



Ordinary Council Meeting
Thursday 21 February, 2013

Council Chambers, Coolah

Commencing 10.00am

Mayor

Peter Shinton

Deputy Mayor

Murray Coe

COUNCILLORS

Gary Andrews

Anne-Louise Capel

Fred Clancy

Victor Schmidt

Chris Sullivan

Ron Sullivan

Denis Todd

MANAGEMENT TEAM

General Manager Steve Loane

Director Corporate Services Rebecca Ryan

Director Technical Services Kevin Tighe

Director Environmental and Community Services Tony Meppem

Warrumbungle Shire Council

Vision

Excellence in Local Government

Mission

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.

We Value

Honesty

Frank and open discussion, taking responsibility for our actions

Integrity

Behaving in accordance with our values

Fairness

Consideration of the facts and a commitment to two way communication

Compassion

Working for the benefit and care of our community and the natural environment

Respect

To ourselves, colleagues, the organisation and the community listening actively and responding truthfully

Transparency

Open and honest interactions with each other and our community

Passion

Achievement of activities with energy, enthusiasm and pride

Trust

Striving to be dependable, reliable and delivering outcomes in a spirit of goodwill

Opportunity

To be an enviable workplace creating pathways for staff development

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

NOTICE is hereby given that the **ORDINARY MEETING** of Council will be held on Thursday, 21 February 2013 at the Council Chambers, Coolah commencing 10.00am.

AGENDA

Welcome

Turn Off Mobile Phones

Order of Business

Forum

Apologies

Disclosure of Interest
Pecuniary Interest
Non Pecuniary Conflict of Interest

Reports

Questions and Matters of Concern

Reports to be considered in Closed Council

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STEVE LOANE
GENERAL MANAGER

WARRUMBUNGLA SHIRE COUNCIL

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Matter to be dealt with 'in committee'

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, 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 items relates to Tenders and is classified CONFIDENTIAL under Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

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

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STEVE LOANE
GENERAL MANAGER

WARRUMBUNGLE SHIRE COUNCIL

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WARRUMBUNGLE SHIRE COUNCIL

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Item 1 Ordinary Minutes – 20 December, 2012

Division: Executive Services

Management Area: Governance

Author: Manager Administration and Customer Service –
Sally Morris

CSP Key Focus Area: Local Governance and Finance

Priority / Strategy: GF2.1 Give communities of the shire opportunities to be informed about and involved in Council's activities and decision making.

File Ref: **Function:** Corporate Management **Activity:** Council Meetings

PRESENT: Cr Peter Shinton (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, General Manager (Steve Loane), Director Corporate Services (Rebecca Ryan), Director Technical Services (Kevin Tighe) and Manager Regulatory Services (Michael Marks).

In attendance: Manager Administration & Customer Service (S Morris) (minutes) and Corporate Services Administration Officer (Kobie Francis).

APOLOGIES: Cr Todd and Tony Meppem (Director Environmental and Community Services)

183/1213 RESOLVED that in accordance with Resolution 154/1213 granting leave of absence, that the apologies of Cr Todd be accepted **FURTHER** that the apology of Tony Meppem be accepted.

R Sullivan / Coe
The motion was carried

4.03pm

The Mayor called for Declarations of Interest (to declare pecuniary or non-pecuniary interest) from Councillors and senior staff in any matter listed in the Agenda for consideration at the meeting.

Cr C Sullivan declared a non-pecuniary interest in Item 28 regarding the Leadville site in the Grazing Leases Report.

MAYORAL MINUTES

The Mayor, Councillor Shinton presented the following three items for consideration:

1M - Electricity Contract for Small Sites

Background

Orana Regional Organisation of Councils (OROC) members engaged Energy and Management Services Pty Ltd (EMS) to negotiate an Electricity Supply Contract for small sites. This contract was previously supplied at the applicable Country Energy Regulated Retail Rates and was initiated due to small sites billing being outside the NEM tender for larger sites.

Warrumbungle Shire Council, as a member of OROC have participated in this tender along with the other member councils in OROC, being Narromine, Dubbo, Walgett, Warren, Bogan, Cobar, Bourke, Brewarrina, Coonamble and Gilgandra local government areas.

WARRUMBUNGL SHIRE COUNCIL

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Since the total accumulated value for this new contract will exceed the annual expenditure limit of \$150,000 it is necessary for Council to implement a formal open tender process as per Local Government Regulations (2005) and Local Government Act (1993) s55.

This report provides a review of the market and an analysis of the responses to a Pricing Request dated 11 December 2012 conducted by EMS.

Issues

On 11 December 2012 prices from six (6) Retailers active in the NSW market were approached to provide a submission.

By requiring offers to be referenced against the Regulated Retail Price, the comparisons with present costs are relatively straightforward.

The only other issues to be considered in awarding a Mass market contract are:

- Any associated costs (for variation of use etc.)
- The assessed ability of the preferred Retailer to manage the transfer process
- The assessed ability for the preferred Retailer to provide timely and accurate billing
- The ability of the preferred Retailer to provide electronic billing information
- The ability of the preferred Retailer to provide csv data for bill verification

Locking in good prices always pays dividends. The difficulty is recognising the best times to lock in prices and for how long. It is prudent to have some measure of relativity and knowledge of price trends to add confidence to this process. EMS have developed a pricing model that provides one such measure and complements expert opinion; underlying generator input cost trends, market dynamics and an understanding of Government policy (as much as is possible in the current environment).

Recent market pricing has been very competitive particularly for peak pricing rates. There is evidence that existing generators are under strain to survive at current prices with a number of units actually withdrawing from the market. It therefore seems unlikely that prices will drop further in the short to medium term. As the market grows there may still be only limited upwards pressure as "mothballed" units are returned to service. In the longer term, new generation is more likely to be gas fired and therefore higher cost than the existing coal fired generators, even with carbon pricing. We believe that (apart from exceptional circumstances) energy prices are more likely to rise than to fall once existing capacity is fully utilised.

Options

Despite attempts to follow up Retailers, only one (1) formal offer; from Origin Energy, was received, offering a 15% discount on energy rates. Whilst only receiving one (1) offer was disappointing, the result has been very satisfactory, especially with the discount subsequently negotiated to increase to 16%. This discount is from the Regulated Retail Price energy rates (these are the rates charged for the majority of OROC sites).

This discount can be compared to the same discount offered to Central Regional Organisation of Councils (CENTROC) for a contract commencing 1 July 2012. The later start date would normally be expected to produce a lower discount due to the widespread belief that current charges are unsustainable and prices will rise.

Using the E21EnergyPlus data for Dubbo City Council (the most complete data base available), the discount offered equates to a little over 4 cents per kWh or just under \$80k per annum. Across all OROC sites and assuming a similar energy profile for small sites the total saving expected is in excess of \$400k per annum. The table below indicates annual savings based on the supplied information and current prices.

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OROC			
Customer	Sites	Consumption	Savings
Warren	41	726,976	\$29,079
Dubbo	135	1,963,668	\$78,547
Gilgandra	55	964,475	\$38,579
Bogan	47	739,751	\$29,590
Bourke	63	746,529	\$29,861
Brewarrina	56	725,718	\$29,029
Cobar	44	651,639	\$26,066
Coonamble	54	922,026	\$36,881
Narromine	65	764,451	\$30,578
Walgett	82	795,560	\$31,822
Warrumbungle	108	1,656,911	\$66,276
Totals	750	10,657,704	\$426,308

With respect to the length of contract, EMS previously surmised that, in the current negotiating period, taking a one (1) year contract would be unlikely to provide optimum benefits. Offers for a two (2) or three (3) year contracts were requested.

Evaluating Origin's offer against the criteria listed above produces the following: The scoring is based on the following:

The Attributes have been assessed as poor (1), fair (2), unknown or satisfactory (3), good (4), excellent (5)

OROC Retailer Assessment						
Retailer	Discount	Contract Conditions	Transfer Quality	Billing Quality	Electronic Billing	Data Provision
Origin Energy	16%	4	4	4	5	3

EMS has advised that other Retailers would not score any higher on these attributes and most would score lower, at least on some of the attributes. Origin can offer electronic billing to multiple email boxes which will be ideal for those Councils using the E21 EnergyPlus bill entry service virtually eliminating Councils' data entry costs for electricity accounts.

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Data provision is available, but not in a format usable at this stage and EMS will work with Origin on this aspect. Councils' support to get an efficient format for electronic uploading will be beneficial.

Financial Considerations

Council will be afforded savings in its small sites power usage costs of \$66,276 annually based on a consumption of 1,656,911 kW.

Summary

Origin Energy has offered a competitive group price for 2 years. The offer provides reductions in cost compared to current rates. The rates from 1 July 2013 will vary with changes in the Regulated Retail Rate (which are likely to be very restricted in the current regulatory climate). There will be guaranteed reductions for the energy rate components of the RRP.

Because it is beneficial to commence the contract as soon as possible, Councils acceptance will allow the transfer process to commence. It is noted that the prices will not apply until after the next read date and this will take 3 months to complete, assuming access to all sites.

A two (2) year contract provides savings in the short term and EMS will continue to monitor market conditions to take advantage of any opportunities to extend the contract over the next two (2) years.

184/1213 RESOLVED that Council accept the offer from Origin Energy of a 16% discount for 2 years to provide Electricity Supply Contract for small sites **FURTHERMORE** that Council investigate the changes required to implement the data provision better suited to E 21 EnergyPlus requirements.

Shinton / Coe
The motion was carried

2M - Youth Opportunities Program Grants Funding Agreement

Background

In 2011 the Hon Victor Dominello MP, Minister for Citizenship and Communities and Minister for Aboriginal Affairs, in his capacity as Minister responsible for Youth Affairs, instituted a wide-ranging review of the Better Futures Grants Program. Following the review, the program has been renamed Youth Opportunities and refocused to provide funding for projects which enable young people to lead and participate in community development activities.

NSW Office of Communities Youth Opportunities Program Grants is based on a range of evidence which shows that with the proper support and opportunity, all young people can address and overcome a range of risk factors in their lives. Based upon the principles of Inclusiveness (mainstream, targeting all young people); Community participation; Community service (including volunteering) and; Partnering with young people and developing networks within communities; \$50,000 per annum (2 year program) was available for projects that focus on developing the capacity of local young people to create effective change in their communities. The objectives of the program are to:

- increase the number of youth-led and youth-driven community activities throughout NSW
- engage young people in projects which overcome barriers to participation in the community
- enable young people to develop and strengthen teamwork, communication, leadership and decision-making skills
- improve young people's access to community-based activities that promote community involvement including sport and recreation, cultural and other activities
- recognise the contribution that young people make to their local communities
- provide young people with the knowledge and skills to link them with further training and employment opportunities, or improve their educational outcomes

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Issues

At the Council general meeting held Thursday 19th July 2012, Warrumbungle Shire Council adopted the following recommendations;

1. Adoption of the Regional Model approach to developing a Warrumbungle Shire Youth Council and individual community Youth Action Groups within the communities of Coonabarabran, Binnaway, Coolah, Dunedoo, Mendooran and Baradine;
2. The Warrumbungle Shire Youth Council, and Youth Action Groups functioning as Special Purpose Committees under Council, as per the Local Government Act 1993 Section 355b;
3. The age for membership on the Warrumbungle Shire Youth Council and individual community Youth Action Groups be open from 12 years of age to 18 years of age as of the youths last birthday;
4. Allowing the Youth Development Officer and Human Resources staff to develop a suitable training package that will fit the needs of the Warrumbungle Shire Youth Council, and Youth Action Groups;
5. Including budgetary items for the Warrumbungle Shire Youth Council, and Youth Action Groups into future Warrumbungle Shire budgets, dependant upon available funding;
6. Permitting the Youth Development Officer to submit an application for program funding through the NSW Office of Communities – Department of Education and Communities Youth Opportunities Program;

Given the scale of the proposed project, the need for a substantial amount of funding was required to properly establish each of the six (6) Youth Action Groups, and the Warrumbungle Shire Youth Council to ensure success after the first 2 years. With Council's permission, the Youth Development Officer applied for NSW Office of Communities Youth Opportunities Program Grants, seeking a total of \$57,852 towards costs of training, resourcing, promotion and branding; and activity provision. It is through the provision of activities that the young people are able to practice their skills for event and project management; develop confidence in community leadership and to engage community youth within social contexts.

Options

The Youth Development Officer believes that the NSW Office of Communities Youth Opportunities Program Grants is essential for the succession planning of the Warrumbungle Shire Youth Council and Community Youth Action Groups, allowing time to develop a proposed budget item for continued financial support towards training costs of the Warrumbungle Shire Youth Council and Community Youth Action Groups after 2014. Youth Action Groups will have developed the necessary skills to develop budgets towards the provision of activities, school holiday programs etc. through admission fees to local activities throughout late 2013 and 2014. These local funds will ensure succession planning and ownership by the young people once the Youth Opportunities Program Grants is finished in December 2014.

Financial Considerations

Warrumbungle Shire Council was successful in their application for grants totalling \$57,852 from NSW Office of Communities towards the establishment of the Warrumbungle Shire Youth Council and Community Youth Action Groups. An initial half yearly amount of \$15,223 will be paid to Council, followed by subsequent payments of \$15,223 and \$13,703 later in 2013 and early 2014.

Facilitation of the Warrumbungle Shire Youth Council and Community Youth Action Groups through the Youth Development Officer, ongoing training, National Youth Week, and school holiday activities were included as in-kind support from Council. Overall, the cost for establishing the Warrumbungle Shire Youth Council and Community Youth Action Groups over two years is valued at \$138,192.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Summary

The continuing change in community demographics (aging population, reduction of industry, retention of youth) requires a dynamic and empowering model for youth engagement. Young people engaged within local decision making processes, that is targeted at young people and driven by young people at a local level, has often proven to be of greater benefit for Council and the wider community, regardless of the structure and process.

The Youth Opportunities Program grant provides Warrumbungle Shire Council the foundation for building the Warrumbungle Shire Youth Council and Community Youth Action Groups; training young people in the necessary skills to create effective change; strengthening positive youth engagement through capacity building; lessening the impact upon Council and community budgets focused on repair and maintenance over time, due to local ownership for facilities and infrastructure amongst youth peers; better consultation and solutions development processes by connecting with young people; creating and building relationships between Councillors, Council and young people.

185/1213 RESOLVED:

1. That Council accept the Youth Opportunities Program Funding Agreement from NSW Office of Communities, for amount of \$57,852 (to be paid in 3 instalments of \$15,223, \$15,223 and \$ 13,703);
2. That Council Authorise the proper the signing of the funding agreement and the fixing of the Council seal to all documents relating to the funding agreement should the need arise.

Shinton/Schmidt
The motion was carried

3M Minutes of Plant Advisory Committee Meeting - 20 December 2012

PRESENT: Cr Gary Andrews, Cr Murray Coe, Cr Ron Sullivan, Cr Fred Clancy, Mark McWhirter (Fleet Manager), Steve Loane (General Manager), Kevin Tighe (Director Technical Services) and Rebecca Ryan (Director Corporate Services).

ATTENDING: PA to Director Corporate Services (Emma Gardiner) (Minutes)

APOLOGIES: Nil

CONFIRMATION OF MINUTES

8/1213 RECOMMENDED that minutes of the Plant Committee meeting held on 18 October 2012 be accepted.

Coe/Clancy

BUSINESS ARISING FROM THE MINUTES

The following matters were noted as outstanding:

- Track loader and 2 graders expected to be delivered early January

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

AGENDA ITEMS

- a) Replacement of Plant Item Nos 190, 194 and 197 – Tractors (Readvertised) at Coonabarabran, Mendooran and Dunedoo Depots

9/1213 RECOMMENDED that Council purchase three (3) John Deere 6330 Standard Tractors fitted with a Front End Loader from Chesterfield Australia Pty Ltd that complies with the tender specifications at a price of \$274,818.00 (ex GST) and that Council trade in Plant 190 to Chesterfield Australia Pty Ltd for \$47,272.00 (ex GST) **FURTHER** that Council sells Plant 194 at Pickles Auctions Tamworth with an auction estimate of \$41,818.00 and Plant 197 with an auction estimate of \$40,000.00 totalling \$129,090.00 resulting in a changeover price of \$145,728.00 being \$34,272.00 under budget.

Clancy/Andrews

- b) Replacement of Plant Item Nos 130, 140, 146 and 147 – Trucks at Coonabarabran, Mendooran and Dunedoo Depots

10/1213 RECOMMENDED that Council purchase one (1) Isuzu NPR 400 Long Trucks fitted with the optional Truck Mounted Crane from Tracserv Dubbo Pty Ltd that complies with the tender specifications at a price of \$107,394.54 (ex GST) and that Council trade in Plant 130 to Tracserv Dubbo Pty Ltd for \$36,363.64 resulting in a changeover price of \$71,030.90 being \$36,030.90 over budget.

Andrews/Clancy

11/1214 RECOMMENDED that Council purchase one (1) Hino FD1124 Crew Truck fitted with the optional Truck Mounted Crane from Wideland Machinery Tamworth that complies with the tender specifications at a price of \$147,380.00 (ex GST) and that Council trade in Plant 140 to Wideland Machinery Tamworth for \$53,681.81 resulting in a changeover price of \$93,698.19 being \$33,698.19 over budget.

Clancy/Coe

12/1215 RECOMMENDED that Council purchase one (1) Hino FD1124 Long Truck fitted with the optional Truck Mounted Crane from Wideland Machinery Tamworth that complies with the tender specifications at a price of \$127,720.00 (ex GST) and that Council trade in Plant 146 to Wideland Machinery Tamworth for \$44,545.45 resulting in a changeover price of \$83,174.55 being \$16,825.45 under budget.

Clancy/Andrews

13/1216 RECOMMENDED that Council purchase one (1) Isuzu FRR 500 Crew Truck from Tracserv Dubbo Pty Ltd that complies with the tender specifications at a price of \$116,315.45 (ex GST) and that Council trade in Plant 147 to Tracserv Dubbo Pty Ltd for \$49,545.45 resulting in a changeover price of \$66,770.00 being \$11,770.00 over budget.

Clancy/Andrews

GENERAL BUSINESS

The following matters were discussed without resolution:

- Current status of budget to be presented to Plant Committee meetings.
- Vehicle turnover report to be provided by Manager at next Plant Committee meeting.

There being no further business the meeting closed at 3.10 pm.

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CHAIR

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

186/1213 RESOLVED:

1. That Council accepts the Minutes of the Plant Advisory Committee Meeting held on 20 December 2012 at Coonabarabran
2. That Council purchase three (3) John Deere 6330 Standard Tractors fitted with a Front End Loader from Chesterfield Australia Pty Ltd that complies with the tender specifications at a price of \$274,818.00 (ex GST) and that Council trade in Plant 190 to Chesterfield Australia Pty Ltd for \$47,272.00 (ex GST) **FURTHER** that Council sells Plant 194 at Pickles Auctions Tamworth with an auction estimate of \$41,818.00 and Plant 197 with an auction estimate of \$40,000.00 totalling \$129,090.00 resulting in a changeover price of \$145,728.00 being \$34,272.00 under budget.
3. That Council purchase one (1) Isuzu NPR 400 Long Trucks fitted with the optional Truck Mounted Crane from Tracserv Dubbo Pty Ltd that complies with the tender specifications at a price of \$107,394.54 (ex GST) and that Council trade in Plant 130 to Tracserv Dubbo Pty Ltd for \$36,363.64 resulting in a changeover price of \$71,030.90 being \$36,030.90 over budget.
4. That Council purchase one (1) Hino FD1124 Crew Truck fitted with the optional Truck Mounted Crane from Wideland Machinery Tamworth that complies with the tender specifications at a price of \$147,380.00 (ex GST) and that Council trade in Plant 140 to Wideland Machinery Tamworth for \$53,681.81 resulting in a changeover price of \$93,698.19 being \$33,698.19 over budget.
5. That Council purchase one (1) Hino FD1124 Long Truck fitted with the optional Truck Mounted Crane from Wideland Machinery Tamworth that complies with the tender specifications at a price of \$127,720.00 (ex GST) and that Council trade in Plant 146 to Wideland Machinery Tamworth for \$44,545.45 resulting in a changeover price of \$83,174.55 being \$16,825.45 under budget.
6. That Council purchase one (1) Isuzu FRR 500 Crew Truck from Tracserv Dubbo Pty Ltd that complies with the tender specifications at a price of \$116,315.45 (ex GST) and that Council trade in Plant 147 to Tracserv Dubbo Pty Ltd for \$49,545.45 resulting in a changeover price of \$66,770.00 being \$11,770.00 over budget.

Shinton/R Sullivan
The motion was carried

REPORTS

Item 1 Minutes of Ordinary Council Meeting – 21 November 2012

187/1213 RESOLVED that the resolutions contained in the Minutes of the Ordinary Council meeting held on 21 November 2012 be endorsed.

Coe/Schmidt
The motion was carried

Item 2 Minutes of Traffic Advisory Committee Meeting - 22 November 2012

188/1213 RESOLVED:

1. That Council accepts the Minutes of the Traffic Advisory Meeting held on 22 November 2012 at Coonabarabran

WARRUMBUNGL SHIRE COUNCIL

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2. That approval be given to close the following roads on Wednesday, 25 April 2013 for the purpose of conducting ANZAC Day March and Ceremony, subject to compliance with guidelines and Road Closure Policy:
 - Coolah RSL Sub Branch - Binnia Street between Booyamurra Street and Campbell Street, between 10.00 am and 12.30 pm.
 - Coonabarabran RSL Sub Branch – John Street between Edwards Street and Essex Street, between 10.00 am and 1.00 pm.
 - Dunedoo RSL Sub Branch – Bolaro Street between Wargundy Street and Merrygoen Street between 10.00 am and 12 noon.
 - Mendooran RSL Sub Branch – Bandulla Street between Pampoo Street and Napier Street, between 9.30 am and 12 noon.
 - Binnaway RSL Sub Branch – Renshaw Street between Bullinda Street and Yarran Street, between 9.30am and 12 noon.
 - Baradine RSL Sub Branch – Wellington Street and Narran Street between 10.00 am and 12.30 pm.

FURTHERMORE the traffic control plan for each event should be submitted to the Committee prior to the event and advice provided to the RMS

3. That proposal from Rod Hannifey Road Transport to relocate 'No Stopping' signs in John Street opposite Shell Service Station in Coonabarabran and introduce 15 minute parking be refused.
4. That request by Coolah Lions Club to close Binnia Street, Coolah between Goddard Street and Booyamurra Street on Saturday, 15 December 2012 between 5.00 pm and 9.00 pm to conduct the annual Christmas Street Carnival be approved subject to compliance with Council's Road Closure Policy.

FURTHER that Item 5 of the recommendations relating to regulatory signs be held over for consideration later in the meeting

Schmidt / Coe
The motion was carried

Item 3 Minutes of Local Emergency Committee Special Meeting - 17 October 2012

189/1213 RESOLVED

1. That Council notes the minutes from the Local Emergency Management Committee Special Meeting held on 17 October 2012 at Coonabarabran.
2. That a sub committee be formed to start the planning of Bush Fire Evacuation plans for both Coonabarabran & Baradine. Committee would be a representative from NSW Police, NSW RFS, NSW F&R, NSW AMB, VRA Coona Squad and Shire.

Schmidt / Andrews
The motion was carried

Item 4 Minutes of Local Emergency Management Committee – 19 November 2012

190/1213 RESOLVED that Council notes the minutes from the Local Emergency Management Committee held on 19 November 2012 at Dunedoo

Schmidt / Capel
The motion was carried

Item 5 Minutes of Consultative Advisory Committee Meeting – 8 November 2012

191/1213 RESOLVED that Council notes the minutes from the Consultative Advisory Committee meeting held on 8 November 2012 at Coolah.

Schmidt / R Sullivan
The motion was carried

WARRUMBUNGLE SHIRE COUNCIL

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Item 6 Minutes of Occupational Health & Safety Meeting – 8 November 2012

192/1213 RESOLVED that Council accept the minutes from the Occupational Health & Safety Committee meeting held on 8 November 2012 at Coonabarabran.

**Coe / Schmidt
The motion was carried**

Item 7 Minutes of Baradine Town Committee Meeting – 29 October 2012

193/1213 RESOLVED that Council accept the minutes from the Baradine Town Committee meeting held on 29 October 2012 at Baradine.

**Capel / R Sullivan
The motion was carried**

Item Minutes of Binnaway Town Committee Meeting – 5 November 2012

194/1213 RESOLVED that Council accept the minutes from the Binnaway Town Committee meeting held on 5 November 2012 at Binnaway.

**Schmidt / Capel
The motion was carried**

195/1213 RESOLVED that the Community Survey to be undertaken regarding a Binnaway sewerage scheme be held over for three months.

**Andrews / Clancy
The motion was carried**

Item 9 Minutes of Coolah Town Committee Meeting – 16 October 2012

196/1213 RESOLVED that Council accept the minutes from the Coolah Town Committee meeting held on 16 October 2012 at Coolah noting the attendance of Cr Clancy being recorded.

**Capel / Andrews
The motion was carried**

Item 10 Minutes of Coonabarabran Town Committee Meeting – 15 October 2012

197/1213 RESOLVED that Council accept the minutes from the Coonabarabran Town Committee meeting held on 15 October 2012 at Coonabarabran noting the attendance of Cr Clancy being recorded.

**Schmidt / R Sullivan
The motion was carried**

Item 11 Minutes of Dunedoo Town Committee Meeting – 30 October 2012

198/1213 RESOLVED that Council accept the minutes from the Dunedoo Town Committee meeting held on 30 October 2012 at Dunedoo.

**Coe / C Sullivan
The motion was carried**

Item 12 Minutes of Mendooran Town Committee Meeting – 6 November 2012

199/1213 RESOLVED that Council accept the minutes from the Mendooran Town Committee meeting held on 6 November 2012 at Mendooran noting the attendance of Cr Clancy being recorded.

**Schmidt / R Sullivan
The motion was carried**

Item 13 Minutes of Administration Building Project Committee - 8 November 2012

200/1213 RESOLVED

1. That the Minutes of the Administration Building Project Committee meeting held on 8 November be endorsed.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

2. The Committee authorises the General Manager to arrange payment for David Payne Constructions invoice number 3328.

R Sullivan / Coe
The motion was carried

Item 14 Minutes of Administration Building Project Committee - 19 November 2012

201/1213 RESOLVED that the Minutes of the Administration Building Project Committee meeting held on 19 November 2012 be endorsed.

R Sullivan / Coe
The motion was carried

Item 15 Minutes of Economic Development & Tourism Advisory Committee Meeting – 28 November 2012

202/1213 RESOLVED

1. That Council accepts the Minutes of the Economic Development & Tourism Advisory Meeting held on 28 November 2012 at Coonabarabran
2. That the Manager EDT continue investigating the purchase of an economic modelling package that could be utilised across Council's services and planning areas and that each Directorate be requested to contribute to the financing of the program and FURTHERMORE that RDA-Orana be approached to consider purchasing a package that could be accessible to LGA's across the whole of Orana Region
3. That the EDT Committee be expanded to include representation from Siding Spring Observatory
4. That the safety issues related to the maintenance and updating of the changeable sign in the grounds of the Coonabarabran Visitor Centre be referred to the WHS Officer for a report on safety issues.
5. That \$1,500 be allocated from the EP-Regional Projects budget for sponsorship of community radio initiatives as follows - \$1,000 for the "Good Morning Country" broadcast during the Tamworth Country Music Festival and \$500 for 2WCR broadcasts during the Parkes Elvis Festival
6. That Consumer Show funds be allocated for the production of 1,000 calico bags for distribution at consumer shows – 4 colourway print on both sides
7. That Council supports the continued participation in consumer show marketing as a means of reaching the target market for the shire
8. That the Manager of EDT prepares a full budget for consumer shows that directly target the appropriate markets and record the true cost of participation which includes volunteer hours and other cost savings that have been factored into previous show costs.
9. That Council seek assistance from Tamworth Regional Council, through an IT Resource Sharing Agreement, for the development of a Social Media Strategy for ED&T and implementation and integration of social media activities for tourism projects.
10. That the quote from Vaada for reprint of 10,000 copies of the regional Padmap for \$1,633 (ex GST) be accepted with funding from the TP-Regional Project

WARRUMBUNGLE SHIRE COUNCIL

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11. That the quote from Vaada for the new regional brochure be accepted with OAP as the printers; the brochure will be published in its existing style and format with the potential to increase page numbers by 8; the design should incorporate a new cover – front and back; the cover should feature the Warrumbungle Region logo with each town highlighted appropriately; a suggestion was received and will be further investigated on the cost for a high gloss, coated cover

FURTHERMORE that advertising sales for the new brochure should also incorporate an allocation for consumer shows and advertising costs outside the brochure costs but reflective of the services provided to the tourism industry (website, IT-social media, annual calendar of events promotion, radio advertising)

12. That the budget as circulated be accepted with the following amendments to expenditure:
EP – Regional Projects – to fund Good Morning Country sponsorship - \$1,000
EP – Regional Projects – to fund 2WCR broadcast from Parkes Elvis Festival - \$500
TP - Regional Project – to fund reprint of Padmaps \$1,633
TP – Consumer Shows - to include the Newcastle C & C Show 2013
TP – Direct Marketing – to fund advertising costs in caravanning and motor home mags
TP – Consumer Shows – for production of 1000 calico bags - \$960

Schmidt / Clancy
The motion was carried

Item 16 Questions Raised at November Meeting

Received.

203/1213 RESOLVED that the General Manager and Mayor be authorised to negotiate on behalf of Council, to auspice the provision of a grant or low interest loan from any State or Federal Government funding opportunity regarding Bungabah Meats

R Sullivan/ C Sullivan
The motion was carried

Item 17 Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors

204/1213 RESOLVED that the Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors as amended by Council at the November 2012 meeting, be placed on public exhibition providing public notice of the intention to adopt a policy and seek public submissions. **FURTHER** that the Policy and any submissions received be considered at the February 2013 Council meeting.

Schmidt / R Sullivan
The motion was carried

Item 18 December 2012 Report from Human Resources

Received.

Item 19 Nominations for Australia Day 2013 – Shire Wide Awards

205/1213 RESOLVED that the following awards be made for presentation on Australia Day 2013:

- that Len Roberts of Coonabarabran receive Council's Citizen of the Year Award
- that Council's Senior Citizen of the Year Award is awarded to two (2) recipients being Mrs Krystina Wesley and Mrs Annette Estens
- that Mr Edward Kuras of Coonabarabran receive Council's Sportsman of the Year Award
- that Miss Ellie Capewell of Coonabarabran receive Council's Young Sportsman of the Year Award
- that Mr Alexander Tighe of Coonabarabran receive Council's Young Citizen of the Year Award.

R Sullivan/Clancy
The motion was carried

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Item 20 Rural Fire Service District Service Agreement – Castlereagh Zone

206/1213 RESOLVED that Council approve the Mayor and General Manager affixing of the Council Seal and executing the Rural Fire Service District Agreement - Castlereagh Zone.

Schmidt / Coe

The motion was carried

Item 21 Cobbora Coal Project Progress

Received.

Item 22 National Roads & Transport Congress 2012 – report from Cr Todd

Received.

207/1213 RESOLVED a vote of thanks to Councillor Todd for his report and interest.

Clancy / Andrews

The motion was carried

Item 23 Brick Bats and Bouquets

Received.

Item 24 Investments & Term Deposits

208/1213 RESOLVED that Council accept the Investments Report for the month ending 30 November 2012.

R Sullivan / Clancy

The motion was carried

Item 25 Rates Report for Month ending 30 November 2012

Received.

Item 26 Bank Reconciliation for month ending 30 November 2012

209/1213 RESOLVED that Council accept the Bank Reconciliation Report for the month ending 30 November 2012.

Capel / R Sullivan

The motion was carried

Item 27 Datalink Bandwidth Upgrade – Coonabarabran Coolah Office Link

210/1213 RESOLVED that Council undertakes a Datalink Tender seeking submissions from Telecommunications Providers for a 20mb/ps data link between the Coonabarabran and Coolah Offices and internet for a three (3) year contract.

R Sullivan / Andrews

The motion was carried

5.50pm

Cr C Sullivan declared a non-pecuniary interest in the next item and left the room.

WARRUMBUNGLE SHIRE COUNCIL

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Item 28 Council Owned Community Grazing Leases

A motion was moved by Councillor Clancy seconded by Councillor Andrews that Council grant a lease to the following persons, in line with the License Agreement, for the period of the lease commencing 1 January 2013 and terminating 31 December 2015.

Property and Licensee	Per Annum	Ha (approx.)
Swanston Park, Coolah Jarrod Bennetts	\$1750.00	5.66.
Kenebri Sports Ground, Kenebri Garry Worrell	\$400.00	4.418
Lot 1 DP 883570, Leadville Gavin Douglass	\$510.60	144.8.
Part Botheroo Street, Coolah Paul Banks	\$555.50	0.66.
River Street, Lots 61, 80, 63 & 64 to the Castlereagh River, Mendooran Dawn Webb	\$200.00	3.8.

FURTHER that the three properties not successfully bid on will be put on the Council web site and the Grazing Licences will be negotiated privately with Council, being the following:

BMX Park, Coolah No Successful applications for Grazing Licence	1.77ha approx..
River Street, Lot 60 to the Castlereagh River, Mendooran No Successful application for Grazing Licence	2.0ha approx..
Adjoining Lot 81, MR 396, Weetaliba No Successful application for Grazing Licence	1.98ha approx..

