan – risk assessment and mitigation
  - Traffic Management Plan (TMP) – created and authorised by a qualified person with appropriate TfNSW certification
  - Traffic Guidance Scheme (TGS) – to be prepared and implemented by certified persons
  - Traffic Control organisation to provide Council with copies of plans including TMP and TGS, details of company, traffic qualifications of all staff undertaking the works and relevant insurance details
  - Unauthorised signs must not be placed on Council's road reserves, which includes Saltwater Road and Black Stump Way
  - Receipt of current Public Liability Insurance
5. Additional parking be implemented in John Street, Coonabarabran at the Little Timor Street Plaza by relocating the:

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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- Northern 'No Stopping' and '45° Angle Parking' sign 5.7m closer to the Little Timor Street Plaza entrance.
- Southern 'No Stopping' and '45° Angle Parking' sign 4.5m closer to the Little Timor Street Plaza entrance.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 6 Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors**

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

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#### **Reason for Report**

To seek Council adoption of the Draft Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

#### **Background**

A report went to February 2022 Council Meeting to seek Council endorsement of the Draft Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors for the purposes of public exhibition for a minimum of 28 days.

Resolution '**182/2122 RESOLVED** that:

- 1. Council endorses the Draft Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors for the purposes of public exhibition for a minimum of 28 days;*
- 2. A further report be presented to Council on the draft policy after the public exhibition period is completed.'*

The 28 day exhibition period finished on the 24 March 2022 at 4.00pm. No submissions were received.

#### **Issues**

The review of the policy and updating of the references to the current Taxation Determination and insertion of updated Appendix A tables, allows clarity in calculation of provision of the expenses to be paid under this policy and are provided in the attachments below.

#### **Options**

The Draft Policy endorsed at the February meeting is included in Attachment 1.

#### **Financial Considerations**

Provision is made within the budget relating to provision of expenses and facilities to Mayors and Councillors.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Community Engagement**

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

### **Attachments**

1. Draft Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

### **RECOMMENDATION**

That Council adopt the Draft Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 7 Payment of Councillor Superannuation**

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

---

### **Reason for Report**

Following an amendment to the *Local Government Act 1993* (the Act) last year, councils may make payments as a contribution to a superannuation account nominated by their councillors, starting from the financial year commencing on 1 July 2022.

### **Background**

The amendment to the Act was Section 254B:

#### **254B Payment for superannuation contributions for councillors**

- (1) A council may make a payment (a **superannuation contribution payment**) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.*
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.*
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.*
- (4) A council is not permitted to make a superannuation contribution payment—
  - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or*
  - (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or*
  - (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.**

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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- (5) *The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.*
- (6) *A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.*
- (7) *A superannuation contribution payment does not constitute salary for the purposes of any Act.*
- (8) *Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.*

(9) *In this section—*

**Commonwealth superannuation legislation** means the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth.

**superannuation account** means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.

### **Issues**

Councils must not make a superannuation contribution payment for a councillor if the councillor fails to nominate an eligible superannuation account for the payment before the end of the month to which the payment relates

### **Options**

To exercise the option of making superannuation contribution payments for their councillors, councils must first resolve at an open meeting to make superannuation contribution payments for the councillors.

The making of superannuation contribution payments for Councillors is optional and is at each council's discretion.

### **Financial Considerations**

As of 1 July 2022, the superannuation guarantee rate will be 10.5%. The rate will increase by half a percent each year until 1 July 2025 when it reaches 12%.

The superannuation contribution payment is to be paid at the same intervals as the annual fee is paid to councillors.

Individual councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Councillors must do so in writing.

Provision is made within the budget relating to payment of superannuation to Mayors and Councillors.

### **Community Engagement**

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

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Attachments**

1. Circular 22-04 – 15 March 2022 – Payment of councillor superannuation.

### **RECOMMENDATION**

That Council resolves to commence superannuation contributions for councillors starting from the financial year commencing on 1 July 2022.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 8 Returns Under s4.21 of the Model Code of Conduct – Disclosing of Interests of Councillors and Designated Persons**

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

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#### **Reason for Report**

To advise Council of returns lodged with the General Manager under section 4.21 of the Model Code of Conduct for Local Council's in NSW by Councillors following the December 2021 Council election.

#### **Background**

Section 4.21 of the Model Code of Conduct for Local Council's in NSW requires councillors or designated persons to lodge returns to the General Manager within 3 months of their appointment, hence for the elected councillors as at 22 December 2021. The due date for returns was 21 March 2022.

Section 4.21 States:

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

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

**All Councillors have responded and completed their returns by the due date.**

Section 4.8 classifies a designated person as

*Designated persons include:*

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



# **WARRUMBUNGLE SHIRE COUNCIL**

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

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

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

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

### **Financial Implications**

Nil

### **Community Engagement**

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

### **Attachments**

1. Register of Disclosures by Councillors and Designated Persons Section 449 Local Government Act 1993 as at 22 December 2021 (to be tabled at the meeting).

### **RECOMMENDATION**

That Council:

# **WARRUMBUNGLE SHIRE COUNCIL**

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1. Acknowledge the tabling of the disclosures received under Section 4.21 of the Model Code of Conduct for Local Councils in NSW for Councillors and Designated Persons as at 22 December 2021.
2. Acknowledge that the disclosure of interest forms for councillors are to be placed onto Council's website.

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## **Ordinary Meeting – 21 April 2022**

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### **Item 9 Council Resolutions Report**

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

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### **Reason for Report**

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

### **Background**

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

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

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

### **Issues**

This feedback is provided to Council for information purposes.

### **Options**

Nil

### **Financial Consideration**

Nil

### **Community Engagement**

Level of Engagement - Inform

### **Attachments**

1. Council Resolution Report

### **RECOMMENDATION**

That the Council Resolution Report be noted for information.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 10 Budget Revotes Report**

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

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### **Reason for Report**

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

### **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.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 11 2020/21 External Audited Annual Financial Statements as at 30 June 2021**

|                            |   |
|----------------------------|---|
| <b>Division:</b>           | Corporate and Community Services  |
| <b>Management Area:</b>    | Financial Services  |
| <b>Author:</b>             | General Manager – Roger Bailey  |
| <b>CSP Key Focus Area:</b> | Local Government and Finance  |
| <b>Priority:</b>           | GF4 Council governance and organisation structure reflects the vision, directions and priorities outlined in the Community Strategic Plan |

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#### **Reason for Report**

To inform Council of the number of submissions received on the 2020/21 Audited Annual Financial Statements as at 30 June 2021.

