

Blayney Shire Council



5 September 2011

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Council Chambers on Monday, 12 September 2011 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Apologies for non-attendance
- (3) Confirmation of Minutes
 - (a) Ordinary Council Meeting held on 08.08.11
- (4) Disclosures of Interest
- (5) Reports of Staff
 - (a) Corporate Services
 - (b) Engineering Services
 - (c) Environmental Services
- (6) Committee Reports

Yours faithfully

Alan McCormack PSM
ACTING GENERAL MANAGER

5.00pm Blayney Shire Tourism Strategy Presentation

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HELD ON MONDAY 12 SEPTEMBER 2011

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CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 SEPTEMBER 2011



01) ELECTION OF MAYOR
(Interim General Manager)

RECOMMENDED:

1. That Council determine the system of electing the Mayor and elect the Mayor.
2. That Council elect a Deputy Mayor and the ballot be conducted by the same system as used to elect the Mayor.

REPORT

Executive Summary

The election of the Mayor by Councillors will take place on 12 September 2011.

Background Information

Council normally elects the Deputy Mayor and Committee representatives at the same meeting when the Mayor is elected.

Report

Election of Mayor

Regulation 7 provides that where a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with the Regulation. A candidate must be nominated by two people, one of whom may be the candidate. The provisions of the Schedule are summarised as follows:

1. The General Manager or a person appointed by the General Manager is the Returning Officer. Please note the Acting General Manager will be the Returning Officer.
2. A nomination for the Office of Mayor is to be made in writing by two or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
3. There is no prescribed form of 'nomination paper'. However, for convenience, 'nomination papers' for the election of the Mayor and Deputy Mayor were provided for each Councillor. Nominations are to be delivered or sent to the Returning Officer. The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.
4. If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:
 - a. Preferential Ballot
 - b. Ordinary Ballot
 - c. Open voting.

The election is to be held at the Council Meeting at which the Council resolved on the method of voting.

5. If the method is by preferential or ordinary ballot, it shall be by secret vote.
6. Open voting means by show of hands or similar means.
7. Preferential Ballot
Councillors are to mark their votes by placing the numbers '1', '2' and so on, against the listed candidates' names so as to indicate the order of their preference for the candidates.

The formality of a ballot paper under this provision is to be determined in accordance with the Regulation.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.

A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

In this clause 'absolute majority' in relation to votes means a number which is more than one-half of the number of formal unexhausted ballot papers.

Tied Candidates

- a. If, on any count of votes, the numbers of votes cast for two candidates are equal and:
 - i. those candidates are the only candidates in, or remaining in, the election – the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected; or
 - ii. those candidates are the ones with the lowest number of votes on the count of the votes – the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.
- b. If, on any count of votes, the numbers of votes cast for three or more candidates are equal and the lowest number of votes on the

count of the votes – the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

8. Ordinary Ballot/Open Voting

The formality of a ballot paper at an ordinary ballot is to be determined in accordance with the Regulation.

If there are three or more candidates the one with the lowest number of votes is to be excluded.

If there are three or more candidates remaining, separate and continuing ballots/votes are taken to exclude the candidate with the lowest number of votes, until only two candidates remain.

When there are only two candidates, or when there are only two candidates remaining, a ballot/vote is taken. The candidate with the highest number of votes is elected.

If there are only two candidates and they are tied the one elected is to be chosen by lot.

The Returning Officer decides the manner in which votes are to be marked on the ballot papers at an ordinary ballot.

9. Summary of Procedure

A summary of the procedure is as follows:

- a. Councillors will be called upon by the Returning Officer to submit nomination papers, if they have not already done so.
- b. Nominations received will be read to the meeting by the Returning Officer.
- c. If there are more candidates than one, an election will be carried out in accordance with the provisions of the Regulation. Councillors will be requested to resolve whether the election is to proceed by Preferential Ballot, by Ordinary Ballot or by Open Voting.
- d. If a ballot is required, ballot papers will be prepared and distributed to Councillors for marking:-
 - i. Upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the Returning Officer and the votes will be counted.
 - ii. When the ballot or ballots, as required pursuant to the provision of the Regulation, have been completed and a result obtained, the Returning Officer will announce the results to the meeting.
- e. If the election is by open vote, then votes to exclude candidates (if more than two) and votes to elect a candidate will be taken by show of hands and recorded by the Returning Officer.

Election of Deputy Mayor

1. Section 231 of the Local Government Act, 1993 empowers the Council to elect one of its members to be Deputy Mayor for the Mayoral term or for a shorter term. It is usual for the Deputy Mayoral term to coincide with the Mayoral term.
2. The Deputy Mayor may exercise any functions of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the functions of his/her office.
3. The nomination and election of a Deputy Mayor is carried out in the same manner as the nomination and election of the Mayor.
4. There is no prescribed form of 'nomination paper'. However, for convenience, 'nomination papers' have been prepared and previously distributed to Councillors. Nominations are to be delivered or sent to the Returning Officer.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

02) COUNCIL AND COMMUNITY COMMITTEES - COUNCILLOR REPRESENTATION
(Interim General Manager)

RECOMMENDED:

1. That Council confirm representation on the relevant Committees.

REPORT

Executive Summary

Council is asked to determine its Committee representatives for the next year.

Background Information

Council's Code of Meeting Practice provides that Council may appoint or elect Committees as it considers necessary.

Council must specify the functions of each of its Committees when the Committee is appointed or elected, but may from time to time amend those functions. Committee functions have been previously adopted.

Blayney Council does not operate on a Council Committee system. Only one Councillor only Committee exists and that is the Town Planning Committee, of which all Councillors are members.

Councillors are reminded that the disclosure requirements contained in the Code of Conduct and Meeting Procedures relate to Committee Members (including community representatives on Council Committees).

Report

<u>Council Committees – Councillors Only</u>		
	Committee Name	Representatives
1.	Town Planning Committee	All Councillors
<u>Council Appointed Committees – which include Community Representation</u>		
	Committee Name	Representatives
1.	Cemetery Forum	Cr Braddon, Cr Reeks, Cr Radburn, 7 community delegates Director of Environmental Services, Manager of Health and Building and Ranger.
2.	Heritage Advisory Committee	Cr Braddon, Cr Reeks, Cr Ferguson, 2 community delegates, Director of Environmental Services and Senior

		Town Planner
3.	Tourism Committee	Cr Ewin, Cr Radburn, Cr Braddon, 9 community delegates and Director of Corporate Services
<u>Council Delegates and Representatives to External Committees and Organisations</u>		
1.	Arts Outwest Board	Cr Reeks
2.	Association of Mine Related Councils	Mayor and General Manager
3.	Australia Day Committee	Cr Kingham and General Manager
4.	Blayney Showground Committee	Cr Bell, Cr Ferguson, Cr Ewin
5.	Canobolas Bushfire Management Committee	General Manager
6.	Central Tablelands Water	Cr Braddon and Cr Radburn
7.	Centroc Weight of Loads Group	Cr Radburn
8.	Central West Group Apprentices Board	Cr Ferguson
9.	Central West Libraries Committee	Cr Reeks and Cr Braddon
10.	Central West Regional Organisation of Councils (Centroc)	Mayor and General Manager
11.	Centrepont Blayney Ltd	Cr Bell, Cr Reeks and Cr Ewin
12.	Lachlan Regional Transport Committee	Cr Braddon and Cr Bell
13.	NSW Rural Fire Service Canobolas Zone Liaison Committee	Cr Ewin and General Manager
14.	Orange, Blayney, Cabonne Business Enterprise Centre Board	Mayor
15.	Police Accountability Community Teams Committee (PACT)	Mayor and General Manager
16.	Roads and Traffic Authority Regional Consultative Committee	Cr Bell
17.	Traffic Advisory Committee	Cr Bell and Director of Engineering
18.	Upper Macquarie (Noxious Weeds) County Council	Cr Ewin and Cr Braddon
19.	Welling, Blayney, Cabonne Strategic Alliance Board	Mayor, Deputy Mayor and General Manager

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

03) MEETING DATES AND TIMES FOR ORDINARY MEETING OF COUNCIL FOR THE FOLLOWING 12 MONTHS
(Interim General Manager)

RECOMMENDED:

1. That the dates outlined in the Report by the General Manager, relating to meeting dates and times for ordinary meetings of Council for the next 12 months, be adopted.