An amendment to the motion was moved by Councillor Clancy seconded by Councillor Andrews that the Lease for the Leadville land be granted to the current lessee and that within the 3 year term Council investigate the potential resources of the site.

211/1213 A further amendment was moved by Councillor Schmidt seconded by Councillor Capel that Council grant a lease to the following persons, in line with the License Agreement, for the period of the lease commencing 1 January 2013 and terminating 31 December 2015.

Property and Licensee	Per Annum	Ha (approx.)
Swanston Park, Coolah Jarrod Bennetts	\$1750.00	5.66
Kenebri Sports Ground, Kenebri Garry Worrell	\$400.00	4.418
Part Botheroo Street, Coolah Paul Banks	\$555.50	0.66
River Street, Lots 61, 80, 63 & 64 to the Castlereagh River, Mendooran Dawn Webb	\$200.00	3.8

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FURTHER that the three properties not successfully bid on will be put on the Council web site and the Grazing Licences will be negotiated privately with Council, being the following:

BMX Park, Coolah	1.77ha approx..
River Street, Lot 60 to the Castlereagh River, Mendooran	2.0ha approx..
Adjoining Lot 81, MR 396, Weetaliba	1.98ha approx..

AND FURTHER THAT the Leadville property being Lot 1 DP883570 Leadville, be withdrawn from the expression of interest.

The further amendment was put and carried.

The further amendment became the substantive motion and was put and carried.

6.08pm

Cr C Sullivan returned to the meeting.

Item 29 Stocktake November 2012

212/1213 RESOLVED that Council note the results of the November 2012 Stocktake and approve a stock write-on of \$4,572.48.

**Clancy / Sullivan
The motion was carried**

Item 30 Contractor Management Policy

213/1213 RESOLVED that Council endorse and adopts the Contractor Management Policy, to ensure Contractors engaged by Council adhere to WHS Legislation (2010) safety procedures and practices.

**R Sullivan / Clancy
The motion was carried**

Item 31 RFS Bushfire Mitigation Grant – Quaker Tommy Road Project

214/1213 RESOLVED that Council enter into agreement with the Rural Fire Service for upgrading an 800 metre section of Quaker Tommy Road and that use of Council's seal for the agreement is approved if required.

**Clancy / R Sullivan
The motion was carried**

Item 32 Toilet Facility for the Industrial Area in Coonabarabran

215/1213 RESOLVED that installation of a pre fabricated toilet in the median area of Crane Street is considered during preparation of the 2013/2014 Budget.

**Clancy / Andrews
The motion was carried**

Recommendation 5 - Traffic Minutes – held over for consideration

216/1213 RESOLVED that the matter concerning installation of regulatory signs in Crane Street be referred back to the Traffic Advisory Committee for consideration.

**Clancy / Schmidt
The motion was carried**

Item 33 2012/13 Technical Services Works Program - Road Operations

217/1213 RESOLVED that works program presented in attachment 1.0 in the business paper for the Road Operations section is noted for information only.

**R Sullivan / Schmidt
The motion was carried**

WARRUMBUNGLA SHIRE COUNCIL

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218/1213 RESOLVED that Council reconsider maintenance expenditure on Laheys Creek Road and Brooklyn Road and that a report be brought back to Council's February 2013 meeting.

Coe/Capel
Motion carried

Item 34 Development Applications

219/1213 RESOLVED that Council note the Applications Received for the month of November 2012, the Applications Held Pending as at 30 November 2012 and their status, and of those approved during November 2012, under Delegated Authority.

Schmidt / R Sullivan
The motion was carried

Item 35 After School and Vacation Care Policies

220/1213 RESOLVED that Council endorse the 21 policies being:

Relating to facilities and equipment:

1. Security
2. Building Equipment repairs and maintenance
3. Storage
4. Heating, Ventilation and lighting
5. Pest Control
6. Indoor environment

Relating to Staff

1. Determining Responsible person
2. Staff Selection
3. Conditions of employment
4. Staff Orientation
5. Staff Professionalism
6. Inservice training and development
7. Staff review and appraisal
8. Grievance procedures
9. Disciplinary Action
10. Relief Staff
11. Volunteers/
12. Students/Visitors
13. Staff/Child Ratios
14. Communication
15. Interactions with Children

R Sullivan / Schmidt
The motion was carried

Item 36 Coonabarabran Health & Community Expo

Received.

Item 37 Reclassification Finalisation

221/1213 RESOLVED that Council note the completion of the reclassification process for twenty parcels of community land to operational lands and that the information be advertised to the public.

R Sullivan / Schmidt
The motion was carried

Item 38 Development Application 20/1213

222/1213 RESOLVED that this matter be deferred for further consideration at the February 2013 meeting.

Clancy/Capel

WARRUMBUNGLE SHIRE COUNCIL

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Item 39 Delegation of Plumbing Functions

223/1213 RESOLVED that Council accept the delegation offered under section 21 of the Plumbing and Drainage Act 2011 by the NSW Department of Fair Trading and that authority be granted to affix the common seal of Council to the delegation documents.

Schmidt / R Sullivan
The motion was carried

6.43pm

224/1213 RESOLVED that standing orders be suspended to break for dinner.

Schmidt / R Sullivan
The motion was carried

7.18pm

225/1213 RESOLVED that standing orders be resumed.

R Sullivan / Schmidt
The motion was carried

7.18pm

226/1213 RESOLVED

- (a) that Council go into closed committee to consider business relating to commercial in confidence matters being Tenders
- (b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, 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) (c) as outlined above.
- (c) that 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.

R Sullivan / Clancy
The motion was carried

8.19 pm

227/1213 RESOLVED Council move out of closed Council and into open Council.

R Sullivan / Clancy
The motion was carried

The General Manager announced the following resolution to the general meeting.

Item 1C Tender for Supply and Delivery of Bulk Emulsion

228/1213 RESOLVED that Council accepts the recommendations by the tender evaluation panel and award the contract for supply and delivery of bitumen emulsion to Fulton Hogan for the period 1 January 2013 to 30 December 2015. Furthermore, that provision be allowed for a 12 month extension subject to satisfactory supply performance.

R Sullivan / Coe
The motion was carried

Item 2C Tender No 2013/02 – Drilling and Blasting, Screening and Crushing in Council's Hardrock Quarry

229/1213 RESOLVED that the Contract to provide quarrying services to Council including drill and blasting, screen and crushing and haul to stockpile is awarded to CZL Group Pty Ltd for pricing rates provided in their tender for production quantities up to 50,000 tonnes and up to a total price of \$611,500 (incl GST).

R Sullivan / C Sullivan
The motion was carried

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

QUESTIONS AND MATTERS OF CONCERN

Councillors and staff extended best wishes for the Christmas season.

Cr Andrews

- Peppercorn tree on footpath at 17 Napier street Binnaway – request to cut down
- Len Guy park – softfall in dangerous state. The light over play equipment requires attention from Essential Energy
- Bins in Renshaw Street – budget consideration of replacement of bins with square bins

Cr Capel

- Wind farms – landholders meetings – serious end of discussions with contracts heading towards signature – things moving along

Cr Clancy

- Vacant shop in Dalgarno St – condition of it is an eyesore – could action be taken against owners. The General Manager responded that unless health risk or building in danger no action can be taken by council and there has been no complaints, however staff will undertake to investigate.
- Pavers outside Eat It Café need pressure cleaning.
- Chicanes on northern end (eastern side) of Mary Jane Cain Bridge – need to be taken down or repaired
- Kenebri water - indication of water failure the other day – why did the failure occur and what was the length of outage. The Director Technical Services advised that the outage occurred on Monday afternoon, phase failure in pump and electrical problem. Tuesday afternoon identified that part of casing had broken away and that pump was installed and operating Tuesday.
- Details of garbage collection over Christmas. Manager Regulatory Services advised that kerbside waste collection would be as normal however recycling would not be picked up on Public Holidays
- Binnaway sewerage scheme - is there a list and is Binnaway on the list and if so when did they go on the list. The General Manager advised that Council had been informed that there is no list, the scheme was abandoned years ago and the scheme is no longer in existence.

Cr Coe

- Consideration of the issue of permanent Pencils in the Park at Dunedoo. The General Manager responded that a report will be provided to the February 2013 Council meeting.

Cr Schmidt

- Gamble Creek road – causeway – repairs to causeway have they been done. The Director Technical Services responded that the works have been completed.
- Recycling holes in all tip fences – The General Manager responded that this will be considered as part of the Waste Strategy
- Robertson Street water – rust in water supply – The Director Technical Services responded that work is underway and investigations into concerns
- Give Way Sign floating in the Castlereagh River

Cr R Sullivan

- Please pass on thanks to staff for great work and courteous manner of staff

Cr Shinton

- Thanked Councillors, General Manager and staff for support

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

General Manager

Thank you to Councillors, new Councillors and staff for support given.

There being no further business the meeting closed at 8.40 pm.

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CHAIRMAN

RECOMMENDATION

That the resolutions contained in the Minutes of the Ordinary Council meeting held on 20 December 2012 be endorsed.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Item 2 Minutes Finance and Projects – 7 February, 2013

Division:	Corporate Services
Management Area:	Financial Services
Author:	Director Corporate Services – Rebecca Ryan
CSP Key Focus Area:	Local Governance and Finance
Priority / Strategy:	Council undertakes periodic performance reviews to ensure the effective and efficient management of its assets, finances and workforce
File Ref:	Function: Financial Management Activity: Finance and Projects

PRESENT: Cr Murray Coe (Chairperson) Cr Ron Sullivan, Cr Fred Clancy, Tony Meppem (Director Community and Environmental Services), Rebecca Ryan (Director Corporate Services) and Kevin Tighe (Director Technical Services).

ATTENDING: Stefan Murru (Chief Financial Officer) and Lisa Grammer (Acting Manager Finance), Cr Anne-Louise Capel and Cr Chris Sullivan

APOLOGIES: Steve Loane (General Manager) and Cr Peter Shinton (Mayor)

RECOMMENDATION

That the apologies be accepted.

R Sullivan/Clancy

1. MINUTES

RECOMMENDATION

That minutes of the Finance and Projects Committee meeting held on 12 November 2012 be accepted.

R Sullivan/Clancy

2. BUSINESS ARISING

Responsible Accounting Officer Delegation to be followed up
CDO report to be presented at next meeting
Valuer General Land Valuations
Meeting with Treasurer Mayor and General Manager to review VG.

RECOMMENDATION

That Council write to the Valuer Generals Department regarding the impact on landholders of inflated land values due to Cobbora Coal Project.

Coe/R Sullivan

3. QUARTERLY BUDGET REVIEW STATEMENT (QBRS)

CFO presented second quarters QBRS – Income Statement, Cash and Investment Reports, KPI's, Contracts, Statement of Cash Flows, Balance Sheets, Capital Projects Report, Variance Analysis – Operational and Capital Budgets

RECOMMENDATION

That Council approve the supplementary vote requests totalling \$330,096; being \$173,664 General Fund and \$156,432 Water and Sewer Fund.

Clancy/R Sullivan

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

4. RESTRICTED ASSETS

CFO presented 30 June 2012 Restricted Asset (RA) list as per audited financial statements. Auditors have recommended that Council revise level of Internal Restrictions in respect to significant revotes. Large revote requests at the end of the financial year creates a mixed message to community of unrestricted cash. Discussion regarding the Employee Leave. DCS to provide an analysis of ELE % against possible requirement for cash in near future years.

RECOMMENDATION

That Council review the Employee Leave Liability, Section 94 funds and report to next Finance and Projects Committee meeting an objective analysis of Restricted Assets to be moved in or out this financial year.

Coe/R Sullivan

5. INTERNAL AUDIT

Internal Audit function is a shared resource with OROC Councils. Internal Audit aims to evaluate and improve the effectiveness of risk management, control and governance processes. Control weaknesses have been identified, along with the associated implications of these control weakness and recommendations for improvement with an appropriate risk weighting to reflect both the consequences of the implications associated with the control weakness and the likelihood of the event taking place. Internal Audit conducted in November 2012 is part of a three (3) year Internal Audit Plan and addressed Workplace Health and Safety, Retention of Key Personnel and Succession Planning, Stores and Inventory Management and Receipting – External cash collection

RECOMMENDATION

That the Internal Audit Report November 2012 be noted

Clancy/R Sullivan

6. DELIVERY PROGRAM AND OPERATIONAL PLAN

Budget preparation in place for 2013-2014 Operational Plan (OP) and review of 2013-2017 Delivery Program (DP). Opportunity to review and take into account feedback from the Division of Local Government (DLG). Presentation of proposed new format for OP/DP which includes Desired and Achievable Service Levels that are measurable and meaningful, enabling better informed reporting to Council of projects and activities. In addition income of general grants, rates and investments will be separated and not associated with a specific Management Area as currently maintained. Internal charges and oncosts are to be reviewed during budget process.

RECOMMENDATION

That Council adopts the draft budget and reporting format in the Delivery Program and Operational Plan including Activity Group Service Levels.

R Sullivan/Clancy

7. MAYORS BUSHFIRE APPEAL FUND

Public Fund Rules, Guiding Principles and Advisory Panel Terms of Reference presented and noted.

NEXT MEETING: Thursday 2 May 2013 **MEETING CLOSED:** 1.15pm

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

RECOMMENDATION

1. That Council accepts the Minutes of the Finance and Projects Committee Meeting held on 7 February 2013 at Coolah
2. That Council write to the Valuer Generals Department regarding the impact on landholders of inflated land values due to Cobbora Coal Project.
3. That Council approve the supplementary vote requests totalling \$330,096; being \$173,664 General Fund and \$156,432 Water and Sewer Fund.
4. That Council review the Employee Leave Liability, Section 94 funds and report to next Finance and Projects Committee meeting an objective analysis of Restricted Assets to be moved in or out this financial year.
5. That the Internal Audit Report November 2012 be noted
6. That Council adopts the draft budget and reporting format in the Delivery Program and Operational Plan including Activity Group Service Levels.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Item 3 Minutes Economic Development and Tourism Advisory - 6 February, 2013

Division:	Corporate Services
Management Area:	Economic Development and Tourism
Author:	Manager Economic Development & Tourism – Aileen Bell
CSP Key Focus Area:	Local Economy
Priority / Strategy:	LE3 New tourism opportunities and initiatives across the shire need to be identified, developed and well-coordinated.
File Ref:	Function: Economic Development Activity: Reporting

PRESENT: Cllr Victor Schmidt (Chair), Cllr Fred Clancy, Aileen Bell (Manager Economic Development and Tourism), Melinda Larkin, Eleanor Cook, Liz Cutts, Kathryn Olsen, Joel Amiet, Juleen Young, Maria Rickert, Scott Coleman

The Chairperson declared the meeting open and welcomed committee members.

APOLOGIES: May Fleming, Jenny Lloyd

ATTENDING: Karen Weatherall, Jaap Roskam

14 RECOMMENDED that apologies be accepted.

V Schmidt/M Rickert

DECLARATION OF PECUNIARY INTERESTS

There were no disclosures of pecuniary interest.

Chairperson opened the meeting, welcoming Scott Coleman from ANU-RSAA to the Advisory Committee.

CONFIRMATION OF MINUTES

15 RECOMMENDED that the minutes of the November, 28, 2012 meeting be accepted.

J Young/J Amiet

MATTERS ARISING

Recommendations from previous meeting were accepted by Council and status reported by Manager EDT

- Economic Modelling Package – still being investigated
- SSO representation on the Advisory Committee – Scott Coleman in attendance
- Changeable sign safety issues noted and action to lower sign being attended to
- Good Morning Country (\$1,000) and 2WCR FM (\$500) for Elvis Festival successfully completed with amendments to voice overs to acknowledge the natural disaster conditions but other attractions in shire still operating; funded from EP-Regional Projects \$1,500

WARRUMBUNGLE SHIRE COUNCIL

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- 4 colourway calico bags designed and purchased – will be available late April
- Consumer Show participation and total budgets showing the value and in kind contributions still being investigated
- The timeline for an IT Resource Sharing with TRC may be too late for our social media needs so have proceeded with the integration of facebook to Warrumbungle Region website
- Regional padmaps reprinted and in circulation
- New brochure has been put on hold in the light of the fires and the changed tourism product – prospectus drafted for distribution then fires occurred which changed the tourism landscape and presented the need for further discussion on future promotions – referred to Manager's Report

MANAGER'S REPORT

To proceed with a discussion on tourism futures reports were received on our "tourism promotion hooks" - Warrumbungle National Park and Siding Spring Observatory.

Kate Olsen (NPWS) reported on the status of Warrumbungle National Park – road closed through Park is Gilgandra Shire; WNP is CLOSED to visitors - Visitor Centre burnt down - Minister has committed to a rebuild of Centre; issues of infrastructure require immediate attention to make safe - water, sewerage, power and internal roads as well as landslides, walking tracks require assessment and planning to rebuild – very preliminary thinking is that the opening of some walking tracks will be staged over the next 6 months with major walks requiring longer – issues of road safety, track safety, burnt trees all need to be addressed; the focus on making the park visitor ready will focus on campgrounds and walking tracks with White Gum, Tara, Goorianawa and the Nature Trail considered in the first round of assessment and works. Park will not be open before Easter.

Scott Coleman then spoke about the situation at Siding Spring Observatory (SSO): No observatories were burnt but several ANU properties have been burnt with loss of the ANU Admin building - The Lodge – ANU plans to rebuild this facility which includes accommodation for astronomers, a dining room/common room – in the meantime accommodation will be sourced in Coonabarabran; one residence and several other sheds and external buildings. The Exploratory Centre had minor damage and will re-open once safe for visitors to travel the road – the flavour of the Exploratory Centre will change to accommodate the offices etc. Road conditions restricting access to the site – but research facility may be open within a month; safe access for visitors will be longer with a suggestion that they may introduce a bus service to transfer tourists to the site from Timor Road. The AAO Gallery will open for visitors once road is accessible. There was a suggestion that the entry fee for The Exploratory be waived for a period to rebuild goodwill and while renovations and rebuilds are taking place. There has been damage to several of WLVSSD signs.

In the light of the reports on our attractions the following issues were discussed further.

1. Consumer Shows: commitments to Newcastle and Sydney Camping and Caravan Shows has been cancelled with the right to re-apply for Sydney if conditions change. Decision made in light of promotional collateral not representative of the tourism product and peoples' curiosity about the fire not about the tourism experiences. Funds allocated for these shows could be re-defined to build a new campaign fund about resilience and rejuvenation.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

2. Brochure: publication put on hold because of fires and the need to re-think the design and content of the brochure. Current brochure supply is small and does not present the tourism product available – manager to meet with graphic designer on a new interim brochure and obtain costing and deadlines for publication. Depending on the design, funds for this work will need to be taken from the current budget, re-definition or a request for a revote. Strongly felt that local businesses are going to be impacted on long term by the fires and concern about the generation of income may not match needs of business operators.
3. A New Marketing Image and Campaign: Manager has met with Destination NSW and Inland Tourism to discuss future planning and minimising financial impact on local community whilst ensuring an ongoing profile for the shire. Need to employ local photographers to record the regrowth and resilience of the landscape as part of tourism image library. Manager suggested that funds allocated within both budget areas be reviewed with re-definitions proposed in Budget Report to implement a major media campaign into metropolitan TV and print media telling our story of resilience; new campaign to be about “new arrivals – new shoots on gum trees” with the message that we are ready for new arrivals to help our economy. Discussion on other imaging projects including something that records comparable pictures of the landscape; the need to develop a virtual tour of the park utilising a webcam to create a 12 month montage.

16 RECOMMENDED that Council liaise with ABC Open on the re-tasking of ABC Open to support the implementation of a recovery montage for use in tourism promotions

E Cook/S Coleman

17 RECOMMENDED that Council through the Tourism & Economic Development unit construct a library of images showing the impact of the fire on the landscape of the Warrumbungle fires for displaying in the VIC, on websites and in promotional materials

M Rickert/L Cutts

18 RECOMMENDED a strategy be developed focusing on the short term actions required to address the impacts of the bushfires and then with a longer term strategy for future activities

M Rickert/M Larkin

4. LGSA Conference – State Your Case: request for regions to put forward an issue for debate by a panel of “experts”; manager put forward. *How do you continue to promote your region when a natural disaster takes out your iconic attraction – your tourism hook?* Three topics to be selected for agenda with one to receive \$3,000 towards implementation of an agreed activity; Manager to attend conference to present case. Advice post meeting was WSC topic identified as one of the three for discussion on the agenda.
5. Destination Management Plans (DMP’s): all areas will need to be part of the process of developing regional DMP’s to be able to access any tourism funding in the future. Tourism Promotions Coordinator (TPC) and Manager will attend planning meetings.
6. Manager EDT is chairing the Tourism and Economic Futures Sub Committee of the Recovery Planning Committee and expressed the need to have a whole of business community meeting to draw together businesses for discussions on the way forward for the business community.

19 RECOMMENDED that the Managers Report be accepted

A Bell/J Young

WARRUMBUNGL SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Budget Report

Discussion and recommendations related to the changes in direction of promotion for both Economic Development and Tourism lead to a re-allocation of budget funds to address the immediate needs of the business community

20 RECOMMENDED that the budget be amended to reflect changed directions; that \$7,500 from the TP Budget and a further \$8,950 from the EP Budget reallocated to funds for matching with government allocation for a new media campaign making a total of \$16,450 plus the Brochure allocation of \$9,000 to be utilised for new promotional initiatives to address the impact of bushfires.

A Bell/M Larkin

General Business – Notified

1. E Cook (Coolah DDG) – clarification on accreditation requirements for visitor information centres; suggestion that this needs to be driven at the community level and supported by the Coonabarabran VIC staff; TPC provided copies of the accreditation materials to the meeting.
2. E Cook – need for shire to have a BIG event; discussion on future of Hartwood suggesting that shire should consider investing in purchase of the event to ensure it stays within the shire. Clarified that it is not the role of Council to buy commercial businesses; further suggestion was that Council purchase the rights to the event and locate it to another part of the Shire.
3. Festival of the Stars – led from previous discussion – Manager meeting with SSO staff to plan weekend 2013 and 2014 SSO 50th anniversary activities. Suggestion to draw in events for the period and promote under the banner of Festival of the Stars – include Star Party, Open Day, Science in the Pub, Bok Lecture, Coolah Mountain Bike Ride, “Hartwood-style” camp and entertainment and Race Meeting.

Next meeting will be held on the Wednesday 20 March in Coonabarabran – time and venue to be determined.

There being no further business the meeting closed at 4.45pm.

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Chairperson

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

RECOMMENDATION

1. That Council accepts the Minutes of the Economic Development & Tourism Advisory Meeting held on 6 February 2012 at Coonabarabran
2. That Council liaise with ABC Open on the re-tasking of ABC Open to support the implementation of a recovery montage for use in tourism promotions
3. That Council through the Tourism & Economic Development unit construct a library of images showing the impact of the fire on the landscape of the Warrumbungle fires for displaying in the VIC, on websites and in promotional materials
4. That strategy be developed focusing on the short term actions required to address the impacts of the bushfires and then with a longer term strategy for future activities
5. That the budget be amended to reflect changed directions; that \$7,500 from the TP Budget and a further \$8,950 from the EP Budget reallocated to funds for matching with government allocation for a new media campaign making a total of \$16,450 plus the Brochure allocation of \$9,000 to be utilised for new promotional initiatives to address the impact of bushfires

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Item 4 Minutes Bushfire Appeal Advisory Panel – 12 February, 2013

Division:	Executive Services
Management Area:	Governance
Author:	Director Corporate Services – Rebecca Ryan
CSP Key Focus Area:	Local Governance and Finance
Priority / Strategy:	GF2.1 Give communities of the shire opportunities to be informed about and involved in Council's activities and decision making.
File Ref:	Function: Corporate Management Activity: Council Meetings

PRESENT: Mayor Peter Shinton (Chairperson), Steve Loane (General Manager Warrumbungle Shire Council), Cheryl Pope (NSW DPI), Catherine Wood (Barnardos), Lois Sutton (St Vincent de Paul), Laurie Dawson (BlazeAid), Hugh Raadgeever (Rotary), Vicky Poyser (ADRA)

ATTENDING: Rebecca Ryan (Director Corporate Services WSC), Stefan Murru (Chief Financial Officer WSC), Chris White (Manager Communications and IT WSC), Aaron Parker (Projects Officer WSC), Pam Welsh (NSW DPI), Jodie Burnstein (Barnardos), John Sawyer (Rotary), Maureen Hunt (ADRA), Allison Rowlands (MPES), Greg Kennedy (Catholic Church), Aileen Bell (Rotary)

APOLOGIES: Nil

PUBLIC FUND RULES

Public Fund Rules as approved by the Australian Taxation Office (ATO) presented and discussion as to suggested changes to Clause (3). This document is a requirement to being approved by the ATO for Deductible Gift Recipient (DGR) status and was submitted to the ATO on 15 January 2013. Some changes are suggested to enable flexibility in providing funds or grants directly to bushfire victims and/or local community groups.

RECOMMENDATION

That Council approve the Warrumbungle Shire Mayors Bushfire Appeal Public Fund Rules and authorise the Mayor and General Manager to execute the document.

H Raadgeever/L Dawson

GUIDING PRINCIPLES

Document has been used to promote the fund through the media and website, which demonstrates to Council, the community and donor's the aims and objectives of the Appeal. In essence this fund has been established to provide assistance to the victims of the Wambelong and Redbank Natural Disaster event in January 2013.

WARRUMBUNGLE SHIRE COUNCIL

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This document was based on best practice principles and experiences of the Victorian Bushfires and Christchurch Earthquake Appeals.

For the Administrator (Council) and Partner Agencies of the Appeal Fund there are certain governance obligations. This ensures the distribution of the monies received in good faith are meeting the emergency and emerging needs of those adversely affected by the fire in an equitable manner. Each Agency is responsible for implementing good governance, and acquittals are required to be submitted to Council on a monthly basis. Some minor description changes in Blaze Aid Project to reflect its support for Volunteers at Coonabarabran Camp, in Purpose of Funding of Phase One (1) were discussed and approved. Guiding Principles detail the Phase one (1) allocation of \$160,000, providing immediate assistance to meet emergency support.

RECOMMENDATION

That Council approve the Warrumbungle Shire Mayors Bushfire Appeal Guiding Principles

C Pope/ C Wood

ADVISORY PANEL TERMS OF REFERENCE

Terms of Reference provides the framework and rules for panel to report ensuring transparency and accountability of decision making process. Some minor amendments were proposed and approved in regards to makeup of Panel to be decided by the Panel in future if required and general principles clause 7.1.2 to include a statement 'in the short term'.

RECOMMENDATION

That Council approve the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Terms of Reference

S Loane/C Pope

APPEAL BALANCE

The Mayor reported as at 12 February 2013 the Bushfire Appeal has received \$502,654. Additional funds continue to be received, such as the Race Meeting proceeds. Anticipated funds available for Phase two (2) is \$400,000.

PARTNER AGENCY REPORTS

Each Agency provided details of funds expended from the initial \$10,000 allocation and \$20,000 Potable Water Grant. There remains funds available in at least two (2) Agencies, and the Potable Water fund has in excess of \$18,000, which is likely to be accessed as people return to damaged houses or fix water supplies.

Agencies are working together to ensure referrals are made to those people seeking assistance. Explanation of the BlazeAid Project was provided which includes; contribution to BlazeAid for breakfast, lunch and fuel vouchers, Coonabarabran Rotary for catering of evening meal and Coonabarabran Showground Trust for electricity, water and rubbish collection. Clarification was sought from Rotary regarding the Coonabarabran Rotary Bushfire fund which is a separate entity.

WARRUMBUNGLE SHIRE COUNCIL

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8. PHASE TWO (2) DISBURSEMENTS

Discussion re the emerging needs of bushfire affected properties and individual/personal needs. Proposal for \$370,000 to be allocated as follows;

a) BlazeAid Project \$40,000

Supports the Volunteers based at the Coonabarabran Showground Camp who are providing labour to help rebuild fences for landholder in partnership with Coonabarabran Rotary, Coonabarabran Showground Trust and BlazeAid.

b) Fencing Materials \$100,000

Contribution of \$1,000 per km per property of road frontage for purpose of purchasing fencing materials to replace a road-side fence destroyed by the fire. Eligibility: Landholders with stock or stock on agistment with a road-side fence destroyed by fire. Mapping of fence by RuralBiz, or similar mapping program, to accurately provide km fence materials required. Funds to be paid on presentation of invoices as a reimbursement or credit will be issued to local supplier of choice.

c) House Re-establishment Grant \$210,000

Grant of \$5,000 per House, providing an incentive for people whose houses have been destroyed by the fire to rebuild. To fund planning such as Architectural Drawings, Engineering/Bushfire Risk Assessments or other pre requisite reports for lodgement of a Development Application.

d) Shed Rebuild Grant \$20,000

Grant of \$1,000 per shed, providing an incentive for people whose shed(s) have been destroyed by the fire. To fund infrastructure costs such as deposit, concrete slab, connection to power.

RECOMMENDATION

That Council endorse the recommendations for the Warrumbungle Shire Mayors Bushfire Appeal Phase two (2) disbursements, being a total of \$370,000 provided to the following Partner Agencies or Programs; BlazeAid Project \$40,000, Fencing Materials (\$1,000 per km road frontage) \$100,000, House Re-establishment Grant (\$5,000 per house) \$210,000 and the Shed Rebuild Grant (\$1,000 per shed) \$20,000

H Raadgever/L Sutton

9. GENERAL BUSINESS

The Mayor reported that the Governor General Australia will be visiting Coonabarabran on Monday 18 February, and will be meeting with bushfire affected residents, volunteers and government agency staff.

NEXT MEETING: Wednesday 13 March 2013

MEETING CLOSED: 4.25pm

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CHAIRPERSON

WARRUMBUNGLE SHIRE COUNCIL

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RECOMMENDATION

1. That Council approve the Warrumbungle Shire Mayors Bushfire Appeal Public Fund Rules and authorise the Mayor and General Manager to execute the document.
2. That Council approve the Warrumbungle Shire Mayors Bushfire Appeal Guiding Principles
3. That Council approve the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Terms of Reference
4. That Council endorse the recommendations for the Warrumbungle Shire Mayors Bushfire Appeal Phase two (2) disbursements, being a total of \$370,000 provided to the following Partner Agencies or Programs; BlazeAid Project \$40,000, Fencing Materials (\$1,000 per km road frontage) \$100,000, House Re-establishment Grant (\$5,000 per house) \$210,000 and the Shed Rebuild Grant (\$1,000 per shed) \$20,000

WARRUMBUNGLE SHIRE COUNCIL

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Item 5 Minutes Waste Management Strategy - 4 December, 2012

Division:	Environmental and Community Services
Management Area:	Warrumbungle Waste
Author:	Administration Officer – Carol Nasmith
CSP Key Focus Area:	Public Infrastructure and Services
Priority / Strategy:	PI 8 Council needs to develop new and improved methods of managing local waste and recycling services
File Ref:	Function: Environmental Management Activity: Council Meetings

PRESENT Tony Meppem (Director Environmental and Community Services), Cr Capel, Cr Sullivan, Cr Todd, Michael Marks (Manager Regulatory Services), Tony Arndell (Supervisor Waste Management), Bob Bailey (Project Consultant).

IN ATTENDANCE C Nasmith (Minutes)

APOLOGIES Cr Clancy

Welcome and Introductions

The DECS gave a brief overview of Council's current waste management issues and the need to comply with Legislation, to ensure waste management sustains itself financially and to access all available grant funding opportunities.

The Project Consultant, Bob Bailey, advised the meeting of the need to establish a Project Team and define member's respective roles and responsibilities and to consider the Strategy's main objectives, confirm strategic Vision, determine the Strategy's Key Performance Areas and to consider the issues. It was determined that Tony Meppem be appointed the Project Owner and Manager.

Roles and Responsibilities

Project Owner:

- Authorise expenditure
- Provide relevant reports to Council
- Deliver funding
- Provide executive support
- Authorise media releases and newsletters

Project Manager:

- Establish membership of the team
- Oversee project delivery
- Chair meetings
- Community engagement
- Control budgets
- Provide direction and impetus
- Manage the project timeline

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Team Members:

- Provide input
- Attend meetings
- Contribute
- Provide advice
- Participate in sub-groups

Project Consultant:

- Develop waste strategy framework
- Prepare a community engagement plan
- Prepare a project timeline
- Build the strategy document
- Write financial models
- Develop key performance indicators
- Prepare monitoring, review and reporting protocols
- Provide information to the project team
- Provide expert advice

Determine the Project Objectives

- Determine a Vision for waste management
- Prepare a waste strategy that will deliver the Vision
- Ensure the strategy will provide sustainable outcomes and aligns with Council's environmental, social and financial responsibilities
- Meet requirements and standards
- Cost effective and most efficient way
- Strive to charge a minimum rate
- Streamline the process
- Educate the community
- Identify diversity of the Shire's residents
- Stamp out illegal dumping

Project Imperatives

- Preparation of the strategy completed by end of March 2013 and adopted by Council April 2013
- 5 year plan

Key Factors

- Services and infrastructure spread over a large geographical area
- Review site and life of landfill and any remediation works required
- EPA licence may be required at Coonabarabran due to volume of waste being delivered
- Current kerbside recycling has inherent risk
- Establish a Fund for future capital programs
- Fees and charges need to sustain service delivery
- Need for a formal strategy or plan
- Staffing – Council –v- Contractor

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Project Scope of Works

- Establish the project team, roles and responsibilities
- Establish framework
- Determine a Vision
- Prepare and deliver a community engagement plan
- Development of key performance indicators
- Issues affecting delivery of key performance indicators
- Engage the community
- Write a strategy document
- Establish protocols for monitoring, reviewing and reporting the strategy delivery

The meeting adjourned at 10.40am for morning tea and resumed at 11.05am.