#### **Background**

A report went to the February 2022 Council Meeting to present the 2020/21 Audited Annual Financial Statements for Council as at 30 June 2021.

Council was advised of the summary of the Consolidated 2020/21 Audited Annual Financial Statements:

|   | <b>2020/21<br/>\$ '000</b> | <b>2019/20<br/>\$ '000</b> | <b>2018/19<br/>\$ '000</b> |
|---|----------------------------|----------------------------|----------------------------|
| <b>INCOME STATEMENT</b>   |                            |                            |                            |
| Total income from continuing operations   | 49,586                     | 43,046                     | 43,515                     |
| Total expenses from continuing operations   | 39,781                     | 40,786                     | 42,877                     |
| <b>Net operating result for the year</b>  | <b>9,805</b>               | <b>2,260</b>               | <b>638</b>                 |
| <b>Net operating result before grants and contributions provided for capital purposes (deficit)</b> | <b>456</b>                 | <b>(1,515)</b>             | <b>(5,248)</b>             |
| <b>STATEMENT OF FINANCIAL POSITION</b>  |                            |                            |                            |
| Total current assets  | 29,204                     | 24,690                     | 22,086                     |
| Total current liabilities   | (10,590)                   | (8,948)                    | (7,279)                    |
| Total non-current assets  | 560,961                    | 551,335                    | 499,831                    |
| Total non-current liabilities   | (4,776)                    | (6,256)                    | (7,045)                    |
| <b>TOTAL EQUITY</b>   | <b>574,799</b>             | <b>560,821</b>             | <b>507,593</b>             |
| <b>Other financial information</b>  |                            |                            |                            |
| Unrestricted current ratio (times)  | 4.30                       | 2.95                       | 4.37                       |
| Operating performance ratio (%)   | 0.43%                      | (5.59) %                   | (17.10) %                  |
| Debt service cover ratio (times)  | 10.42                      | 10.47                      | 5.05                       |
| Rates and annual charges outstanding ratio (%)  | 14.86%                     | 10.93%                     | 10.07%                     |
| Buildings and Infrastructure renewals ratio (%)   | 157.72%                    | 48.80%                     | 53.48%                     |
| Own source operating revenue ratio (%)  | 43.46%                     | 53.08%                     | 47.51%                     |
| Cash expense cover ratio (months)   | 9.71                       | 7.74                       | 6.97                       |

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Pursuant to section 420 of the Local Government Act 1993 (NSW), any person may make a submission in writing to Council with respect to the Council's Audited Financial Statements or the Auditor Reports.

It was resolved:

**189/2122 RESOLVED** that Council:

1. *Note the report on the completion and presentation of the 2020/21 Audited Annual Financial Statements for the Warrumbungle Shire Council as at 30 June 2021.*
2. *Suspend standing orders to allow for a presentation by the Auditor.*

Copies of the audited 2020/21 Financial Statements were placed on Council's Website and were available at Council's Offices in Coolah and Coonabarabran.

Submissions on the 2020/21 Audited Annual Financial Statements closed 4:30 pm Friday 25 February 2022. No submissions were received.

### **Issues**

Nil

### **Options**

Nil

### **Financial Considerations**

Nil

### **Community Engagement**

The level of engagement for this report is Inform.

### **Attachments**

Nil

### **RECOMMENDATION**

That Council note that no submissions were made in relation to the 2020/21 Audited Annual Financial Statements for the Warrumbungle Shire Council as at 30 June 2021.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 12 Investments and Term Deposits – month ending 31 March 2022**

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

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#### **Reason for Report**

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

#### **Background**

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

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

#### **Issues**

##### **Comments on Performance**

##### Marketable Securities, Term Deposits and At Call Investment Accounts

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

##### Marketable Securities

Council currently holds no Marketable Securities.

##### Term Deposits

During the month, \$1,500,000.00 worth of term deposits matured, earning Council a total of \$3,457.53 in Interest.

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

- \$500,000.00 with MAQ at a rate of 0.95%

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

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

### **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, (\$554.70) interest was earned on the balances in the accounts and net transfers of (\$1,000,015.00) were made from these accounts resulting in a month end balance of \$1,327,395.89.

### **Cash at bank balance**

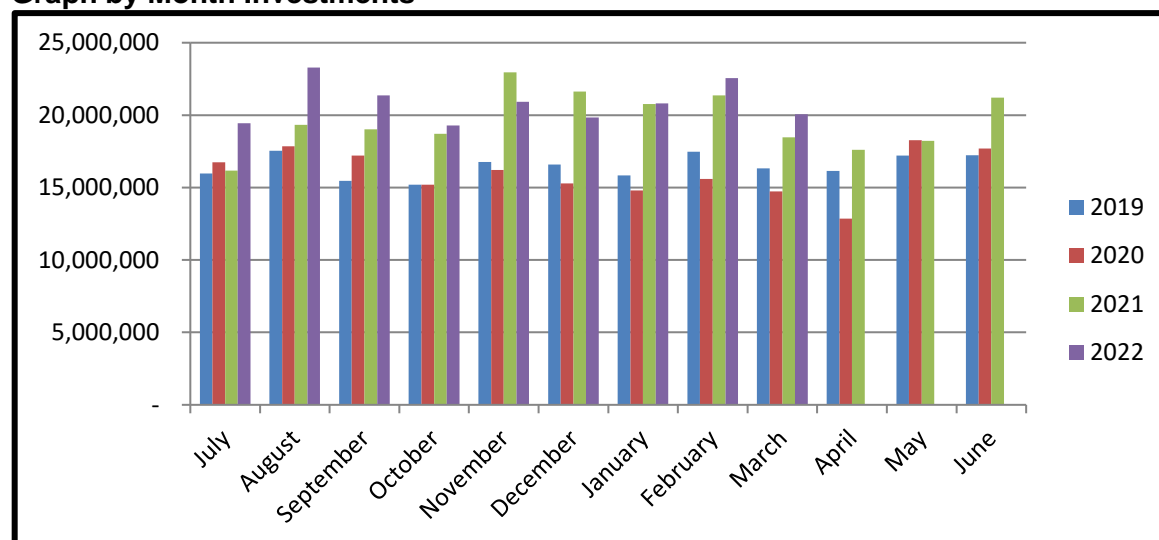
In addition to the at call accounts and term deposits, as at 31 March 2022, Council had a cash at bank balance of \$726,197.76.