REPORT

As outlined in the Local Government Act, Section 365, and Council's Code of Meeting Practice, Council is required to consider and set the meeting dates and times for Ordinary meetings of Council for the forthcoming 12 month period.

Accordingly, the following dates and times are recommended for Ordinary Meetings of Council over the following 12 month period:

Monday 10 October 2011
Monday 14 November 2011
Monday 12 December 2011
Monday 13 February 2012
Monday 12 March 2012
Monday 16 April 2012 (Easter Monday is 9 April 2012)
Monday 14 May 2012
Monday 18 June 2012 (Queens Birthday holiday is Monday 11 June 2011)
Monday 9 July 2012
Monday 13 August 2012

As the Local Government elections are due to be held in September 2012, the September meeting date will be determined following the announcement of the election poll date.

Ordinary meetings of Council commence at 6.00 pm in the Council Chambers, 91 Adelaide Street, Blayney.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As per section 365 of the Local Government Act and Council's Code of Meeting Practice, Council is required to determine the meeting dates for ordinary meetings of Council for the forthcoming 12 month period.

Attachments

Nil

04) DESTINATION 2036 CONFERENCE
(Interim General Manager)

RECOMMENDED:

1. That the information be noted.

REPORT

Executive Summary

The Division of Local Government organised the Destination 2036 Conference in Dubbo on 17-18 August 2011.

Background Information

The Conference follows a special conference at Parliament House last year.

Report

The Mayor and General Manager attended what was called the “Destination 2036” Conference at Dubbo on 17-18 August 2011. This conference was organised by the Division of Local Government. The Minister for Local Government attended all the conference.

All Councils in NSW were represented at the conference, a total of over 300 delegates.

The conference was convened to produce a united position for local government after a review of the local government system. The conference was then seen as an opportunity to design a modern local government system.

The conference was referred to as “unique” in that it was the first time all Councils in the State, large and small, had come together to debate future directions.

With such a large and diverse gathering it was always going to be difficult to come to a united view. However, to the organisers’ credit, this was largely achieved.

The process adopted was:

1. Vision
2. Roadmap to achieve vision.
3. Shared view of Local Government models.
4. Priorities for next four years

After a day and a half of addresses and workshops conference endorsed the following:

Vision 2036
Strong Communities through Partnerships

- By 2036, all NSW communities will be healthy and prosperous – led and served by strong, effective and democratically elected local government.
- Through leadership, local knowledge and partnerships with community, government and other sectors, we will plan our futures and deliver quality services and infrastructure.
- We will be recognised, respected and responsible for:
 - Upholding the highest ethical standards
 - Sound financial management
 - Sensitive environmental stewardship
 - Meaningful community engagement, advocacy and leadership
 - Our adaptability, innovations and learning
 - Developing the full potential of our people
 - Responding to our diverse cultures and environments
 - Creating places that people value

Achieving the Vision (Roadmap)

- The development of a new vision for local government based on a working draft.
- Continue to improve the relationship between state and local government, including a review of the intergovernmental agreement.
- Commitment to review the legislative framework to ensure that local government can meet the needs and challenges facing communities in the future.
- Commitment to clarify the key functions, roles and responsibilities of councils.
- Recognition that a variety of operating models for local government are needed that can be applied in the differing circumstances or remote, regional, rural and Sydney basin councils, because one size does not fit all.
- The need to develop new funding models to ensure the financial viability of councils.
- Strong endorsement to strengthen regional collaboration and resource sharing.
- Commitment to improve the process by which voluntary boundary alterations can be accommodated.
- Pilot programs with volunteer councils to test new models.

At the conclusion of the conference the Minister for Local Government indicated that an Action Plan would be prepared. This Plan would be completed by the end of this year. The Minister said “things cannot remain the same.”

The Implementation Steering Committee is the Chief Executive of the Division of Local Government, the Presidents of the Local Government and Shires Association and the President of the LGMA.

It was felt that the conference may be a portend to amalgamations. The Minister reiterated the government’s policy of no forced amalgamations. However he indicated incentives may be provided should Councils decide to amalgamate.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

05) CITY COUNTRY LINK
(Interim General Manager)

RECOMMENDED:

1. That this information be noted and further enquiries made.

REPORT

Executive Summary

Preliminary enquiries are underway in regard to a City/Country Council Link.

Background Information

In recent times linkages have been established between country and city Councils (Lachlan/Penrith, Parkes/Canada Bay, Cabonne/Hawkesbury).

These arrangements provide opportunities for cultural and staff exchanges. They are particularly useful for smaller Councils with limited staff resources. Lachlan Shire Council has recently used a Penrith Council employee as an Acting General Manager. Parkes Shire Council is contemplating youth exchanges.

It is felt that Blayney Shire Council may benefit from such an agreement particularly if there are some evident synergies e.g. rail freight or some other common connection.

BUDGET IMPLICATIONS

Nil at this stage.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

06) URALBA RETIREMENT VILLAGE
(Interim General Manager)

RECOMMENDED:

1. That Council delegate to the Mayor, General Manager and Director of Engineering authority to determine the assistance to be given to the Village.

REPORT

Executive Summary

Council has been asked to support the proposed extension of the Uralba Retirement Village. Council has been asked for assistance with excavation and a retaining wall.

Background Information

The Village has received approval for an additional 6 low care aged residential places. A capital grant of \$855,000 is available, with the community to fund \$250,000.

Report

A Development Application for the extension has been lodged and consent given.

The excavation sought can be undertaken by Council when the work schedule permits.

Assistance with the retaining wall is difficult because of the need for proper design and possible specialist building techniques.

BUDGET IMPLICATIONS

Will be an additional cost to the 2011/2012 budget.

POLICY IMPLICATIONS

The assistance will require advertising under the Local Government Act.

Attachments

Nil

07) REPORT FROM SOLE REVIEWER, CODE OF CONDUCT
(Interim General Manager)

RECOMMENDED:

1. That the Report and finding of the Sole Reviewer be noted.
2. That the recommendation of a team building exercise and communications training be adopted.

REPORT

Executive Summary

A written complaint was received by Council in relation to the conduct of Cr Roxanne Reeks.

The then General Manager referred the matter to a designated Sole Reviewer Jennifer Conn.

Background Information

Cr Geoff Braddon, on 25 March 2011 and 28 March 2011, complained in writing that Cr Reeks had breached the Code of Conduct by failing to declare an interest.

Report

The complaint contained the following allegations:

1. Cr Reeks is the wife of Ian Reeks, Director and Operator of ICR Engineering Pty Ltd.
2. Cr Reeks may be a Director and Shareholder of ICR Engineering Pty Ltd.
3. ICR Engineering Pty Ltd has been engaged by the Blayney Shire Council to build a Community Centre.
4. Cr Reeks should not have participated in the Performance Review of the General Manager as it was a direct conflict of interest. She could/would benefit from ICR Engineering Pty Ltd building a Community Centre.