Overview of current waste services and infrastructure

Issues discussed:

- Current framework of Council's waste services
- Compliance
 - Environment Protection Licence
 - Landfill Environment Management Plan
 - Pollution Incident Response Management Plan
 - Improvement Plan
 - Standard Operating Procedures
 - Staff training on emergency response and procedures
 - Workplace Health and Safety
 - Safe Work Method Statements
 - Leachate
- Infrastructure
 - Material Recovery Facility – Dunedoo and Coolah
 - Landfill – Coonabarabran
 - Transfer Stations x 6
- Finances
 - Operational Income – Grants, Gate Fees, Domestic Waste Rate Charges, Recycling
 - Operational Expenditure – Staffing, Plant, Contractors
 - Capital Works – Improvements
- Resource Recovery
 - Kerbside recycling
 - Transfer stations
 - Bulk scrap steel
 - Hazardous materials
- Engagement
 - Community
 - Staff Incentives and involvement

Determine Strategy Framework

- Skills, knowledge, capability of staff
- Capacity – time, resources and funding
- Commitment – Council, staff, councillors, community
- Guiding principles
 - cost benefits
 - ambition and resources

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Key Performance Areas

- Services
- Compliance
- Infrastructure
- Financial
- Resource recovery
- Community engagement

Consider the Issues

- Services
 - Processing pre-sorted materials
 - Two centres doing the same thing
 - Day labour – explore alternates ie: Contractors
 - Collection services on rural roads
 - Practicality and safety
 - Feral animals in roadside bins
 - Hazards from large trucks
 - No consistency in bin standards and sizes
 - Lack of control generated by community purchasing their own bins
 - Council issue new bins to ensure consistency
 - Educate the community as to what services are available
 - Fee collection
 - Opening times of Transfer Stations
- Compliance
 - Monitor volume of waste delivered to Landfill
 - Landfill Environment Management Plan
 - Licence
 - Staff training
 - Workplace Health Safety obligations
 - Safe Work Method Statements
 - Green waste
 - Oil waste
 - Leachate
 - Asbestos
 - Capping and daily covers for waste
- Infrastructure
 - Two separate Centres
 - 6 transfer stations
 - Look at 'Hole in the Wall' option
 - Ulamambri Tip – any need to retain
 - Residual life of the landfill at Coonabarabran
 - Daily covering and capping
 - Materials to cap
 - Greenwaste
 - Rationalisation of waste oil disposal
 - Cost to transport general waste from Dunedoo to Coonabarabran
 - Investigate establishing Dunedoo as a Landfill again

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- Financial
 - No Reserve and heavily subsidised by General Fund
 - Reducing the cost of operations
 - Labour costs – opening times/days
 - Expenditure outweighs Income
 - Review fees and charges
 - Council's Parks and Gardens Staff use of the Centres and not paying
 - If not paying Domestic Waste Management Charge not paying s501 fees
 - Farmland tips
 - Levy a fee on Rate Notice – Section 501
- Resource Recovery
 - High cost of collection and processing of recyclables
 - Council does not own equipment
 - Co-mingle
 - Send away for processing
 - Improved service may realise increased quantities
- Community Engagement
 - Apathy
 - Promoting kerbside recycling
 - FAQs – what can I recycle?
 - Advertising
 - Education Plan
 - Feed off Netwaste and other Councils
 - Feedback from the community
 - Engaging with Council staff
- Risk Management Plan
 - Political
 - Safety
 - Environmental
 - Compliance
 - Social
- How do we monitor the delivery of services and timelines throughout the next 5 years.
- Annual Strategy Review – monitor changes and relevancy of ideas and situations
- Annual Reporting
- Objectives and genuine KPIs
- Benefits realisation

Next meeting and meeting frequencies

- To be determined after consultation between the Project Manager and Consultant on leading issues to be raised

There being no further business the meeting closed at 1.25pm.

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CHAIRMAN

WARRUMBUNGLA SHIRE COUNCIL

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Questions Raised - November Meeting

- Question One: Peppercorn tree on footpath at 17 Napier Street Binnaway – request to cut down.
Cr Andrews
- Response From: Manager Urban Services
- Response: Tree has been trimmed but will need to be removed, A1 Tree Services have been contacted about the removal and Council is now waiting on a time to be set.
-
- Question Two: Len Guy park – soft fall in dangerous state. The light over play equipment requires attention from Essential Energy. Cr Andrews
- Response From: Manager Urban Services
- Response: Council have contacted a supplier to source synthetic turf and grass and Essential Energy have been notified about the light.
-
- Question Three: Bins in Renshaw Street – budget consideration of replacement of bins with square Bins. Cr Andrews
- Response From: Manager Urban Services
- Response: They will be considered in the 2013/14 budget.
-
- Question Four: Could action be taken against owners of the Vacant shop in Dalgarno St - condition of it is an eyesore. Staff will undertake to investigate. Cr Clancy
- Response From: Director Environmental and Community Services – Tony Meppem
- Response: Council has no legislative power to regulate this, this was communicated at the December Council meeting.
-
- Question Five: Pavers outside Eat It Café need pressure cleaning. Cr Clancy
- Response From: Supervisor Urban Services - Coonabarabran
- Response: Technical Services are aware of this issue, but pressure cleaning will not remove as the majority is chewing gum. They will continue to investigate.
-
- Question Six: Chicanes on northern end (eastern side) of Mary Jane Cain Bridge – need to be taken down or repaired. Cr Clancy
- Response From: Supervisor Urban Services - Coonabarabran
- Response: The Railway have given Council permission to remove the chicanes, Technical Services will complete this in the next few weeks.
-
- Question Seven: Robertson Street water – rust in water supply. Cr Schmidt
- Response From: Director Technical Services – Kevin Tighe
- Response: At the meeting the Director Technical Services responded that work is underway and investigations into concerns.
-
- Question Eight: Give Way Sign floating in the Castlereagh River. Cr Schmidt
- Response From: Supervisor Urban Services - Coonabarabran
- Response: The sign has been retrieved.

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Item 6 Warrumbungle Shire Mayor's Bushfire Appeal

Division:	Corporate Services	
Management Area:	Finance	
Author:	Chief Financial Officer – Stefan Murru	
CSP Key Focus Area:	Local Governance and Finance	
Priority / Strategy:	GF4 Council Governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.	
File Ref:	Function: Various	Activity: Various

Background

The Wambelong fire that started on 12 January in the Warrumbungle National Park has destroyed many homes and in excess of 50,000 hectares of land. The extent of the fire and the destruction in terms of loss of property, stock and destruction of wildlife is unprecedented in the area.

In order to ensure that donations will benefit the community directly, Warrumbungle Shire Council has established a Warrumbungle Shire Mayor's Bushfire Appeal. The Appeal has been accepting donations from members of the public who wish to assist residents who have suffered, and in many cases lost everything as a result of the fire. The first donations were accepted on Wednesday 16 January, and as at 12 February the Appeal fund had a balance of over \$502k.

The Warrumbungle Shire Mayor's Bushfire Appeal aims to provide a 'one stop shop' where members of the public can donate money to assist victims of the Wambelong, and the nearby Redbank fires, while ensuring that all monies donated are used solely on assisting residents who have suffered as a result of either the Wambelong or Redbank fires.

Staff from the NSW Ministry of Police and Emergency Services (MPES) assisted Council in making contact with the Australian Taxation Office (ATO), and in undertaking a risk assessment of the issues associated with managing an Appeal Fund. This contact with MPES resulted in the suite of documents (which meet best practice fund guidelines) now being presented to Council for approval.

Issues

Several documents relating to the Warrumbungle Shire Mayor's Bushfire Appeal, as well as the Appeal distribution strategy require endorsement from Council:

Public Fund Rules (PFR)

Council has already applied for, and been granted Deductible Gift Recipient (DGR) status on 15 January 2013, which required the preparation of a Public Fund Rules (PFR) document. Council's PFR document outlines the rules and principles that Council will use to manage the collection and distribution of funds. DGR status was granted on the basis of this document.

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Some changes are suggested in Clauses 3 and 4 to enable flexibility in providing funds or grants directly to bushfire victims and/or local community groups. This amended PFR has been submitted to the ATO for review and approval. The PFR document is attached for review; Attachment 1.

Guiding Principles Document

Council's Guiding Principles document aims to ensure the effective administration of funds provided to partner agencies selected in Council's Public Fund Rules (Centacare, ADRA, St Vincent de Paul, Barnardos) and the partnership Projects for the BlazeAid Project (BlazeAid, Coonabarabran Rotary and Coonabarabran Showground Trust) and NSW Department of Primary Industries Fodder Drive. A draft Principles document has been prepared and is attached for review; Attachment 2.

Advisory Panel

It is proposed that an Advisory Panel be established, with the role of overseeing and co-ordinating the distribution of funds. This Advisory Panel would be chaired by the Mayor and would have appropriate Council and partner agency representation. The establishment of this panel will ensure that there is transparency and independent community input into the distribution of funds. A draft governance structure has been prepared and is attached for review; Attachment 3. Advisory Panel Terms of Reference.

Distribution Strategy

Council's preferred distribution strategy is to distribute funds through three (3) or more phases. As there is a degree of uncertainty as to the final balance of funds that Council will receive as a result of the appeal, a phased approach allows Council to distribute funds in a timely manner and ensures that victims of the fire get the support they need as soon as possible.

The following phases to be endorsed by Council are:

Phase one (1) – Phase one saw the initial distribution of \$160k from the Appeal to meet immediate priority needs of those most affected by the fire, i.e. those who have lost homes or primary producers significantly impacted by the fires. This also allows Council to not overcommit funds when the final balance of funds to be received is unknown. A breakdown of the initial distribution is detailed below:

Partner Agency or Program	Amount
BlazeAid Project	\$40k
Centacare	\$10k
ADRA	\$10k
St Vincent de Paul	\$10k
Barnardos	\$10k
DPI Fodder Drive	\$10k
Potable Water Grant	\$20k
Home Dislocation Grant	\$50k
Total	\$160k

Phase two (2) - An inaugural meeting of the Advisory Panel was held on Wednesday 13 February 2013, and the following allocations were approved for Phase two (2)

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Partner Agency or Program	Amount
BlazeAid Project	\$40k
Fencing Material	\$100k
House Re-establishment Grant	\$210k
Shed Rebuild Grant	\$20k
Total	\$390k

Options

N/A

Financial Considerations

The Warrumbungle Shire Mayor's Bushfire Appeal is a separate fund held in a Trust Account. Council and Partner Agencies have agreed to not charge administration expenses to this fund, and to also distribute any interest earned by the fund. Full acquittal reports must be submitted at the cessation of the account.

Summary

Due to the magnitude of the Natural Disaster that swept Coonabarabran as a result of the Wambelong and Redbank Section 44 Fires in January 12-28, the Mayor established a Bushfire Appeal Fund. This fund has already allocated in Phase one (1) an amount of \$160,000 and Phase two (2) \$390,000 to victims of the fires.

A number of documents being: the Public Fund Rules, Guiding Principles and Advisory Panel Terms of Reference require endorsement by Council to ensure the fund meets legislated reporting and accounting requirements.

RECOMMENDATION

That Council approve the Warrumbungle Shire Council Mayors Bushfire Appeal Public Fund Rules, Guiding Principles and Advisory Panel Terms of Reference documents; **FURTHERMORE** that Council notes the Phase one (1) and Phase two (2) distribution of funds as follows:

Phase One

Partner Agency or Program	Amount
BlazeAid Project	\$40k
Centacare	\$10k
ADRA	\$10k
St Vincent de Paul	\$10k
Barnardos	\$10k
DPI Fodder Drive	\$10k
Potable Water Grant	\$20k
Home Dislocation Grant	\$50k
Total	\$160k

Phase Two

Partner Agency or Program	Amount
BlazeAid Project	\$40k
Fencing Material	\$100k
House Re-establishment Grant	\$210k
Shed Rebuild Grant	\$20k
Total	\$390k

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Attachment 1

Warrumbungle Shire Council Mayor's Bushfire Appeal Public Fund Rules

Clause 1: Warrumbungle Shire Council (WSC) has set up the Warrumbungle Shire Mayor's Bushfire Appeal (the Appeal) to take donations from members of the public who wish to assist residents who have suffered, and in many cases lost everything as a result of the Wambelong and Redbank fire natural disasters.

Clause 2: The Warrumbungle Shire Mayor's Bushfire appeal aims to provide a "one stop shop" where members of the public can donate money to assist victims of the Wambelong, and the nearby Redbank fires, while ensuring that all monies donated are used solely on assisting residents who have suffered as a result of either the Wambelong or Redbank fires.

Clause 3: All funds received will either be;

3.1 Allocated by Council directly to those residents adversely affected by the two bushfires via specific grant or program

3.2 Contributed to a community group providing a support service/disaster recovery activity; or

3.3 Donated to Australian charities who will manage the distribution of donated monies to victims of the two bushfires on behalf of Warrumbungle Shire Council. The funds will be distributed to the following charities:

- Centacare
- St Vincent de Paul
- Barnardos Australia
- ADRA
- DPI Fodder Drive
- BlazeAid Project

Clause 4: All funds donated to these charities (or allocated directly by Council) can only be used to assist victims of either the Wambelong or Redbank fire natural disaster events.

Clause 5: The public will be invited to contribute to the fund.

Clause 6: The Appeal has set up its own bank account to manage all funds received.

<p>Account Name: Warrumbungle Shire Council Mayor's Bushfire Appeal BSB: 062-524 Account: 10133579</p>

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Other means of payment allowed will include cheques, and payments at CBA branches.

Clause 7: Council will set up a trust fund within its general ledger and manage all funds received through this trust.

Clause 8: Council will not use any funds donated for any administration or other non charitable purposes, and all funds donated will only be used for the purposes as detailed in Clauses 3 and 4 above.

Clause 9: Council will collect monies through the fund for a period of 2 years post the complete extinguishment of the Wambelong and Redbank fires.

Clause 10: Funds collected will be distributed to the selected charities within two years and will be distributed on a monthly basis (per Clause 9).

Clause 11: If the fund is wound up or if the endorsement of the fund as a deductible gift recipient for the operation of the fund is revoked, any surplus assets of the gift fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.

Clause 12: The Appeal will have a gift fund that will be used to accept the donations. The gift fund operates through the separate bank account and the trust accounts set up by Council.

Clause 13: Reconciliations and accounts will be prepared for the Appeal on a monthly basis to ensure that all monies are correctly accounted for and used for the purposes detailed in these public fund rules, and detailed statements will be prepared when the fund is wound up.

Clause 14: Receipts will be issued in the name of the Warrumbungle Shire Mayor's Bushfire Appeal.

Clause 15: The fund will be managed by a majority of responsible persons who will have a degree of responsibility to the general community.

Clause 16: The ATO will be notified of any changes to the fund rules within twenty one days.

Approval

Mayor, Peter Shinton

General Manager, Steve Loane

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Attachment 2

Warrumbungle Shire Council Mayor's Bushfire Appeal Guiding Principles

Rationale for the Appeal

The Wambelong fire that started on 12 January in the Warrumbungle National Park has destroyed many homes and 53,000 hectares of land. The extent of the fire and the destruction in terms of loss of property, stock and destruction of wildlife is unprecedented in the area.

In order to ensure that donations will benefit the community directly, Warrumbungle Shire Council has set up a Warrumbungle Shire Mayor's Bushfire Appeal and will be taking donations from members of the public who wish to assist residents who have suffered, and in many cases lost everything as a result of the fire.

The Warrumbungle Shire Mayor's Bushfire Appeal aims to provide a "one stop shop" where members of the public can donate money to assist victims of the Wambelong, and the nearby Redbank fires. All funds received will either be distributed directly to victims of the fire by Council or to locally based Partner Agencies (registered charities) who will assist Council in the distribution of gifts from the funds to victims of the fires.

Guiding Principles

The guiding principles underpinning the Warrumbungle Shire Mayor's Bushfire Appeal are:

- All appeal funds will be distributed in accordance with the Public Fund Rules and the expectations of donors;
- All appeal funds will be provided to the individuals and communities affected, with priority to those who are most impacted and who have limited capacity to financially recover;
- Funds distribution will be timely, equitable and reflective of the wide diversity of individual and community needs;
- Affected communities will be able to participate in determining types of assistance provided and eligibility criteria;
- Funds will be distributed to respond to both immediate and emerging needs of individuals and communities, recognising that needs change over time;
- All management and administration costs associated with the appeal will be met by Council or Partner Agencies and not deducted from donated funds;
- All appeal processes will be transparent, well publicised and accessible. (including how the Trustee/Advisory Panel are chosen, the purpose of the fund, eligibility guidelines and methods of assessment, how the funds will be distributed and the anticipated life of the fund);
- Confidentiality will need to be maintained by all participants, particularly in regards to sharing and disclosing personal information in accordance with relevant privacy legislation;

Eligibility Criteria

The key eligibility criteria will be that the individual seeking assistance must have been significantly affected by either the Wambelong or Redbank fires.

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Accountability and Reporting

To ensure that the guiding principles of the fund are adhered to, Council will require the following:

- Partner Agencies are to ensure that all funds are provided to victims of the fires, and that no funds are kept for administration purposes by the Partner Agency;
- Any interest earned on the funds are to be distributed to victims of the fire and can not be kept by the Partner Agency;
- Funds provided by Council to Partner Agencies will need to be managed under a separate account;
- An acquittal of how funds are used and whom funds are paid to will need to be prepared by each Partner Agency and provided to Council. Council will provide an acquittal template for use by Partner Agencies;
- Acquittals will need to include a declaration stating that all funds were used in accordance with the guiding principles and eligibility criteria above.

Distribution Strategy

Council's preferred distribution strategy is to distribute funds through three or more phases. This approach allows Council to not overcommit when the final funds balance is unknown, and also allows Council to distribute funds in a timely manner, ensuring that victims of the fire get the support they need as soon as possible.

The initial phase of fund distribution aims to distribute an initial tranche of \$160k immediately to meet the priority needs of those most affected by the fire (i.e. those who have lost homes or primary producers significantly impacted by the fires). A breakdown of the initial distribution is detailed below:

Partner Agency or Program	Purpose of Funding	Amount
BlazeAid Project	Support for BlazeAid Volunteers Camp at Coonabarabran Showground rebuilding of fencing destroyed by the fires	\$40k
Centacare	Household Emergency / Family Support	\$10k
ADRA	Household Emergency / Family Support	\$10k
St Vincent de Paul	Household Emergency / Family Support	\$10k
Barnardos	Household Emergency / Family Support	\$10k
DPI Fodder Drive	Fodder for Primary Producers	\$10k
Potable Water Delivery	Delivery of potable water to home owners or tenants whose principle place of residence has been affected by the bushfires.	\$20k
Home dislocation Payment	One off "home dislocation payment" to all households (owner occupiers or tenants) who lost their principal place of residence.	\$50k
Total		\$160k

Any subsequent distribution of monies from the fund will be administered by the Advisory Panel and informed by impact assessment information (per best practice of appeal fund management and experiences from the Victorian bushfires). This will allow the Advisory Panel to assess the progress of each of Council's Partner Agencies and re-prioritise the distribution of funds as needs are recognised.

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Attachment 3

Warrumbungle Shire Council Mayors Bushfire Appeal Advisory Panel – Terms of Reference

1. Introduction

- 1.1 Warrumbungle Shire Council (WSC) has set up the Warrumbungle Shire Mayor's Bushfire Appeal (the Appeal) to take donations from members of the public who wish to assist residents who have suffered, and in many cases lost everything as a result of the Wambelong and Redbank fire natural disasters.
- 1.2 The Warrumbungle Shire Mayor's Bushfire appeal aims to provide a "one stop shop" where members of the public can donate money to assist victims of the Wambelong, and the nearby Redbank fires, while ensuring that all monies donated are used solely on assisting residents who have suffered as a result of either the Wambelong or Redbank fires.
- 1.3 All funds received will be either allocated by Council directly to those adversely affected by the bushfire according to the agreed Program or donated to Australian charities who will manage the distribution of donated monies to victims of the two bushfires on behalf of Warrumbungle Shire Council.
- 1.4 The charities (Council's Partner Agencies) that will manage the distribution of donated monies include:
 - BlazeAid;
 - Centacare;
 - ADRA;
 - St Vincent de Paul;
 - Barnardos;
 - DPI Fodder Drive.

2. Governance

- 2.1 The Warrumbungle Shire Mayor's Bushfire Appeal Advisory Panel (hereafter the Panel) has been established to ensure accountability and transparency in the use of donated funds, and to direct the distribution of funds raised.
- 2.2 The Panel will also ensure that funds are used in accordance with the Guiding Principles and Public Fund Rules;

3. Composition

- 3.1 The Panel will be managed by a majority of responsible persons who will have a degree of responsibility to the general community.
- 3.2 The makeup of the Panel as decided by the Panel will include representatives from each of Council's Partner Agencies being:
 - BlazeAid;
 - Centacare;
 - ADRA;
 - St Vincent de Paul;
 - Barnardos;
 - Department of Primary Industries

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3.3 The position of Chairman will be filled by the Mayor;

3.4 The following Council officers will be on the Panel: General Manager or his delegate.

3.5 The Panel will also include an independent community representative from the Rotary Club of Coonabarabran.

4. Role and Functions

4.1 The Panel's roles and functions include:

4.1.1 Oversight of the distribution of donated funds;

4.1.2 Decision making in regard to funding priorities (within the limits set by the Guiding Principles and Public Fund Rules);

4.1.3 Ensuring transparency and accountability in all funding decisions;

4.1.4 Ensuring appropriate community involvement in the funds distribution and decision making process;

4.1.5 Maintaining adequate records for all decisions to ensure compliance of the Appeal Fund with ATO and other reporting requirements;

5. Resolutions and meetings

5.1 The Panel will meet monthly;

5.2 The Panel will require a minimum of five attendees to form a quorum;

5.3 Minutes will be taken at each meeting, and will be distributed to Panel members within five working days of the meeting;

5.4 All minutes will be presented to Council via the Monthly Business Paper;

6. Reporting and Accountability

6.1 The Panel is responsible for ensuring adherence of all decisions to the requirements and principles of the Public Fund Rules and Guiding Principles documents;

6.2 Any non-adherence by a Partner Agency with these requirements and principles will be dealt with by the Panel, and will result in the cessation of further funding being directed to the Partner Agency in question;

6.3 The Panel will be responsible for ensuring that acquittals from each Partner Agency on how funds are used and whom funds are paid to are received in a timely manner;

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7. General Principles

The guiding principles underpinning the Warrumbungle Shire Mayor's Bushfire Appeal are:

- 7.1 All appeal funds will be distributed in accordance with the Public Fund Rules and the expectations of donors;
- 7.2 All appeal funds will be provided to the individuals and communities affected, in the short term, with priority to those who are most impacted and who have limited capacity to financially recover;
- 7.3 Funds distribution will be timely, equitable and reflective of the wide diversity of individual and community needs;
- 7.4 Affected communities will be able to participate in determining types of assistance provided and eligibility criteria;
- 7.5 Funds will be distributed to respond to both immediate and emerging needs of individuals and communities, recognising that needs change over time;
- 7.6 All management and administration costs associated with the appeal will be met by Council or Partner Agencies and not deducted from donated funds;
- 7.7 All appeal processes will be transparent, well publicised and accessible. (including how the Trustee/Advisory Panel are chosen, the purpose of the fund, eligibility guidelines and methods of assessment, how the funds will be distributed and the anticipated life of the fund);
- 7.8 Confidentiality will need to be maintained by all participants, particularly in regards to sharing and disclosing personal information in accordance with relevant privacy legislation.

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Item 7 Policy - Payment of Expenses and Provision of Facilities - Mayor & Council

Division:	Executive Services	
Management Area:	Governance	
Author:	Manager Administration & Customer Service – Sally Morris	
CSP Key Focus Area:	Local Governance and Finance	
Priority / Strategy:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.	
File Ref:	Function: Governance	Activity: Policy

Background

This Policy was considered at the November and December 2012 Council meetings with Council endorsing four changes to the draft Policy.

Issues

Council was advised by the Division of Local Government that the draft Policy should have been advertised to allow at least 28 days for public submissions and consideration of any submissions made.

Options

Council placed the amended Policy on public exhibition for a period of 28 days seeking public submissions by 25 January.

Financial Considerations

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

Summary

No submissions were received from the public as a consequence of the exhibition and the Policy is submitted for consideration and endorsement. A copy of the Policy is included as Attachment A.

RECOMMENDATION

That Council endorses the amended Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

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Attachment A

Strategic 1.1

Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors **(Pursuant to Sections 12, 23A, 252, 253 and 254 of the Local Government Act and Clauses 217 and 403 of the Local Government (General) Regulation 2005)**

Part 1 - INTRODUCTION

Title and Commencement of the Policy

This Policy shall be cited as the Policy for the Payment of Expenses and Provision of Facilities to Councillors and is effective from 21 November 2012 and replaces the previous policy titled Policy for the Payment of Expenses and Provision of Facilities to Councillors adopted by Council on 24 November 2011.

Purpose of the Policy

The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Councillors. The Policy also ensures that the facilities provided to assist and support the Councillors to carry out their civic functions are reasonable.

Objectives and Coverage of the Policy

The objectives of this Policy are to:

- Provide a guide to councillors expenses and facilities
- Outline the process for paying expenses so that they can be properly recorded, reported and audited
- Comply with the guidelines issued by the Department of Local Government.

In this Policy, unless otherwise stated, the expression "Councillor" refers to all Councillors of Warrumbungle Shire Council including the Mayor and Deputy Mayor.

Basis of this Policy

The relevant legislative provisions for this policy are set out below. In this legislation the expression "year" means the period from 1 July to the following 30 June.

Local Government Act 1993

252 Payment of expenses and provision of facilities

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- (4) A council may from time to time amend a policy under this section.

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- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
- (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
 - (c) a copy of the notice given under subsection (1).
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

Part 2 - PAYMENT OF EXPENSES

Allowances and expenses

Council does not provide general expense allowances to Councillors. Councillors are entitled to the expenses set out in this policy provided that they satisfy the stated requirements.

This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office.

The payment of expenses and reimbursement of expenses under this Policy shall only be in respect of costs directly associated with discharging the functions of civic office.

2.1 Establishment of Monetary Limits and Standards

This policy identifies and publishes monetary limits and standards applicable to the payment of various expenses to Councillors. This allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids the situation where Councillors incur expenditure that is unforeseen or considered unreasonable by other Councillors and the public.

Monetary limits prescribed in this Policy set out the maximum amount payable in respect of any expense or facility.

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Where a Councillor incurs expenses in the course of discharging their civic office responsibilities, such expenses will be reimbursed. Typical examples of such expenses include:

- Course fees
- Fares / parking / tolls
- Accommodation
- Meals
- Incidentals, including telephone or facsimile charges, internet charges, laundry and dry cleaning etc. while attending conferences, seminars etc.
-

Wherever possible, every effort should be made to minimise the extent of such expenses to a reasonable level. Furthermore, in the majority of cases course/conference fees and accommodation will be pre-booked, negating the need for out-of pocket expenses to be incurred.

For accommodation or meals that Council has not prepaid, and for incidental expenses, Council will reimburse expenses incurred while at conference, seminars or official functions to the limits of the allowances set out in the Australian Tax Office's Taxation Determination TD 2011/17 or such determinations or policies of the Australian Tax Office that supersede it.

The limits will be applied as follows:

- Where Councillors' meals are not prepaid by Council or are not included in the seminar, conference, event or briefing fee, the monetary limits per day for meals are those set out under 'Food and Drink' in Table 3 paragraph 11 of TD 2011/17 (see Appendix A attached) or such determination or policies of the Australian Tax Office that supersede it. (As at October 2012 – Meal Allowance (per day) Breakfast \$30.30; Lunch \$42.95; Dinner \$60.20)
- Where Councillors incur incidental expenses, such as phone call and similar expenses, the monetary limits per day for those expenses are the rates set out under 'Incidentals' in Table 3 of paragraph 11 of TD 2011/17 or such determinations or policies of the Australian Tax Office that supersede it. (As at October 2012 – Incidental Expenses (per day) \$24.70)
- Where Councillors' accommodation expenses are not prepaid by Council or are not included in the seminar, conference, event or briefing fee, the monetary limits per day for those expenses are those set out under 'Accommodation' in Tables 3 and 4 (see Appendix A attached) of paragraph 11 of TD 2011/17 or such determinations or policies of the Australian Tax Office that supersede it.

With the approval of the Mayor and General Manager, a Councillor may expend more than the individual monetary limits per day for meals and incidental expenses, provided that the overall monetary limit per day in that case will be the sum of all of the monetary limits per day for meals and incidental expenses.

On completion of a discretionary trip or attendance, Councillors should provide a written report to Council on the aspects of the attendance that are relevant to Council's business and/or the local community. A report is not required for the annual conference of the Local Government and Shires Associations.

Where applicable the standard of any equipment, facility or service to be provided shall be to the maximum standard prescribed in this Policy.

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2.2 Requirement for receipts

Council will not reimburse any expenses unless a receipt or tax invoice is produced and the necessary claim forms completed.

2.3 Payment of Reimbursed claims

Councillors are to submit all claims for reimbursement, including all travel expenses, to the General Manager or delegate in a form and manner acceptable to the General Manager in the circumstances to enable full assessment of the claim on a monthly basis and these will be paid with their monthly allowance. Tax invoices and receipts are to be supplied to support claims. All payments to Councillors will be via direct deposit to their nominated bank account. Councillors are to seek reimbursement for their expenses within three (3) months of the expense being incurred.

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

In the event of a dispute at any time regarding this Policy, the parties to the dispute shall provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next meeting of Council to have the dispute determined by a resolution of Council having regard to this Policy, the Act and any other relevant law. The decision of Council shall be binding on all of the parties.

2.4 Accommodation and meal expenses

Councillors shall be accommodated in the hotel where the conference, seminar, or training course is being held or the nearest hotel to it that is of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area. Accommodation shall be provided at the rate of a double room.

Such attendance to be confirmed by Council with reimbursement of costs and expenses to be made upon the production of appropriate receipts and/or tax invoices and completion of the required claim forms. Alternatively, accommodation can be booked by Council order form and allowance for incidental expenses as provided under clause (2.5).

2.5 Incidental Expenses

Incidental expenses such as public transport fares, parking fees, phone/fax expenses and expenses incurred as the result of the purchase of refreshments during meetings related to council business or meals not included in the registration fees for conferences or similar functions, will be reimbursed by Council on production by the Councillor of the relevant receipts together with an approved claim form in accordance with Table 3 of paragraph 11 of TD 2011/17 (see clause 2.1).

Council will not meet any expenses for alcohol, cigarettes or personal requirements. Council will not fully fund any activity where the Councillor is not in attendance for at least 90% of the specified activity. Other than in the most exceptional circumstances, where Councillor's expenses have been met by Council but the Councillor does not attend at least 90% of the activity, that Councillor will be required to show cause why they should not reimburse Council for any costs incurred.

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2.6 Payment of expenses for spouses, partners and accompanying persons

In this clause accompanying person means a person who has a close personal relationship with a Councillor and/or provides carer support to the Councillor.

Where the attendee is accompanied at a conference or seminar by his or her spouse or partner or accompanying person, the attendee will be required to meet all costs associated with their spouse or partner or accompanying person's travel expenses, additional accommodation expenses, tours and attendance unless otherwise resolved by Council.

Council will meet the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature. Examples would be Australia Day award ceremonies, citizenship ceremonies and civic receptions. Such functions would be those that a Councillor's or General Manager's spouse, partner or accompanying person could be reasonably expected to attend.

By resolution of Council, costs and expenses incurred by the Mayor, Councillors (or General Manager or nominee) for other events or functions on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal, travel and accommodation and/or direct cost of attending the function. A total pool of \$4,510 per year per term is available for this purpose.

2.7 Payments in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home or for the cost of service associated with a civic duty. Councillors must fully reconcile all expenses against the cost of the advance.

Within one (1) week of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The level of the supporting documentation is to be commensurate with the nature of the expenditure. The maximum value of a cash advance is \$563.20.

2.8 Approval arrangements

Approval for discretionary trips and attendance at conferences and the like should be where possible, approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of council meetings it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

2.9 Attendance at seminars and conferences

Council will allocate up to \$24,000 per year (including GST) to fund attendance at conferences, investigatory delegations and similar events. However, Council may agree to allocate additional funds in specific cases where it decides that there is a benefit to council from the attendance.

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The following seminars, conferences and meetings are endorsed for attendance by council representatives:

- C Division Conference (Any Councillors and General Manager)
- Annual conference of the Local Government and Shires Association / One Association - (Three (3) Councillors and General Manager)
- Roads Congress (Two (2) Councillors and General Manager)
- OROC meetings
- Country Mayor's Association meetings
- Mining Related Councils (Mayor and General Manager)
- Australian Local Government Association (Mayor)

After returning from the conference, Councillors or a member of council staff accompanying the councillor/s, should provide a written report to council on the aspects of the conference relevant to council business and/or the local community.