### **Income Return**

The average rate of return on Investments for March 2022, of 0.4921% exceeded Council's benchmark Bank Bill Swap Rate (BBSW) of 0.02315% by 113 points or 0.2606%.

Council's budget for year 2021/22 for interest on investments is \$140,000. At the end of March 2022, the amount of interest received and accrued should be around 75.00% of the total year budget, i.e. \$105,000. On a year to date basis, interest received and accrued totals \$68,578.74, which is 48.985% of the annual budget.

### **Graph by Month Investments**





# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 21 April 2022

**Table 1: Investment Balances – 31 March 2022**

| Financial Institution   | Lodgement Date | Maturity Date | Total Days | Original Rating | Current Rating | Yield (%) | Investment Amount (Redemption Value) |
|-------------------------|----------------|---------------|------------|-----------------|----------------|-----------|--------------------------------------|
| <b>At Call Accounts</b> |                |               |            |                 |                |           |                                      |
| NAB                     | 1-Nov-18       | At Call       | at call    | ADI             | ADI            | 0.05%     | 195.44                               |
| ANZ                     | 2-Nov-18       | At Call       | at call    | ADI             | ADI            | 0.01%     | 6,738.86                             |
| T Corp IM Cash Fund     | 3-Nov-18       | At Call       | at call    | P               | P              | 0.04%     | 798,757.68                           |
| CBA At Call             | 4-Nov-18       | At Call       | at call    | ADI             | ADI            | 0.01%     | 521,703.91                           |
|                         |                |               |            |                 |                |           | <b>1,327,395.89</b>                  |
| <b>Term Deposits</b>    |                |               |            |                 |                |           |                                      |
| CBA                     | 29-Nov-21      | 07-Apr-22     | 129        | ADI             | ADI            | 0.33%     | 1,000,000.00                         |
| WBC                     | 23-Apr-21      | 23-Apr-22     | 365        | UMG             | UMG            | 0.36%     | 1,000,000.00                         |
| CBA                     | 29-Nov-21      | 10-May-22     | 162        | ADI             | ADI            | 0.35%     | 1,000,000.00                         |
| NAB                     | 09-Jun-21      | 23-May-22     | 348        | LMG             | LMG            | 0.30%     | 1,000,000.00                         |
| MAQ                     | 18-Jun-21      | 15-Jun-22     | 362        | ADI             | ADI            | 0.40%     | 500,000.00                           |
| AMP                     | 10-Aug-21      | 05-Jul-22     | 329        | UMG             | UMG            | 0.75%     | 500,000.00                           |
| NAB                     | 18-Aug-21      | 26-Jul-22     | 342        | ADI             | ADI            | 0.29%     | 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        | UMG             | UMG            | 0.44%     | 1,500,000.00                         |
| MAQ                     | 28-Sep-21      | 28-Sep-22     | 365        | LMG             | LMG            | 0.40%     | 1,000,000.00                         |
| WBC                     | 29-Nov-21      | 19-Oct-22     | 324        | ADI             | ADI            | 0.45%     | 1,000,000.00                         |
| WBC                     | 29-Nov-21      | 09-Nov-22     | 345        | ADI             | ADI            | 0.50%     | 1,000,000.00                         |
| AMP                     | 24-Nov-21      | 24-Nov-22     | 365        | ADI             | ADI            | 1.00%     | 1,000,000.00                         |
| NAB                     | 28-Jan-22      | 14-Dec-22     | 320        | ADI             | ADI            | 0.67%     | 1,000,000.00                         |
| CBA                     | 06-Dec-21      | 15-Dec-22     | 374        | ADI             | ADI            | 0.55%     | 1,500,000.00                         |
| NAB                     | 19-Jan-22      | 19-Jan-23     | 365        | ADI             | ADI            | 0.68%     | 1,000,000.00                         |
| MAQ                     | 07-Feb-22      | 07-Feb-23     | 365        | ADI             | ADI            | 0.75%     | 500,000.00                           |
| NAB                     | 28-Feb-22      | 23-Mar-23     | 388        | ADI             | ADI            | 0.83%     | 1,000,000.00                         |
| MAQ                     | 03-Mar-22      | 20-Apr-23     | 413        | ADI             | ADI            | 0.95%     | 500,000.00                           |
| <b>Sub-Total</b>        |                |               |            |                 |                |           | <b>18,000,000.00</b>                 |
| <b>Total</b>            |                |               |            |                 |                |           | <b>19,327,395.89</b>                 |

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 21 April 2022

### Credit Rating Legend

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

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

| Bank                       | Opening Balance      | Interest Added to Investment or Redeemed | Net Placements/ Withdrawals | Closing Balance      |
|----------------------------|----------------------|--|-----------------------------|----------------------|
| NAB                        | 195.33               | 0.11                                     |                             | 195.44               |
| ANZ                        | 6,753.79             | 0.07                                     | (15.00)                     | 6,738.86             |
| T Corp IM Cash Fund        | 799,330.91           | (573.23)                                 |                             | 798,757.68           |
| CBA At Call                | 1,521,685.56         | 18.35                                    | (1,000,000.00)              | 521,703.91           |
| <b>Total at call</b>       | <b>2,327,965.59</b>  | <b>(554.70)</b>                          | <b>(1,000,015.00)</b>       | <b>1,327,395.89</b>  |
| MAQ                        | 500,000.00           | 1,106.85                                 | (501,106.85)                |                      |
| WBC                        | 1,000,000.00         | 2,350.68                                 | (1,002,350.68)              |                      |
| CBA                        | 1,000,000.00         | -  | -                           | 1,000,000.00         |
| WBC                        | 1,000,000.00         | -  | -                           | 1,000,000.00         |
| CBA                        | 1,000,000.00         | -  | -                           | 1,000,000.00         |
| NAB                        | 1,000,000.00         | -  | -                           | 1,000,000.00         |
| MAQ                        | 500,000.00           | -  | -                           | 500,000.00           |
| AMP                        | 500,000.00           | -  | -                           | 500,000.00           |
| NAB                        | 1,000,000.00         | -  | -                           | 1,000,000.00         |
| NAB                        | 1,000,000.00         | -  | -                           | 1,000,000.00         |
| CBA                        | 1,500,000.00         | -  | -                           | 1,500,000.00         |
| 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         |
| AMP                        | 1,000,000.00         | -  | -                           | 1,000,000.00         |
| NAB                        | 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                        | 500,000.00           | -  | -                           | 500,000.00           |
| NAB                        | 1,000,000.00         | -  | -                           | 1,000,000.00         |
| MAQ                        | -                    | -  | 500,000.00                  | 500,000.00           |
| <b>Total Term deposits</b> | <b>19,000,000.00</b> | <b>3,457.53</b>                          | <b>(1,003,457.53)</b>       | <b>18,000,000.00</b> |
| <b>Total</b>               | <b>21,327,965.59</b> | <b>2,902.83</b>                          | <b>(2,003,472.53)</b>       | <b>19,327,395.89</b> |