The Sole Reviewer has found that Cr Reeks has not breached the Blayney Shire Code of Conduct as adopted and made the finding based on the following information:

1. At the extraordinary meeting of the Blayney Shire Council on the 23 December 2010 it was resolved as follows:
“That Council award the contract for the Blayney Shire Community Centre Redevelopment Project to ICR Engineering Pty Ltd at a contract price of \$1,610,821.00 for the demolition and construction of a new Blayney Shire Community Centre” and that “Council delegate the General Manager the authority to negotiate minor variations to the contract”
2. Cr Reeks disclosed an interest at that meeting and the reasons given were, “quoting of the project”.

3. On the 10 February 2011 the Performance Review of the General Manager took place. The Mayor, Cr Reeks and Cr Ewin conducted the review.
4. During the Performance Review it is clearly noted in the business paper, “due to allegations of a perceived conflict of interest Cr Reeks excused herself from the Performance Review when the Community Centre (Redevelopment Project) was discussed.”
5. It is clear from the above documents that Cr Reeks disclosed her potential conflict of interest regarding the Community Centre at the appropriate time.

The Sole Reviewer reports:

The Code of Conduct at 14.9 sets out the types of recommendations that are available to a Code of Conduct Reviewer. Generally these are available as a type of sanction when the Code of Conduct is breached. In this case, notwithstanding the fact that no finding of a breach is made a different kind of recommendation is in order.

There is a worrying level of mistrust of other Councillors, the Mayor and the General Manager in Cr Braddon’s complaint. It borders on vexatious.

As a Councillor of long standing, Cr Braddon could have and should have made better enquiries into the situation before he made his complaint. The process of investigating a complaint of this nature is costly. I would assume that the documents that were made available to me could have been made available to Cr Braddon upon his request. These documents would have clearly shown to Cr Braddon that Cr Reeks did act appropriately and declared an interest whenever a potential conflict of interest arose during Council meetings and during the Performance Review of the then General Manager, Aaron Jones.

Blayney is a small community and like many small rural communities in NSW Councillors may wear “two hats” so to speak. A Councillor may be a business owner or farmer or simply a ratepayer, all of which have the potential to cause a conflict of interest in a Council meeting. The potential for a conflict of interest to arise should not preclude community minded people from becoming Councillors. This type of complaint does not accomplish anything except to cause ill feelings, mistrust and suspicion on the Council.

I recommend that all Councillors, as a group participate in some type of team building exercise and communications training.

BUDGET IMPLICATIONS

The direct cost of engaging the Sole Reviewer is \$1,650.00 (including GST). Staff time would increase costs to around \$2,000.00.

POLICY IMPLICATIONS

All Councils are required to have in place a Code of Conduct.

Attachments

1 Report from Sole Reviewer 3 Pages

08) DECLARATIONS OF INTEREST
(Interim General Manager)

RECOMMENDED:

1. That this report be received and noted.

REPORT

Executive Summary

As Councillors would be aware it is necessary in Local Government to declare an interest where applicable in matters before Council.

Background Information

The Local Government Act 1993 has sections (Section 441-489) which deal with 'pecuniary interest'. Relevant sections are reproduced in the Code of Conduct and are attached.

The onus is on Councillors, Council delegates, Council staff and other persons to determine whether they have a pecuniary interest.

Report

The need for proper declarations of interest is taken seriously in Local Government. A special Tribunal has been established to consider complaints if they are referred to it by the Chief Executive of the Division of Local Government. Case law has evolved from the Tribunal's decisions.

The Act provides a definition of relative. A relative is either your or your spouse's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendent or adopted child or the spouse of de facto partner of those persons.

Councillors are required to lodge returns disclosing interest within 3 months of becoming elected or within 3 months from June 30 each year.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

1 Code of Conduct 5 Pages

09) ACCESS TO INFORMATION
(Interim General Manager)

RECOMMENDED:

1. That the information in this report be noted.

REPORT

Executive Summary

The flow of timely and relevant information is necessary for proper Council functioning. This report deals with the procedures involved in information exchanges between Councillors and staff.

Background Information

With Council only meeting on a monthly basis and no Committee system in place (essentially due to the small number of Councillors) it is important that information flows to allow Councillors to keep abreast of relevant Council information.

Report

Proper information flow is important for good governance. Well informed Councillors and staff will create a position of trust between those officials and improve community confidence.

Council meetings are held on a monthly basis. This is the primary medium for decision making and the dissemination of information. In addition extraordinary meetings and workshops are held when deemed necessary.

Blayney Council does not operate a Committee system so the bulk of policy decisions are reached at the monthly Council meeting. These decisions are activated by staff acting on Council resolutions. As well staff carry on the operational or 'day to day' activities of Council. Extensive delegation of duties is essential for proper functioning.

It is a fundamental duty of Councillors 'to facilitate communication between the community and the Council' (section 232 of the Local Government Act).

This report has been prepared to outline Councillors accessibility to relevant information and to provide feedback to staff.

Access to Information

Councillors are entitled to access all Council files, records or other information where that information is identified in Schedule 1 – Additional open access information (Public Access) regulation 2009, or which relate to a matter currently before the Council. Much of the information referred to in Schedule 1 may be viewed on Council's website, www.blayney.nsw.gov.au. The Government Information (Public Access) Act 2009 (GIPA Act) replaces previous access to information regimes, namely the Freedom of Information

Act 1989 (FOI Act) and Chapter 4, Part 2 (sections 12, 12A, 12B and 13) of the Local Government Act 1993 (LGA Act).

Schedule 1 is attached.

In addition Councillors can request the General Manager to provide access to a particular Council record. Access to such documents will be restricted to the Council Chambers and is to be undertaken in the company of a staff member nominated by the General Manager.

Councillors may also seek information by Notice of Motion at a Council meeting.

Information Sharing in Practice

A refinement of Council's Practices has recently been undertaken, and Councillors now receive information by:

- Memos from the General Manager
- Newsletters
- Reports from Senior Staff Meetings
- Discussion with staff

Recently a Councillor Request Form has been developed and circulated to all Councillors. Requests on this form can be made at any time. Councillors are encouraged to use those forms to access timely and considered information.

It is recognised that Councillors are often asked questions by members of the public. If unable to be answered staff members would be happy to assist.

Should Councillors wish to raise matters in the Council meeting, the Notice of Motion method is always available. Questions raised without notice on the floor of the meeting can still be taken 'on notice' with the answer to be provided at a future time.

The current procedure for asking questions is contained in Councils Code of Meeting Practice, and reads:

8. Questions to Councillors and Employees

8.1 Questions may be put to Councillors and Council employees

1. *A Councillor:*
 - a. *may, through the chairperson, put a question to another Councillor, and*
 - b. *may, through the General Manager, put a question to a Council employee.*
2. *However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.*
3. *The Councillor must put every such question directly, succinctly and without argument.*

4. *The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.*

8.2 *Questions to General Manager*

1. *The General Manager may exercise the option to take on notice a question raised under Clause 8.1.*
2. *A question raised under Clause 8.1 and taken on notice may be answered in writing directly to all Councillors or by way of inclusion in a General Manager's report at subsequent meetings.*

It is hoped the new information documentation procedures and Councillor's Request Forms will hasten the supply of information to Councillors.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

1 Schedule 1 4 Pages

10) INTEGRATED PLANNING AND REPORTING (PRELIMINARY OBSERVATIONS)
(Interim General Manager)

RECOMMENDED:

1. That this report be noted and Council indicate if it favours any or all of the “Other Actions” listed in the report.

REPORT

Executive Summary

Although the Integrated Planning (IPR) process is still in its infancy the workshops to date have produced some comment on Council’s role.