No written report is required for the Annual Conferences of the Local Government and Shires Association.

Requests for attendance at other conferences or seminars should be lodged in writing outlining the benefits for Council.

Council will meet the costs of conference / seminar registration fees including the costs of related official lunches and dinners and associated tours where they are relevant to the business and interests of the Council. Council will also meet the reasonable cost of transportation and accommodation associated with attendance at the conference and Council shall meet the cost of breakfast, lunch and dinner for Councillors where any of the meals are not provided as part of the conference, seminar or training course.

2.10 Registration fees

Registration fees for attendance at Council approved conferences and seminars will be paid by Council. These fees will include the costs of related official lunches and dinners and associated tours where they are relevant to the business and interests of the council.

2.11 Travel Expenses

Council will meet all reasonable costs of transportation to and from conferences and seminars when they are not included in the conference fees. Councillors are entitled to use Taxis provided that the cost of a single trip does not exceed \$100 (including GST) unless approval is granted by the General Manager in exceptional circumstances.

All travel by councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Travel arrangements can include the use of a private vehicle, public transport, taxis, or travel using a council vehicle. Costs associated with parking fees and road tolls will be refunded on production of a receipt. The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

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Claims for travelling expenses under this Policy shall include details of:

- Date and place of departure
- Date and place of arrival
- Distance travelled
- Fares and parking fees paid
- Amount claimed as travelling allowances
- Total amount of claim

Travel in a Councillor's own vehicle to Council and Committee meetings, formal or social functions or activities or other meetings involving the community whilst representing Council where attendance is approved by the Mayor and/or General Manager is to be paid at the per kilometre rate payable for claims by staff in the Local Government (State) Award.

Where the approved meeting, function or activity is within the Warrumbungle Shire Council boundary, reimbursement shall be on the basis of the distance from the Councillor's principal place of residence (if it is within the Warrumbungle Shire Council boundary) to the venue or, if the Councillor resides outside the Warrumbungle Shire Council boundary, from the Warrumbungle Shire Council boundary to the venue.

Where the Councillor uses his/her own vehicle to travel to an approved function that is outside the Warrumbungle Shire Council boundary then council's reimbursement will be based on the total distance travelled from residence to venue and return if the Councillor resides within the Warrumbungle Shire Council boundary. If the Councillor does not reside within the Warrumbungle Shire Council boundary, then Council will reimburse the distance either:

- a) from the Councillor's residence to the venue, or
- b) from the Warrumbungle Shire Council boundary closest to the Councillor's residence to the venue, whichever is the lesser.

Claims for the above expenses require the submission of a claim form signed by the claimant detailing date, distance and reason for journey(s) with such claims to be submitted monthly.

Travel associated with authorised conferences, seminars and meetings may be undertaken by Council vehicle (where available) subject to prior approval by the General Manager, with fuel expenses etc. to be met by Council.

Council will meet the cost of return economy air travel or equivalent payment for attendance at authorised conferences/seminars.

Elected members using private vehicles will be paid the kilometre rate to a maximum payment, which is not to exceed economy class air fares to and from the particular destination.

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All travel by Councillors that involves an overnight stay of one or two nights must be authorised in advance by the Mayor and General Manager (or in the event that the Mayor requires approval to travel outside of council meetings approval should be given jointly by the deputy mayor or another councillor and the general Manager.)

All travel by Councillors that involves an overnight stay of more than two nights must be authorised in advance by the Council.

Where travel for Council business or approved activities outside of the local government area is to be undertaken – arrangements for both travel and accommodation must be made through the General Manager and will be by the most practical method.

Prior approval of travel should generally be required for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

Overseas travel on behalf of council must be approved by a meeting of the full council prior to a councillor undertaking the trip.

2.12 Attendance at dinners and other non-council functions

The costs of attendance by Councillors at dinners and other non-council functions which provide briefings to councillors from key members of the community, politicians and business will only be met by Council when the function is relevant to the council's interests and authorised by Council in advance.

No payment shall be made by Council for attendance by a councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit. Any expenses to be incurred that would be directed towards such events and activities will not be approved for payment.

2.13 Gifts

Where it is appropriate for councillors **to give** a gift or benefit, these gifts and benefits will be of token value and in accordance with council's Code of Conduct.

2.14 Training and Educational expenses

Council will only meet the costs of training or attendance at an educational course that is directly related to the Councillor's civic functions and responsibilities and is approved by Council prior to undertaking such training or attendance. Council will allocate up to \$ 1500 per year per councillor (including GST) to fund relevant training and educational courses and attendances at briefings.

2.15 Telephone and internet expenses

Except as otherwise set out in this policy, Council will not reimburse Councillors for telephone expenses incurred in using their private/mobile phones for Council business. Phones are available for Councillors' use at the Coolah and Coonabarabran offices of Council.

2.16 Mobile telephone

Council shall meet the cost of a mobile telephone for the Mayor, for which Council shall pay rental and 100% of metered calls charged against that service, to a limit of \$205 per month for Council business calls and \$20 per month for incidental personal calls, provided that the number is available to be given out for general public information.

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2.17 Internet

Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor by an allowance of \$50.00 per month to cover Councillors' costs of communication via computer OR provision of an ipad with internet connectivity.

2.18 Insurance Provisions

Council will maintain adequate insurance against public liability and professional indemnity for matters arising out of Councillors' performance of their civic duties and/or exercise of their council functions.

Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

2.19 Legal Expenses and Obligations

Council shall, if requested, indemnify or reimburse the reasonable legal expenses to a maximum of \$200,000 of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act; or
- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act, provided that the outcome of the legal proceedings is favourable to the councillor; or
- a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter before investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a councillor, legal costs will only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government. Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This can include circumstances in which a matter does not proceed to a finding.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act shall be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain is not covered by this provision.

Council shall not meet the costs for any legal assistance in respect of legal proceedings initiated by a Councillor in any circumstances.

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Council must not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Council shall not meet the costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.

2.20 Special requirements of Councillors – Care and Other Related Expenses

Council shall meet reasonable expenses associated with any special requirements of a Councillor, such as disability and access needs, in order to discharge the functions of civic office.

Council will meet reasonable costs of facilitating access to council premises, functions and activities where, by reason of disability, care-giver role or other special need, a councillor would not otherwise have equity of access with other councillors. Such support will allow the fullest participation reasonably possible. Council will reimburse the reasonable cost of care arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of councillors to allow councillors to undertake their council business obligations.

The total amount paid to a Councillor under this provision shall not exceed \$800 per year of term.

Part 3 – PROVISION OF FACILITIES

Councillors shall not generally obtain private benefit from the provision of equipment and facilities. However, incidental personal use of Council equipment and facilities may occur from time to time without requiring reimbursement of the cost by a Councillor. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

Unless otherwise authorised in this Policy, if a Councillor does obtain a private benefit for the use of a facility provided by Council the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the private benefit shall be determined by Council in non-confidential session of a Council meeting.

Equipment, facilities and services provided under this Policy shall not be used to produce election material or for any other political purposes.

3.1 Mayoral Expenses, Facilities, Equipment and Services

The Mayor will be entitled to receive the following benefits:-

- a) Provision of a Council vehicle for appropriate use by the Mayor to carry out his duties as Mayor. Council to meet all costs associated with the provision of the vehicle. The Mayor will have no right of private use of this vehicle with the exception that he may use the vehicle for limited private use travel within the Shire only when attending different functions on the same day.
- b) Secretarial services relating to the discharge of his/her civic functions, including use of official stationery, writing pads, pens, diaries, folders and postage of official correspondence.

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- c) Administrative assistance associated with civic functions, meetings and the like.
- d) Office refreshments
- e) Supply of Name Badges, Business Cards, Diaries and Attaché Case.

3.2 Elected Members – Facilities, Equipment and Services

The Councillors including the Deputy Mayor are entitled to receive the following benefits:-

- a) Use of Council Chambers, telephone and limited hospitality facilities (tea and coffee) for Council business or functions or community consultation.
- b) Secretarial services relating to the discharge of his/her civic functions, including use of official stationery where authorised by Mayor or General Manager.
- c) Postage of official correspondence dealing with Council business.
- d) Access to facsimile and photocopying facilities for Council related business.
- e) Transport to official functions when deputising for the Mayor (ie) Use of Mayoral vehicle if required.
- f) Supply of Name Badges and Note Books.

3.3 Bluetts Handbook

Provide all Councillors with a copy after their election.

3.4 Policies

Provide all Councillors with a full and up to date copy of policies and manuals.

Part 4 – OTHER MATTERS

4.1 Acquisition and return of equipment and facilities by Councillors

At the completion of their term of office, during extended leave of absence or cessation of civic duties, Councillors are to return equipment and other facilities to the General Manager.

At the cessation of their duties, the option to purchase at a fair market price or written down value of equipment previously allocated to Councillors will be subject to determination by Council.

4.2 Status of the Policy

This is the fourth version of the Policy. This Policy replaces the previous version of the Policy adopted by Council on 24 November 2011 Minute No. 181/1112.

The Policy shall only be amended at a subsequent meeting of Council, subject to compliance with the Act.

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Appendix A

Place	Accomm. \$	Food and drink \$ B'fast 30.30 Lunch 42.95 Dinner 60.20	Incidentals \$	Total \$
Adelaide	209	133.45	24.70	367.15
Brisbane	236	133.45	24.70	394.15
Canberra	230	133.45	24.70	388.15
Darwin	278	133.45	24.70	436.15
Hobart	195	133.45	24.70	353.15
Melbourne	265	133.45	24.70	423.15
Perth	275	133.45	24.70	433.15
Sydney	265	133.45	24.70	423.15
Country centres	\$190, or the relevant amount in Table 4 if higher	133.45	24.70	Variable – see Table 4 if applicable

Country centre	\$	Country centre	\$
Ballarat (VIC)	127.00	Kalgoorlie (WA)	169.50
Bendigo (VIC)	122.00	Karratha (WA)	285.00
Broome (WA)	222.50	Katherine (NT)	120.50
Bunbury (WA)	129.00	Kununurra (WA)	182.00
Burnie (TAS)	125.00	Launceston (TAS)	126.50
Cairns (QLD)	127.00	Mackay (QLD)	153.00
Carnarvon (WA)	151.00	Maitland (NSW)	131.50
Christmas Island (WA)	150.00	Mount Isa (QLD)	158.50
Dalby (QLD)	133.50	Newcastle (NSW)	142.50
Dampier (WA)	174.50	Newman (WA)	195.00
Derby (WA)	181.50	Norfolk Island	189.50
Devonport (TAS)	128.50	Port Hedland (WA)	270.00
Echuca (VIC)	122.50	Port Pirie (SA)	135.00
Exmouth (WA)	194.00	Thursday Island (QLD)	180.00
Geelong (VIC)	131.00	Townsville (QLD)	134.50
Geraldton (WA)	146.00	Weipa (QLD)	138.00
Gladstone (QLD)	138.50	Wilpena-Pound (SA)	144.00
Gold Coast (QLD)	170.00	Wollongong (NSW)	128.00
Halls Creek (WA)	195.00	Wonthaggi (VIC)	122.00
Horn Island (QLD)	169.00	Yulara (NT)	340.00
Jabiru (NT)	198.00		

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Item 8 Notice of Motion – Traffic Counters

Division:	Executive
Management Area:	Governance
Author:	Cr Todd
CSP Key Focus Area:	Public Infrastructure and Services
Priority / Strategy:	P13.1 All levels of government work together to ensure our road network is safe and functional
File Ref:	Function: Governance Activity: Elected Members

Notice of Motion

A notice of motion has been received from Councillor Todd as follows:

That the Warrumbungle Shire Council instigate traffic counters on a number of major roads to assist with traffic management and maintenance in the coming future.

Rationale

There is a need for accurate documentation of the traffic numbers on a number of roads within the Shire to assist with planning for upgrades and maintenance, bridge maintenance and future new development.

These figures will enable the Finance Manager to accurately develop an Asset Management Plan for the future.

Other roads in the Southern end of the Shire may require traffic counting as well for the same purposes.

Roads with high usage include:

Northern end of Shire : Regional Roads – these roads have received no counters on them possibly since the Council amalgamation in 2004 so there are no accurate records of traffic movement on these roads.

- Binnaway to Coonabarabran Road – placed just North of the Castlereagh River
- Baradine to Coonabarabran Road – placed South of Bugaldie
- Coonabarabran to Premer Road – placed East of the Castlereagh River.

RECOMMENDATION

For Council's consideration.

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Item 9 Constitutional Recognition of Local Government Contribution

Division:	Executive Services	
Management Area:	Governance	
Author:	Director Corporate Services – Rebecca Ryan	
CSP Key Focus Area:	Local Governance and Finance	
Priority / Strategy:	GF1 Council is experiencing increasing demands arising from cost shifting and withdrawal of services from State and Federal Government and rising community expectations for services and facilities.	
File Ref:	Function: Governance	Activity: Policy

Background

In April 2011 Council resolved to declare its support for financial recognition of Local Government in the Australian Constitution (**Resolution No 344**). This would enable the Federal Government to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution.

Issues

The Local Government and Shires Association of NSW (LGSA) has provided Council updates in January and December 2012, including details of the establishment of the Expert Panel on Constitutional Recognition by the Prime Minister. The panels findings and submissions can be found at

<http://www.localgovernmentrecognition.gov.au/content/final-report>

The campaign is being led by the Australian Local Government Association (ALGA) across the country and they are waiting the outcome of the Joint Senate Committee to advise on possible timing and the potential process for success.

More information is available at <http://www.councilreferendum.com.au>

NSW is deemed as a critical state to the success of the national campaign. Locally there will be a need for Council to undertake its own local profile raising activities to promote the Yes vote. Further information will be provided to Councilors via the LGSA Local Government Weekly.

Options

Council has committed to supporting this campaign.

Financial Considerations

The ALGA has requested that all State and Territory Associations and their member councils contribute financially to a large scale national advertising campaign to gain public support for a 'yes' vote then the time for a referendum comes.

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The \$2.7million required by ALGA will be sought from NSW members by way of a special levy. Each Councils share of the levy will be payable in three (3) equal instalments over three (3) years. Warrumbungle Shire Council has been asked to contribute \$13,782 or \$4,594 per annum. This contribution is payable and therefore required from the 2012/2013 budget.

Summary

A supplementary vote request for \$4,594 has been submitted to the Finance and Projects Committee for the purposes of the Quarterly Budget Review Statement (QBRs).

RECOMMENDATION

That Council endorse the Mayor and General Manager support to the LGSA and ALGA national campaign for Constitutional Recognition of Local Government.

FURTHERMORE that a supplementary vote of \$4,594 be approved being Council's contribution to this campaign.

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Item 10 Revised Code of Conduct

Division:	Corporate Services	
Management Area:	Governance	
Author:	Administration Officer – Carol Nasmith	
CSP Key Focus Area:	Local Governance and Finance	
Priority / Strategy:	GF 4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.	
File Ref: CM0002	Function: Governance	Activity: Policy

Background

Council's current Code of Conduct was adopted from the Model Code in August 2008 (**Resolution No 26**) and appointed a Warrumbungle Shire Conduct Review Committee in July 2009 (**Resolution No 17**) jointly with OROC. In July 2011 the Division of Local Government (DLG) commenced a review of the Model Code of Conduct publishing various discussion papers to generate feedback and submissions were sought from stakeholders. In late December 2012 the Division of Local Government issued Circular 12-45 '*The New Model Code of Conduct Framework*', advising of certain key amendments to the Code. The revised Code of Conduct is attached for Council information.

Issues

The Local Government Act 1993 requires every Council to adopt the Code of Conduct that incorporates the provisions of the revised Model Code of Conduct for Local Government Councils.

Options

Nil

Financial Considerations

Nil

Summary

The Code and Procedures are supported by new provisions in the Local Government Act 1993 to more effectively deal with serious or repeated breaches of the Code through expanded and strengthened penalties.

Councillors, members of staff and delegates of the Council must comply with the applicable provisions of Council's Code of Conduct. It is the personal responsibility of Council officials to comply with the standards in the Code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of Council's Code of Conduct.

Failure by a Councillor to comply with an applicable requirement of Council's Code of Conduct constitutes misbehaviour. Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

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The key features of the new code framework include:

- Greater flexibility to resolve non-serious complaints, minimising costs to councils
- Improved complaints management, with complaints about councillors and the general manager managed from start to finish by qualified and independent conduct reviewers
- Greater fairness and rigour in the investigation process through clearer procedures
- Stronger penalties for ongoing disruptive behaviour and serious misconduct to more effectively deter and address such behaviour, allowing Councils to get on with the business of serving their communities

Key changes to the Code include the following:

- In the interests of clarity and simplicity, standards of conduct and procedures for dealing with breaches will be separately prescribed.
- Minor changes have been made to the standards prescribed under the Code in relation to binding caucus votes, the disclosure of political donations, loss of quorum, the management of significant non-pecuniary conflicts of interests in relation to principal planning instruments, gifts, relationships between councillors and staff and use of council resources for re-election purposes.
- New standards have been included to address misuse of the Code and other conduct intended to undermine its implementation.
- New provisions have been included to improve all Councils' access to suitably skilled conduct reviewers.
- Under the new procedures, complaints will be managed from start to finish by an independent conduct reviewer at arms length from the Council if they are not informally resolved at outset.
- There will be an increased focus on informal resolution of less serious matters.
- Code of conduct matters will be dealt with confidentially. However, where a conduct reviewer determines that a Councillor has breached the Code and a sanction is imposed by the Council, this will be made public via the Minutes of the meeting.
- There will be limited rights of review to the Division where a person is subject to an adverse outcome.
- The Division will have more options for dealing with matters directly under the misconduct provisions. This will enable it to directly police the administration of the Code and address issues such as misuse or failure to cooperate.
- Penalties for misconduct will be expanded and increased to improve deterrence.
- Both the Division and the Pecuniary Interest and Disciplinary Tribunal will be able impose stronger penalties for repeated misconduct. This will enable the more effective management of ongoing disruptive behaviour by individual Councillors to enable Councils to get on with the core business of serving their communities.

These changes have been made as a result of extensive consultation with Councils and other key stakeholders, and based on feedback, have broad support.

The proposed commencement date for the new model code framework is 1 March 2013.

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The following transitional arrangements will apply:

- Complaints made or yet to be finalised before 1 March 2013 are to be dealt with under the current Model Code of Conduct and Procedures.
- Complaints received after 1 March 2013 but where the alleged conduct occurred prior to this date are to be assessed against the standards prescribed under the current Model Code but dealt with under the new Procedures.
- Complaints relating to alleged conduct that occurred after 1 March 2013 are to be assessed against the new Code and Procedures.

The Division will provide further information in early 2013 to assist Councils implement the new Code and Procedures.

Council should make the following administrative arrangements in preparation for the commencement of the Code:

- Adopt the new Model Code and Procedures by 1 March 2013
- Appoint members of staff other than the General Manager to act as a complaints coordinator and alternate complaints coordinator before 1 March 2013

Council's Conduct Review Committee was appointed in July 2009 as a shared resource with OROC member Councils and comprising a pool of nine (9) panel members. This issue will be raised at OROC and, using the selection process prescribed under the new Procedures, it is proposed a new Panel will be reported to Council and will be in place by 30 September 2013.

RECOMMENDATION

That Council adopt the new Code of Conduct and implements with OROC a review of the Conduct Review Panel membership. **FURTHERMORE** appoint the Director of Corporate Services as the Complaints Coordinator and Director Technical Services as the alternate Complaints Coordinator.

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Attachment 1 Model Code of Conduct



**Model Code of Conduct
for Local Councils in NSW**

March 2013

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PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”) is made for the purposes of section 440 of the *Local Government Act 1993* (“the Act”). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council’s code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. Failure by a member of staff to comply with council’s code of conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation. The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council’s relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)

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3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)

3.3 You must treat others with respect at all times.

Fairness and equity

3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.

3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

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PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary. What is a pecuniary interest?
- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. *(section 442)*
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. *(section 443)*
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties *(section 449)*
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter *(section 451)*
 - c) designated persons immediately declare, in writing, any pecuniary interest. *(section 459)*
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

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What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

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- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

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- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Personal dealings with council

- 4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

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PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

How are offers of gifts and benefits to be dealt with?

- 5.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token value
 - e) accept an offer of cash or a cash-like gift, regardless of the amount.

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- 5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

- 5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

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Obligations of staff

6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

6.4 Members of staff of council must:

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.

6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

6.7 You must not engage in any of the following inappropriate interactions:

- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
- b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.
- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff- only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

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PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.8 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

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Use and security of confidential information

7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

7.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998*
- b) *the Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

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- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to intimidate or harass another council official
 - b) to damage another council official's reputation

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- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.
- 8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.
- 8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.

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8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.

8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.

8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

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PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials. The phrase “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

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Item 11 Orana Arts Board Meeting

Division:	Environmental and Community Services
Management Area:	Community Services
Author:	Councillor Anne-Louise Capel
CSP Key Focus Area:	Community and Culture
Priority / Strategy:	CC3 The vibrant arts and cultural life of the shire needs to be promoted and supported as an essential aspect of community well-being
File Ref: Function:	Corporate Management
Activity:	Committee Meetings - External

Background

Cr Capel attended the Orana Arts Board meeting held in Mudgee on 7th December 2012 in capacity as Councils representative.

Issues

Items that were discussed at the meeting

- Access All Areas: nine (9) people from the arts and disability sectors attended workshop at WPCC in November 2012. The workshop provided resources and ideas for future arts and disability projects.
- RAA Conference: Regional Arts Australia conference held in Goolwa S.A. was attended by both staff in October. 2016 is NSW turn to host, RADO is involved in ongoing discussions with stakeholders regarding Dubbo as a potential location for the conference.in 2016.
- Orana Arts vehicle change-over: Quotes are due back 14 December. The board to approve one of the car quotes by flying minute (email) when available.
- Short+Sweet: 4 plays from Dubbo S+S were selected to perform in Sydney, one of those was shortlisted for Dubai. September 2013 is proposed the month S+S will be presented in the OA region.
- Wolfensohn Suitcase Tour: OA secured the travelling art education program from the Australian National Gallery during February and March 2013. OA staff are investigating putting together suitcase tour with heritage items for schools, nursing homes etc. in the future.
- Fire Station Project: Applications have been submitted for infrastructure funding for required maintenance. \$30,000 funding has been allocated through Federal Office for the Arts for an Aboriginal Arts Officer for Orana Arts, recruiting for the position to start January.

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- Cementa_13: successful in the funding application for Cementa_13, a contemporary arts festival to be held in Kandos in February 2013. OA auspiced the Regional Arts Fund application for \$60,000 for the Kandos project.
- The RAPPO has resumed responsibility for maintaining the online calendar. RAPPO will be approaching 3-Rivers Radio in early 2013 for a regular segment.
- IT Upgrade: a social media strategy to be developed and put in place as an initial action to guide future priorities and investment in IT resources and a cost analysis and overview for upgrades of the OA website be developed by staff and brought to March meeting.
- Arts Health Coordinator: Mental Health Drug & Alcohol in Dubbo are keen for OA to bring on an arts-health coordinator. RADO will source suitable funding for the position with a view to start someone in the position mid-year, possibly one day a week, if successful.
- DGR status to be investigated.

Options

Nil

Financial Considerations

Council budget allocation for Orana Arts contribution is based on a pro-rata population and in the 2012-13 Operational Plan is \$9,263.

Summary

The issues and discussions of the Orana Board meeting are presented for Council's information.

RECOMMENDATION

For Council's Information.

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Item 12 Section 44 Fire - Provision of Council Heavy Plant

Division:	Executive Services	
Management Area:	Governance	
Author:	General Manager – Steve Loane	
CSP Key Focus Area:	Public Infrastructure and Services	
Priority / Strategy:	PI 3 Road networks throughout the shire need to be safe, well maintained and adequately funded.	
File Ref:	Function: Plant, Equipment and Stores	Activity: Plant

Background

Council is in receipt of various requests from fire affected rural residents for assistance with clearing of fence lines along fire affected shire roads.

Issues

The Blaze Aid organisation is erecting fences with the use of their volunteer labour force. The responsibility for the provision of fencing materials and machinery rests with the property owner. There are some areas where large trees have been severely affected by fire and are deemed to pose a threat to new fence construction by dropping limbs or total collapse.

The request for the provision of heavy plant would be directly to the account of Council. There is some confusion that the cost for this work if granted would be offset by funds from the Mayors Bushfire Appeal. Those funds are not permitted to be used for any Council cost, fee or charge.

Options

The quantum of the request is not quantified and could be quite significant. During deliberations of these requests a cap per property should be considered.

Financial Considerations

As a guide for Councillors the following base rates for heavy plant would apply; Dozer \$220/hour, low loader \$178 /hour, Grader \$131/hour, Loader \$116/hour, Excavator \$143/hour. The values quoted herein are based on if and when the plant is available.

A decision by Council to provide an in kind contribution for Council plant hire will require approval of the supplementary vote to increase the Donations budget by the amount of the contribution. This will be realised in the QBRS at the third quarterly review and have a negative impact on the 2012/2013 cash flow by that amount, unless savings are sought or projects postponed/removed from the Operational Plan.

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Summary

NSW Department Primary Industries has mapped and collated information regarding fire damaged fences. There is 129.152 km of fire damaged fencing comprising 96 separate ownerships.

RECOMMENDATION

That Council considers requests for fence line clearing that are mutually beneficial to the property owner and the community whereby damaged trees pose a threat to road users and new property infrastructure. Furthermore, that the total level of plant hire value does not exceed \$600 per property.

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Item 13 Human Resources

Division:	Executive Services
Management Area:	Human Resources
Authors:	Manager Human Relations – Val Kearnes Learning & Development Co-ordinator – Glennis Mangan
CSP Key Focus Area:	Local Governance and Finance
Priority / Strategy:	GF7 Council is presented with a range of organisational challenges including its aging workforce, skills shortages, increasing regulatory demands and the management of risk
File Ref:	Function: Personnel Activity: Council

Background

Nil

Issues

Nil

Options

Nil

Financial Considerations

Nil

RECRUITMENT

Since the December Council Meeting twenty one positions have been advertised both internally and externally

Town Planner (Internal)
Plumber – Dunedoo/Coolah
Finance Trainee
Mechanic – Coolah
Bank Officer – Dunedoo
Customer Service Officer (Centrelink)
VIC Administration Officer – Part Time
VIC Administration Officer – Full Time - Internal
Concrete Crew Leader – Coonabarabran
Concrete Crew Leader – Coolah
Truck Operator – Coonabarabran
Part Time Community Care Co-ordinator – Coonabarabran
Concrete Operator – 1 Coonabarabran & 2 Coolah
Indigenous Bus Driver

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Part Time Finance Officer
Environmental Health Officer
Cook – Yuluwirri Kids
GIS Officer

To date positions have been filled by the following:

Town Planner
Visitors Information Officer (Part Time)
Teacher (Part Time)
Child Carer (Part time)
Community Services Co-ordinator (Coolah)
Technical Officer Asset & Design
Yuluwirri Trainee
Administrative Assistant FSS
Customer Information Officer
Trainee – Finance
Concrete Crew Leader – Coolah
Concrete Crew Leader – Coonabarabran
Part Time Community Care Co-ordinator
Manager Warrumbungle Water

Six resignations have occurred since the last Council report. These include:

Manager Road Operations
Truck Operator North
Senior Expenditure Officer
Part time Community Care Co-ordinator
Concrete Operator – Coolah
Child Care Assistant – Yuluwirri Kids

Reasons for resignations include: Relocating due to family reasons, retirement and dissatisfied with position.

LEARNING AND DEVELOPMENT

January has been a quiet month as far as training goes for the WSC. Emphasis has been on the recent bushfires and the amazing coordination and cooperation of all staff involved both directly and behind the scenes. Congratulations and a huge “thankyou”.

Just before the fires broke out we had three staff attend a Yellow Card (Apply Traffic Control Plans) training workshop in Wellington. Unfortunately the Blue Card (Traffic Controllers ticket) training arranged for January could not be attended because those staff were heavily involved in fire fighting. This training will be rescheduled for March.

The new HR software programme is now installed and will allow the development of individual training and succession plans for all staff. This will be on a progressive basis with the need to transfer all the information we have currently to this new programme. Our HR Project Officer has been working tirelessly to ensure the smooth transition and implementation of the programme.

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This year will see the commencement of the new Staff Training Workshop Programme and it is hoped this will get underway in March. There has been a good response from staff to the invitation to participate in the programme. All workshops will be run based on demand. Workshops include:

- “Practical” familiarisation, General Rates and Enquires and Mapping
- Low Risk Driving Skills
- Electronic Purchase Orders
- Understand your timesheets and leave forms
- Excel Fundamentals and Advanced
- Corporate Communication Skills
- Report Writing for Supervisors
- MS Project 2010

In February those outdoor staff undertaking Certificate III in Plant Operations will be assessed by TAFE on various heavy equipment. This will also include staff who need to hold a ticket as part of their competency document.

Future externally facilitated training for staff includes but is not limited to, Grievance Contact Officers training for Senior Staff and Grievance Handling for Managers. This will be held in mid March.

RECOMMENDATION

For Council's information

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Item 14 Staff Achievement Award

Division:	Executive Services
Management Area:	Human Resources
Author:	Manager Human Relations – Val Kearnes
CSP Key Focus Area:	Local Governance and Finance
Priority / Strategy:	GF7.1.3.1A. Maintain relationships between management, staff and unions
File Ref:	Function: Staff Activity: Council

Background

Each quarter staff are asked to nominate a staff member who they believe go above and beyond the normal requirements for their position and show excellence in their profession. The annual award winner will be chosen from one of the four quarterly award winners.

2012 ANNUAL STAFF ACHIEVEMENT AWARD

The 2012 Annual Staff Achievement Award has been awarded to Michelle Capewell. Michelle was chosen from the 2012 quarterly award winners: Trevor Honeysett, Joanne Player, Chris Kennedy and Michelle Capewell.

Michelle works at Yuluwirri Kids where her dedication to providing a safe and enriched environment to 0 – 5 year old children has been acknowledged. Michelle will receive an extra week of annual leave as her prize.

2013 STAFF ACHIEVEMENT AWARD

Applications for the First Quarterly Warrumbungle Shire Employee Excellence in Achievement Award (2013) closed on 31st December 2012. The previous recipient of this Award (Fourth Quarter) 2012 was Michelle Capewell – Yuluwirri Kids.

MANEX considered the following staff, nominated by their fellow employees for their excellence and dedication in their individual positions, for the First quarter 2013:

Maree Thompson – HR
Kathryn Weatherall – HR
Andy Roper – Road Services
George Kertesz – Environmental Services
David Smith – Urban Services
Mike Myers – Community Services
Frances Perry - HR
Deanne Britton – Community Services

Issues

Staff

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Options

Nil

Financial Considerations

One of the four quarterly award winners will be selected in December to receive the yearly award. This staff member will be awarded an extra one week's annual leave as their prize.

Summary

Winner of the First Quarterly Excellence in Achievement Award is Maree Thompson

RECOMMENDATION

Council accepts the recommendation from MANEX and presents Maree Thompson, Payroll Officer with the First Quarter Warrumbungle Shire Council Employee Excellence in Achievement Award.

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Item 15 Administration Building Funding

Division:	Corporate Services
Management area:	Financial Services
Author:	Manager of Finance – Paul Baker
CSP Key Focus Area:	Local Government and Finance
Priority/Strategy:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

File Ref: Function: Financial Management **Activity:** Infrastructure Extension

Background

The construction of Council's administration building is a major capital project for Council, with an estimated construction cost of \$3m. Council deliberated funding options at the April 2010 meeting including; external loans, internal loans or use of general fund and sought a report detailing various funding options (**Resolution No 338**).

In July 2010 Council resolved that Council would internally borrow \$1.5 million from the Coonabarabran sewerage fund over 10 years with the remainder of funds required to be provided from the General Fund (**Resolution No 23**).

The funding for the \$3m construction project therefore currently consists of:

- 50% (\$1.5m) funded through an internal loan from the sewer fund;
- 50% (\$1.5m) funded from general fund.

Council recognised the internal loan in its books as at 1 July 2012. The internal loan will run for ten years from July 2012, and the quarterly repayments of \$49,684 will include both an interest (at the market rate of 5.8%) and principal repayment portion. It should be noted that this loan is an internal loan, and there are no cash flows to or from Council. All transactions between the sewer and general funds are eliminated on consolidation.

The Administration Building Committee have revisited the funding of \$1.5m for the construction cost from general fund given the size of this project. Investigation has now proceeded to assess the suitability of applying for external loan funding for this \$1.5m contribution from general fund.

Issues

Council has communicated with several Banks and received quotes ranging from 5.8% to 6.05% for a ten year fixed rate loan with quarterly repayments. Assuming Council were to enter into a 5.8% ten year fixed interest rate loan, Council's repayment schedule would increase by yearly repayments of \$198,737, with interest payments over the life of the loan totaling \$487,370.

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The use of loan funds for infrastructure improvements and other capital purposes is considered to be a prudent financial strategy allowing for the contribution to the cost of the asset through its life by the community. The use of loan funding allows for intergenerational equity when used for required capital works, although an entity cannot allow its loans balance to reach a level where debt servicing costs become unmanageable.