# **WARRUMBUNGLE SHIRE COUNCIL**

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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:

| <b>Institution</b> | <b>Credit Rating</b> | <b>Investment \$</b> | <b>Actual Exposure</b> | <b>Max. Limit per Policy</b> | <b>Compliance status</b> |
|--------------------|----------------------|----------------------|------------------------|------------------------------|--------------------------|
| Tcorp              | Prime                | 798,757.68           | 4.13%                  | 33.30%                       | Compliant                |
|                    | Total Prime          | 798,757.68           | 4.13%                  | 100.00%                      | Compliant                |
| ANZ                | ADI                  | 6,738.86             | 0.03%                  | 33.30%                       | Compliant                |
| CBA                | ADI                  | 5,521,703.91         | 28.57%                 | 33.30%                       | Compliant                |
| WBC                | ADI                  | 3,000,000.00         | 15.52%                 | 33.30%                       | Compliant                |
| NAB                | ADI                  | 6,000,195.44         | 31.05%                 | 33.30%                       | Compliant                |
|                    | Total ADI            | 14,528,638.21        | 75.17%                 | 100.00%                      | Compliant                |
| MAQ                | UMG                  | 2,500,000.00         | 12.94%                 | 20.00%                       | Compliant                |
|                    | Total UMG            | 2,500,000.00         | 12.94%                 | 60.00%                       | Compliant                |
| ME                 | LMG                  | -                    | 0.00%                  | 10.00%                       | Compliant                |
| AMP                | LMG                  | 1,500,000.00         | 7.76%                  | 10.00%                       | Compliant                |
|                    | Total LMG            | 1,500,000.00         | 7.76%                  | 10.00%                       | Compliant                |
|                    | <b>Grand Total</b>   | <b>19,327,395.89</b> | <b>100.00%</b>         |                              |                          |

### **Certification of Responsible Accounting Officer**

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

**Responsible Accounting Officer**

### **RECOMMENDATION**

That Council accept the Investments Report for the month ending 31 March 2022 including a total balance of \$20,053,593.65 being:

- \$1,327,395.89 in at call accounts.
- \$18,000,000.00 in term deposits.
- \$726,197.76 cash at bank.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 13 2022 Casual Plant Hire Contract**

|                            |  |
|----------------------------|--|
| <b>Division:</b>           | Technical Services   |
| <b>Management Area:</b>    | Technical Services   |
| <b>Author:</b>             | Director Technical Services – Gary Murphy  |
| <b>CSP Key Focus Area:</b> | Public Infrastructure & Services   |
| <b>Priority:</b>           | PI3 Road Networks throughout the shire need to be safe, well maintained and adequately funded. |

---

### **Reason for Report**

The reason for the report is for Council to consider the inclusion of a price variation clause into the Casual Plant Hire Contract.

### **Background**

At the 17 February 2022 Council meeting, Council resolved as follows:

#### **213/2122 RESOLVED that:**

- 1. Tendered rates for Casual Plant Hire for the period 1 March 2022 to 28 February 2023 under the hourly rate schedule be accepted in accordance with Schedule 1.0 (Attachment 1).*
- 2. Council advise contractors that the rates for supply of trucks under the hourly rate and distance schedule will be accepted for the period 1 March 2022 to 28 February 2023 in accordance with Schedule 2.0 (Attachment 2).*
- 3. Council advise contractors that the rates for supply of trucks under the float hourly rate and distance schedule will be accepted for the period 1 March 2022 to 28 February 2023 in accordance with Schedule 3.0 (Attachment 3).*
- 4. Council advise contractors that the rates for supply of trucks under the quantity and distance schedule for the period 1 March 2022 to 28 February 2023 will be accepted in accordance with Schedule 4.0 (Attachment 4).'*

The Casual Plant Hire Tender closed on 18 January 2022 and the contract took effect from 1 March 2022.

### **Issues**

Since awarding this tender, Council has received representation from several contractors requesting a reassessment of the contract prices. They list a number of increases in running costs such as:

- Diesel over 80c/litre

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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- Tyres over 30%
- Coolant over 100%
- Oil over 20%
- Grease over 40%

While no supporting evidence was provided to substantiate these increases, casual observations over the period of the contract so far has seen significant increases in fuel prices in particular.

The contract rates are fixed over the 12 month term of the contract and there is no ability in the contract to amend the rates during the term of the contract.

Council is under no obligation to make any adjustments to the contract rates. Council could decline the request on the basis that the contractors entered into the contract with full knowledge of the terms of the contract and presumably assessed the risks of price fluctuations during the contract term when submitting their rates.

It could however be argued that few contractors would have anticipated the level of the increases that have been experienced to date.

It is also unclear whether these increases are likely to continue. With recent changes to the fuel excise duty rates, this may bring some temporary relief.

Following is an extract from the ABS regarding the latest CPI figures. The current quarter is December 2021. The next quarter is due to be released on 27 April 2022.

### ***'Key statistics***

- *The Consumer Price Index (CPI) rose 1.3% this quarter.*
- *Over the twelve months to the December 2021 quarter, the CPI rose 3.5%.*
- *The most significant price rises were for New dwelling purchase by owner-occupiers (+4.2%) and Automotive fuel (+6.6%).*

### ***Underlying inflation highest since 2014***

*Annual CPI inflation increased to 3.5 per cent in the December quarter, due to higher dwelling construction costs and automotive fuel prices. Trimmed mean annual inflation, which excludes large price rises and falls, increased to 2.6 per cent, the highest since June 2014.*

### ***Petrol prices at record level***

*Automotive fuel prices rose for the sixth consecutive quarter, resulting in the strongest annual rise since 1990. The Automotive fuel series reached a record level in the December quarter due to higher global oil prices amid economic recovery and lower global supply. The national quarterly average price for unleaded petrol increased to \$1.64 per litre in the December quarter. This release includes an update to the article on the history of '[Automotive fuel in the CPI](https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/dec-2021)'.*

<https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/dec-2021>

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### **Options**

Council can opt to retain the contract rates as previously resolved. This may cause some frustration among the contractors who do have the ability to decline to provide plant to Council on the current terms. If this were to happen, it could negatively impact Council's maintenance and capital works.