Background Information

IPR is a mandated planning process. The process provides an excellent opportunity for community feedback.

Report

A Community Futures Workshop was held in Blayney on 25 July 2011 (reported to last meeting of Council). A Shaping Workshop, with fewer attendees, was held on 22 and 23 August 2011.

The workshop on 25 July 2011 provided future directions for the Shire. These directions, numbered in priority, were:

Health and Wellbeing	46 (highest priority)
Co-ordinator Regional Development	43
Infrastructure	32
Sustainability	23
Centre for Festival and Events	23
Transport	22
Tourism	12
Community Development	12
Village Integration	12

Whilst these themes are to be developed and included in future planning for the Shire it is possible for Council to move towards the community aspirations now. For example the “Beyond the Range” health project, aimed at attracting and retaining health professionals, was supported last meeting and accords with “Health and Wellbeing”.

The concept of a regional co-ordinator/promoter was well supported at the workshop. Avenues for such a position are being explored.

Infrastructure needs were not restricted to better roads although this was mentioned as desirable. Town and village appearances is a concern,

especially vacant shops. In this regard future Councils may have regard to village beautification programs.

Tourism promotion is regarded as essential. The presentation prior to the Council meeting held on 8 August 2011 may provide direction.

Other Actions

There are a number of actions Council may see fit to undertake to attempt to move closer to the various communities and interest groups. These included:

- Council meetings to be held occasionally in villages.
- Village visits by staff to attend to enquiries e.g. pensioners.
- Regular Civic Receptions hosted by Council to recognise community and individual achievements, or to welcome visitors to the Shire.
- A breakfast session for Shire business owners.
- A Council visit to the new mine site.
- A half day inspection (say annually) by Councillors of various features of the entire Shire.
- Reinvigorate the Youth Council.
- Regular meetings with the larger employers, including getting them together.

BUDGET IMPLICATIONS

Minor.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

11) **WORKERS COMPENSATION**
(Interim General Manager)

RECOMMENDED:

1. That this information be noted and Council's staff be congratulated for the approach to safety.

REPORT

Executive Summary

Workers Compensation premiums reduced significantly in 2010/2011.

Background Information

Workers Compensation premiums, based on claims acknowledged, can represent a relatively large cost to Council.

Report

Council paid \$117,757 in Workers Compensation premiums in 2010/2011. This compares to \$247,042 in 2009/2010 and \$207,184 in 2008/2009.

Premiums are based on claims recognised. A large claim may result in premium hikes over a number of years.

The last claim was received in April 2011.

The falling premium reflects a saving to Council but, more importantly, a workplace where safety is a major consideration.

BUDGET IMPLICATIONS

The savings will have a favourable impact on the final figures for 2010/2011.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

12) **LOCAL GOVERNMENT ELECTIONS**
(Interim General Manager)

RECOMMENDED:

1. That this information be noted.

REPORT

Executive Summary

Local Government can now conduct elections, constitutional referendums and polls.

Background Information

General Council Elections will be held in 2012. After representations from Local Government it has been decided that Councils may once again conduct local elections.

Report

The Local Government Act has been amended to allow Local Government elections to be administered by the General Manager of the Council concerned.

Elections after 2008 have been conducted by the Electoral Commissioner. Councils may resolve that this arrangement remain with the Commissioner, under a contract arrangement.

Councils may also conduct constitutional referendums and polls.

If a Council wishes to conduct its own election a suitably qualified independent returning officer and substitute returning officer shall be appointed. The General Manager is to also appoint staff, and determine polling places.

An employee of Council cannot be the returning officer or substitute returning officer.

The General Manager will be responsible for managing election costs.

In relation to the 2012 elections Councils are to resolve, before 30 November 2011, if they will be retaining the Electoral Commissioner.

Electoral Office staff are currently visiting Council Offices to discuss this change. Initial comments from Centroc General Managers have expressed reservations with the change.

A further report will be made to Council.

BUDGET IMPLICATIONS

The cost involved with having the Electoral Commissioner conduct the elections was a major criticism. It is not known if reverting to Council run

elections will produce savings, given the withdrawal of support by the Electoral Office.

POLICY IMPLICATIONS

Nil.

Attachments

1 Newsbrief 1 Page

13) COUNCIL COMPARATIVE ANALYSIS (SNAPSHOT)
(Interim General Manager)

RECOMMENDED:

1. That this information be noted.

REPORT

Executive Summary

The Department of Local Government annually produces a snapshot of Councils. The latest information available is for 2008/2009.

Background Information

The snapshot is useful for comparison of similar size Councils.

Report

The Department of Local Government produces, on an annual basis, a snapshot of all NSW Councils. By the time the information is collated and disseminated it is quite dated. The latest information relates to the year 2008/2009, and was released a year ago. 2009/2010 information should be available shortly.

The information is useful in that it provides a comparison of statistics between like Councils. Blayney Shire Council is classified as a Group 10 Council (Rural Agricultural Large) and is grouped with Bland, Lachlan, Oberon, Upper Lachlan and Wellington).

The following information has been extracted from the snapshot.

2008/2009	Blayney Shire Council	Group Average
Average Rate - Residential	\$418.35	\$449.51
Average Rate - Farmland	\$2,067.21	\$1,909.00
Average Rate - Business	\$693.48	\$782.07
Outstanding Rates and Charges	7.85%	7.71%
Sources of Income - Rates	41.17%	27.68%
Sources of Income - Interest	2.61%	2.24%
Sources of Income - Grants	28.77%	41.41%
Total Income	\$11,530,000	\$19,268,000
Current Ratio	3.16	3.52
Debt Service Ratio	3.35	2.3
Full Time Staff	65	108.68

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

14) WBC UPDATE
(Interim General Manager)

RECOMMENDED:

1. That the information be noted.
2. That Councillors indicate if they would be attending the Forum on 30 November 2011 and submit any items for discussion.

REPORT

Executive Summary

Attached is an update from the Executive Officer of the WBC for August and September 2011.

Background Information

The updates show the diversity of activities currently being undertaken by the WBC.

Report

The WBC intends to conduct a Councillor and staff Forum in November.

The Forum has the objectives of:

- Providing an opportunity for councillors and key staff from each of the Councils to meet, exchange ideas, learn and share.
- Learning more and celebrating the achievements of the Alliance.
- Discussing the future direction and priorities for the Alliance.

BUDGET IMPLICATIONS

Negligible.

POLICY IMPLICATIONS

Nil.

Attachments

- | | | |
|---|------------------|---------|
| 1 | August Update | 4 Pages |
| 2 | September Update | 4 Pages |

15) CENTROC
(Interim General Manager)

RECOMMENDED:

1. That the information be noted and that Council contribute the fees of \$10,864, plus GST.
2. That representatives of Centroc address Council at the October meeting.

REPORT

Executive Summary

Centroc has provided an invoice for 2011/2012 fees.

Background Information

Blayney Shire Council has been a member of the Centroc organisation for many years. Like the WBC, membership of Centroc enables Council to access benefits and undertake promotions and studies which would be difficult for a single Council. Centroc has been described as the second best Regional Organisation of Councils (Federal Minister for Transport).

Report

The Executive Office of Centroc writes:

2011/2012 is shaping up to be a very good year in terms of value for money for your Centroc membership.

Besides the annual savings accruing to you from the training program and our grant funded activities such as the award winning Centroc Water Security Study, Film Central NSW, the Carbon+Program and the Urban Sustainability Programs the recent work in compliance and cost savings is showing very good preliminary results where savings since 14 December 2009 are over \$1m across the region.

On the horizon for next year is stage two of the Health Workforce Program, a regional electricity contract, completion of the suite of Best Practice by the Water Utilities Alliance and the rollout of the regional fuel contract. The training service is developing an online component which should deliver good savings to members.