Options

Council can choose to either:

- Fund the remaining balance of the construction works through general funds in the 2012/13 financial year (cost to Council of \$1.5m in 2012/13); or
- Borrow the \$1.5m externally, which will result in annual repayments of \$198,737 for ten years, and total interest payments over the life of the loan of \$487,370 (i.e. total cost to Council of \$1,987,370 over ten years). However, assuming Council invested the \$1.5m not used from general fund in a term deposit at 4.5% and used it solely for the purpose of meeting the repayments on the loan (i.e. drew down \$198k per year) Council would earn interest of \$374k over the 10 years offsetting over 77% of the total interest costs to Council.

Financial Considerations

If Council were to enter into the \$1.5m loan for the administration building, Council's debt service ratio will increase from the current forecast year end figure of 1.32% to 1.88% (Assuming the new loan was entered into at 1 July 2012). A debt service ratio of 1.88% is still well below the Division of Local Government (DLG) recommended limit of 10%.

If Council chooses to use loan funding to fund the second \$1.5m, Council will be required to notify the DLG of the borrowings per section 230(1) of the Local Government Regulation (2005).

RECOMMENDATION

That Council execute a loan contract for a ten year fixed rate loan (principal and interest) for \$1.5m to fund half of the construction cost of the Coonabarabran administration building; **FURTHERMORE** that Council authorise the General Manager to execute and sign the loan documentation on behalf of Council and notify the Division of Local Government.

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Item 16 Medical Centre – 16 Cole Street, Coolah

Division:	Corporate Services	
Management Area:	Property and Risk	
Author:	Manager Property and Risk – Jennifer Parker	
CSP Key Focus Area:	Public Infrastructure and Services	
Priority / Strategy:	P12 The long-term wellbeing of our communities is dependent on the on going provision of high quality services in health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management.	
File Ref:	Function: Council Properties	Activity: Acquisition

Background

In February 2008 Council sold the Coolah Medical Centre to the resident GP, Dr Tilak Dissanayake for \$126,000 subject to Council having the first right of refusal (**Resolution No 256**). Then in June 2012, a submission was made by Dr Dissanayake to return the building back to Council ownership to be retained as a community asset along with a formal sale price offer. Council resolved to purchase the Coolah Medical Centre subject to an independent valuation (**Resolution No 447/1112**).

An independent valuation was undertaken and the purchase price of the property (\$151,800) was deemed appropriate however due to Council's prescribed caretaker period prior to an election, as defined in the Local Government Regulations, Council instructed the General Manager on 16 August 2012 (**Resolution 53/1213**) to continue negotiations to progress the purchase of the Coolah Medical Centre and report to the new Council in September 2012.

In September 2012, Council approved the fixing of Council Seal to Contract of Sale documents (**Resolution 105/1213**) authorising the Mayor and General Manager to execute the Contract of Sale of Land for 16 Cole Street Coolah, being Lot 15 Section 3 DP 979105, subject to searches being undertaken. In addition Council resolved to provide a supplementary vote for \$158,103 in the 2012-2013 Operational Plan for the purchase and costs.

In addition, Council authorised the General Manager to negotiate for the purchase of office furniture and equipment at the Medical Centre and had received a verbal agreement from Dr Dissanayake that \$4,000 was appropriate. This excluded the personal records and Medical Patient Files; which remain the property of Dr Dissanayake.

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Upon receipt of the Contract of Sale on the 12 October 2012 a cheque for the deposit of \$15,080 was drawn and Contract of Sale signed by the Mayor and General Manager. The final Pest and Property inspections were completed and forwarded to the General Manager at the end of October 2012. Under instruction, Council's Solicitor forwarded the signed contract and deposit to the vendors' solicitor on 26 October 2012, which was duly presented.

Issues

Council was informed on Friday 8 February 2013 that Dr Dissanayake has been negotiating with other persons and has offered for sale the Practice and Coolah Medical Centre to this third party. Council's solicitors have received advice from the vendors solicitors that the deposit will be returned in due course.

Whilst council has been gazumped as per the agreed definition by the Office of Fair Trading it should be noted that in NSW, a property sale is generally only binding on the vendor and buyer when contracts are exchanged between the two parties. Exchange occurs when the vendor signs their copy of the sale contract; the purchaser signs their copy, and the two parties 'exchange' their signed contracts.

The issue of Council not being given first right of refusal is arguable, however this was not a legally binding agreement nor written in the Contract of Sale in 2008. Therefore Council would not be in a position to proceed with any action.

On the positive note, the property being bought as a Medical Centre and Practice by another party will ensure the medical services of Coolah and the district are well resourced. It will possibly give opportunities for sharing of the Visiting Medical Officer (VMO) workload to the sole GP in Coolah, who is currently practicing from the Hospital.

Financial Considerations

The agreed purchase price of \$151,800 plus stamp duty of \$3,803 included in the supplementary vote request will no longer be required. However Council will be invoiced for legal expenses incurred to date, despite the property settlement not proceeding.

The deposit of \$15,180 will be returned from the Vendors Solicitor.

Summary

Council's attempts to ensure the retention of an equipped and functional Medical Centre and purchase the property 16 Cole Street, Coolah being Lot 15 Section 3 DP 979105 known as the Coolah Medical Centre has failed. The vendor having proceeded with separate negotiations and reportedly selling the property to another party.

RECOMMENDATION

That Council accepts return of the deposit of \$15,180 and instruct its Solicitors to write to the Vendor Solicitors seeking advice as to the first right of refusal provisions as agreed in the sale conditions in 2008.

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Item 17 Financial Assistance Requests 2012-2013 (Round Two)

Division:	Executive Services	
Management Area:	General Manager	
Author:	PA to Director Corporate Services – Emma Gardiner	
CSP Key Focus Area:	Community and Culture	
Priority / Strategy:	CC4 Public Involvement in community activities including volunteerism needs to be increased	
File Ref:	Function: Financial Assistance	Activity: Donations and Requests

Background

Council has a Financial Assistance Policy, whereby donations are made to community and not for profit organisations in the form of waiving of rates, fees and charges or assistance of in-kind works or monetary grants.

At the ordinary August 2012 Council meeting Council reviewed the Financial Assistance Grants requested and approved 21 applications totalling \$8,722 (**Resolution 51/1213**) which were duly distributed.

The complete list of 2012-2013 donations as per Section 356 of the Local Government Act (1993) is noted in the Operation Plan pages 10-12. The Financial Assistance Grants approved in Round One (1) at the August 2012 Council Meeting included;

Applicant	Amount Granted	Description of Project
Mendooran Christian Education Association Inc. (MCEA)	\$99	Hall hire costs for Jumble Sale
Coona Camp Draft Association	\$500	Sponsorship October 2012 Campdraft
Dunedoo Amateur Swimming Club	\$500	New refrigerator in club house
Coolah Central School	\$500	Sanding and Repainting the Tennis clubhouse
St Vincent De Paul – Coolah	\$100	Council Waste Transfer Fees
Baradine PA&H Association Inc	\$500	DA fees amenities block at Baradine Showground
Warrumbungle Eventing Inc	\$140	Line Marking Dressage Arenas ODE 18/08/2012
Mendooran Gun Club Inc	\$500	Materials for fixing Clubhouse
Mendooran Cricket Club Inc	\$500	Enclosure surround on practice cricket pitch

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Mendooran Tennis Club	\$500	Purchase materials for ramp & railing to assist seniors with access to clubhouse
Dunedoo & District Historical Society & Museum Inc.	\$100	Purchase cabinet - records, documents & photos
Men's Shed – Coonabarabran	\$500	Concreting front access to shed
Binnaway Men's Shed	\$500	Materials for shed improvements
Badhii Aboriginal Grandmothers Group	\$500	Showground Hire and catering
Mendooran Arts & Craft	\$375	Display cabinet, table, chairs and cash box
Mendooran & District Development Group Inc.	\$349	Assist with running/funding of 'Fun Fotofest'
Breast Screen Van	\$500	Council towing Breast Screen Van in shire
CWA – Coonabarabran	\$500	Renovation and repair to CWA Hall
Coolah District Development Group	\$350	To purchase voice recognition software – transcribe historical community records onto computer files
Talbragar Broadcasters (3 Rivers Radio)	\$349	Help with purchase of equipment for outside & mobile broadcasting and gazebo
Dunedoo Polocrosse Club	\$500	Assist with concreting floor and doors for shed
TOTAL	\$8,362	

Round One (1) Financial Assistance Grants have been distributed and returns are produced as the activity/project is completed.

Issues

The assessment criterion has been prescribed as per item 5.3 as follows:

'5.3 Assessment Criteria

Council will use the following general criteria when considering requests for financial assistance;

- *Activities which address gaps in service or community development;*
- *Activities which promote community development in a multicultural context and seek to address issues of access and equity;*
- *Involvement from volunteers and self help initiatives which build upon Council's contribution;*
- *Consumer / use participation in management of services / activities*
- *Innovative and creative approaches to identified needs; and*
- *Activities, which use Council funding to attract further resources.*

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Council will give low priority to following types of requests for financial assistance;

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

Options

Public submissions were sought in December 2012 – February 2013 for this second round; which was well promoted and subscribed.

To assist Council in its deliberations, a description of the request has been included in the listing of submissions and a priority of High, Medium to Low rating determined according to the above general and assessment criteria.

The following list of applications received is for Council consideration

Round Two (2) Financial Assistance Grants

Higher Priority Projects

Ref.	Applicant	Amount Requested	Amount to be Considered	Description of Project	General Criteria
1	Mendooran Singers Association	\$300	\$300	Country music talent quest. Hall hire costs and \$100 prize money	Address gaps in service or community development, involvement from volunteers
2	Baradine Golf Club	\$500	\$500	Assist with rates payment due to increase	Involvement from volunteers, consumer / use participation in management of services / activities
3	Coonabarabran Pony Club	\$2,699	\$500	Development application fee – canteen and clubhouse	Address gaps in service or community development, involvement from volunteers, consumer / use participation in management of services / activities

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Ref.	Applicant	Amount Requested	Amount to be Considered	Description of Project	General Criteria
4	Cooinda	\$753	\$500	Development application fee – pergola	Address issues of access and equity
5	Cooinda	\$1,440	\$500	Development application fee – installation of sprinkler,	Address issues of access and equity
6	NSW Police Force	\$500	\$500	Erection of 2 signs for Sam Poo (Bushranger) on Golden Hwy. In kind donation from Technical Services	Address gaps in service or community development
7	Fantom Hot Rod Club	\$500	\$500	Promote the Mendooran Meganats Hot Rod Show	Involvement from volunteers
8	*Binnaway Sesqui-Centenary Event Weekend	\$2,500	\$500	Event sponsorship.	Activities which promote community development
9	Coonabarabran Bowling Club	Option of \$1,000 \$500 or \$250	\$500	Sponsorship of the Easter Bowls Tournament	

TOTAL = \$4,300

Medium – Lower Priority Projects

Ref.	Applicant	Amount Requested	Amount to be Considered	Description of Project	General Criteria
10	Mendooran Tennis Club Inc.	\$500	\$500	Construction of an access ramp (Continuing from 2012 project \$500 already provided by Council)	Address gaps in service or community development

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Ref.	Applicant	Amount Requested	Amount to be Considered	Description of Project	General Criteria
11	Mendooran Cricket Club Inc.	\$500	\$500	Erection of practice nets, Club received \$500 in August 2012	Involvement from volunteers
12	Lifeline Central West Inc.	\$500	\$500	Assist with ongoing provision of 24/7 crisis line	Address gaps in service or community development
13	Irene Osborne	\$500	\$500	Renovating the St Andrews Culture Centre, Coolah	Address gaps in service or community development
14	Coolah Rugby League Club	\$50-\$1,000	\$500	Sponsorship of the 2013 season	
15	NSW Rural Doctors Network	\$3,300	\$500	Bush bursaries and CWA scholarships scheme	Address gaps in service or community development

TOTAL = \$3,000

Financial Considerations

The Financial Assistance Grants Round Two (2) has a limited budget of \$5,782 as reported to Council at the November 2012 Meeting (**Resolution 161/1213**), plus the \$360 leftover from the Warrumbungle Eventing Club Project.

Summary

Council has been provided with a copy of each request under separate cover. An assessment has been made by MANEX against the general criteria and a recommendation has been based on funding those projects of Higher Priority order only.

A number of applications received were deemed ineligible and referred to the respective Management area and budget function or were already listed in the donations policy which will be reviewed during budget considerations.

RECOMMENDATION

That Council provide financial assistance to the February 2013 applicants listed in the higher priority rated activities/projects for a total amount of \$4,300.

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Item 18 Section 44 Fire - Sunday 13th January, 2013

Division:	Executive Services	
Management Area:	General Manager	
Author:	General Manager – Steve Loane	
CSP Key Focus Area:	Community and Culture	
Priority / Strategy:	CC4.1 Create support mechanisms to building community resilience and self-reliance	
File Ref:	Function: Emergency Services	Activity: Service Provision

Background

A 'Section 44' refers to the New South Wales Rural Fires Act 1997, specifically section 44, *Commissioner's responsibility*. Essentially it is used to describe when the RFS Commissioner declares a localized "State of Emergency" for a specific district suffering severe fire conditions that cannot be managed without drawing in extensive resources from other areas.

Once declared by the Commissioner the district has access to any and all fire-fighting personnel/equipment from across the State at no cost to the district or RFS, with the State Government footing the bill of all related Section 44 declared operations.

At approximately 9.00am on the morning of Sunday 13th January I was notified that a "Section 44" fire has been declared. Council's Director of Technical Services, who is also the Local Emergency Management Officer (LEMO) was directed to attend the RFS command centre and he began to mobilise equipment and place personnel on standby.

Issues

Unknown

Options

Unknown

Financial Considerations

Unknown

Summary

A fire that started in the Wambelong Valley in the National Park sometime on Saturday 12th January had escalated. In the first instance the action was to watch and prepare. During Sunday 13th the fire had escaped the Park and developed into "out of control" status and by 6pm had already claimed homes, sheds and livestock.

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Evacuation orders were issued and the Coonabarabran Bowling Club was co opted as the evacuation centre and was the focus of daily then twice weekly public information meetings.

Power was lost to Baradine and most consumers on Timor Road, Morrisseys Road and Bugaldie areas. During the fire event in excess of 130 power poles were lost and replaced by Essential Energy. Baradine was place on standby evacuation. The wind conditions were pushing in the northerly direction through Bugaldie toward Baradine. Some people evacuated ahead of the order.

At its height, 18 helicopters, including the Sky Crane “Malcolm”, 10 fixed wing air tractors and 60 fire truck units manned by approximately 600 fire-fighters on rotation shift were in attendance.

Combat agencies from Rural Fire Service, Police, Fire and Rescue, Volunteer Rescue Association(VRA), State Emergency Services (SES) and National Parks formed the Command centre (Comms)and the Emergency Operations Centre (EOC) located at RFS headquarters and the VRA. These two operation centres were 24 hrs.' /7 days a week for the duration of the fire event.

Coonabarabran Airport served as the air attack base with a fleet of water tanker trucks delivering water to the fixed wing air borne and the helicopters utilised the nearest dams and water bodies.

The Coonabarabran Town Hall was used in the beginning as a mess hall for all fire-fighters and command centre personnel. By the end of week one a staging post had been established at the Coonabarabran race course. Eight shipping containers full of equipment arrived and their contents were developed into a large camp with approximately 100 air-conditioned accommodation tents and a large kitchen. The fire-fighters then occupied this camp leaving the town hall operation for the growing staff numbers at to Comms centre.

The Town Hall mess hall and kitchen was set up and operated by local volunteers and students on school holidays. An assembly line of people making up to 2000 sandwiches a day was operating every day.

The supper room at the town hall was converted into a recovery centre for government agencies to assist fire affected residents. The recovery centre was established with the guidance and assistance of staff from the Ministry of Police and Emergency Services (MPES). The recovery centre was managed and administered by council staff. The construction was conducted by NSW Public Works.

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A Recovery Coordinator, Mr Steve Bradshaw, was appointed by the MPES. A recovery Centre Committee was established, chaired in the first instance by the General Manager then by Mr Bradshaw. This committee meets immediately following each public meeting in an effort to respond to emerging issues.

Agencies in attendance at the Recovery Centre were :Adventist Development Relief Agency (ADRA Emergency Housing), Disaster Welfare, Commonwealth Bank (CBA), Orana Credit Union (OCU), Centre Link, NSW Health, Rural Assistance Authority (RAA), NSW Housing, Australian Tax Office (ATO), National Australia Bank(NAB), Legal Aid, Ministry of Police and Emergency Services (MPES)

Social services groups in attendance were: Red Cross, Salvation Army, NSW Disaster Chaplains Network (Uniting Church).

From the outset of the section 44 event Council provided staff and equipment on request. At one stage there were 5 admin staff and 4 operations staff in attendance at the Comms centre around the clock. Councils graders, dozer, water tankers, loaders and numerous utes and ancillary equipment were on site. Staff and equipment were lent by neighbouring Councils and Dubbo City Council sent grader operators and support staff. A fleet of contract dozers were also engaged by the RFS.

A total of 53 houses and approximately 150 rural sheds and structures were lost to the fire. Many of these buildings contained asbestos. When asbestos is burnt the building board delaminates and the particles become friable. In this state there is a danger from airborne asbestos fibres. Immediate remedial treatment is required. Various agencies were in attendance at the recovery centre to develop an Asbestos Management Plan. Led by MPES, NSW Public Works, NSW Health, NSW EPA and NSW Work Cover these agencies convened over 9 days to complete the plan. This document is the guidance brief toward clean-up of properties contaminated by asbestos .

The Coonabarabran Landfill has been specifically licensed by the EPA to receive the asbestos contaminated rubble. Three assessment teams made up of expert representatives from Workcover, Public Works, EPA and led by Council carried out extensive assessment of all fire destroyed and damaged buildings to assess the presence of asbestos. All asbestos identified properties are being logged and clean-up managed by Public Works. The structure of the Project Management of this initiative is reported under separate cover. Concerns about water quality after the fire prompted NSW Health to undertake extensive testing of town and private water supplies .No significant problems were identified.

On Monday 14 January Mayor Peter Shinton established the Warrumbungle Shire Mayor's Bushfire Appeal .Details of this initiative will be reported under separate cover.

The 'Section 44' declaration was revoked at 4pm Tuesday 29th January; the fire event was effectively 2.5 weeks in duration.

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During the event Coonabarabran was visited by; the Prime Minister, Senator Matt Thistlethwaite, Federal Member for Parks Mark Coulton, Acting Premier NSW Andrew Stoner, Minister Police and Emergency Services Mike Gallagher, Minister Environment and Heritage Robyn Parker, Minister Western NSW and Mental Health Kevin Humphries, Mayor Parkes Ken Keith, Councillors from Wellington, Gunnedah, Commissioner Rural Fire Service Shane Fitzsimons and numerous senior Council staff from surrounding Shires.

Her Excellency the Governor General, Quentin Bryce is scheduled to visit and inspect the fire ground 18 February. It is anticipated that Her Excellency will host a BBQ at the Coonabarabran Bowling Club for fire affected residents.

State and Federal Natural Disaster declarations were announced during the visitation of various politicians facilitating access to emergency funding.

A large media contingent was in attendance. All major commercial television and radio was represented. ABC television and radio were active and served as the official emergency broadcaster. All national and some international print media journalists were in attendance.

The Mayor represented Council on most media which on occasions was 17 interviews in one day. Numerous Councillors offered assistance during the event and have been involved in the recovery in a voluntary capacity. This presence and support was much appreciated by staff, volunteers and bush fire effected residents.

A NSW Government Mini Cabinet meeting was held in Dubbo 11 February at which Council was able to secure commitments from Minister Tourism, Major Events, Hospitality and Racing George Souris, on funding for tourism and economic recovery and Minister Environment and Heritage, Robyn Parker for replacement of National Park boundary fencing materials, rebuild of the park visitor centre and a continuance of the Crooked Mountain concert .

As part of the debriefing process an In house Council debrief is set down for 19 February. The outcomes of this debrief will be referred to the Interagency RFS debrief set down for 20 February.

A comprehensive report on all aspects of the event and recovery will be developed for the April 2013 Council meeting.

RECOMMENDATION

For Councils information.

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Item 19 Section 44 Fire - Asbestos Clean Up and Remediation

Division:	Executive Services	
Management Area:	General Manager	
Author:	Steve Loane – General Manager	
CSP Key Focus Area:	Community and Culture	
Priority / Strategy:	CC6 – Economic and social disadvantage in Communities across the shire needs to be identified and addressed	
File Ref:	Function: Environmental Management	Activity: Monitoring

Background

On 12th January 2013 a fire commenced in the Warrumbungle National Park Wambelong Valley.

This fire escaped the confines of the park and escalated into a catastrophic section 44 declared event that claimed 53 houses and in excess of 150 sheds and other buildings.

Issues

As a result of this fire many structures were found to have contained building products that contained asbestos that had been made friable and had become a personal and public risk .The fire event is reported under separate cover.

Options

Unknown

Financial Considerations

Council negotiated with Ministry for Police and Emergency Services and NSW Treasury for the funding of the clean-up and remediation of the asbestos related properties .The Treasury assisted funding for the clean-up is for uninsured and underinsured properties.

Summary

The aim of the clean-up is to ensure that the environmental risk is appropriately mitigated. The Coonabarabran and Mendooran landfills have been specially licensed to receive the asbestos rubble. The details of the funding are contained in letter from Ms Rachel Nibbs attached.

RECOMMENDATION

That Council endorse the community funding assistance arrangements for the clean-up of asbestos related properties as outlined in letter dated 12/2/13 from Deputy State Emergency Recovery Controller Response and Recovery .

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Ministry for Police &
Emergency Services

DOC 005330

Mr Steve Loane
General Manager
Warrumbungle Shire Council
PO Box 191
20-22 John Street
Coonabarabran 2357

Dear Mr Loane

This letter is to confirm previous telephone calls and an e-mail from the Ministry for Police and Emergency Services (MPES) to Warrumbungle Shire Council, which indicated that the NSW Government will meet the asbestos clean-up and removal costs of those Warrumbungle Shire residents who are not insured or whose insurance policy does not cover asbestos clean-up; and will also meet the cost as incurred by the Warrumbungle Shire Council of excavating a local disposal site.

As also discussed, MPES undertook to identify a mechanism to facilitate these payments which includes an auditable process to demonstrate value for money regarding the selection of contractors and a robust method of ensuring that the properties are certified as 'clean'. MPES has investigated which State Government agency is appropriate for this task and has recommended NSW Public Works to take on this task.

Thank you for your patience and commitment to this issue.

If you have any queries about this matter, please do not hesitate to contact me on (02) 82475931 or by e-mail at Rachel.Nibbs@mpes.nsw.gov.au

A handwritten signature in blue ink, appearing to read 'Rachel Nibbs'.

Ms Rachel Nibbs
Deputy State Emergency Recovery Controller
Director, Response and Recovery

12/2/2013

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Item 20 Progress Report Delivery Program 2012-2016

Division:	Executive Services	
Management Area:	General Manager	
Author:	Director Corporate Services - Rebecca Ryan	
CSP Key Focus Area:	Local Governance and Finance	
Priority / Strategy:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan	
File Ref:	Function: Corporate Management	Activity: Reporting

Background

As per s404 of the Local Government Act Council must have a Delivery Program which;

- details the principal activities to be undertaken by Council to implement the strategies established by the Community Strategic Plan
- provides for the resources available under the resourcing strategy and
- include a method of assessment to determine the effectiveness of each principal activity.

Council must establish a new DP after each ordinary election of Councillors for the 4-year period commencing on 1 July following the election.

A draft DP must be placed on public exhibition for a period of at least 28 days and submissions received by Council must be considered before being adopted.

The General Manager provide progress reports at least every 6 months.

Issues

Warrumbungle Shire Council DP (2012-2016) was adopted by Council in June 2012 (Resolution No 417/1112). The constrained preparation time for the DP meant the former Management Plan, which was a one (1) year document essentially was made to 'fit' into the new format, and linked each Activity or Program into a Community Strategic Plan Strategy.

Whilst meeting the requirements of the DLG Integrated Planning and Reporting Guidelines there are a number of weaknesses that have been identified in Councils 2012/13-2015/16 DP.

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These being;

- Budgetary information within the Program is presented by cost centre and doesn't directly link to the strategic priority areas contained in the Community Strategic Plan
- Some of the progress indicators are ambiguous. Council might wish to test these indicators to determine if they are easily measureable and meaningful, and if the data is available to inform them for reporting purposes
- The information provided in the Delivery Program is at times confusing. It would benefit from simplified tables and a similar type commentary as provided in the Resourcing Strategy documents.
- Both the Delivery Program and Operational Plan are at times difficult to read. It is suggested that the next iteration of these documents be formatted with a view to improving their readability, and including brief commentary where appropriate

Options

Since there is the legislated opportunity to review the whole suite of Integrated Planning and Reporting (IP&R) documents, the DP and OP format has been reviewed. During the budget preparation process Managers will include Service Levels and a set of deliverables for each Division and Activity or Capital Project. This will address the shortcomings noted above, and provide Council a means for measuring outcomes.

Financial Considerations

NIL

Summary

The first six (6) month progress report of the 2012-2016 DP by the General Manager is presented to Council for consideration. Each Management activity has submitted individual reports. This report has been provided to Council under separate cover.

RECOMMENDATION

That Council accepts the 2012-2016 Delivery Program six (6) month Progress Report to 31 December 2013.

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Item 21 Bank Reconciliation for Month Ending 31 December, 2012

Division:	Corporate Services	
Management Area:	Financial Services	
Author:	Senior Finance Officer – Lisa Grammer	
CSP Key Focus Area:	Local Governance and Finance	
Priority / Strategy:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan	
File Ref:	Function: Financial Management	Activity: Reporting and Investments

Background

The following report provided to Council is a summary of Council's monthly bank reconciliation.

Issues

Reconciliations are being completed monthly and balanced, payments and receipts reconcile to monthly bank statement. They are completed by Senior Finance Officer and signed off by Chief Financial Officer then referred to Director Corporate Services for final review as part of Monthly checklist procedures.

Outstanding deposits refers to cash amounts recorded in the Council's General Ledger that have not yet been deposited at the bank. eg. Direct debit authority receipted in cashbook but not deposited in the physical bank account until the next day.

Un-presented cheques refers to cheques that have still not been cashed by the cheque recipient but are recorded as being paid in Councils General Ledger.

Options

N/A

Financial Considerations

Nil

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Summary

Balance per General Ledger – 31 December 2012

Bank	Account Number	Balance
General Fund	5410-3000-0001	318,464
Trust Fund	9000-3000-0000	160,571
Investments - General	5220-3001-3001	7,302,621
Investments - General	5220-3001-5001	2,520,000
Investments Movement - General	5220-3003-0000	13,127
Investments - Water Fund	7085-3001-0001	2,920,254
Investments Sewerage Fund	8085-3001-0001	2,646,620
Total per General Ledger		15,881,656

Balance as per Bank Account – 31 December 2012

Bank	Balance
<u>General</u>	
Commonwealth	287,190
Westpac	1,507
NAB	26,567
Total - General	315,264
<u>Trust</u>	
Commonwealth	160,448
Total - Trust	160,448
<u>Investments</u>	
Securities	4,500,000
IBD	10,902,621
Total Investments	15,402,621

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Total All Bank Accounts	15,878,333
<i>Add:</i>	
Outstanding Deposits - General	10,204
Outstanding Deposits - Trust	-
<i>Less:</i>	
Un presented cheques - General	6,881
Un presented cheques - Trust	-
Balance adjusted for outstanding deposits & Un presented cheques (Final Bank Balance)	15,881,656
Variance between Final Bank Balance and General Ledger	-

RECOMMENDATION

That Council accept the Bank Reconciliation Report for the month ending 31 December 2012.

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Item 22 Bank Reconciliation Month Ending 31 January, 2013

Division:	Corporate Services	
Management Area:	Financial Services	
Author:	Senior Finance Officer – Lisa Grammer	
CSP Key Focus Area:	Local Governance and Finance	
Priority / Strategy:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan	
File Ref:	Function: Financial Management	Activity: Reporting and Investments

Background

The following report provided to Council is a summary of Council's monthly bank reconciliation.

Issues

Reconciliations are being completed monthly and balanced, payments and receipts reconcile to monthly bank statement. They are completed by Senior Finance Officer and signed off by Chief Financial Officer then referred to Director Corporate Services for final review as part of Monthly checklist procedures.

Outstanding deposits refers to cash amounts recorded in the Council's General Ledger that have not yet been deposited at the bank. eg. Direct debit authority receipted in cashbook but not deposited in the physical bank account until the next day.

Un presented cheques refers to cheques that have still not been cashed by the cheque recipient but are recorded as being paid in Councils General Ledger.

Options

N/A

Financial Considerations

Nil

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Summary

Balance per General Ledger – 31 January 2013

Bank	Account Number	Balance
General Fund	5410-3000-0001	1,795,990
Trust Fund	9000-3000-0000	159,294
WSC Mayor's Bushfire Appeal	9200-3000-0000	280,695
Investments - General	5220-3001-3001	4,012,187
Investments - General	5220-3001-5001	2,520,000
Investments Movement - General	5220-3003-0000	13,127
Investments - Water Fund	7085-3001-0001	2,920,254
Investments Sewerage Fund	8085-3001-0001	2,646,620
Total per General Ledger		14,348,166

Balance as per Bank Account – 31 January 2013

Bank	Balance
<u>General</u>	
Commonwealth	405,696
Westpac	29,502
NAB	2,023,510
Total - General	2,458,707
<u>Trust</u>	
Commonwealth	161,592
Total - Trust	161,592
<u>WSC Mayors Bush Fire Appeal Trust</u>	
Commonwealth	276,185
Total - WSC Mayors Bush Fire Appeal Trust	276,185
<u>Investments</u>	
Securities	4,500,000
IBD	7,612,180
Total Investments	12,112,180

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Total All Bank Accounts	15,008,664
<i>Add:</i>	
Outstanding Deposits - General	24,604
Outstanding Deposits - Trust	1,920
Outstanding Deposits – WSC Mayors Bushfire Appeal	4,510
<i>Less:</i>	
Un presented cheques - General	687,314
Un presented cheques- WSC Mayors Bushfire Appeal	4,218
Un presented cheques - Trust	-
Balance adjusted for outstanding deposits and unpresented cheques (Final Bank Balance)	14,348,166
Variance between Final Bank Balance and General Ledger	-

The high balance in the NAB bank account at month end is due to the bank processing the two (2) investments that were contracted to be withdrawn from the account on 31 January 2013 on the 1 February 2013.

RECOMMENDATION

That Council accept the Bank Reconciliation Report for the month ending 31 January 2013.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Item 23 Investments and Term Deposits - 31 December 2012

Division:	Corporate Services
Management Area:	Financial Services
Author:	Senior Finance Officer – Lisa Grammer
CSP Key Focus Area:	Local Governance and Finance
Priority / Strategy:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

File Ref: **Function:** Financial Management **Activity:** Reporting and Investments

Background

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 monthly ordinary meeting.

Council currently benchmarks its investment performance against the 3 month Bank Bill Swap Reference Rate (BBSW) as per Council's investment policy. The December BBSW 3 month rate was 3.16%. Council's term deposits returned an average rate of 4.36% for the month of December, outperforming Council's benchmark.

During the month of December one of Council's Term Deposits totalling \$1m fell due, earning Council \$12,402 in interest revenue (over the life of the deposit). Council reinvested \$1m with NAB at a rate of 4.62% for 90 days.

Council transferred funds from its At Call Accounts totalling \$4m and deposited these funds into Term Deposits to attract a higher interest rate. Council also transferred a total of \$228,300 back into Council's operating account to meet daily operating expenses.

On the 21st of December, one of Council's investment securities – WBC Dandelion, held with Westpac also matured. This investment had not been paying coupons for several years post the GFC. In December, Council received the full principal of \$1m, there were no additional redemption amounts paid out at maturity. These funds have been placed into a Term Deposit with Suncorp Treasury for 90 days at a rate of 4.61%.

All of Council's investment securities are not currently paying coupons although several investments are expected to be redeemed at higher than original purchase price. Council's investment securities underperformed against Council's benchmark. However, it should be noted that the value (based on Indicative Bid) for Council's investment securities increased by \$32,900 during the month of December.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Issues

Reconciliations are being completed monthly and balanced, payments and receipts reconcile to monthly investment statements and investment interest is recorded. They are completed by Senior Finance Officer and signed off by Chief Financial Officer then referred to Director Corporate Services for final review as part of Monthly checklist procedures.

Options

Investments are made in accordance with Council's Investment Policy.

Financial Considerations

Dandelion Westpac	AA- rated investment that no longer pays coupons matured on the 21 st December with full principal repaid. No additional redemption amounts were paid at maturity.
ANZ CPPI Asprit II	Zero coupon investment backed by ANZ. Bid is below fair value, despite 3 months to maturity. Likely to pay a small amount above 100.
Averon CPP Ltd Aver	Ultimate credit risk rests with General Electric Capital Corp Australia, rated AA+/A1 by S&P/Moodys (AA+ principle only).
FIIG All Seasons CPPI	Council is essentially holding a Swedish Export Bond rated AA+. Will pay \$4 above par at maturity. Bid price well short of fair value.
Octagon Ltd Linked	Backed by International Bank for Reconstruction & Development rated AA. Few concerns if any. Bid well below fair value. Low risk.