Council can decide to introduce a price variation clause into the contract which will have the effect of addressing price fluctuations that have an impact on contract rates.

Staff have taken some advice and a typical industry accepted price variation clause is as follows:

*'This clause sets out the procedures for a price variation to take effect.*

*The Service Provider shall not vary the price of a Good or Service except in accordance with this Clause.*

*The **prices shall be fixed for the first six (6) months** of the Agreement. Rise and fall is not permitted during this period. **Prices may be adjusted for subsequent 6-month periods** of this Agreement.*

*Every six (6) months from the contract start date, Council will vary the price of the Goods or Services in accordance with the Domestic Preliminary Stage of Production - Producers Price Index Australian Bureau of Statistics Catalogue number 6427.0, Table 17, Series Reference number A2333670K [www.abs.gov.au/ausstats/abs@.nsf/mf/6427.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/6427.0) (referred to in this document as CPI).*

*Council will apply the following formula:  **$P2 = P1 \times (CPI_2 / CPI_1)^{\wedge}$** .*

**Where:**  $P2$  is the new price that will be applied to the subsequent 6-month period,

$P1$  is the current price that will be adjusted,

$CPI_2$  is the most recent CPI quarter published at the time of the variation

$CPI_1$  is the equivalent CPI quarter 6 months prior to  $CPI_2$

***$\wedge$  Notwithstanding the above, in the event of a negative CPI variation occurring annual adjustments will not apply. In such cases, Prices shall remain unchanged for the next period.***

*Price Adjustments approved by Council shall apply to all Purchase Order Contracts made after the variation approval date. No Price Adjustments shall be applied retrospectively.*

*Once the price variation is finalised, the price schedule will be taken to include the varied price and the revised price schedule will take effect.*

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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*The provision of Goods or Services under a Purchase Order Contract shall not be withheld or disrupted by formalities or disputes associated with the variation of a price.*

*Where the Principal extends this Agreement, the process to vary the price of a Good or Service will continue in accordance with this Clause.*

Given that the contract term is just 12 months, Council could consider replacing the six (6) month timeframe with three (3) months.

### **Financial Considerations**

The financial impact of recent price increases will have an impact across Council operations and not just with casual plant hire. At this stage it is difficult to quantify exactly what that impact might be. Staff will continue to monitor price increases and make adjustments to work programs where possible to reduce the overall impact.

### **Community Engagement**

The level of community engagement is to inform.

### **Attachments**

1. Council Report 17 February 2022
2. Correspondence received from contractors

### **RECOMMENDATION**

That:

1. Council note the report on the 2022 Casual Plant Hire Contract.
2. Council offer a price variation clause for Contract No 2022/03 'Casual Plant Hire' as follows:

*This clause sets out the procedures for a price variation to take effect.*

*The Service Provider shall not vary the price of a Good or Service except in accordance with this Clause.*

*The **prices shall be fixed for the first three (3) months** of the Agreement. Rise and fall is not permitted during this period. **Prices may be adjusted for subsequent 3-month periods** of this Agreement.*

*Every three (3) months from the contract start date, Council will vary the price of the Goods or Services in accordance with the Domestic Preliminary Stage of Production - Producers Price Index Australian Bureau of Statistics Catalogue number 6427.0, Table 17, Series Reference number A2333670K [www.abs.gov.au/ausstats/abs@.nsf/mf/6427.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/6427.0) (referred to in this document as CPI).*

*Council will apply the following formula:  **$P2 = P1 \times (CPI_2 / CPI_1)^{\wedge}$** .*

# **WARRUMBUNGLE SHIRE COUNCIL**

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|               |         |  |
|---------------|---------|--|
| <b>Where:</b> | $P_2$   | <i>is the new price that will be applied to the subsequent 6-month period,</i> |
|               | $P_1$   | <i>is the current price that will be adjusted,</i>                             |
|               | $CPI_2$ | <i>is the most recent CPI quarter published at the time of the variation</i>   |
|               | $CPI_1$ | <i>is the equivalent CPI quarter 3 months prior to <math>CPI_2</math></i>      |

***^ Notwithstanding the above, in the event of a negative CPI variation occurring annual adjustments will not apply. In such cases, Prices shall remain unchanged for the next period.***

*Price Adjustments approved by Council shall apply to all Purchase Order Contracts made after the variation approval date. No Price Adjustments shall be applied retrospectively.*

*Once the price variation is finalised, the price schedule will be taken to include the varied price and the revised price schedule will take effect.*

*The provision of Goods or Services under a Purchase Order Contract shall not be withheld or disrupted by formalities or disputes associated with the variation of a price.*

*Where the Principal extends this Agreement, the process to vary the price of a Good or Service will continue in accordance with this Clause.'*



# **WARRUMBUNGLE SHIRE COUNCIL**

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### **Item 14 Land Owned by Council in Reservoir Street Coonabarabran**

|                            |  |
|----------------------------|--|
| <b>Division:</b>           | Technical Services   |
| <b>Management Area:</b>    | Technical Services   |
| <b>Author:</b>             | Director Technical Services – Gary Murphy  |
| <b>CSP Key Focus Area:</b> | Rural and Urban Development<br>Local Governance and Finance  |
| <b>Priority:</b>           | RU2 The availability of a range of housing options across the Shire, including aged and affordable housing, needs to be expanded.<br><br>GF6 That Council is financially sustainable over the long term. |

---

#### **Reason for Report**

The purpose of this report is to seek direction on the future of Council owned land in Reservoir Street, Coonabarabran.

#### **Background**

Council owns Lots 1 & 2, DP847880 and Lot 337, DP753378 in Coonabarabran. The total area of all three lots is approximately 8.1 hectares. A map showing the location of these lots is provided in the attachments.

A development application (DA) for a 30 lot subdivision over Lots 1 and 2 was approved in 2008 and has since lapsed.

The lots ranged in size from 683m<sup>2</sup> to 4,422m<sup>2</sup> with the majority of the lots being in 800-900m<sup>2</sup> range.

A previous report to Council on 20 May 2021 is provided in the attachments for ease of reference.