Our staff will be circulating the region attending Council meetings from July undertaking their annual consultation and feedback sessions. Please provide staff any feedback at these times or any other time over the next quarter. Thank you to those members who we have already visited.

All Centroc staff members are aware of the financial exigencies being experienced by members at the moment and go to every effort to keep costs down while seeking grant funding and other income streams for initiatives.

Also, please note that there are no fees being charged for BLEG again this year.

On behalf of the staff, I look forward to meeting with you soon and thank you for your support of our regional efforts on your behalf.

BUDGET IMPLICATIONS

Fees have been provided for in the current budget.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

16) PUBLIC INTEREST DISCLOSURES (WHISTLEBLOWERS)
(Interim General Manager)

RECOMMENDED:

1. That this information be received and noted.
2. That the Internal Reporting policy be placed on public exhibition for a period of at least 28 days.

REPORT

Executive Summary

The Protected Disclosures Act 1994 has been renamed the Public Interest Disclosures Act 1994 and has been strengthened to protect public officials who disclose wrongdoing in accordance with the Act.

Background Information

There are good reasons for Council to support whistleblowers. Support provides a defence against maladministration and corruption.

Report

The Division of Local Government has issued Circular 11-13 “Strengthening Protections for Public Officials who make Public Interest Disclosures” and has asked that this Circular be brought to the attention of all Councillors and staff.

The Department says that Councils will need to ensure that they:

- are aware of the changes and make sure councillors and staff throughout the organisation are aware.
- operate in accordance with the new strengthened procedures that apply from 1 July 2011, and
- adopt, as soon as possible, a policy for receiving, assessing and dealing with protected disclosures.

Council's Internal Reporting Policy has been rewritten in accord with the new requirements and is provided as an attachment to this report. As part of Council's commitment to transparency and openness, public notice must be given prior to the policy adoption process.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

As detailed above.

Attachments

- | | | |
|----------|------------------------------|----------|
| 1 | Circular | 1 Page |
| 2 | 2D Internal Reporting Policy | 21 Pages |

17) **DIVISION OF LOCAL GOVERNMENT COLLABORATION SURVEY**
(Interim General Manager)

RECOMMENDED:

1. That the information be received and noted.

REPORT

Executive Summary

The Division of Local Government has surveyed Councils in relation to collaborative arrangements in NSW. The following is a summary of the survey results.

Background Information

Blayney Shire Council is part of the highly acclaimed WBC and is also an active member of Centroc.

Report

The Independent Inquiry into the Financial Sustainability (Allan Report, 2006) identified resource sharing as one of the preventing strategies to address the sustainability of Councils. In this regard Blayney Council is well placed.

In fact the WBC has been subject to a Promoting Better Practice Review (in 2007).

The benefits from Council's perspective:

- All Councils responded positively about the value of these arrangements. Many commented that they were essential to their long term sustainability. This comment was most frequently made by small, rural Councils.
- Councils identified a range of services that many individually could not provide satisfactorily within their own resources. By working with others they could improve efficiency and effectiveness through an increased customer base. Service types included engineering, internal auditing, records training, animal shelters, community services, emergency services, health, libraries, waste services and weeds eradication.
- Improved access to technical expertise, higher quality work/consistency, with the example given of the Lower Macquarie Water Utilities Alliance where Dubbo City Council engineering expertise is provided to other members in this alliance, and the WBC Strategic Alliance strategic planner position.

Key challenges:

- Costs
There were significant costs identified in addition to the normal responsibilities of staff and councillors involved in collaborative arrangements. These included travel time, attending meetings and other

tasks and needed to be balanced by an appropriate return on investment.

Councils commented about the lack of start up and ongoing funds to support such arrangements. Many called for additional government start up funding.

- Leadership and Organisational Culture
The challenges associated with identifying a suitably motivated person or Council to lead a project

Some Councils saw their leadership of and participation in these arrangements as additional to their 'regular' responsibilities and workload. Others saw this as integral to their overall responsibilities.

- The active support of the governing body was considered essential. One of the challenges identified by many Councils was that Councillors saw collaborative arrangements as 'non-core' business and were reluctant to support them due to the additional costs involved.
- It was frequently reported that Councillors feared that these arrangements could lead to a loss of local identity, local autonomy and independence. Some Councils were also concerned about the potential for damage to a Council's reputation should something go wrong.

Critical Success Factors

Councils were asked to identify factors critical to successful collaborative arrangements. The most commonly reported were:

- Clear communication, cooperation, combined purpose, trust and goodwill, a willingness to compromise and 'having a go – doing what you can'
- A resource sharing culture
- Community support
- A focus on the greater good and public interest
- Strongly committed 'champions', good leadership, creative/lateral thinking and political will
- An equal committed partnership, particularly driven at senior staff and councillor level
- Close liaison with partners at all affected managerial levels

Overview

- Over 800 arrangements were identified (compared with the 403 in 2007).
- Approximately 50% of arrangements were established after 2005.

BUDGET IMPLICATIONS

Participation in the WBC produces material benefits for this Council. Quantified results for the financial year just ended will be available shortly.

POLICY IMPLICATIONS

Nil.

Attachments

1 Other Relevant Examples 1 Page

18) NEWBRIDGE RAILWAY STATION
(Director Corporate Services)

RECOMMENDED:

1. That the correspondence from NSW Transport pertaining to the Newbridge Railway Station be received and noted.

REPORT

At its Ordinary meeting held 14 March 2011, Council resolved the following:

"That Council write to the Australian Rail and Track Corporation (or equivalent rail authority) requesting that the pedestrian access to Newbridge Railway Station be upgraded to provide access for all pedestrians."

Council recently received an item of correspondence pertaining to this matter further to that received earlier in the year.

Both items of correspondence are provided as an attachment to this report.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

Nil

19) REPORT OF COUNCILS INVESTMENTS AS AT 31 AUGUST 2011
(Manager Financial Services)

RECOMMENDED:

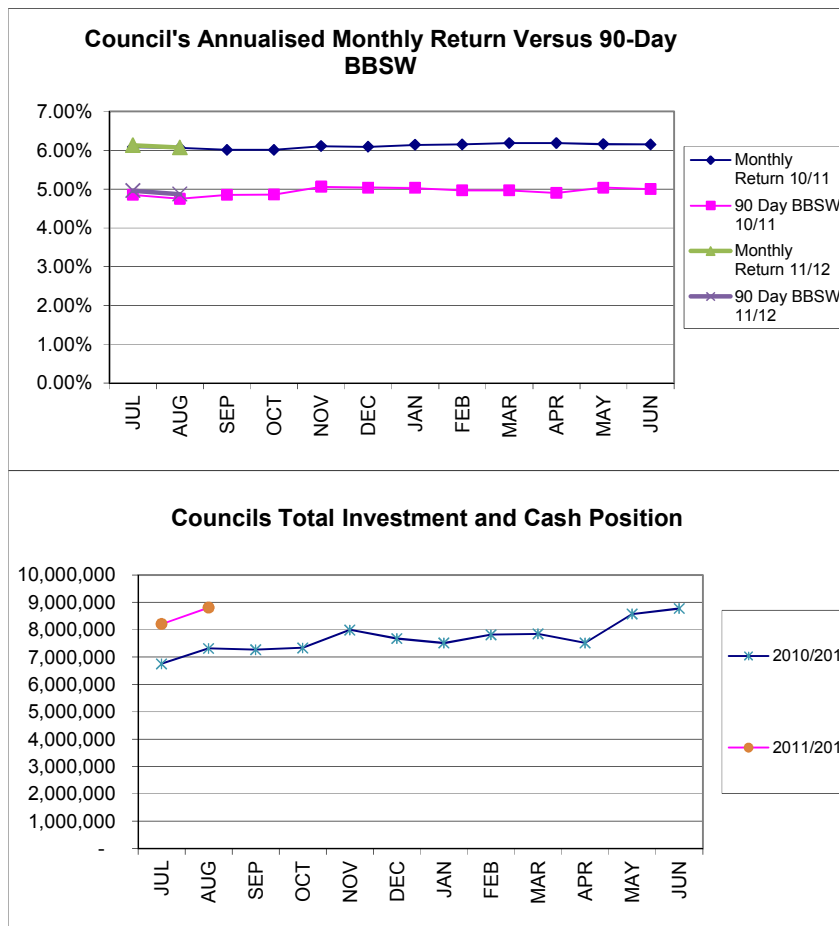
1. That the Report indicating Council's Investment position as at 31 August 2011 be received and noted.
2. That the Certification of the Responsible Accounting Officer be noted and the Report be adopted.