WARRUMBUNGLE SHIRE COUNCIL
Ordinary Meeting – 21 February, 2013

Summary

Investment Securities: Council currently holds the following investment securities:

Bank	Purchase Price	Indicative Bid	Valuation based on indicative bid as at 31 December 2012	ISIN Number	Lodgement date	Maturity Date	Rating	Coupon Payments
ANZ CPPI Asprit II	800,000	96.80%	774,400	CPPISAMAF02	30.09.2009	30.03.2013	AA-	0%
Averon CPP Ltd Aver	700,000	92.00%	644,000	AU300AVER012	30.09.2009	20.06.2013	AA+	0%
FIIG All Seasons CPPI Note	1,500,000	91.50%	1,372,500	AU300SEKA021	29.08.2008	29.08.2014	AA+	0%
Octagon Ltd Linked	1,500,000	85.00%	1,275,000	XS023170158	25.10.2005	30.10.2015	AAA	0%
Total:	4,500,000		4,065,900					0.00%

WARRUMBUNGLA SHIRE COUNCIL
Ordinary Meeting – 21 February, 2013

Term Deposits: Council currently holds the following Term Deposits:

Bank	Current Investment	Opening Balance	Buy/(Sell)	December Interest Earned/ Accrued	Closing Balance	Lodgement date	Maturity Date	Rating	Current Yield
NAB Cash Maximiser #	1,477,561	1,701,547	- 228,300	4,314	1,477,561	At Call	At Call	AA-	4.19%
ANZ At Call	4,425,059	5,413,159	- 1,000,000	11,901	4,425,060	At Call	At Call	AA-	4.35%
NAB	-	1,012,094	- 1,012,403	309	-	3/09/2012	3/12/2012	AA-	5.03%
Commonwealth Bank	2,000,000	-	2,000,000	2,268	2,002,268	21/12/2012	21/01/2013	AA-	4.15%
NAB Term Deposit	1,000,000	-	1,000,000	3,661	1,003,661	2/12/2012	2/03/2013	AA-	4.62%
ANZ Term Deposit	1,000,000	-	1,000,000	1,257	1,001,257	21/12/2012	25/03/2013	AA-	4.60%
Suncorp Treasury	1,000,000	-	1,000,000	1,260	1,001,260	21/12/2012	3/04/2013	A+	4.61%
Total:	10,902,621	8,126,800	2,759,297	24,970	10,911,067				4.36%

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 December 2012.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Item 24 Investments and Term Deposit - 31 January 2013

Division:	Corporate Services
Management Area:	Financial Services
Author:	Senior Finance Officer – Lisa Grammer
CSP Key Focus Area:	Local Governance and Finance
Priority / Strategy:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

File Ref: **Function:** Financial Management **Activity:** Reporting and Investments

Background

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 monthly ordinary meeting.

Council currently benchmarks its investment performance against the 3 month Bank Bill Swap Reference Rate (BBSW) as per Council's investment policy. The January BBSW 3 month rate was 3.05%. Council's term deposits returned an average rate of 4.34% for the month of January, outperforming Council's benchmark.

During the month of January one of Council's Term Deposits totalling \$2m fell due, earning Council \$7,049 in interest revenue (over the life of the deposit). Council reinvested \$1m with NAB at a rate of 4.40% for 95 days and \$1m with Suncorp at a rate of 4.35% for 120 days. These investments were contracted to commence at 31 January 2013 but were not processed by NAB and Suncorp until 1 February 2013.

A total of \$182,950 was transferred from Councils operating accounts into the At Call investment accounts and a net total of \$1,307,950 was transferred from At Call investment accounts back into Council's operating account to meet daily operating expenses, which increased dramatically during the month of January due to the Section 44 Bushfire.

All of Council's investment securities are not currently paying coupons although several investments are expected to be redeemed at higher than original purchase price. Council's investment securities underperformed against Council's benchmark. However, it should be noted that the value (based on Indicative Bid) for Council's investment securities increased by \$8,600 during the month of January.

Issues

Reconciliations are being completed monthly and balanced, payments and receipts reconcile to monthly investment statements and investment interest is recorded. They are completed by Senior Finance Officer and signed off by Chief Financial Officer then referred to Director Corporate Services for final review as part of Monthly checklist procedures.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Options

Investments are made in accordance with Council's Investment Policy.

Financial Considerations

ANZ CPPI Asprit II	Zero coupon investment backed by ANZ. Bid is below fair value, despite 2 months to maturity. Likely to pay a small amount above 100.
Averon CPP Ltd Aver	Ultimate credit risk rests with General Electric Capital Corp Australia, rated AA+/A1 by S&P/Moodys (AA+ principle only).
FIIG All Seasons CPPI	Council is essentially holding a Swedish Export Bond rated AA+. Will pay \$4 above par at maturity. Bid price well short of fair value.
Octagon Ltd Linked	Backed by International Bank for Reconstruction & Development rated AA. Few concerns if any. Bid well below fair value. Low risk.

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Summary

Investment Securities: Council currently holds the following investment securities:

Bank	Purchase Price	Indicative Bid	Valuation based on indicative bid as at 31 January 2013	ISIN Number	Lodgement date	Maturity Date	Rating	Coupon Payments
ANZ CPPI Asprit II	800,000	97.00%	776,000	CPPISAMAF02	30.09.2009	30.03.2013	AA-	0%
Averon CPP Ltd Aver	700,000	93.00%	651,000	AU300AVER012	30.09.2009	20.06.2013	AA+	0%
FIIG All Seasons CPPI Note	1,500,000	91.50%	1,372,500	AU300SEKA021	29.08.2008	29.08.2014	AA+	0%
Octagon Ltd Linked	1,500,000	85.00%	1,275,000	XS023170158	25.10.2005	30.10.2015	AAA	0%
Total:	4,500,000		4,074,500					0.00%

WARRUMBUNGLA SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Term Deposits: Council currently holds the following Term Deposits:

Bank	Current Investment	Opening Balance	Buy/(Sell)	December Interest Earned/ Accrued	Closing Balance	Lodgement date	Maturity Date	Rating	Current Yield
NAB Cash Maximiser #	1,053,103	1,477,561	-428,150	3,691.87	1,053,103	At Call	At Call	AA-	3.54%
ANZ At Call	3,559,076	4,425,060	-879,800	13,816	3,559,076	At Call	At Call	AA-	4.35%
Commonwealth Bank	-	2,002,268	-2,007,049	4,781	-	21/12/2012	21/01/2013	AA-	4.15%
NAB Term Deposit	1,000,000	1,003,661	-	3,913	1,007,574	2/12/2012	2/03/2013	AA-	4.62%
ANZ Term Deposit	1,000,000	1,001,257	-	3,896	1,005,153	21/12/2012	25/03/2013	AA-	4.60%
Suncorp Treasury	1,000,000	1,001,260	-	3,905	1,005,165	21/12/2012	3/04/2013	A+	4.61%
Total:	7,612,179	10,911,067	-3,314,999	34,011	7,630,079				4.34%

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 January 2013.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Item 25 Rates Report Month Ending 31 December, 2012

Division:	Corporate Services
Management Area:	Financial Services
Author:	Senior Finance Officer – Lisa Grammer
CSP Key Focus Area:	Local Governance and Finance
Priority / Strategy:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

File Ref: **Function:** Financial Management **Activity:** Reporting and Investments

Background

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

The Division of Local Government (DLG) recommends (via their accepted benchmark) a ratio of less than 5% for Urban and Coastal Councils and less than 10% for Rural Councils. Council's outstanding ratio as at 30 June 2012 was 13.62% which although above the DLG recommended benchmark is an improvement on last year's ratio of 15.13%.

Some factors that affect this indicator should be considered when assessing Warrumbungle Shire Council's performance against this indicator such as the socioeconomic characteristics of the area, environmental factors such as the recent drought, and previous changes to Council's Rating Policy.

Issues

The outstanding rates and annual charges ratio as at 31 December 2012 is 13.86%. This figure is higher than the 10% benchmark proposed by the DLG.

Options

N/A For Council Information

Financial Considerations

A high arrears balance affects Councils cash flow, and represents monies outstanding that Council could be gaining a return on if invested in a term deposit.

Summary

Council's rates and annual charges performance for the month of December is detailed in the following table:

WARRUMBUNGL SHIRE COUNCIL
Ordinary Meeting – 21 February, 2013

Rate/Charge Type	Rate Arrears 2011/2012	2012/2013 Levy	Pensioner Write Off	Abandoned	Rates Arrears And Net Levy	Total Payments To Date	Total Outstanding 2012/2013	Collection % 2012/2013	Total Arrears as at EOM	Outstanding Rates and Annual Charges %
General	614,759	6,916,375	163,245	3,011	7,364,878	3,932,598	3,432,280	53%	684,352	10%
Water	187,948	1,286,002	72,422	198	1,401,329	747,678	653,651	53%	208,224	16%
Sewerage	379,939	1,164,494	54,674	2,081	1,487,678	526,679	960,999	35%	180,027	15%
Garbage	155,985	1,563,504	106,128	1,294	1,612,068	895,427	716,641	56%	178,802	11%
TOTAL RATES AND ANNUAL CHARGES	1,338,631	10,930,374	396,469	6,583	11,865,953	6,102,382	5,763,571	51%	1,251,405	11%
Water Consumption	411,225	1,052,343	-	3,382	1,460,186	445,866	1,014,320	31%	256,558	24%
Sewer Consumption	70,499	117,859	-	17	188,341	66,697	121,644	35%	24,527	21%
TOTAL WATER SUPPLY SERVICES	481,724	1,170,202	-	3,399	1,648,527	512,563	1,135,964	31%	281,084	24%
LEGAL FEES	156,016	33,380	-	20	189,376	65,086	124,290	34%	159,120	-
INTEREST	228,554	70,036	-	-	298,591	-	298,591	-	-	-
GRAND TOTAL	2,204,925	12,203,992	396,469	10,002	14,002,447	6,680,031	7,322,416	48%	1,691,609	13.86%

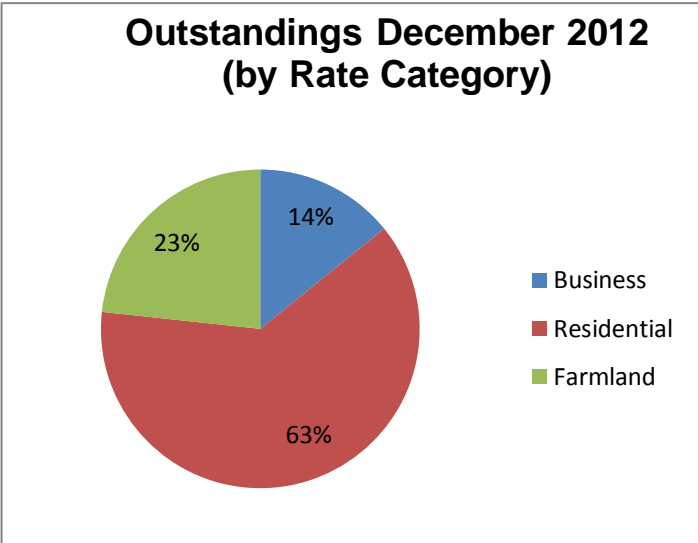
Interest charges in the 'Total Arrears' column are classified under the relevant charge type above, as opposed to being recorded separately per the 'Total Outstanding' column. The outstanding figures for sewer consumption, water consumption and sewerage rates and charges need to be viewed in total as Council's finance systems is currently grouping a majority of the arrears amounts for these items under sewer consumption. Total arrears at End of Month include interest in arrears under the relevant Rate/Charge Type and is not separately disclosed as interest.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Analysis by Council staff has indicated that a majority of the rates and annual charges outstanding amount 63% relates to residential properties, while 23% relates to farmland and 14% to business. See graph to the right, and table of outstanding balances by rate group and rate/charge type below for further details.

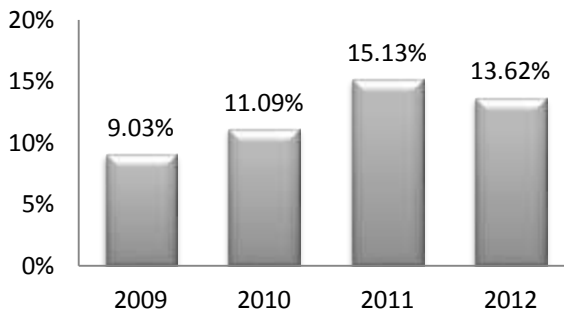
Of the amount outstanding, Council currently has a total of 398 assessments with a total of \$769k outstanding under an arrangement to pay the outstanding rates and annual charges on a weekly, fortnightly or monthly basis.



Rates Type	Rates levy			Water levy			Legal	Grand Total
	General	Domestic Waste	Water Access	Sewer Access	Water Usage	Sewer Usage		
Business	62,445	24,114	18,398	36,173	66,399	24,527	7,614	239,670
Residential	271,635	149,477	189,825	143,854	189,801	-	113,201	1,057,794
Farmland	350,272	5,211	-	-	358	-	38,305	394,146
Total	684,352	178,802	208,224	180,027	256,558	24,527	159,120	1,691,609

Collection of outstanding rates commences with an overdue letter which is received from Council giving 14 days to pay or contact Council requesting an arrangement, if no payment or contact is made a letter of demand is sent out by Council's Debt Recovery Agency giving 7 days to make a payment or contact Council requesting an arrangement.

Council will be instructing its Debt Recovery Agency to issue a Statement of Claim on Assessments with overdue amounts that have not entered into an arrangement or paid in full in the month of December. Council's historical debt recovery performance as measured by the rates and charges outstanding ratio is detailed in the graph below.



RECOMMENDATION

For Council's information.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Item 26 Rates Report Month Ending 31 January, 2013

Division:	Corporate Services
Management Area:	Financial Services
Author:	Water Debtor Officer – Rachael Carlyle
CSP Key Focus Area:	Local Governance and Finance
Priority / Strategy:	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

File Ref: **Function:** Financial Management **Activity:** Reporting and Investments

Background

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

The Division of Local Government (DLG) recommends (via their accepted benchmark) a ratio of less than 5% for Urban and Coastal Councils and less than 10% for Rural Councils. Council's outstanding ratio as at 30 June 2012 was 13.62% which although above the DLG recommended benchmark is an improvement on last year's ratio of 15.13%.

Some factors that affect this indicator should be considered when assessing Warrumbungle Shire Council's performance against this indicator such as the socioeconomic characteristics of the area, environmental factors such as the recent drought, and previous changes to Council's Rating Policy.

Issues

The outstanding rates and annual charges ratio as at 31 January 2013 is 14.63%. This figure is higher than the 10% benchmark proposed by the DLG. This increase relative to the December figure of 13.86% is due to the water levy falling due on 17 January.

Options

N/A For Council Information

Financial Considerations

A high arrears balance affects Councils cash flow, and represents monies outstanding that Council could be gaining a return on if invested in a term deposit.

Summary

Council's rates and annual charges performance for the month of January is detailed in the following table:

WARRUMBUNGL SHIRE COUNCIL
Ordinary Meeting – 21 February, 2013

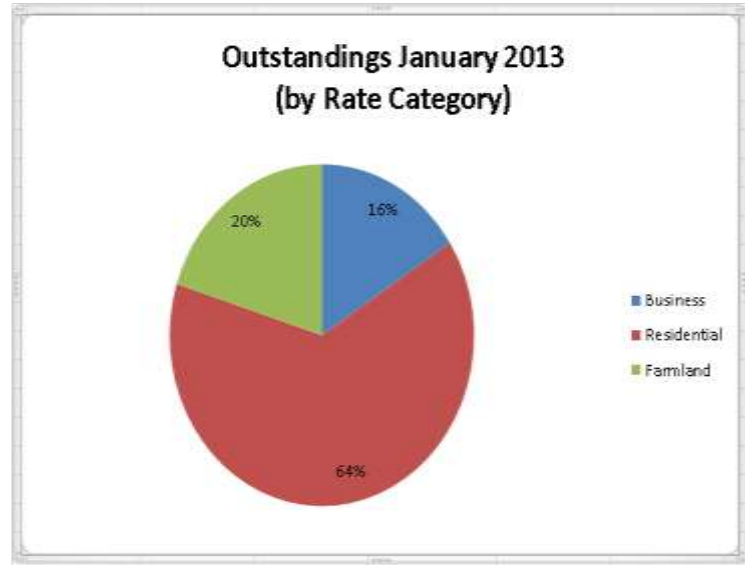
RATE/CHARGE TYPE	RATE ARREARS 2011/12	2012/2013 LEVY	PENSIONER WRITE OFF	ABANDONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTANDING 2012/2013	COLLECTION % 2012/2013	Total Arrears as at EOM	Outstanding Rates and Annual Charges %
General	614,759	6,915,174	163,338	3,018	7,363,578	4,099,848	3,263,730	56%	612,721	9%
Water	187,948	1,286,002	72,389	218	1,401,343	794,797	606,546	57%	188,773	15%
Sewerage	379,939	1,164,494	54,674	2,083	1,487,675	670,218	817,458	45%	252,733	22%
Garbage	155,985	1,563,718	106,113	1,324	1,612,266	946,097	666,169	59%	159,450	10%
TOTAL RATES AND ANNUAL CHARGES	1,338,631	10,929,388	396,513	6,643	11,864,862	6,510,959	5,353,903	55%	1,213,678	11%
Water Consumption	411,225	1,052,343	-	3,382	1,460,186	597,489	862,697	41%	359,070	34%
Sewer Consumption	70,499	117,859	-	17	188,341	77,814	110,527	41%	33,795	29%
TOTAL WATER SUPPLY	481,724	1,170,202	-	3,399	1,648,527	675,303	973,224	41%	392,865	34%
LEGAL FEES	156,016	71,680	-	20	227,676	75,995	151,681	33%	186,518	-
INTEREST	228,554	84,196	-	-	312,750	-	312,750	-	-	-
GRAND TOTAL	2,204,925	12,255,465	396,513	10,062	14,053,815	7,262,257	6,791,558	52%	1,793,061	14.63%

Interest charges in the 'Total Arrears' column are classified under the relevant charge type above, as opposed to being recorded separately per the 'Total Outstanding' column. The outstanding figures for sewer consumption, water consumption and sewerage rates and charges need to be viewed in total as Council's finance systems is currently grouping a majority of the arrears amounts for these items under sewer consumption. Total arrears at End of Month, include interest in arrears under the relevant Rate/Charge Type and is not separately disclosed as interest.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Analysis by Council staff has indicated that a majority of the rates and annual charges outstanding amount 64% relates to residential properties, while 20% relates to farmland and 16% to business. See graph to the right, and table of outstanding balances by rate group and rate/charge type below for further details.

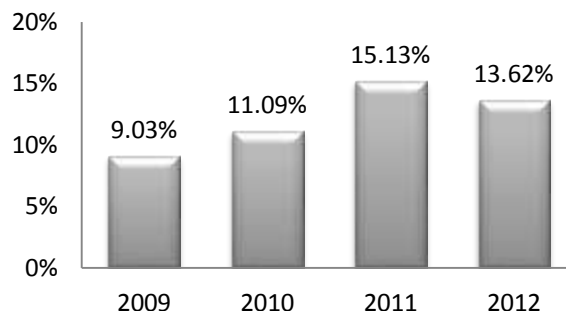


Of the amount outstanding, Council currently has a total of 398 assessments with a total of \$769k outstanding under an arrangement to pay the outstanding rates and annual charges on a weekly, fortnightly or monthly basis.

Rates Type	Rates levy			Water levy			Legal	Grand Total
	General	Domestic Waste	Water Access	Sewer Access	Water Usage	Sewer Usage		
Business	57,970	19,956	15,541	56,795	93,236	33,795	8,280	285,572
Residential	244,448	134,328	173,232	195,938	265,108	-	133,359	1,146,412
Farmland	310,304	5,166	-	-	727	-	44,880	361,077
Total	612,721	159,450	188,773	252,733	359,070	33,795	186,518	1,793,061

Collection of outstanding rates commences with an overdue letter which is received from Council giving 14 days to pay or contact Council requesting an arrangement, if no payment or contact is made a letter of demand is sent out by Council's Debt Recovery Agency giving 7 days to make a payment or contact Council requesting an arrangement.

Council will be instructing its Debt Recovery Agency to issue a Statement of Claim on Assessments with overdue amounts that have not entered into an arrangement or paid in full in the month of January. Council's historical debt recovery performance as measured by the rates and charges outstanding ratio is detailed in the graph below.



RECOMMENDATION

For Council's information.

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 21 February, 2013

Item 27 Quarterly Budget Review Statement - Quarter Ending 31 December, 2012

Division:	Corporate Services	
Management Area:	Finance	
Author:	Chief Financial Officer – Stefan Murru	
CSP Key Focus Area:	Local Governance and Finance	
Priority / Strategy:	GF4 - Council Governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.	
File Ref:	Function: Various	Activity: Various

Background

The Quarterly Budget Review Statement (QBRS) presents a summary of Council's financial position at the end of each quarter. It is the mechanism whereby Councillors and the community are informed of progress against the management plan.

In December 2010 the NSW Division of Local Government developed a set of minimum requirements for reporting the financial position of Council, to facilitate explanations and major variations and recommend changes to the budget for Council approval. The reports also enable the Responsible Accounting Officer (RAO) to indicate if Council will be in a satisfactory financial position at the end of the financial year.

The minimum requirements for QBRS are included in the Code of Accounting Practice and Financial Reporting and form part of the legislative framework in accordance with clause 203 (3) of the Regulations.

The new reporting format came into effect on 1 July 2011. The QBRS is composed of, but not limited to, the following budget review (BR) components:

- A statement by the responsible accounting officer on Council's financial position at the end of the year based on the information in the QBRS (**QBRS: Part 2**);
- Budget Review Income and Expenses Statement in one of the following formats (**QBRS: Parts 3, 5 & 6**):
 - consolidated
 - by fund (e.g. General Fund; Water Fund; Sewer Fund)
 - by function, activity, program etc to align with the management plan / operational plan;
- Budget Review Capital Budget (**QBRS: Parts 7 & 8**);
- Budget Review Cash and Investments position (**QBRS: Part 10**);
- Budget Review Key Performance Indicators (**QBRS: Part 11**);
- Budget Review Contracts and Other Expenses (**QBRS: Part 12**);

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

- Balance Sheet as at 31 December 2012 (**QBRs: Part 9**);
- A Summary of Results that links the function view of Council's activities back to Council's income statement and cashflow statement (**QBRs: Part 4**).
-

A copy of Council's second quarter QBRs for the quarter ending 31 December is provided under separate cover as an Appendix to the February 2013 Business Paper.

Issues

Significant points to note from Council's September quarter QBRs include:

- Council's YTD surplus/(deficit) from Council's income statement is a surplus of \$1.967m due to rates revenue being recognised on the 1 July 2012 when rates are levied;
- Council is currently forecasting an accrual deficit (per Council's income statement) of (\$2.131m);
- Council has currently spent \$6.58m of its proposed \$16.4m (40%) capital program;
- Council's cash balance is currently forecast to decrease from \$15.452m as at 31 December 2012 to \$11.554m at 30 June 2013, leaving Council with unrestricted cash assets of \$6.613m as at 30 June 2013.
- Council's cash surplus/(deficit) which includes capital expenditure and loan movements, but excludes other balance sheet movements and depreciation is forecast to be \$6.902m at year end (an improvement of \$350k over the September quarter). This figure includes supplementary votes submitted for approval below, and the majority of this deficit relates to Council's revoted capital works which represents works budgeted for in prior years but postponed due to natural disasters (\$5.66m).

The QBRs is Council's opportunity to explain major variations and recommend changes to Council's original budget for Council approval. Explanations for major variations are reported within the QBRs, and Council has also included in the QBRs supplementary votes for approval (total \$350k reduction in expenditure):

- Suggested recurrent expenditure increases of \$26k (predominantly grant funded);
- Suggested capital expenditure decreases of \$107k;
- An increase in revenue of \$269k.

Options

The suggested supplementary votes for the December quarter results in a \$350k improvement in Council's cash position. Therefore, Council has two (2) options in regard to the supplementary votes suggested in the December QBRs:

1. Approve the supplementary votes per the recommendations of the Finance and Projects Committee;
2. Approve the suggested supplementary votes but either postpone selected current year capital projects to 2013/14 or reduce recurrent expenditure budgets to reduce Council's forecast deficit.

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Financial Considerations

Council's original cash deficit for the 2012/13 financial year per Council's Operational Plan was \$822k. Council subsequently revoted \$5.658m worth of capital expenditure budgeted for in prior years that was delayed due to flood damage into the 2012/13 financial year and also subsequently approved supplementary votes for expenditure totalling \$772k resulting in a forecast cash deficit of \$7.252m prior to the December QBRS.

The December Quarter QBRS includes a total supplementary vote of \$350k (positive) which if approved will reduce Council's forecast cash deficit to \$6.902m.

Summary

Council's Finance and Projects Committee have reviewed the QBRS in detail and recommended the supplementary votes for this period be approved.

Statement by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Warrumbungle Shire Council for the quarter ended 31 December 2012 indicates that Council's projected financial position as at 30 June 2013 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____
Responsible Accounting Officer, Warrumbungle Shire Council Date: 4 February 2013

RECOMMENDATION

That Council accept the Quarterly Budget Review Statement for the quarter ending 31 December 2012, and approve the requested supplementary votes for a total value of \$350K (reduction).

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Item 28 Rates and Annual Charges Relief Grant – Natural Disaster, 2013

Division:	Corporate Services
Management Area:	Finance
Author:	Chief Financial Officer – Stefan Murru
CSP Key Focus Area:	Local Governance and Finance
Priority / Strategy:	GF4 Council Governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan.
File Ref:	Function: Financial Management
	Activity: Reporting and Investments

Background

The Wambelong fire that started on 12 January 2013 in the Warrumbungle National Park was declared a Natural Disaster on Tuesday 15 January.

Several days after the fire, Council established the Warrumbungle Shire Mayor's Bushfire Appeal to channel funds donated from the public to assist victims of the Wambelong, and the nearby Redbank fires. Aside from the Incident Control and obvious cost in terms of Council staff, plant and equipment which has placed significant demand on Council's resources; Council has to date not provided a donation of funds to the Appeal.

In lieu of providing funds directly to the Mayor's Bushfire Appeal, one option available to Council to assist victims of this Natural Disaster is the provision of relief of rates and annual charges outstanding for the second half of the 2012/13 financial year.

Council's third instalment rates notices were issued as per the Regulations (2003) in January 2013. A letter was included at late notice to all residents, encouraging those who had suffered as a result of the fires to notify Council of hardship and that organisation for repayment arrangements would be facilitated.

Issues

If Council chooses to provide rate relief to victims of the fires, Council will need to agree on both a scope of who will be eligible for rate relief, as well as the amount of rates to be written off by Council. Rate relief could be provided at a minimum to those residents who have lost their property, broadened to include residents who were in some way affected by the fire, or not provided at all.

Assuming rate relief is to be provided, it should be noted that the selection criteria on whose rates should be forgiven is subjective, and to reduce adverse risks to Council, any decision should aim to meet the following minimum criteria:

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- It targets those most affected by the fire;
- It is fair and as objective as possible;
- It is easy to administer;
- It minimises reputational risk to Council;
- It does not provide an excessive financial burden on Council.

On the basis of the above criteria, Council has identified four possible rate relief options which are detailed in the options section below.

Options

Rate relief options available to Council are detailed in the table below:

No	Option	Cost to Council
1	Do not provide rate relief	Zero
2	Provide rate relief to all residents who have lost a property as a result of the fires with property defined as a Council approved inhabited dwelling. Assumes the loss of 42 properties, and rate relief of \$500 per property, with Council providing the write-off as a donation made directly to each assessment.	\$21k
3	Provide rate relief to all victims of the fires who can demonstrate to Council that they have incurred damage in excess of \$30,000 as a result of the fire. It is estimated that there could be up to 100 residents who could have suffered damages in excess of \$30k. Rate relief would be based on relief of \$300 per applicant, although it would not be expected that all 100 possibly eligible applicants would apply. Council would be required to develop an application form to facilitate this payment which may become difficult to administer.	\$30k
4	Provide rate relief for both residents who lost a property (per 2 above) and for victims of the fire who can demonstrate that they incurred in excess of \$30,000 damage as a result of the fire (per 3 above). Applicants who receive the \$500 rate relief for loss of property would not be entitled to the \$300 for damage in excess of \$30k. The assumed take up under this option would be 42 properties at \$500 each, plus a maximum of approximately 58 applications for loss in excess of \$30k at \$300 per application.	\$38.4k

The suggested rate relief amounts of \$500 under option one (1) and \$300 under option two (2) are suggestions only, and Council may suggest a larger or smaller amount. The average levy for fire affected properties is \$1,170 per property per annum.

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Financial Considerations

The financial impact on Council is dependant on both the rate relief option chosen, as well as the amount of the rate relief to be provided to each recipient (per the options section above).

Should Council resolve to provide a Rate Relief Grant, approval of the supplementary vote to increase the Donations budget by the amount of the contribution will be required. This will be realised in the QBRS at the third quarterly review and have a negative impact on the 2012/2013 cash flow by that amount, unless savings are sought or projects postponed/removed from the Operational Plan.

Summary

Whilst creating an unprecedented cost to Council which is in effect waiving of a tax or charge that is legislated by the NSW Government for Council to collect; this Natural Disaster is similarly unprecedented. The donation of a Rate Relief Grant towards property owners who have been adversely affected by the Wambelong Fire may be a positive financial contribution towards encouraging rebuilding of assets and infrastructure in the shire, and a way for Council to recognise the hardship suffered by victims of this natural disaster event.

RECOMMENDATION

For Council Consideration

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Item 29 Grazing Lease Lots 1 and 2 DP847880, Coonabarabran

Division: Corporate Services

Management Area: Property and Risk

Author: Manager Property and Risk – Jennifer Parker

CSP Key Focus Area: Local Economy

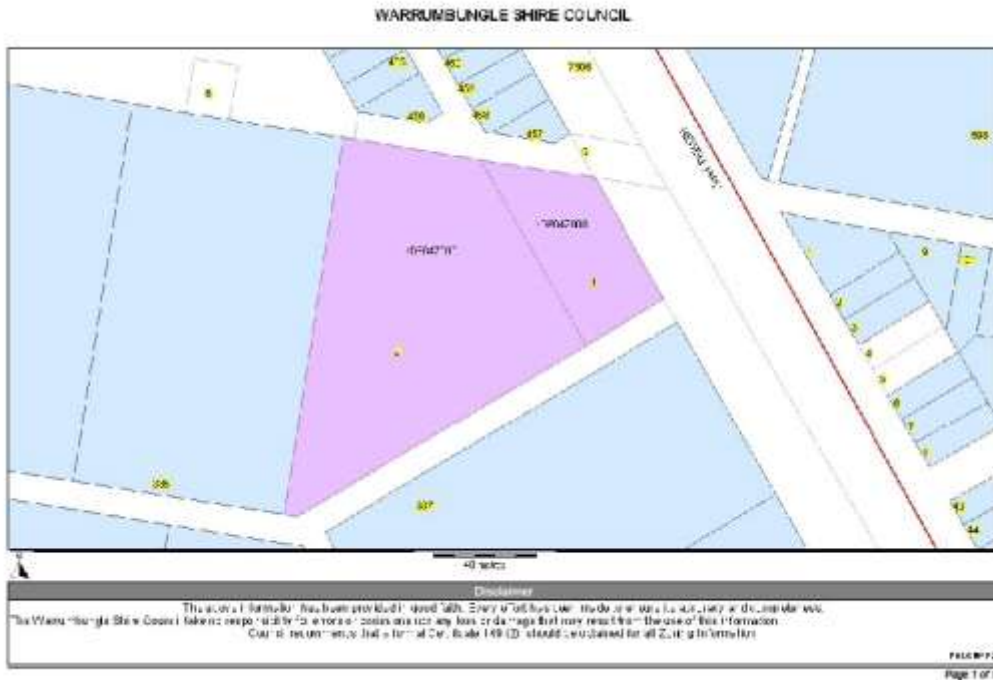
Priority / Strategy: LE1 - Agricultural activities need to be recognised and supported as a foundation of our local economy

File Ref: **Function:** Council Asset **Activity:** Usage and Sale

Background

A parcel of land owned by Council has been identified to be used for a Grazing Lease. The property is Lot 1 and 2 DP847880 and was last used for grazing in 2000. The land is approximately 8.1474 ha and fenced. After the Wambelong Fire, grazing is at a premium in the Coonabarabran area and requests have been forthcoming for grazing access to a few of Council's vacant lots.

Under the circumstances in the northern part of the shire it may be beneficial to reinstate this property on the portfolio of grazing licence properties.



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Issues

The property is made up of two (2) parcels and is deemed Operational Land. There is an existing approved Development Application (DA) on the property for a sub division which expires on 31 July 2013. Lot 1 has an existing shed and house structure.

The property is operational land and as such as per Section 24 part 2 of the NSW Local Government Act (1993); '*Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.*'

This property has been set aside as an investment.