Council resolved at its meeting on the 19 August 2021 the following:

***'52/2122 RESOLVED that Council prepare a strategy for the development of Lot 1 and 2 DP847880 and Lot 337 DP753378 Reservoir Street Coonabarabran including a review of allotment sizes, subdivision design and costings. This should be prepared following consultation with local real estate agents.'***

There is currently a grazing licence over Lots 1 and 2 for a 12 month period.

Towards the end of last year, there were some informal discussions with a local real estate agent about market demand and staff were advised that there was 'significant' demand for housing in Coonabarabran and in addition very few developable lots.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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It was also suggested that buyers expected serviced lots and marketing unserviced lots would be challenging.

### **Issues**

The Council resolution is sensible in that before proceeding with any development of these lots that there should be a review not just of the costs of developing but, also the market demand. In researching the files, it is not clear how or why the previous development application resulted in 30 lots other than presumably to maximise the number of permissible lots on the site.

### **Options**

Before proceeding further with this proposal, it would be good to get some indication from Council as to what type of development they would like to see on this land.

For example, does Council wish to see a 'traditional' type subdivision which maximises the development potential of the site or something less conventional such as larger lots with more of a 'lifestyle' focus.

Once the nature of the preferred development is determined, Council then needs to consider its role in the development. This could include:

1. Council developing a concept proposal and selling the land as is;
2. Council preparing a development proposal, obtaining a development application (DA) and selling the land with a DA;
3. Council preparing a development proposal, obtaining a development application (DA), servicing the development and then selling the land;
4. Council preparing a development proposal, obtaining a development application (DA), servicing the development, developing the housing, and selling or renting the housing.

Each option comes with different risks and rewards.

Council would also need to carefully consider whether it is best placed to deliver the desired outcome or outsource this delivery.

### **Financial Considerations**

There is no budget allocation for land development.

An estimate has been prepared to service the 30 lot subdivision as previously approved. This is included in the Attachments as a confidential attachment owing to commercial in confidence reasons.

It is strongly recommended that a business case be prepared for whatever option Council opts for.

### **Community Engagement**

The scale of this project is assessed as being moderate and impact as being low, which indicates the minimum level of community engagement is to inform.

### **Attachments**

1. Reservoir Street, Coonabarabran – Subdivision Plan
2. Business Paper Report – Reservoir Street, Coonabarabran – 20 May 2021

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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3. Subdivision servicing cost estimate (confidential attachment)

### **RECOMMENDATION**

That Council:

1. Notes the report on Council owned land in Reservoir Street, Coonabarabran.
2. Develops a detailed business case for the original 30 lot subdivision addressing issues such as but not limited to projected market demand, costs of development, projected rate of uptake, potential for return on investment, development risks and delivery mechanism.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 15 Stop and Play Project at Neilson Park, Coonabarabran**

|                            |   |
|----------------------------|---|
| <b>Division:</b>           | Technical Services  |
| <b>Management Area:</b>    | Technical Services  |
| <b>Author:</b>             | Director Technical Services – Gary Murphy   |
| <b>CSP Key Focus Area:</b> | Recreation and Open Space   |
| <b>Priority:</b>           | RO1 The planning and provision of local sports and recreation facilities and parklands reflect community needs and anticipated demographic changes. |

---

#### **Reason for Report**

The purpose of this report is to update Council on a safety issue that has arisen with the Coonabarabran Stop and Play project at Neilson Park.

#### **Background**

The Coonabarabran Stop and Play project is a \$300,000 project funded by the NSW Government under the Stronger Country Communities Fund Round 3.

Applications for this submission closed on 27 September 2019.

The project was developed in 2019 following Council's request for submissions from community groups.

Council consulted extensively within the community and the Stop and Play Community Group (SPCC) and followed that up with further consultation.

SPCC consulted with user groups in addition to local disability service providers, aged care providers, fitness professionals and education professionals. SPCC conducted a large formal community survey via social media to provide feedback throughout the development of this project. This was followed up with an informal survey to confirm the final placement choice for the park.

The formal survey of over 450 community members was utilised to ascertain initial thoughts about the construction and use of the proposed Stop and Play Park. Questions regarding types of equipment and amenity to be built and to add to a list of items to be added to over time were included. This type of survey elicited numerous responses and an extensive wish list.

The location of the playground was determined by its proximity to the Newell Highway and existing toilet facilities.

The concept design of the playground was done by Council staff, then went out to formal quotations on 1 June 2020.

The final design was done by the contractor as they have inhouse design experts.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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Given the nature of the project, being a playground on a reserve, a development application was not required.

Prior to construction commencing, a check on services was done to locate the underground services identified in the dial before you dig plans. Two service connections were not identified by the locator, namely electricity to BBQ and sewer from the toilet block.

The contractors engaged were Forpark Australia, Australia's largest manufacturer of playground equipment with almost 40 years industry experience (according to their website), and Central Industries also a national company (and approved Local Government Procurement Contractor) with many years of experience installed the shade sails.

Council staff cleared the site and constructed the footpaths.

Construction commenced on 2 July 2021 with Council staff preparing and levelling the site.

The project was scheduled to be completed by 24 December 2021, however the project experienced several delays owing to wet weather, COVID-19 lockdowns and associated supply issues.

The playground equipment installation was completed on 21 January 2022 and the shade sails installed on 2 February 2022 and the softfall installed on 10 March 2022.

On 15 March 2022 an Essential Energy staff member expressed concerns to staff that a new playground had been constructed under a 22kV powerline contrary to the requirements for Essential Energy easements.

The site has been fenced off in consultation with Essential Energy until the matter can be resolved.

Staff met on site with Essential Energy on 24 March 2022 to explore options and solutions.

Following on from this meeting, staff are in the process of obtaining quotations from Accredited Service Providers (ASP) who are licenced and accredited to carry out work on Essential Energy infrastructure.

### **Issues**

The construction of a playground within an Essential Energy easement is not permitted and is contrary to ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.

There were legislated changes made on 26 May 2006 to *'protect the presence, operation and use of certain electricity works and clarify the provision of that Act with respect to the removal of structures and things that may endanger electricity works and for other purposes.'*

The easement for this 22kV line is 15-20m depending on the span length.

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This easement is not registered on any plans, it exists by virtue of the infrastructure being in place.

While underground services were investigated during the early stages of the project, staff failed to identify the issues associated with the overhead powerlines (other than clearance requirements for the shade sails).