REPORT

This report provides details of Council's Investment Portfolio as at 31 August 2011.

Council's total investment and cash position as at 31 August 2011 is \$8,801,965. Investments earned interest of \$39,052 for the month of August 2011.

Council's monthly net return annualised for August of 6.07% outperformed the 90 day Bank Bill Swap Rate of 4.87%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 AUGUST 2011

Institution	Amount \$	Monthly Net Return Annualised
Term Deposits		
Community CPS Australia	500,000.00	6.15%
Bankstown City Credit Union	500,000.00	6.05%
Bankstown City Credit Union	500,000.00	6.05%
Credit Union Australia	500,000.00	5.84%
Queensland Country Credit Union	500,000.00	6.00%
Credit Union Australia	500,000.00	5.70%
Bank of Cyprus Australia	500,000.00	6.05%
New England Credit Union	500,000.00	5.77%
Peoples Choice Credit Union	500,000.00	6.01%
Australian Central Savings and Loans	500,000.00	6.05%
Police & Nurses Credit Society	500,000.00	6.08%
Suncorp Metway	500,000.00	6.00%
Beirut Hellenic Bank Ltd	500,000.00	6.01%
Bank of Cyprus Australia	500,000.00	6.16%
Total	7,000,000.00	5.99%
Collateralised Debt Obligation (CDO's)		
ANZ Custodian (Kakadu, BBSW + 140 points)	500,000.00	6.39%
ANZ Custodian (Flinders, BBSW + 150 points)	500,000.00	6.49%
Total	1,000,000.00	6.44%
Total Investments	8,000,000.00	6.07%
Benchmark: BBSW 90 Day Index		4.87%
Commonwealth Bank - At Call Account	331,091.33	
Commonwealth Bank Balance	470,873.21	
TOTAL INVESTMENTS & CASH	8,801,964.54	

Summary of Investment movements - AUGUST			
Financial Institution	Fund Rating	Invst/(Recall) Amount \$	Commentary
Term Deposits			
Queensland Country Credit Union		(511,890.41)	Term Deposit matured 28/07/2011
New England Credit Union		(507,582.19)	Term Deposit matured 09/08/2011
New England Credit Union		500,000.00	Term Deposit Invested 09/08/2011
New England Credit Union		(508,171.92)	Term Deposit matured 16/08/2011
Suncorp Metway		500,000.00	Term Deposit Invested 17/08/2011
Credit Union Australia		(507,545.21)	Term Deposit matured 23/08/2011
Bank of Cyprus Australia		(507,763.29)	Term Deposit matured 30/08/2011
Bank of Cyprus Australia		500,000.00	Term Deposit Invested 31/08/2011
Credit Union Australia		500,000.00	Term Deposit Invested 31/08/2011
Beirut Hellenic Bank Ltd		500,000.00	Term Deposit Invested 31/08/2011

Collateralised Debt Obligations (CDO's)

As per Council's Auditor recommendations the disclosure of the impact of market conditions on the value of the Collateralised Debt Obligations held is provided. It is estimated by ANZ Custodian Services that the market value of Flinders and Kakadu are \$436,884.49 and \$199,175.79 respectively as at 30 June 2011. It is anticipated that as the investments draw near to maturity the market values will increase. Council is also involved in ongoing legal action to minimise any losses.

Council's monthly net return annualised for June on the CDO's is 6.44% outperforming the 90 day Bank Bill Swap Rate of 4.87%.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Chris Hodge, certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council Policy.

BUDGET IMPLICATIONS

A good investment strategy optimises Council's return on investments.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

20) **QUARTERLY PERFORMANCE REPORT - JUNE 2011**
(Manager Financial Services)

RECOMMENDED:

1. That the Quarterly Review of Council's 2010 – 2015 Management Plan as at 30 June 2011 be received and adopted.

REPORT

In accordance with established Council processes *“Every three months, Council will receive a report card on how the organisation is performing...”* Accordingly, following this report, is a “report card” covering the June Quarter.

The purpose of the “report card” is to provide an update of those performance targets set by Council's 2010 – 2015 Management Plan, which have been achieved and/or completed during the quarter. In addition, this report allows members of the community to form their own assessment of Council's performance.

Should Councillors have any questions concerning this report, please contact Council's Director Corporate Services or Manager Financial Services prior to the meeting.

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER.

“I believe that the financial position of Council is satisfactory having regard to the estimates of income and expenditure, and that no adverse trends are evident.” (C Hodge – Manager Financial Services)

BUDGET IMPLICATIONS

The variations contained within this report maintain a balanced result as at 30 June 2011, for the 2010/2011 financial year.

POLICY IMPLICATIONS

Nil.

Attachments

- 1 Quarterly Budget Review - June 2011

21) **PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY**
(Director Corporate Services)

RECOMMENDED:

1. That the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors policy be adopted and included in Council's policy register.
2. That attendance at the Annual Shires Conference be regarded as business of the Council and, as permitted by the Division of Local Government Guidelines, registration and official conference dinner costs be met by Council.

REPORT

Following Council's July Ordinary Meeting, Council's Draft Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy was placed on public exhibition and the public were invited to make submissions.

At the close of the exhibition period Council had not received any submissions in relation to this policy.

The policy was tabled for consideration as part of its statutory obligation to adopt a policy concerning expenses and facilities on an annual basis pursuant to section 253 of the Local Government Act 1993. Upon adoption Council must submit its policy with the Council resolution with any submissions to the Division of Local Government.

A copy of the Draft Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy has been provided as an attachment to this business paper.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

- | | | |
|---|---|-------------|
| 1 | Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy | 13
Pages |
|---|---|-------------|

*Re: Complaint against Cr Roxanne Reeks
Complaint by Cr Geoff Braddon
Alleged Breach of Code of Conduct*

Report by Sole Code of Conduct Reviewer Jennifer Conn
3 August 2011

Background

Former Blayney General Manager Aaron Jones referred this matter to me in May of this year. The Complaint ("the Complaint") against Councillor Roxanne Reeks ("Cr Reeks") was in writing, meeting the requirements of Part 3 of the Code of Conduct Policy adopted by Blayney Council.

The complaint was made by Councillor Geoff Braddon ("Cr Braddon") and took the form of two letters.

The Substance of the complaint dated 25 March 2011 was that Cr Reeks has breached Blayney Council's Code of Conduct by participating in a Performance Review of the General Manager while failing to declare her interest in a business that was engaged to provide services to the Council. Cr Reek's alleged interest was that as the wife of the Director and Co Director of a Company that was in negotiations with Council to provide building services, she should not have participated in the Performance Review of the General Manager.