Options

The option to have a Grazing Licence on the property for 'Grass Rights' would enable then a 'licensee' to look after the land, keeping down weed and dealing with fencing as prescribed in Councils Standard Grazing Licences. With the DA on the property, a short term Licence would be more beneficial, giving Council the flexibility to move with any development options at short notice.

Council also has the option to let the property go to fallow.

Financial Considerations

As operational land it is not necessary for this land to have a plan of management. If the property was included to the schedule of Council controlled grazing leases, a small financial benefit would be received from agistment fees and the licensee maintaining the land. Council would benefit with little cost and a potential profit.

Summary

The property of Lots 1 and 2 DP847880 is Operational Land vested in Council's interest. With requests being received for Grazing Licences in the Coonabarabran area, Council has the opportunity to add this property to its portfolio of grazing leases on a short term license to enable flexibility with future development options.

RECOMMENDATION

That Council approve Lot 1 and 2 DP847880 be included in the portfolio of lands available for grazing licence and that it be advertised for expressions of interest from the general public for a short term licence of twelve months, **FURTHERMORE** Council gives authority to the General Manager to negotiate the Licence as a matter of business.

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Item 30 Grazing Lease Request - Fraser Place, Coonabarabran

Division: Corporate Services

Management Area: Property and Risk

Author: Manager Property and Risk – Jennifer Parker

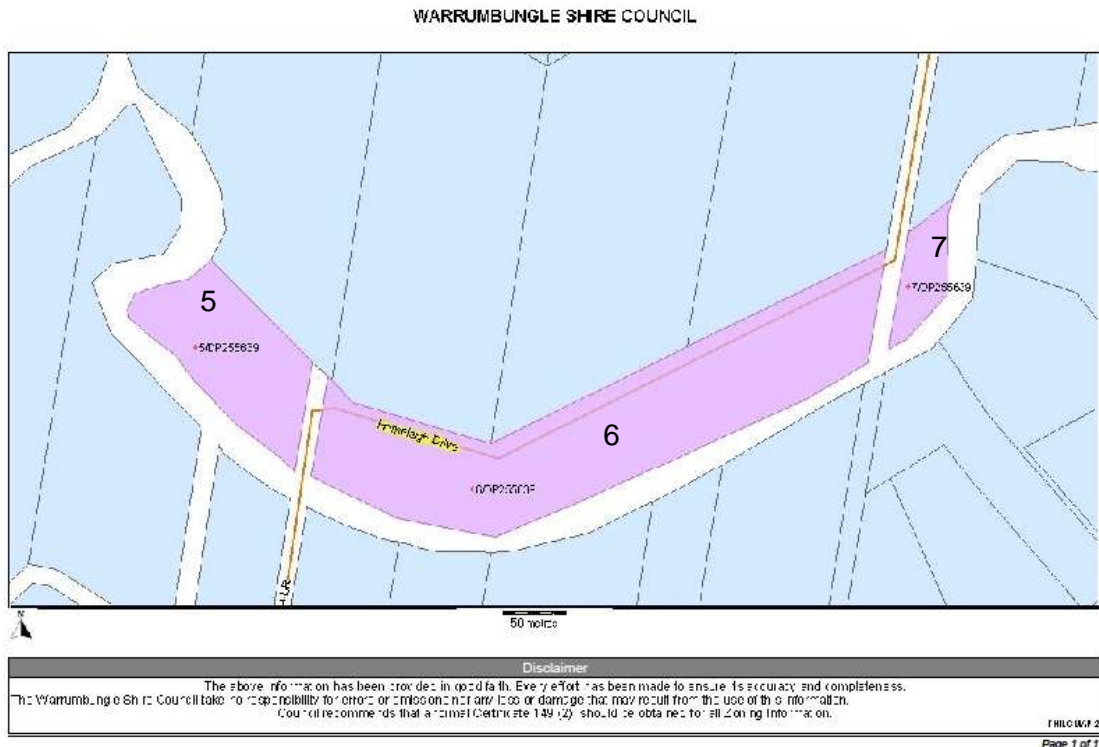
CSP Key Focus Area: Local Economy

Priority / Strategy: LE1 - Agricultural activities need to be recognised and supported as a foundation of our local economy

File Ref: **Function:** Council Asset **Activity:** Usage and Sale

Background

Council is in receipt of a letter from a member of the public in regards to leasing Fraser Place, Lots 5, 6 and 7 Deposit Plan 255639, a Council owned piece of community land on Homeleigh Drive. The property was a private dedication as part of Fraser Subdivision and is approximately 11.079 ha. The proposed land use is to graze cattle after the requesters land had been ploughed for a fire break during the recent outbreak.



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Issues

The property is made up of three lots; being Lots 5, 6 and 7 DP 255639. Fraser Place is not fenced and borders the Castlereagh River. Homeleigh Road straddles the northern part of the middle lot (Lot 6). Council is recognised as the owner on the Certificate of Title of this land which is classified as Community Land.

Council has no management plan for these lots and they are not fenced off from the road or neighbouring properties.

Options

Either the whole area or part of the land may be used for the agistment of stock as per NSW Local Government Regulations (2005) 116 s(1)p(h). It may also be stipulated in a grazing licence that maintenance of the property, fencing and areas of obvious risk to animals and the public be the responsibility of the licensee.

Council also has the option to leave the property to go to fallow.

Financial Considerations

The property has no plan of management, contrary to the Act (1993) and Council receives no financial benefit from this land. If the property was included to the schedule of Council controlled grazing leases, a small financial benefit would be received from agistment fees and the licensee maintaining the land. Council would benefit with little cost and a potential profit.

Summary

The property of Lots 5, 6 and 7 DP255639, is Community Land vested in Council's interest. A request has been received to lease for grazing on the land and Council has the opportunity to add this property to its portfolio of grazing leases.

It may be in Council's best interest to lease just one Lot, being Lot 6; which provides a road on either side, that may be fenced for stock and allow the public to retain access to the Castlereagh River either side of Homeleigh Drive.

RECOMMENDATION

That Council approve Lot 6 Deposit Plan 255639 to be included in the portfolio of lands available as a grazing leases and that it be advertised for submissions of interest from the general public **FURTHERMORE** Lots 5 and 7 Deposit Plan 255639 remain as vacant, providing public access to the Castlereagh River.

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Item 31 Water Charge - Request for Write Off

Division: Technical Services

Management Area: Water Services

Author: Acting Senior Finance Officer - Alira Carlyle

CSP Key Focus Area: Local Governance and Finance

Priority / Strategy: GF5 – Council is severely burdened by the increasing costs of service provision & asset management and its reliance on grants and other funding, together with a limited rate base, rate capping and restricted capacity to source income from other areas.

File Ref: **Function:** Rates and Valuations **Activity:** Payments

Background

A letter has been received from the owner of Assessment number 11812, requesting that the recent water account for this property be investigated, as the usage for the period was very high compared to the past two (2) years.

The property of 46 Abbott St, Mendooran, has a normal average water consumption of 50kl per quarter from the period 2006-2012, excluding the November 2012 reading. The average water bill for this residence for the past six (6) years is \$68.59.

The November 2012 Water Levy reading for the property was 716Kl, resulting in a water bill of \$1,145.60.

On 12 December 2012 the high consumption was noted by Council staff as per normal procedures to ensure anomalies of high or low readings are addressed before accounts are issued. The meter reading was checked and was found to be correct and so Council proceeded with the billing process.

Council staff have been communicating with the owners of the property and a general survey of the property undertaken in late January 2013 which confirmed there were no obvious leaks at that time. The water meter was checked again showing the reading had increased by 20Kl since the reading of the bill issued in November 2012, which is considered a normal reading.

Issues

The Water meter has since been tested and there was no evidence that the meter is or was faulty.

The property owner may have had a water leak fixed prior to Council's employee undertaking a repeat reading of the meter in January 2013.

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A water leak may be difficult to see as the soil in the town of Mendooran is sandy and with high absorption rates a wet patch may not be visible.

Options

Council may accede to the request and write off the amount of \$1,077, which is the difference between the average bill for the past six (6) years and the high reading as a good will gesture in favour of the rate payer.

On the basis that the water meter was tested and found not to be faulty, Council may refuse the request to write off the amount of \$1,077. In this instance, Council would negotiate a payment plan with the owner to allow the outstanding amount to be paid off by instalments.

Financial Considerations

Should Council accede to the request this will result in a reduction of water revenue by \$1,077.

Summary

For an unknown reason an unusually large amount of water has passed through the water meter. The owner remains adamant that there was no leak and that they have not fixed any pipes or leaks since this reading.

There were no fault issues discovered with the meter, however to appease the property owners ease of mind the water meter has now been replaced.

RECOMMENDATION

That Council not accede to the request to write off water rates being water charge on Assessment No. 11812, since the water meter was tested and found not to be faulty.

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Item 32 Proposal to Install a Pencil Shape Sculpture - Milling Park, Dunedoo

Division:	Technical Services	
Management Area:	Urban Services	
Author:	Director Technical Services – Kevin Tighe	
CSP Key Focus Area:	Rural and Urban Development	
Priority / Strategy:	RU4 The attractiveness, appearance and amenity of our towns and villages need to be improved.	
File Ref:	Function: Roads	Activity: Committee

Background

The Dunedoo group 'Arts Unlimited' seeks Council approval for the establishment of a pencil sculpture in Milling Park. In recent years the group has obtained Council approval for establishment of the pencil structure on temporary basis in the lead up to the annual arts event, which is generally held around the 4th week in May.

As well as a permanent pencil sculpture, the group is seeking Council approval for establishment of signs at either end of Milling Park with the following wording in part; 'DUNEDOO – HOME OF ART UNLIMITED'

The group claims to have widespread support for the concept of the permanent structure and associated signs, however Council is required to assess depth of feeling in the community towards this project and whether or not the proposal is in accordance with long term expectations of the community.

A copy of the submission from the Arts Unlimited Committee has been forwarded to Councillors under separate cover.

Issues

There appears to be two issues with the request from Arts Unlimited, firstly the permanent establishment of a pencil structure in Milling Park and secondly the apparent objective of branding Dunedoo as the 'home of Art Unlimited'.

The physical establishment of timber poles as described in the proposal from Arts Unlimited is possible subject to installation design being approved by Council's technical staff. Maintenance of the proposed structure, particularly regular coating of the wood surface would be ongoing to ensure that the appearance does not deteriorate.

The proposal to install a pencil sculpture in Milling Park was discussed at the Dunedoo Town Committee in October 2012, where the results of a survey apparently indicated that residents were not in favour of the proposal

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Options

Forums held in conjunction with development of the Community Strategic Plan identified the desirability of upgrading Milling Park and making it more attractive to visitors and users of the Park. Council will need to determine if establishment of a permanent pencil structure is accordance with the vision of the community.

The concept of promoting Dunedoo as the 'Home of Art Unlimited' would need to be considered carefully by Council, particularly as the strength of some community groups comes and goes depending upon availability of volunteers in the group. Furthermore, such a matter ought to be considered by Council's Tourism and Economic Development Committee.

Also, the proposal to install town promotional signs on the road reserve should be considered by the Local Traffic Committee.

Financial Considerations

The Arts Unlimited group indicate they are prepared to meet the full cost of establishing the structures. Ongoing annual maintenance costs of the proposal are expected to be minimal, and may be as much as \$600 per year.

RECOMMENDATION

That the request by the Dunedoo group 'Arts Unlimited' to install a permanent pencil shaped sculpture in Milling Park is refused on the basis that it does meet the long term appearance expectations of the Dunedoo community.

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Item 33 Works Program 2012/2013 – Road Operations

Division:	Technical Services	
Management Area:	Road Operations	
Author:	Director Technical Services – Kevin Tighe	
CSP Key Focus Area:	Public Infrastructure & Services	
Priority / Strategy:	P13 Road networks throughout the Shire need to be safe, well maintained and adequately funded.	
File Ref:	Function: Roads	Activity: Capital Works Programme

Background

The Road Operations monthly report for the period ending 30 November 2012 is presented in attachment 1.0. The report focuses on Capital Expenditure projects; however it also includes a schedule of maintenance on unsealed roads.

Issues

Nil

Options

Council has discretion in relation to the capital works program and the works program in general. However, any changes must include consideration of funding sources, time requirements for pre construction activities, and impact on staff resources.

Financial Considerations

RECOMMENDATION

That the Works Program presented in Attachment 1.0 for the Road Operations section is noted for information only.

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Attachment 1.0 – 2012/13 Works Program for Road Operations – Status Report for Period ending 31 January 2013

Task Name	Start	Finish	Cost	YTD Cost	% Work Complete
	Wed 12/12/12	Fri 1/03/13	\$28,000	\$0	0%
Road Operations	Mon 2/07/12	Tue 30/07/13	\$8,026,396	\$0	52%
Local Rural Roads	Fri 26/10/12	Tue 30/07/13	\$1,545,632	\$0	19%
Bridges	Fri 26/10/12	Tue 30/07/13	\$1,545,632	\$0	19%
Bugaldie Creek Bridge - Goorianawa Road	Mon 10/06/13	Mon 24/06/13	\$1,545,632	\$0	10%
Baby Creek Bridge	Fri 26/10/12	Tue 6/11/12	\$0	\$710,382	100%
Tongy Bridge - Talbragar River	Tue 16/07/13	Tue 30/07/13	\$0	\$0	0%
Grandchester Bridge	Tue 11/06/13	Tue 25/06/13	\$0	\$0	0%
Sealed Roads	Mon 2/07/12	Fri 4/01/13	\$600,000	\$0	93%
Wool Road Rehabilitation	Wed 12/12/12	Fri 4/01/13	\$100,000	\$97,988	85%
Coolah Creek Road Rehabilitation	Mon 22/10/12	Tue 6/11/12	\$90,000	\$92,857	100%
Spring Ridge Rd Culvert Extensions	Mon 2/07/12	Mon 2/07/12	\$0	\$532	0%
Spring Ridge Rd Widening	Mon 2/07/12	Mon 2/07/12	\$0	\$0	0%
Reseals	Mon 2/07/12	Mon 2/07/12	\$410,000	\$0	0%
Unsealed Roads	Mon 2/07/12	Wed 29/05/13	\$2,906,129	\$0	71%
Kurrajong Rd	Thu 14/02/13	Fri 15/03/13	\$115,000	\$0	0%
Digilah Rd	Mon 20/08/12	Wed 3/10/12	\$207,193	\$210,440	100%
Piambra Rd	Tue 11/12/12	Fri 18/01/13	\$194,720	\$164,347	100%
Lawson Park Rd	Wed 3/04/13	Fri 3/05/13	\$150,000	\$0	0%
Gentle Annie Rd	Fri 7/09/12	Tue 27/11/12	\$375,011	\$390,291	100%
Gentle Annie Rd - causeway	Tue 11/09/12	Fri 26/10/12	\$0	\$0	100%
Bingie Grumble Rd	Wed 24/10/12	Tue 6/11/12	\$75,029	\$58,394	100%
Napier Lane	Tue 26/03/13	Fri 19/04/13	\$150,000	\$9,542	0%
Morrisseys Rd	Mon 12/11/12	Mon 26/11/12	\$75,000	\$86,661	100%
Gravel Road Resheeting	Tue 24/07/12	Wed 29/05/13	\$750,000	\$0	72%
Borah Creek Rd	Tue 7/08/12	Fri 17/08/12	\$95,000	\$92,224	100%
Rayack Road	Mon 20/08/12	Fri 24/08/12	\$25,000	\$22,746	100%
Mancers Rd	Wed 30/01/13	Wed 13/02/13	\$95,000	\$6,693	10%
Pibbon Rd	Wed 29/08/12	Wed 12/09/12	\$95,000	\$92,213	100%
Gumnut Rd	Tue 24/07/12	Wed 25/07/12	\$25,000	\$5,134	100%
Napier Lane	Tue 20/11/12	Thu 6/12/12	\$135,000	\$112,770	100%
Laheys Creek	Mon 13/05/13	Thu 23/05/13	\$80,000	\$7,539	15%
Brooklyn Rd	Fri 24/05/13	Wed 29/05/13	\$40,000	\$0	0%
Dennykymine Rd	Fri 30/11/12	Fri 14/12/12	\$100,000	\$44,446	50%
Yarrow Rd	Fri 2/11/12	Fri 23/11/12	\$60,000	\$47,976	100%
Tandara Estate	Tue 7/08/12	Wed 8/08/12	\$0	\$22,384	100%
Moorefield Rd	Wed 10/10/12	Thu 1/11/12	\$0	\$24,888	100%
Causeways & Culverts	Mon 7/01/13	Wed 23/01/13	\$68,177	\$0	0%
Dandry Road	Mon 7/01/13	Thu 10/01/13	\$277	\$0	0%
Intersection of Lockerbie Rd & Digilah Rd.	Mon 7/01/13	Wed 9/01/13	\$37,300	\$0	0%
Premier Estate Rd - causeway (Namoi CMA)	Mon 21/01/13	Wed 23/01/13	\$30,600	\$0	0%
Road Safety Blackspots	Tue 26/03/13	Tue 26/03/13	\$45,000	\$0	0%
Flood Damage Repair Projects	Mon 2/07/12	Mon 4/03/13	\$701,000	\$0	74%
Wyuna Rd (Garrawilla Creek)	Wed 30/01/13	Wed 13/02/13	\$701,000	\$481,996	5%
Box Ridge Rd (Yallagal Creek)	Fri 17/08/12	Fri 7/09/12	\$0	\$0	50%
Warkton Rd (Saigus Gully)	Mon 2/07/12	Mon 2/07/12	\$0	\$0	100%
River Rd (Golf Club Creek)	Wed 12/09/12	Tue 18/09/12	\$0	\$0	100%
Chinamans Gully - MR129	Fri 21/09/12	Wed 3/10/12	\$0	\$0	100%
Caledonia Rd (Teridgerie Creek)	Mon 2/07/12	Mon 2/07/12	\$0	\$0	100%
Bungabah Rd (Bungabah Creek)	Mon 17/09/12	Mon 17/09/12	\$0	\$0	100%
Gentle Annie Rd (Sand Creek)	Mon 15/10/12	Fri 30/11/12	\$0	\$0	100%
Neible Siding Rd (Binnia Creek)	Tue 4/12/12	Tue 18/12/12	\$0	\$0	100%
Orana Rd (Coolaburragundy River)	Mon 4/03/13	Mon 4/03/13	\$0	\$0	0%
Teridgerie Creek Cwy - rock at base of flume	Tue 2/10/12	Thu 4/10/12	\$0	\$0	100%

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Task Name	Start	Finish	Cost	YTD Cost	% Work Complete
Regional Roads	Mon 2/07/12	Tue 9/04/13	\$1,835,462	\$0	28%
Bridges	Tue 9/04/13	Tue 9/04/13	\$1,200,000	\$0	0%
Saltwater Creek No 2	Tue 9/04/13	Tue 9/04/13	\$1,200,000	\$0	0%
Sealed Roads	Mon 2/07/12	Fri 25/01/13	\$635,462	\$0	30%
Shoulder widening MR7519 (Forest Rd)	Tue 15/01/13	Fri 25/01/13	\$167,240	\$0	0%
Deadmans Gully Rehabilitation	Tue 20/11/12	Fri 23/11/12	\$48,222	\$62,765	100%
Reseals	Mon 2/07/12	Mon 2/07/12	\$420,000	\$0	0%
Town Streets Coonabarabran	Mon 2/07/12	Tue 30/04/13	\$364,791	\$0	39%
Old Common Road	Tue 30/10/12	Tue 15/01/13	\$30,000	\$22,311	100%
Extension of K&G - Barker Street	Mon 2/07/12	Mon 2/07/12	-\$1,760	\$1,257	100%
Footpath construction - Edwards St - near baths	Wed 7/11/12	Wed 28/11/12	\$67,584	\$37,077	80%
Footpath rehabilitation - Cassilis Street	Mon 15/04/13	Tue 30/04/13	\$20,000	\$0	0%
Culvert Extension in Dalgarno Street	Mon 4/03/13	Fri 5/04/13	\$153,967	\$27,199	0%
Seats - CBD area	Mon 26/11/12	Tue 27/11/12	\$15,000	\$0	0%
Footpath and K&G new Admin Building	Tue 4/12/12	Thu 20/12/12	\$0	\$63,565	60%
Reseals	Mon 2/07/12	Mon 2/07/12	\$80,000	\$0	0%
Town Streets Binnaway	Mon 2/07/12	Tue 4/06/13	\$69,500	\$0	0%
Renshaw Street Dip - traffic calming devices	Tue 4/06/13	Tue 4/06/13	\$18,900	\$0	0%
Renshaw St K&G (Irons st to Cisco St -140m)	Wed 3/04/13	Wed 17/04/13	\$35,600	\$0	0%
Reseals	Mon 2/07/12	Mon 2/07/12	\$15,000	\$0	0%
Town Streets Baradine	Mon 2/07/12	Tue 21/05/13	\$91,800	\$0	0%
Kerb & Guttering Castlereagh St, between Narren & Darling	Wed 30/01/13	Wed 13/02/13	\$57,000	\$0	0%
Street light	Mon 4/03/13	Mon 4/03/13	\$8,000	\$0	0%
Footpath rehabilitation - various	Tue 7/05/13	Tue 21/05/13	\$10,000	\$0	0%
Reseals	Mon 2/07/12	Mon 2/07/12	\$16,800	\$0	0%
Town Streets Coolah	Mon 2/07/12	Wed 20/03/13	\$292,581	\$0	18%
Binnia Street Upgrade - Kerb blisters	Tue 26/02/13	Wed 20/03/13	\$92,581	\$0	0%
Cycleway	Tue 8/01/13	Thu 31/01/13	\$60,000	\$0	0%
Booyamurra Street Drainage	Fri 1/02/13	Fri 22/02/13	\$30,000	\$0	0%
Footpath - Campbell St, Binnia St to Cunningham	Tue 16/10/12	Wed 31/10/12	\$85,000	\$48,288	100%
Reseal program	Mon 2/07/12	Mon 2/07/12	\$25,000	\$0	0%
Town Streets Mendooran	Mon 2/07/12	Tue 21/05/13	\$130,000	\$0	52%
Benewa Street sealing	Mon 8/10/12	Tue 16/10/12	\$40,000	\$35,883	100%
Abbott Street sealing	Wed 17/10/12	Fri 26/10/12	\$40,000	\$18,982	100%
Traffic calming devices - Bandulla Street, blisters	Tue 12/03/13	Tue 12/03/13	\$25,000	\$0	0%
Footpath Rehabilitation - various sections	Tue 7/05/13	Tue 21/05/13	\$10,000	\$0	0%
Reseal program	Mon 2/07/12	Mon 2/07/12	\$15,000	\$0	0%
Town Streets Dunedoo	Mon 2/07/12	Fri 26/04/13	\$190,500	\$0	0%
K&G, Talbragar St (Bandulla to Caigan, south side)	Mon 4/02/13	Mon 18/02/13	\$50,000	\$0	0%
Dish drain, Tucklan St at Bandulla, north side	Tue 26/02/13	Mon 4/03/13	\$18,000	\$0	0%
Walleroo Street construction & sealing	Thu 21/03/13	Fri 26/04/13	\$100,000	\$0	0%
Reseal program	Mon 2/07/12	Mon 2/07/12	\$22,500	\$0	0%
Road Contracts	Mon 11/06/12	Thu 17/04/14	\$0	\$0	27%
Urban Services	Sun 1/07/12	Mon 2/07/12	\$388,411	\$0	0%
Water & Sewerage	Fri 29/06/12	Mon 2/07/12	\$1,394,675	\$0	0%
Depots	Mon 2/07/12	Mon 2/07/12	\$33,500	\$0	0%
Workshop	Mon 2/07/12	Mon 2/07/12	\$12,000	\$0	0%
Plant Purchases	Mon 2/07/12	Mon 2/07/12	\$1,592,000	\$0	0%
Road Maintenance	Mon 2/07/12	Wed 2/01/13			90%
Orana Rd (9km)**	Wed 15/08/12	Wed 22/08/12		\$29,201	100%
Narangarie Rd (5km)***	Fri 31/08/12	Wed 5/09/12		\$21,744	100%
Bong Bong Rd (6km)***	Wed 29/08/12	Mon 3/09/12		\$13,278	100%
Queensborough Rd (10km)***	Mon 24/09/12	Fri 28/09/12		\$7,723	100%
Pindari Rd (1km)***	Fri 28/09/12	Fri 28/09/12		\$1,019	100%
MR396 (Maintenance)	Tue 2/10/12	Thu 4/10/12		\$0	100%

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Task Name	Start	Finish	Cost	YTD Cost	% Work Complete
MR618 (Maintenance)	Thu 4/10/12	Fri 5/10/12		\$0	100%
Flag Rockedgiel Rd (13km)*	Fri 5/10/12	Thu 11/10/12		\$5,806	100%
Abecketts Rd (5km)**	Thu 11/10/12	Mon 15/10/12		\$3,594	100%
Beni Crossing Rd (8km)*	Mon 15/10/12	Fri 2/11/12		\$30,174	100%
Caigan Rd (9km)*	Fri 2/11/12	Thu 8/11/12		\$16,364	100%
Cobborah Rd (15km)*	Thu 8/11/12	Thu 29/11/12		\$35,127	100%
Pinehurst Rd (1.92km)***	Thu 29/11/12	Tue 4/12/12		\$1,249	100%
Mt Hope Rd (17.55km)*	Wed 5/12/12	Tue 18/12/12		\$26,055	100%
Baradine Aerodrome Rd (3.5km)***	Mon 2/07/12	Mon 2/07/12		\$2,337	100%
Baradine Cemetery Rd (0.5km)**	Mon 2/07/12	Mon 2/07/12		\$1,250	100%
Carmel Ln (6.5km)*	Thu 2/08/12	Tue 14/08/12		\$25,047	100%
Dinby Rd (4km)*	Wed 15/08/12	Thu 23/08/12		\$10,385	100%
Wangmanns Rd (4km)**	Thu 23/08/12	Tue 28/08/12		\$6,152	100%
Newbank Rd (8km)*	Tue 28/08/12	Thu 30/08/12		\$9,910	100%
Masmans Rd (3km)***	Thu 30/08/12	Mon 3/09/12		\$5,317	100%
Eckroyds Rd (2km)***	Tue 4/09/12	Wed 5/09/12		\$7,944	100%
MR55 Shoulders & Reseals	Fri 14/09/12	Thu 25/10/12		\$0	100%
Mt Nombi Rd (7km)*	Thu 9/08/12	Wed 15/08/12		\$10,183	100%
Wyuna Rd (34km)*	Tue 14/08/12	Fri 31/08/12		\$32,511	100%
Vaughans Rd (1km)***	Fri 5/10/12	Fri 5/10/12		\$517	100%
Glendowda Rd (7km)***	Fri 5/10/12	Tue 9/10/12		\$504	100%
Mt Erin Rd (2.5km)***	Fri 31/08/12	Mon 3/09/12		\$1,856	100%
Mitchell Springs Rd (22km)*	Fri 31/08/12	Wed 19/09/12		\$24,226	100%
Sansons Ln (3km)*	Thu 20/09/12	Tue 25/09/12		\$4,173	100%
River Rd (5km)*	Wed 26/09/12	Tue 2/10/12		\$4,185	100%
Morrisseys Rd (6km)*	Wed 3/10/12	Wed 10/10/12		\$9,172	100%
Yearinan Rd (8km)**	Wed 10/10/12	Mon 15/10/12		\$7,574	100%
Bugaldie Town Streets	Mon 15/10/12	Mon 15/10/12		\$2,692	100%
Yaminbah Rd (14.5km)**	Tue 16/10/12	Mon 29/10/12		\$10,740	100%
Merryula Rd (7.6km)**	Tue 30/10/12	Wed 7/11/12		\$8,244	100%
Borah Creek Rd (12km)**	Thu 8/11/12	Tue 20/11/12		\$754	100%
Rayak Rd (2.5km)***	Tue 20/11/12	Wed 21/11/12		\$1,930	100%
Guinema Goorianawa Rd (15.4km)*	Wed 21/11/12	Tue 4/12/12		\$3,178	30%
Bugaldie Guinema Rd (12km)*	Tue 4/12/12	Wed 12/12/12		\$4,476	30%
Eleven Mile Guinema Rd (5.34km)**	Wed 12/12/12	Tue 18/12/12		\$4,615	100%
Kennedeys Rd (4.2km)***	Tue 18/12/12	Thu 20/12/12		\$0	0%
Iona Rd (2km)***	Thu 20/12/12	Fri 21/12/12		\$0	0%
Cumberdeen Rd (15km)**	Fri 21/12/12	Wed 2/01/13		\$0	0%
Mancers Ln (13km)**	Wed 4/07/12	Wed 11/07/12		\$14,029	100%
Brooks Rd (30km)*	Wed 18/07/12	Tue 7/08/12		\$33,296	100%
Nalders Rd (2km)***	Wed 5/09/12	Thu 6/09/12		\$2,132	100%
Maranoa Rd (5km)**	Thu 6/09/12	Fri 7/09/12		\$8,266	100%
Box Ridge Rd (30km)*	Tue 4/09/12	Wed 26/09/12		\$42,217	100%
Leaders Rd (19km)**	Thu 27/09/12	Tue 16/10/12		\$17,075	100%
Burma Rd (6km)***	Wed 17/10/12	Tue 30/10/12		\$14,684	100%
Boogadah Rd (4km)***	Wed 31/10/12	Tue 6/11/12		\$7,257	100%
Myall Plains Rd (12km)***	Tue 6/11/12	Fri 23/11/12		\$20,361	100%
Nashs Rd (5km)**	Mon 26/11/12	Tue 27/11/12		\$8,886	0%
Gowang Rd (4km)**	Wed 28/11/12	Thu 29/11/12		\$4,557	0%
TV Rd (7km)**	Fri 30/11/12	Thu 6/12/12		\$12,998	100%
Hickeys Rd (6.5km)**	Fri 7/12/12	Wed 12/12/12		\$10,017	0%
Mia Mia Rd (11.24km)**	Thu 13/12/12	Fri 21/12/12		\$0	0%
State Forest Rd (11.09km)*	Thu 8/11/12	Wed 21/11/12		\$18,954	100%
Dennykymine Rd	Tue 2/10/12	Tue 2/10/12		\$0	0%
Evans Ln	Mon 2/07/12	Mon 2/07/12		\$4,382	100%

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Item 34 Kerbside Collection Service

Division:	Environmental and Community Services	
Management Area:	Warrumbungle Waste	
Author:	Director of Environmental and Community Services – Tony Meppem	
CSP Key Focus Area:	Rural and Urban Development	
Priority / Strategy:	RU4 The attractiveness, appearance and amenity of our towns and villages need to be improved	
File Ref:	Function: Waste Management	Activity: Fees and Charges

Background

Council has previously considered the issue of the supply of a free kerbside collection service throughout the shire and at various times has resolved to provide two services per year and more recently at the July 2012 council meeting the following action has been adopted in resolution 28/1213

“That Council conduct only one free kerbside collection service in all towns and villages within the Shire in the first half of March each year to coincide with the Clean Up Australia Day”.

This year clean up Australia day is set down to occur on the 3rd of March.

Issues

Considerable time and resources usually goes into organising the free kerbside pick up service and the recent fires and resultant clean up effort for fire damaged structures (majority containing some form of asbestos) has resulted in Council’s waste management staff being fully occupied on the fire clean up effort which will continue on for a number of weeks. These efforts have meant that there has not been an opportunity to properly organise the free kerbside day as originally proposed and the urgency of the fire clean up program has resulted in council’s resources being consumed in dealing with that issue.

Options

It is proposed that the free kerbside collection service be postponed until September 2013 to allow it to be promoted as a spring clean up event and to allow for sufficient planning to occur to make the service a success and achieve its objectives.

Financial Considerations

Council will need to provide a sum in its 2013/14 operating plan to allow for the costs of providing the service and the extra planning time will allow the amount to be better quantified.

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Summary

The sheer scale of the damage caused by the fires of mid January 2013 in the Warrumbungle Shire Council local government area has required the re-prioritisation of tasks in recent weeks to ensure the clean up of this disaster is achieved efficiently. This action means that waste staff will not have an opportunity to organise the proposed free kerbside collection day.

RECOMMENDATION

1. That Council note the postponement of the proposed free kerbside collection service that was to be held in conjunction with the Clean Up Australia day event on 3 March, 2013.
2. That subject to funding being provided in the 2013/14 operational plan that Council conduct a free kerb side bulky goods collection service in September 2013.

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Item 35 Road Naming – Nandi Hills Estate

Division:	Environmental and Community Services
Management Area:	Regulatory Services
Author:	Town Planner - Emily Doolan
CSP Key Focus Area:	Public Infrastructure and Services
Priority / Strategy:	P13 Road networks throughout the shire need to be safe, well maintained and adequately funded.
File Ref:	Function: Land Use and Planning Activity: Planning

Background

At the September 2012 Council meeting it was resolved that Council commence the road naming process for the Nandi Hills Estate road of Bingie Grumble Road south west of Coonabarabran with the preferred name being 'Nandi Hills Place'.

Issues

As part of the naming process the proposed name was advertised in the Coonabarabran Times during November. A submission was received from the owner/developer of the site which proposed the name 'Mawingo Way'. Being a key stakeholder in the development the owner feels that some involvement in the road naming process would be reasonable. The reference to Mawingo refers to an elite racehorse that a number of local people have a share in.