### **Options**

The options identified by Essential Energy include the following:

1. Seek an exemption – unlikely to be granted given the nature of the structures and their purpose namely a playground with children;
2. Relocate the power line – either above or under the ground or a combination thereof;
3. Relocate all or part of the playground outside of the easement

### **Financial Considerations**

At the time of writing this report, the cost of the options has not been quantified. The project expenditure is currently under budget and there is some funding available within this budget that could be allocated towards rectifying the issue.

It is proposed that any shortfall be funded from existing budgets.

### **Community Engagement**

The scale of this project is assessed as being moderate and impact as being low, which indicates the minimum level of community engagement is to inform.

### **RECOMMENDATION**

That Council:

1. Notes the Stop and Play Project at Neilson Park Coonabarabran report.
2. Be advised of the costs of the rectification works through the Quarterly Budget Review process.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 16 Floodplain Management Information**

|                            |   |
|----------------------------|---|
| <b>Division:</b>           | Environment and Development Services  |
| <b>Management Area:</b>    | Regulatory Services   |
| <b>Author:</b>             | Director Environment and Development Services<br>– Leeanne Ryan                   |
| <b>CSP Key Focus Area:</b> | Natural Environment   |
| <b>Priority:</b>           | NE1 The impacts of climate change on our region<br>are well managed and minimised |

---

### **Reason for Report**

To provide a report to Council on floodplain management documents and pathway required to update said documents.

### **Background**

At the Ordinary Meeting of Council held on 17 June 2021, Council considered a Notice of Motion as follows;

*That Council investigate funding for updated flood plans for Binnaway and Mendooran. People in non-flooding areas are being charged extra for insurance because of inaccurate plans.*

As a result, resolution 381/2021 was adopted as follows;

That Council investigate funding for updated flood plans for Binnaway and Mendooran.

At the time it was advised that complaints had been lodged with councillors regarding increased insurance costs for residents living in Binnaway and Mendooran because it is considered by insurers that residents are residing in flood prone areas.

Council has the following flood documents for Coolah, Mendooran and Baradine;

- Coolah – *Flood Study Report* – generated in 1987 by Department of Water Resources of NSW
- Mendooran – *Flood Study Report* – generated in 1987 by Department of Water Resources of NSW
- Baradine – *Baradine Floodplain Risk Management Study and Plan* – generated in 2012 by Lyall & Associates

For planning purposes, Council utilises flood data and information included as a GIS layer that was adopted as part of the Warrumbungle Local Environmental Plan 2013 (WLEP). In the absence of an adopted Floodplain Risk Management Plan for each flood prone community, planning assessments are undertaken in accordance with the relevant provisions of the NSW Floodplain Development Manual: The Management of Flood Liable Land 2005, Council's LEP, Council's Development Control Plan and current flood studies.

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## **Ordinary Meeting – 21 April 2022**

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### **Issues**

Council has flood studies for some communities (as noted above being Coolah, Mendooran and Baradine); these documents are aging and in need of revision.

Council has flood mapping (as part of WLEP) that records flood prone land as being present in Baradine, Binnaway, Coolah, Coonabarabran, Mendooran, Ulamambri. The WLEP commenced preparations in 2008 with development of a Comprehensive Land Use Strategy, from here the WLEP was generated. A number of consultants were involved in the development of the strategy and the WLEP. It is unknown the source of the information included in these maps, though the attached (maps) refer to Emergency Services Arcview File. It is believed that these are the maps insurance companies are referring too – claimed by some residents to be inaccurate and incorrect.

To progress forward, and ensure mapping is correct (with Council's flood documents being accurate, up-to-date and relevant) considerable work is identified as being required to improve flood information across the LGA, not just for Binnaway and Mendooran.

There are a number of steps required to update flood information documents and controls; with the following stages required to be undertaken:

- Stage 1 - Flood study/ies – includes gathering of information to obtain new flood data, or update/revise existing data
- Stage 2 – Preparation of floodplain risk management study and plan
- Stage 3 – Investigation, design and/or feasibility study (where required) for works identified in a floodplain risk management plan
- Stage 4 – Implementing actions identified in a floodplain risk management plan.

### **Options**

Council's flood information and suite of documents to assist with flood prone land management is limited, and requires reviewing/updating; in some cases, preparation of new documents is required. It would then be appropriate for any actions or works identified as necessary to be implemented.

Presently, in-house resources to manage or undertake preparation of updated/new flood documents is not available.

With recent major flood events within NSW, and independent flood inquiry announced (last week), Council should consider the outcomes of the inquiry to address any legislative and regulatory requirements before progressing with flood document preparations.

### **Financial Considerations**

Funding under NSW Government's Floodplain Management Program becomes available annually, with the latest round recently closing on 7 April 2022.



# **WARRUMBUNGLE SHIRE COUNCIL**

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The cost to prepare/review/develop flood documents and associated controls has not been costed at this stage, though likely to be excessive.

### **Community Engagement**

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

### **Attachments**

1. Flood mapping

### **RECOMMENDATION**

That the Floodplain Management Information Report be noted for information.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 21 April 2022**

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### **Item 17 Warrumbungle Shire Council Community Heritage Strategy 2021-2024**

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

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#### **Reason for Report**

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

#### **Background**

At the Ordinary Meeting of Council held on 21 October 2021, Council was presented with a report on the draft strategy and resolved to adopt the draft document for the purposes of public exhibition; it was also resolved a further report be presented to Council on the draft strategy after the public exhibition period was completed.

The draft strategy was released for public exhibition on 4 January 2022 with submissions closing 14 March 2022. One (1) submission was received during the exhibition period which was unrelated to the draft Heritage Strategy, subsequently the submission was referred to Council's Town Planner to assist with the submitters request.

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

#### **Issues**

Council's Heritage Advisor, Mr Peter Duggan, drafted the strategy on Council's behalf and provided nine (9) recommendations and actions. As recommended by Council at the October 2021 Ordinary Meeting performance measures were included to form the final draft Heritage Strategy exhibition document.

No further changes were made to the document after the public exhibition period.

#### **Options**

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

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### **Financial Considerations**

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

### **Community Engagement**

The draft plan was placed on public exhibition for public comment from 4 January 2022 to 14 March 2022; therefore engaging the community.

This report seeks to present the draft Strategy to Council for final adoption, therefore for the purpose of the report the level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

### **Attachments**

1. Final draft *Warrumbungle Shire Council Community Heritage Strategy 2021-2024*.
2. Business Paper Warrumbungle Shire Council Heritage Strategy 2021- 2024 October 2021.