The second complaint, dated the 28th of March 2011 referred to the first complaint and outlined five further alleged breaches arising from the factual circumstances outlined in the letter dated the 25th of March 2011.

The complainant was given the opportunity to expand on his written complaints in person via a telephone conference.

Cr Reeks was afforded and took up the opportunity to respond to the substance of the complaints against her.

The Complaint

The complaint contained the following allegation that may give rise to a breach of the Code of Conduct:-

1. Cr Reeks is the wife of Ian Reeks, Director and Operator of ICR Engineering Pty Ltd.
2. Cr Reeks may be a Director and Shareholder of ICR Engineering Pty Ltd.

3. ICR Engineering Pty Ltd has been engaged by the Blayney Shire Council to build a Community Centre.

4. Cr Reeks should not have participated in the Performance Review of the General Manager as it was a direct conflict of interest. She could/would benefit from ICL Engineering Pty Ltd building the Community Centre.

Finding

I find that Cr Reeks has not breached the Blayney Shire Code of Conduct as adopted and I make my finding based on the following information:-

1. At the extraordinary meeting of the Blayney Shire Council on the 23 of December 2010 it was resolved as follows,

"That Council award the contract for the Blayney Shire Community Centre Redevelopment Project to ICR Engineering Pty Ltd at a contract price of 1,610,821.00 for the demolition and construction of a new Blayney Shire Community Centre." and that "Council delegate to the General Manager the authority to negotiate **minor variations** to the contract..."

2. Cr Reeks disclosed an interest at that meeting and the reasons given were, "quoting on the project".

3. On the 10th of February 2011 the Performance Review of the General Manager took place. The Mayor, Cr Reeks and Cr Ewin conducted the review.

4. During the performance review it is clearly noted in the business paper, " due to allegations of a perceived conflict of interest Cr Reeks excused herself from the performance review when the Community Centre (Redevelopment Project) was discussed."

5. It is clear from the above documents that Cr Reeks disclosed her potential conflict of interest regarding the Community Centre at the appropriate times.

Recommendations

The Code of Conduct at 14.9 sets out the types of recommendations that are available to a Code of Conduct Reviewer. Generally these are available as a type of sanction when the Code of Conduct is breached. In this case, notwithstanding the fact that no finding of a breach is made, I feel that a different kind of recommendation is in order.

There is a worrying level of mistrust of other Councillors, the Mayor and the General Manager in Cr Braddon's complaint. It borders on vexatious.

As a Councillor of long standing, Cr Braddon could have and should have made better enquiries into the situation before he made his complaint. The process of investigating a complaint of this nature is costly. I would assume that the documents that were made available to me could have been made available to Cr Braddon upon his request. These documents would have clearly shown to Cr Braddon that Cr Reeks did act appropriately and declared an interest whenever a potential conflict of interest arose during Council meetings and during the Performance Review of the then General Manager, Aaron Jones.

Blayney is a small community and like many small rural communities in NSW Councillors may wear 'two hats' so to speak. A Councillor may be a business owner or farmer or simply a ratepayer, all of which have the potential to cause a conflict of interest in a Council meeting. The potential for a conflict of interest to arise should not preclude community minded people from becoming Councillors. This type of complaint does not accomplish anything except to cause ill feelings, mistrust and suspicion on the Council.

I recommend that the all Councillors, as a group, participate in some type of team building exercise and communications training.

Jennifer Conn
Sole Code of Conduct Reviewer
3 August 2011

7. Conflict of Interests

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 7.5 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*)
- 7.6 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*)
- 7.7 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*)

- 7.8 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.
- 7.9 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.

What is a non-pecuniary conflict of interests?

- 7.10 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.
- 7.11 The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.
- 7.12 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 7.13 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.
- 7.14 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 7.13.
- 7.15 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 7.16 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.
- 7.17 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
- 7.18 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.
- 7.19 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.
- 7.20 Despite clause 7.17(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, 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 7.17(b) above.
- Political donations exceeding \$1,000
- 7.21 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

- 7.22 Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the *Election Funding Act 1981*) that directly benefit their election campaign.
- 7.23 Where a councillor or the councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the *Election Funding Act 1981* exceeding \$1,000 which directly benefit their campaign:
- a) from a political or campaign donor or related entity in the previous four years; and
 - b) where the political or campaign donor or related entity 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 7.17(b).
- 7.24 Councillors should note that political contributions below \$1,000, or political contributions 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.
- 7.25 If a councillor has received a donation of the kind referred to in clause 7.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law (see clause 7.20 above).

Other business or employment

- 7.26 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*)

- 7.27 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

- 7.28 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.



New South Wales Consolidated Regulations

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GOVERNMENT INFORMATION (PUBLIC ACCESS) REGULATION 2009 - SCHEDULE 1

SCHEDULE 1 – Additional open access information-local authorities

(Clause 3)

1 Information about local authority

(1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- (a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA,
- (b) code of meeting practice,
- (c) annual report,
- (d) annual financial reports,
- (e) auditor's report,
- (f) management plan,
- (g) EEO management plan,
- (h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors,
- (i) annual reports of bodies exercising functions delegated by the local authority,
- (j) any codes referred to in the LGA.

(2) Information contained in the following records (whenever created) is prescribed as open access information:

- (a) returns of the interests of councillors, designated persons and delegates,
- (b) agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters

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22/08/2011

considered when part of a meeting is closed to the public),

(c) minutes of any meeting of the local authority or any committee of the local authority, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,

(d) Departmental representative reports presented at a meeting of the local authority in accordance with section 433 of the LGA.

(3) Information contained in the current version of the following records is prescribed as open access information:

(a) land register,

(b) register of investments,

(c) register of delegations,

(d) register of graffiti removal work kept in accordance with [section 13](#) of the [Graffiti Control Act 2008](#) ,

(e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA,

(f) the register of voting on planning matters kept in accordance with section 375A of the LGA.

2 Plans and policies

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

(a) local policies adopted by the local authority concerning approvals and orders,

(b) plans of management for community land,

(c) environmental planning instruments, development control plans and contributions plans made under the [Environmental Planning and Assessment Act 1979](#) applying to land within the local authority's area.

3 Information about development applications

(1) Information contained in the following records (whenever created) is prescribed as open access information:

(a) development applications (within the meaning of the [Environmental Planning and Assessment Act 1979](#)) and any associated documents received in relation to a proposed development including the following:

(i) home warranty insurance documents,

- (ii) construction certificates,
- (iii) occupation certificates,
- (iv) structural certification documents,
- (v) town planner reports,
- (vi) submissions received on development applications,
- (vii) heritage consultant reports,
- (viii) tree inspection consultant reports,
- (ix) acoustics consultant reports,
- (x) land contamination consultant reports,
- (b) records of decisions on development applications (including decisions made on appeal),
- (c) a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (2).

(2) This clause does not apply to so much of the information referred to in subclause (1) (a) as consists of:

- (a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- (b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

(3) A local authority must keep the record referred to in subclause (1) (c).

4 Approvals, orders and other documents

Information contained in the following records (whenever created) is prescribed as open access information:

- (a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application,
- (b) applications for approvals under any other Act and any associated documents received in relation to such an application,
- (c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,

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22/08/2011

- (d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA,
- (e) orders given under the authority of any other Act,
- (f) records of building certificates under the *Environmental Planning and Assessment Act 1979*,
- (g) plans of land proposed to be compulsorily acquired by the local authority,
- (h) compulsory acquisition notices,
- (i) leases and licences for use of public land classified as community land.

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E DIVISION OF THE SHIRES ASSOCIATION OF NSW

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Secretary: Mrs Carissa Bywater
Forbes Shire Council
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NEWSBRIEF

Council Elections

The date for a decision by councils has been extended to the end of November.