Options

Council may choose to consider the name 'Mawingo Way' and follow the road naming process outlined in the Roads (General) Regulation 2000 or disregard the proposal and continue with the existing name of 'Nandi Hills Place'.

Financial Considerations

N/A

Summary

The road naming process has been followed and whilst the suggested name of Mawingo was received it is probably more appropriate to use a reference used consistently in the original subdivision proposal and which is still being used to describe the estate.

RECOMMENDATION

That Council name the road created off Bingie Grumble Road to service the subdivision created by development consent No 23/2005 "Nandi Hills Place" pursuant to Section 162 of the Roads Act 1993.

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Item 36 Bridge Naming - Ulamambri

Division:	Environmental and Community Services
Management Area:	Regulatory Services
Author:	Town Planner - Emily Doolan
CSP Key Focus Area:	Public Infrastructure and Services
Priority / Strategy:	P13 Road networks throughout the shire need to be safe, well maintained and adequately funded.
File Ref:	Function: Land Use and Planning Activity: Town Planning

Background

At the November 2012 Council meeting it was resolved to contact the Geographical Names Board requesting permission to rename the Baby Creek Bridge in Ulamambri as the Bob Salisbury Bridge.

Issues

The Geographical Names Board was contacted and the following response received; *'The naming of bridges is not outlined in either the Roads Act 1993 or the Geographical Names Act 1966. We regard bridges as part of the road infrastructure and therefore the responsibility for naming bridges rests with the road naming authority for that road which in this case would be Council.'*

As with the naming of roads, Council should use the Guidelines for Naming Roads when naming bridges. Bridge names are not gazetted and therefore are not official names'.

The proposed name change was advertised in the Coonabarabran Times for 28 days and no submissions were received.

Options

Aside from the recommendation Council may choose to disregard the proposed name and not name the bridge at all or to come up with a completely different name.

Financial Considerations

N/A

Summary

Council has received a request to name the bridge after a prominent family name in the Ulamambri area and the geographical names board has no issue with the naming of the bridge.

RECOMMENDATION

That Council name the newly constructed bridge over Baby Creek at Ulamambri as the "Bob Sainsbury Bridge" and that suitable bridge name signs be erected.

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Item 37 Bush Fire Recovery Assistance

Division:	Environmental and Community Services
Management Area:	Environmental Services
Author:	Director of Environmental and Community Services – Tony Meppem
CSP Key Focus Area:	Community and Culture
Priority / Strategy:	CC6 – Economic and social disadvantage in communities across the Shire needs to be identified and addressed
File Ref:	Function: Development and Building Controls Activity: Development Applications

Background

The devastating bushfires in Council's area in mid-January 2013 has caused significant hardship and disruption to many property owners throughout the shire. Whilst significant assistance has been and will continue to be provided to those effected by the various NSW government agencies the focus of this report is to recommend to Council further means that will assist people to re-establish themselves after the loss of property in the fires.

Issues

The initial inspections of the fire damaged areas of the shire indicate that there were 50 properties that had lost residences of the total of 130 of properties that had been fire affected. It is not sure at this stage how many properties are principal residences nor how many people wish to rebuild.

Irrespective of whether properties were insured or not early in the recovery process an offer of free disposal of fire damaged waste was made to landholders after financial assistance was promised from the NSW government to allow for appropriate disposal pits to be excavated at the Coonabarabran and Mendooran landfill sites. The offer was conditional upon council being able to inspect the site to attempt to minimise the volume of waste being directed to landfill to those streams of waste with no other option for re-use such as asbestos contaminated materials. The initial site inspection was also being used as a means of establishing the accuracy of initial asbestos assessments and to advise owners of assistance that is available to clean up the damage resulting from the fire.

Another issue that will arise with the process of re-building after the fire is that the owners will be required to again obtain approval under the provisions of the Environmental Planning and Assessment Act 1979 in the same manner that occurs when persons intend to building in NSW. Unfortunately

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Council has no legal means of shortcutting the approval process for persons affected as the legal mechanism for approval still require appropriate plans, bushfire assessment reports and BASIX energy efficiency certificates to be lodged.

Council will however be in a position to offer advice and assistance with fee waivers for Council related fees such as, the development application fee, construction certificate fee, inspection fees and Section 94A developer levy which are all Council controlled fees. Council will not be able to exempt people from the Long Service Corporation Levy nor the Plan First Levy which are both State Government associated fees in the development process.

Options

Council is being asked to approve the landfill fee waiver which required urgent action after the fire. The fee waiver relates to all demolition wastes from all bushfire affected properties and is only available via an on site assessment by Council staff and full compliance with the emergency waste plans developed after the fire with the assistance of all relevant NSW government agencies. The costs associated with the burial of the waste generated by the fire will be met by the government so there is a nil actual cost to Council.

In relation to the issue of waiving the Council related development fees it is proposed that this proposal only relate to a principal place of residence for all properties where the owner has lost that building as a direct result of the fire to ensure that those in greatest need of assistance to meet basic living needs are assisted under this proposal. It is not proposed to extend the proposal to business operations or to secondary dwellings or sheds given the expected cost to Council of approximately \$3,900 per property (based on a rebuild value of \$250,000) with up to 42 properties potentially having lost their residence. Council may restrict any proposed fee waiver of development fees to those persons who wish to build and who do not have insurance cover that would cover the cost of Council fees and charges relating to the development approval process.

Financial Considerations

Council's financial contribution to this proposal can be broken into two areas being the waste charges forgone and the development fees forgone.

The issue of lost income for the waste operations for disposal of demolition material can be compensated by the fact that the NSW government has agreed to cover the cost of the digging and subsequent covering of asbestos waste received.

The income lost from the development services area as a result of a decision to waive fees is difficult to quantify due to the fees being levied on a sliding scale based on the value of the application. Taking an average cost of \$250,000 per dwelling council could potentially be forgoing \$3,900 per application with the maximum possible amount of \$163,800 required should all properties be eligible.

Should Council resolve to waive Waste Charges and/or Development Application fees as itemised in the report, approval of the supplementary vote to increase the Donations budget will be required. This will be realised in the QBRS at the third quarterly review and have a negative impact on the 2012/2013 cash flow by that amount, unless savings are sought or projects postponed/removed from the Operational Plan

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Summary

Any decision to waive application fees for potential development applications could have significant financial implications for council and it is uncertain how many potential beneficiaries will require funding. Council does have the option of placing conditions on any proposed waiver program to minimise the financial cost to council while at the same time not impacting upon residents affected by not allowing those whose insurance covers fees for development applications to access the program.

RECOMMENDATION

1. That Council endorse the waiving of disposal fees for demolition waste at the landfill operations of council for all private properties affected by the January 2013 bushfires within the Warrumbungle Shire LGA subject to strict compliance with the Emergency Waste Management Plan 2013 developed by Council.
2. That Council waive Development Application, Construction Certificate, Inspection and Section 94A fees for those residents who meet all of the following criteria:
 - (a) Have lost their principle place of residence and they meet the LEP requirements that allow construction of a dwelling on that property.
 - (b) Insurance held does not cover the payment of approval related fees.
 - (c) The property has been confirmed by Council to have been destroyed by the January 2013 bushfires.

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Item 38 Warrumbungle Shire Local Heritage Fund 2012-2013

Division:	Environmental Services
Management Area:	Town Planning
Author:	Town Planner – Emily Doolan
CSP Key Focus Area:	Rural and Urban Development
Priority / Strategy:	RU4.1 Work with local communities to implement improvement plans that address the attractiveness, appearance and amenity of our towns and town entrances.
File Ref:	Function: Land Use and Planning Activity: Programs

Background

During 2012 Warrumbungle Shire Council wrote to the owners of private items that have been identified as having heritage significance and invited them to apply for a grant from Council's Local Heritage Fund. These grants are to assist with conservation and restoration work. It is recommended that the grants be allocated from the fund based on the recommendations provided by Council's Heritage Advisor.

Issues

Letters were sent to private owners of places identified in the Community-Based Heritage Studies of the former Coolah and Coonabarabran Shires as having local heritage significance. Letters were not sent for items located on land owned by State Government, or a public authority (eg railway land). Owners were invited to obtain an information and application package regarding the local heritage fund (Attachment A).

The letter indicated that grants of up to \$2,000 were available from the Warrumbungle Shire Local Heritage Fund to assist owners undertake conservation and maintenance works on heritage buildings and places. Owners are required to at least match Council's contribution.

Warrumbungle Shire Council has established a budget of \$18,500 for its Local Heritage Fund. If Council manages the fund in accordance with the requirements of the Heritage Branch Department of Planning, that agency will reimburse up to \$8,500 via a grant at the end of the financial year. One of the key requirements is that the fund be dispersed with regard for the recommendations of Council's Heritage Advisor.

Seven applications for grants were received relating to the following places:

- Baradine CWA Rooms
- Baradine Memorial Hall
- Baradine Methodist Church (former)
- Baradine Tennis Club (former Kenebri Public School building)
- Royal Hotel, Dunedoo
- St Andrews Anglican Church, Coolah
- Tucklan Public School (former)

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Warrumbungle Shire Council's Heritage Advisor, Ray Christison of High Ground Consulting, evaluated the applications and has recommended that the grants be dispersed as shown in the table below.

Property	SHI No.	Applicant	Works	Cost	Request	Recommended
Baradine CWA Rooms	1118	Liz Cutts, CWA NSW	Replace kitchen	\$5,350	\$2,000	\$2,500
Baradine Memorial Hall	1121	Baradine District Progress Assn.	Fit new panic bars to emergency exit doors	\$8,598	\$2,000	\$3,000
Baradine Methodist Church (fmr.)	1122	Baradine Preschool Inc	Repair damage from water ingress & subsidence	\$3,498	\$2,000	\$1,749
Baradine Tennis Club	-	Baradine Tennis Club	Prepare & repaint exterior	\$6,569	\$2,000	\$3,000
St Andrews Anglican Church	0007	St Andrews Church Management C'tee	Repair & repaint roof	\$10,000	\$2,000	\$3,000
Royal Hotel	0107	Trevor Hardie	Upgrade fire services	\$4,000	\$2,000	\$2,000
Tucklan Public School (fmr.)	0176	Rita Jones	General building repairs	\$5,356	\$2,000	\$2,500
				\$43,371	\$14,000	\$17,749

Options

Given that Council has notified stakeholders and accepted applications it would be unreasonable not to offer any funding.

Financial Considerations

There is an established budget of \$18,500 for the Local Heritage Fund. At the end of the financial year it is expected that Council will receive a grant of up to \$8,500 from the Heritage Branch, Office of Environment & Heritage.

RECOMMENDATION

That Warrumbungle Shire Council resolve to:

- Disperse \$17,749 from the Warrumbungle Shire Council Local Heritage Fund 2012-2013 as follows.

Baradine CWA Rooms	\$2,500
Baradine Memorial Hall	\$3,000
Baradine Methodist Church (fmr.)	\$1,749
Baradine Tennis Club	\$3,000
St Andrews Anglican Church	\$3,000
Royal Hotel	\$2,000
Tucklan Public School (fmr.)	\$2,500
Total	\$17,749

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Item 39 Refusal - Development Application 20/1213

Division:	Environmental Services
Management Area:	Town Planning
Author:	Town Planner – Emily Doolan
CSP Key Focus Area:	Rural and Urban Development
Priority / Strategy:	RU1.1 Council conducts periodic reviews of its planning instruments to ensure that land use planning supports the long term sustainability of our local communities and our economy.

File Ref: **Function:** Town Planning **Activity:** Development Applications

Background

Development Application 20/1213 proposes the establishment of a two lot subdivision of agricultural land and establishment of an olive grove within a property known as 'Kalahoma' at Lot 36 DP 705202, Dunedoo Highway, approximately 10km north of Elong Elong. The site has a total area of approximately 283ha, with plans of the subdivision shown as **Appendix A**.

To carry out the subdivision the proposal requires development consent from Council under the Coolah Local Environmental Plan 2000 which permits a minimum lot size of 40ha for intensive agricultural purposes. Council can only give consent if they are satisfied that the land is suitable for intensive agriculture.

This report was scheduled to be presented at the December 2012 Council meeting. The applicant requested the opportunity to provide additional information and as such the matter was postponed. A meeting was held with the applicant on Tuesday 12 February 2013 to discuss the proposal and what information should be provided. It should be noted that no additional information was requested initially as it was considered be an onerous and costly exercise considering that the development would still be refused for not meeting the objectives of the zone. The applicant's additional information has been provided in Appendix B.

Issues

79C of the *Environmental Planning and Assessment Act 1979* outlines that in determining a development application, a consent authority is to take into consideration such of the following matters;

- a) *The provision of any environmental planning instrument*

The Coolah LEP 2000 permits land to be subdivided into 40 ha, if the Council is satisfied that the land is suitable for intensive agriculture in terms of soil quality, land capability, aspect, or any other relevant environmental factor, and:

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If the allotment is to be used for irrigated agriculture, the allotment has the benefit of a licence to extract water from either a groundwater supply or from surface water for the purpose of irrigation.

Comment: The land capability of the area does not appear to be suitable for intensive agriculture. The application has not confirmed that environmental factors will lend themselves to support viable agricultural produce. No surrounding land is identified as rich agricultural land, little cropping occurs in the vicinity with most of the land covered with scrub and forest.

The Coolah LEP also states that the council may consent to the creation of an allotment for agriculture only if the Council is satisfied that the land concerned is to be developed and operated as a viable agricultural operation. To satisfy itself as to the viability of the proposed operation, the Council must consider evidence of the following;

- The nature of the proposed agricultural use
- The type and suitability of soils to accommodate the proposed agricultural use
- Current and net values of production to be obtained from the land concerned
- Management techniques to be adopted
- Methods of ensuring minimal adverse impacts on the locality
- Water availability
- Existing investment into the proposed uses of the proposed allotments

Comment: The application has not demonstrated that an olive farm could be operated as a viable agricultural operation.

The dwelling entitlements associated with the proposal are hindering the feasibility of the development. If there was no existing dwelling, the land could be subdivided to any size for the purpose of agriculture under the Rural Lands SEPP; however a dwelling cannot be erected on any such lot. The issue is that there is an existing dwelling on the land and under Clause 16 of the Coolah LEP if the subdivision is approved for the purpose of intensive agriculture then a dwelling entitlement is granted to the allotments created. Given the locality this would create the fragmented and isolated development of rural land. The prospect of an olive grove is supported; however the subdivision is not necessary to develop the olive enterprise.

- b) *The likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts on the locality*

Economic Impact- The development would not negatively impact upon local economy, however, given the small scale it is not considered to contribute largely to the local economy either. According to the Department of Primary Industries the set up cost for olive production is \$35,000 per ha. If the subdivision were to be approved a dwelling could legally be erected on the lot created, contributing to the fragmentation of rural land. Any possible economic benefits would not occur until the olive trees are established. No information has been supplied to demonstrate how the olives will be commercially viable. Social Impact- The development is not expected to have any negative social impacts.

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Environmental Impacts- The proposed olive operation would rely heavily on water resources for irrigation.

c) *The suitability of the site for the development*

Site Design- The majority of the site consists of native vegetation. A Property Vegetation Management Plan was issued by the Catchment Management Authority which identifies 11.94 ha where the clearing of regrowth is permitted; however, for this land future management only permits grazing. A further 63.87 ha is included in the PVP which permits grazing and cropping as a management action. According to the agronomist report approximately 5-7 ha on each lot could be established with olive trees.

The proposed lot sizes are considerably smaller than those surrounding the area and are not considered to be consistent with character of the existing context.

Access- Access to the property is via a Right of Carriageway through Lot 24 DP 754293. At the moment the ROC services only one lot, however, should the subdivision be approved it will need to service two lots. Given the proposed use of the land for intensive agriculture the access is not considered suitable and may lead to matters of conflict with the adjoining landholder.

Heritage- No items of heritage significance have been identified in the application.

Soils- Soils are identified as sandy clay loam, the agronomists reports identifies that the land has the potential to develop an intensive agricultural industry. However, comments from the Department of Primary Industries establish that the agronomists report does not entail enough information stating that 'there is a lack of comprehensive soils information particularly to justify the suitability of the site for a permanent planting. The soil survey is suitable should the site be developed for pasture, or annual crop suitability. However for completeness a soil survey should indicate the soil types at depth (to 1 metre at least) to cater for permanent crop establishment. It is noted that the report indicates the topsoil environment is poor with low fertility, as well as being acid. A more complete soil survey will indicate any variation of the soils at depth, and any physical features that may require attention in relation to plant growth and development. Depth to bedrock, the conditions of the soil at depth etc will help determine if the area is suited to olives, and the ability of the application of water to support growth'.

Water- Two licensed bores are located on the site. It would appear that the bores are only licenced for basic rights which means that the water may only be used for domestic or stock purposes. Using the bore water for the purpose of intensive agriculture is an offence under the *Water Management Act 2000*. It is a requirement of the Coolah LEP that if a lot be created for the purpose of intensive agriculture that it must have the benefit of a licence to extract water from either a groundwater supply or from surface water for the purpose of irrigation.

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There are also two dams on the site, PB Ag Consulting suggest that the dam water would be suitable for the irrigation of tree crops, however from observation this is questionable no specific information regarding how much water is needed per hectare has been supplied

Natural Hazards- The land is identified as bushfire prone land as such was referred to the NSW Rural Fire Service for consideration. Concurrence from RFS was granted subject to conditions of consent. One of the conditions of consent specifies that the access must comply with section 4.1.3 (2) of *Planning for Bushfire Protection 2006* which states that 'at least one alternative property access road is provided for individual dwellings that are located more than 200 metres from a public through road'. Given the locality this condition is not achievable.

- a) *Any submissions made in accordance with the Act*
No submissions have been made in accordance with the Act.
- b) *The public interest*
The public interest has been considered and is not likely to be detrimentally impacted upon.

Options

Council can either approve the development application subject to conditions of consent or refuse the application.

RECOMMENDATION

That pursuant to section 80 of the Environmental Planning and Assessment Act 1979 Council refuse Development Application 20/1213 for the subdivision of Lot 36 DP 705202 into two lots for the following reasons;

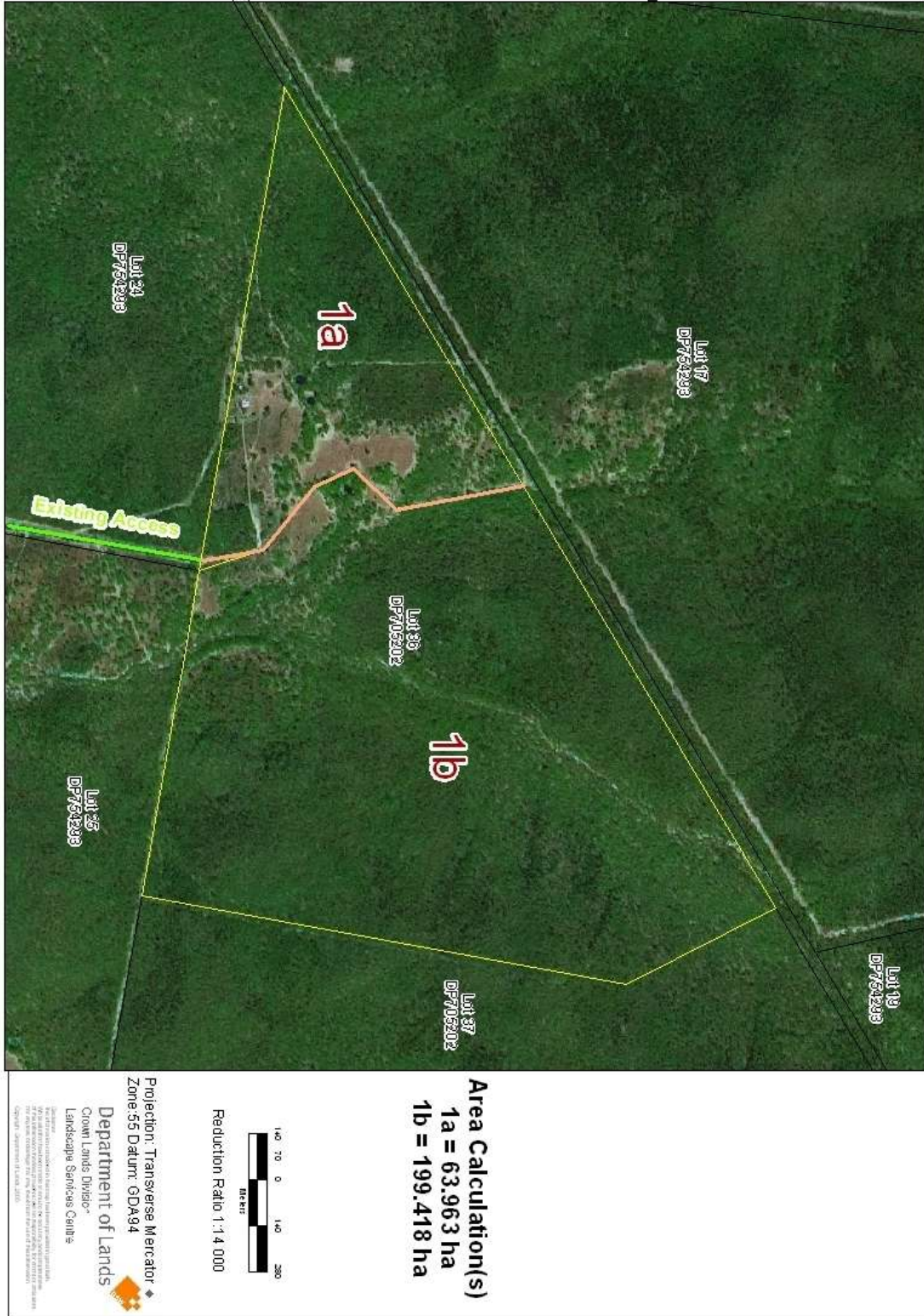
1. The Right of Carriageway over adjoining land does not provide sufficient access for the operation of an intensive agriculture operation.
2. The application has not successfully demonstrated that the land can be operated as a viable agricultural operation.
3. The application has not demonstrated that an adequate and legal supply of water for irrigation is available
4. There is a lack of comprehensive soils information particularly to justify the suitability of the site for a permanent planting
5. The development does not meet the objectives of the Rural 1 (a) zone as it will create the fragmented and isolated development of rural land

The property access road is not able to comply with section 4.1.3 (2) of 'Planning for Bushfire Protection 2006'.

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APPENDIX A- PROPOSED SUBDIVISION



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APPENDIX B- RESPONSE FROM VIRGINIA BIRKS

Address matters raised in Council's Business Paper

This proposal for Subdivision of "Kalohoma" appears to be an Inaugural application for Intensive Agriculture in the Coolah LEP and as such I understand Council needs to have a clear understanding of it's position.

I've made sure I've undertaken all appropriate research and provided technical documentation that actually support my proposal, which in particular, is not only for me in this location, but for the community at large; to explore the potential development opportunities and provide Bio-security for the community.

With the approval for re-zoning of "Kalohoma" for Intensive Agriculture", it will be possible to better manage the site, show the community and lead the way into new farming techniques, by a pro-active land management approach.

Address:-

1. 'Right of Carriage Way (ROC)' - Given the proposed use of the land for intensive agriculture the access is not considered suitable and may lead to matters of conflict with the adjoining landholder.
 - a) I understand that any proposed DA is put on Public Display, or referenced to adjoining landholders calling for comments – it is my understanding that no objections have been raised to the proposed subdivision for Intensive Agriculture.
 - b) I believe that emphasis made regarding 'conflict with the adjoining landholders' is presumptuous and puts a negative emphasis on the access, where there has not been any concerns raised. I need clarification of this statement please.
 - c) Access will be maintained to current Title Holder

I state that I am prepared to upgrade the access, ie., grade and form the road again, and have substantial blue metal gravel laid to ensure access remains all weather.

Address:-

2. The application has not successfully demonstrated that the land can be operated as a viable agricultural operation.
 - An Agronomist report has been provided giving evidence of the Soil Type, and the capabilities of that soil type being adequate to support the proposed Intensive Agriculture ie., Olives or the like.
 - The approval by Catchment Management Authority (CMA) to clear regrowth see "Appendix "B", on "Kalohoma" opens up an adequate area for planting a viable Intensive Agricultural Crop.
 - Evidence was provided to CMA to support this Application, where I provided a Statutory Declaration with supporting Photos, see Appendix "C", of the cleared land on "Kalohoma" under cropping throughout the period from late 1960's to late 1970's

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I provided an advice to the General Manager on 19th December 2013, a copy is enclosed, and I have highlighted my statement that 'Kalohoma' undertook Primary Production in the past, and were completely self sufficient, see highlighted RED and noted Appendix "D" on documentation

Address:-

3. 'bores are only licenced for basic rights' which means that the water may only be used for domestic or stock purposes.

Because of the timing when Harvestable Rights was introduced, Council may not have given consideration as a way to provide water for Intensive Agriculture. Therefore, Irrigation by way of water obtained from 'Kalohoma's' Harvestable Rights would still meet/satisfy this particular requirement of the Coolah LEP.

This Harvestable Right does not require a Licence

I state that Olives can be grown by a Traditional method, ie not Irrigated on "Kalohoma", which equates to 100 trees per hectare, and sustained by water via the Harvestable Rights from Catchment in Dams on "Kalohoma", see Appendix "A".

- Olive Trees need very little water to survive, only requiring two good watering during the Winter months to keep the trees healthy for a good Spring flowering and a good fruit set.
- Olive Tree's worst enemy is too much water, especially during the winter months
- Supplementary watering, other than rainfall will help achieve good fruit size and high oil yield per hectare

I state that I have a contingency plan which entails the following :-

- i. Temporary trade for water Licence
- ii. Licence additional storage dams to store catchment with Licence to draw upon this source of water. (Evidence provided in Appendix "A" supports a very high volume of water flows through "Kalohoma" supported by a local rainfall of 618 mm per year
- iii. Expand and Licence the existing Bores on 'Kalohoma'

Address:

4. There is a lack of comprehensive soils information particularly to justify the suitability of the site for a permanent planting

"Department of Primary Industries establish that the agronomists report does not entail enough information" ..."The soil survey is suitable should the site be developed for pasture, or annual crop suitability"

I believe that the Agronomist Report did adequately address the proposed planting of Olive, Hazel Nut or Pistachio Trees, but not limited to, as well as the re-generation of pastures, see Page 1 of the Agronomist Report highlighted yellow on Appendix "E" & Summary on Appendix "F".

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I state that the proposed Intensive Agriculture, ie., planting of Olive Trees, or the like, will only cause minimal impact on the environment, as they are a long- term crop, with a one-off planting, ensuring minimal adverse impact on the environment.

In fact, Intensive Agriculture on "Kalohoma" would improve the local environmental value by way of strip grazing within the Olive Grove, Weed control, with long term planting controlling soil erosion, and move "Kalohoma" into the 21st Century Farming practices.

I state that I am prepared to do any additional soil building to meet the requirements to sustain and maintain the growing of Olive trees, or the like.

Additional support:

"proposed lot sizes are considerably smaller than those surrounding the area and are not considered to be consistent with character of the existing context"

Address:

I state again, as this is the first application for intensive agriculture this assessment would be expected as cattle, sheep and wheat all require large ha to sustainably support viable production. Olive trees, or the like, however only require 20 ha to produce viable amounts of produce.

I state that Historically land in question and surrounding land has been used for grazing purposes and no application for intensive agriculture has been sort before, therefore, Council will need to rely on the agronomist report to determine suitability rather than Department of Primary Industries generalising.

"Department of Primary Industries establish that the agronomists report does not entail enough information" ... "The soil survey is suitable should the site be developed for pasture, or annual crop suitability"

Address:

I state that I believe the Department of Primary Industries has used statistical information to respond to Council's request for their comments, as no on-site inspection has been arranged with me to visit "Kalohoma" for the purpose of soil analysis.

Also, could Council identify what their role is in terms of being able to influence how I might make or what steps I might use for business decisions or Commercial opportunities.

Is it Councils decision in terms of marketability, profitability or viability.

What is Council's definition of a viable operation

The nature of the proposed agricultural use:-

The nature of the proposed Agricultural use will be to plant Olive Trees and natural pastures to reclaim the use of "Kalohoma" potential for Intensive Agriculture.

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The type and suitability of soils to accommodate the proposed agricultural use:-
I believe that the Agronomist Report did adequately address the proposed planting of Olive, Hazel Nut or Pistachio Trees, but not limited to, as well as the re-generation of pastures, see Page 1 of the Agronomist Report highlighted yellow on Appendix "E" & Summary on Appendix "F".

Current and net values of production to be obtained from the land concerned:-

Proposed Traditional Planting of Olives equates to:-

Row Width = 10 mtrs
Spacing of Trees in Row = 10 mtrs apart
Total 100 trees per hectare
Planting of 20 hectares = 2,000 trees
2000 trees produce approximately 2 kgs per tree
Produce 4 tons Fruit
Sale of Fruit = \$8 per kg = \$32,000 pa
Sale of Oil in Bulk = \$5- \$15 per ltr = \$48,000 pa
Value adding process = up to \$60 per ltr potential

Management techniques to be adopted:-

Appropriate management techniques will be used to cause minimal disturbance to the Local Environment.

- only clear low re-growth under Catchment Management Authority (CMA) approval
- minimal soil preparation – deep ripping to retain moisture for planting

Methods of ensuring minimal adverse impacts on the locality:-

Clearing will be undertaken under the guidelines and conditions applying for the Approval to clear "Kalohoma" re-growth – reference information provided in original Submission to Council (Original copy available to view)

I state that the proposed Intensive Agriculture, ie., planting of Olive Trees, or the like, will only cause minimal impact on the environment, as they are a long- term crop, with a one-off planting, ensuring minimal adverse impact on the environment.

Water availability :-

Because of the timing when Harvestable Rights was introduced, Council may not have given consideration as a way to provide water for Intensive Agriculture.

Therefore, Irrigation by way of water obtained from 'Kalohoma's' Harvestable Rights would still meet/satisfy this particular requirement of the Coolah LEP.

This Harvestable Right does not require a Licence

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Existing investment into the proposed uses of the proposed allotments:-

- Provision of Barnson Consultant reports for the Statement of Environmental Effects and Bushfire Report
- Agronomist Report from PB Ag Consulting Pty Ltd
- Approval by Catchment Management Authority (CMA) for the clearing of re-growth from 1950 to 1990
- Concept plan from Soil Conservation for Water Harvesting
- Research into the viability and sustainability of Olive Tree growing
- Research into Bore flows in the locality and surrounding district
- Research into Water Rights ie., Temporary trade for Water Licence

Traditional Intensive Agriculture V's Irrigated Intensive Agriculture:-

- The cost of Irrigated produce would equate to a lower profit and I believe would only be viable in a Commercial size farm - where you would get the economies of scale.
- If Traditional Intensive Agriculture can be sustained over this area, more people would see it as a viable business, and prove that it can sustain production to help support the increasing world population growth.
- Irrigation over long term can cause soil leaching and salinity build up.
- In times of Drought, allocation availability can also be interrupted.

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Item 40 Development Applications Approved – December 2012

Division: Environmental and Community Services

Management Area: Regulatory Services

Author: Environmental & Community Services Administration Officer – Trudy Draper

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

File Ref: Function: Development and Building Control **Activity:** Development Applications

Complying Development (set criteria) Development Application (Specialised Conditions)	Date Approved	APPLICANT'S NAME	LOCATION	Town	Type of Development
DA 35/1213	12/12/2012	Tom Murray	Lot 17 Cobra Street	Mendooran	New dwelling
CDC 38/1213	18/12/2012	Craig Moore	27 Reservoir Street	Coonabarabran	Swimming pool
DA 39/1213	17/12/2012	Scott Ballantyne	1 Dalgarno Street	Coonabarabran	Dwelling additions
DA 41/1213	3/12/2012	Frascella Biaggio	82 Cobborah Street	Dunedoo	Dwelling additions

RECOMMENDATION

That Council note the Applications Approved during December 2012, under Delegated Authority.

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Item 41 Development Applications Approved – January 2013

Division: Environmental and Community Services

Management Area: Regulatory Services

Author: Environmental & Community Services Administration Officer – Trudy Draper

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

File Ref: Function: Development and Building Control **Activity:** Development Applications

Complying Development (set criteria) Development Application (Specialised Conditions)	Date Approved	APPLICANT'S NAME	LOCATION	Town	Type of Development
DA 43/1213	7.01.2013	Cudal AMG Pty Ltd	21 Renshaw Street	Binnaway	Change of use of shop to pharmacy
DA 44/1213	2.01.2013	R de Silva	68-72 Dalgarno Street	Coonabarabran	Renovations to supermarket
DA 45/1213	25.01.2013	C Batty	800 Digilah Road	Dunedoo	Erection of new dwelling
DA 46/1213	25.01.2013	A Dunlop	Munna, 1300 Warrumbungle Way	Coolah	Erection of new dwelling
DA 49/1213	7.01.2013	J Hayne	51 John Street	Coonabarabran	Change of use of building
DA 51/1213	8.01.2013	McAlpine Pools	85 Carrington Lane	Coonabarabran	In ground swimming pool
DA 53/1213	8.01.2013	Angus Stewart	Lot 21 Avonside Nth Rd	Dunedoo	Erection of new dwelling

RECOMMENDATION

That Council note the Applications Approved, during January 2013, under Delegated Authority

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Ordinary Meeting – 21 February, 2013

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