### **RECOMMENDATION**

That Council adopts the draft *Warrumbungle Shire Council Community Heritage Strategy 2021- 2024*.

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### **Item 18 Ban on Single Use Plastics in NSW**

|                            |  |
|----------------------------|--|
| <b>Division:</b>           | Development Services   |
| <b>Management Area:</b>    | Regulatory Services  |
| <b>Author:</b>             | Environmental Compliance Officer – Frances Scott                               |
| <b>CSP Key Focus Area:</b> | Public Infrastructure and Services   |
| <b>Priority:</b>           | P18 Local communities to effective and efficient waste and recycling services. |

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#### **Reason for Report**

To provide information to Council about the type of plastics being banned and the timeframe of the introduction of the ban.

#### **Background**

The *Plastic Reduction and Circular Economy Act 2021* was passed by NSW Parliament on 16 November 2021 and sets out the items to be banned in NSW.

#### **Issues**

The banning of certain plastics will take effect from 1 June 2022 and from 1 November 2022 further plastics will be banned.

From 1 June 2022 lightweight plastic bags with handles, that are 35 microns or less in thickness at any part of the bag and is fully or partly plastic will be banned. Lightweight biodegradable plastics, compostable plastics, or bio-plastics are also banned.

The bans do not apply to barrier bags such as:

- Produce bags and deli bags
- Bin liners
- Human or animal waste bags
- Bags used to contain items for medical purposes

From 1 November 2022, the ban will apply to single-use plastic straws, stirrers, swizzle sticks, cutlery, chopsticks, food picks, plastic bowls, plates, expanded polystyrene (EPS) food service items (clamshells, cups plates and bowls), single-use plastic cotton buds and certain rinse-off personal care products containing plastic microbeads. This includes any items made from biodegradable plastics, compostable plastics, or bio-plastics.

Exemptions for single-use plastic straws are given to people with a disability or medical need. Businesses who serve food or drinks must keep all single-use plastic straws hidden from public view and are only to give them to the above customers.

The bans do not apply to:

- Serving utensils, eg salad servers or tongs.

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- Items that are used to seal or contain food or beverages or are included or attached to the packaging through a machine automated process (straw attached to a fruit box or spoon included with a yogurt, frozen meals or EPS noodle cups).
- Single-use plastic bowls designed or intended to have a spill-proof lid, eg bowl for takeaway soup.
- EPS fresh produce trays used for raw meat, seafood, fruit and vegetables.
- EPS packaging, including consumer and business-to-business packaging and transport containers.

These bans will affect everyone, being businesses, organisations and consumers.

If consumers still have banned single-use plastic items at home when the bans come into effect they can still be used for personal use but cannot be supplied to a business or organisation such as a sporting club or community club.

The bans apply to anyone who supplies any of the prohibited items while carrying on a business, or an activity for charitable, sporting education or community purposes, eg fundraising events, not for profit organisation etc.

The NSW Environment and Protection Authority (EPA) is the regulator and will monitor and enforce the bans. Fines if caught supplying a banned item is \$55,000.00 for a corporation and \$11,000.00 for an individual.

The NSW Government and the National Retail Association is delivering a range of resources to help businesses and organisations to implement the legislation and there is a toll-free hotline on 1800 844 946 or email [sustainability@nra.net.au](mailto:sustainability@nra.net.au)

### **Options**

Nil

### **Financial Considerations**

Nil

### **Community Engagement**

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

### **Attachments**

1. NSW Plastics Ban Guide for Business
2. NSW Plastics Ban Additional Community Advice

### **RECOMMENDATION**

That Council notes the information associated with the *Plastic Reduction and Circular Economy Act 2021* for the banning on single-use plastics in NSW.

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### **Item 19 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

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### **Development Applications**

#### **(i) Approved – March 2022**

| <b>Development Application / Complying Development</b> | <b>Date Lodged</b> | <b>Date Approved</b> | <b>Applicant's Name</b>      | <b>Location</b>      | <b>Town</b>   | <b>Type of Development</b> | <b>Referral Days</b> | <b>Stop the Clock Days</b> |
|--|--------------------|----------------------|------------------------------|----------------------|---------------|----------------------------|----------------------|----------------------------|
| DA57/2020  | 2/10/2020          | 30/03/2022           | Leon Hoare                   | 1042 Mollyan Road    | Binnaway      | Single Storey Dwelling     | 504                  | 502                        |
| DA69/2021  | 10/12/2021         | 11/03/2021           | Aaron Parker                 | 6 Wentworth Avenue   | Coolah        | New Shed                   | 0                    | 77                         |
| DA47/2020  | 18/9/2020          | 18/3/2022            | David Hunter                 | 38 Blackburn Road    | Coonabarabran | Single Storey Dwelling     | 493                  | 527                        |
| DA71/2021  | 16/12/2021         | 11/03/2022           | Danielle Harris              | 54 Dalgarno Street   | Coonabarabran | Change of Use              | 0                    | 40                         |
| DA1/2022   | 18/01/2022         | 24/03/2022           | Russell McArthur             | Tenby 841 Timor Road | Coonabarabran | New Shed                   | 0                    | 21                         |
| DA5/2022   | 09/03/2022         | 28/03/2022           | Dawn Johnston                | 5 Hilton Place       | Coonabarabran | New Pool/deck/fencing      | 0                    | 13                         |
| DA3/2022   | 16/02/2022         | 17/03/2022           | Warrumbungle Steel Buildings | 28 Nott Street       | Dunedoo       | New Garage/carport         | 0                    | 15                         |

### **RECOMMENDATION**

That Council notes the Applications and Certificates approved during March 2022, under Delegated Authority.

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### **Item 20 Reports to be Considered in Closed Council**

#### **Item 20.1 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 20.2 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 20.3 Council Organisation Structure**

**Division: Executive Services**

**Author: General Manager – Roger Bailey**

#### **Summary**

The purpose of this report is to provide an update on the Council Organisation Structure and employee costs.

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 Council Organisation Structure 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 20.4 Mayoral Minute – Interim Performance Review – General Manager**

**Division: Executive Services**

**Author: Mayor – Councillor Ambrose Doolan**

#### **Summary**

The purpose of this report is to provide information to councillors on the General Manager's Interim Performance Review.

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,



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## **Ordinary Meeting – 21 April 2022**

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which permits the meeting to be closed to the public for business relating to the following:

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

### **RECOMMENDATION**

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

### **FURTHER that Council resolve that:**

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