I ask that you don't make a hasty decision due to the scare mongering of the Electoral Commissions visit to General Managers of Councils. Where possible please have an elected member or members present.

The behaviour of the Electoral Commission is not in keeping with the spirit of the change of legislation.

The Local Government and Shires Association is presently finding a solution to support Councils and have an alternate model to run the election.

For many years we have fought ever increasing costs. Let's all be patient. I will keep you posted on the progress.

Livestock Health & Pest Authority

These are being reviewed as we speak with a report due to Minister Katrina Hodgkinson by November. Terms of reference are being formulated now.

We need to keep our eye on this!

Rural Financial Counselling

Rural Financial Counselling Services are in jeopardy I ask that all Mayors write to the NSW Government prior to the budget announcements on the 6th September 2011 to ensure these services continue.

Please write to the Premier, Minister Katrina Hodgkinson and all local members.

That's it for this time.



Cr. Phyllis Miller OAM
MAYOR

cc: **Copy to all Councillors**

*Members: Blayney Shire Council, Cabonne Shire Council, Central Tablelands Water,
Cowra Shire Council, Forbes Shire Council, Lachlan Shire Council, Oberon Shire Council, Parkes Shire Council, Upper
Macquarie County Council, Weddin Shire Council.
Associate Members: Bathurst Regional Council, City of Lithgow Council, Orange City Council*



WBC Alliance Report for Council meeting August 2011

(Prepared by the Executive Manager, WBC Alliance)

IT Corporate Systems Project

This major project is on track within the planned timelines. Major activities at the moment are:

- conversion of data from current system to "fit" with new system – this work is to be completed by mid August. Following this test sites will be set up and staff and "play" in the test site to ensure data is correct and the process steps are correct
- modification of the water billing, DA and rating modules – 75% completed and again once this completed the key user groups will undertake testing of the modules and sign off on the module
- development of a common general ledger has been completed – this was a major activity and the staff involved should be congratulated for their efforts. This is now a very busy time for the finance teams as end of year activities are underway

Integrated Planning and Reporting

Community consultation workshops have now been completed for each Council. All were very successful and feedback from participants has been very positive. The events were well organised and the work of the council project leaders was tremendous:

- Blayney – Anton Franze (supported by Anne Garraway and Lauren Fuller)
- Wellington – Karen Roberts (supported by Liz Rich)
- Cabonne – Sharon D'Elboux. (supported by several staff at Cabonne)

Participation was great and the mix of attendees was generally a representation of the overall demographic of the council communities

COUNCIL	DATE HELD	VENUE	NUMBER OF PARTICIPANTS
Cabonne	19 July 2011	Cargo Hall	77
Wellington	21 July 2011	Civic Centre, Wellington	108
Blayney	25 July 2011	Centrepont, Blayney	74

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Whilst the final collated outputs have not been completed yet the following were some general themes/directions that came out of the workshops:

Cabonne –

- strong desire to strengthen the tourism sector, building on the food/wine industries
- capitalise on the strengths of each village and work together
- value the diversity
- capitalise on the proximity to Orange but maintain the Cabonne strengths
- focus on strategies for youth and aging

Their 3 highest scoring future directions were:

- Transport Networks and Infrastructure
- Business and Industry Growth
- Health in the Community

Wellington –

- strong themes around youth – needing to provide more services/activities
- great location and geography
- concerns about crime

Their 3 top future directions were:

- Tourism development
- Engaging Youth
- Community Infrastructure

Blayney –

- strong community spirit
- great location and industries providing good employment opportunities
- value the diversity of the villages but also support them – work together

Their 3 top future directions were:

- Health and well being (health services access particularly strong),
- A dedicated or shared Community Development or Regional Development Officer – someone to continue to work on this work, develop the community and access grant funding, and
- infrastructure (eg rail over pass, fixing up the Centrepont, roads etc)

Reference Group

The information we collected from the community at the Futures Workshops will now be worked up (shaped) into the first draft of the plan. Each Council is now forming a Reference Group of 12 – 15 people who will have the task of “shaping” the plan. This group will be made up of representatives from the council, staff and community. The Shaping workshops are scheduled for the following dates.

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Wellington	Monday 15 th August – 9 – 5pm
Cabonne	Tuesday 16 th 9 – 1pm and then Friday 19 th August 9 – 1pm
Blayney	Monday 22 nd August – 1pm – 5pm and then Tuesday 23 rd August from 9 – 1pm

Resource Plans

A workshop is also scheduled for 18 August for all managers responsible for the development of the resourcing plans in Asset, Financial and Human Resources (workforce profile) Plans. These plans need to be completed in the first draft by the end of the year.

Overall target dates:

The target dates for the submission of the plans to the Division of Local Government are:

- 31st March 2012 - Community Strategic Plan
- 30th June 2012 - All of the resourcing and delivery plans inputting to the community plan.

PROPOSED ALLIANCE COUNCILLOR AND STAFF FORUM

The WBC Strategic Alliance Board requests the input/support of elected members for a proposed Staff/Councillor Forum.

Purpose

The forum would be a one day workshop format with the objectives of:

- Providing an opportunity for councillors and key staff from each of the councils to meet, exchange ideas, learn and share.
- Learning more and celebrating the achievements of the Alliance.
- Discussing the future direction and priorities for the Alliance.

When and Where

- The event would be held in Molong at the Baptist Centre Hall on Wednesday, 30 November, 2011.
- The agenda is yet to be finalised but it is anticipated the day would be from 9.30 am to 4.00 pm.

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Topics / Guests

We have invited Ross Woodward, Chief Executive of the Division of Local Government and he has accepted. Ross is the most senior officer of this Division and this is a rare opportunity to have him visit our region and meet directly with our councils. Ross will provide a presentation on the current key issues for local government.

Other topics could include:

- Outcomes from Destination 2036 Forum.
- Integrated Planning and Reporting – outcomes from community consultations.
- Code of Conduct Review – what does it mean for the future?
- Current trends in local government nationally.
- Update and profile of key Alliance projects:
 - Information Systems Project
 - Shared Services Model Research
 - Planning and Environmental Services :
 - DA Kit
 - Standard Conditions of Consent
 - DCP
 - LEP and Strategic Planning.
- New OHS Act and what it means.
- WorkCover and Wellington Council alliance.
- Technology – ideas for how we can use technology better.
- The NBN – how do we get involved?

RECOMMENDATIONS

1. Councillors consider supporting the proposed event and indicate their commitment to attend.
2. Councillors suggest other agenda items/topics for discussion that they would like included on the day.

Up coming dates/events:

4th August – Internal Audit Induction Committee workshop – Blayney (for Cabonne, Blayney and CTW)

15th – 23rd August – Shaping workshops for IPR.

17/18 August – Destination 2036 Forum in Dubbo for Mayors and General Managers

22/23 August – LGMA Conference – we are doing a presentation on the Alliance model and our achievements and current projects

7 September – Annual General Meeting for the WBC Alliance Board – the secretariat and Chair will be handed over to Blayney. – Meeting to be held at Wellington

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WBC Alliance Report for Council meeting September 2011

(Prepared by the Executive Manager, WBC Alliance)

IT Corporate Systems Project

Cabonne/CTW and Blayney implementation

This major project is on track within the planned timelines. Major activities at the moment are:

- conversion of data from current system to "fit" with new system – unfortunately this step in the project is now 2 weeks behind schedule. We hope to be able to make this time up over the next month.

Following this test sites will be set up and staff and "play" in the test site to ensure data is correct and the process steps are correct.

- modification of the water billing, DA and rating modules – user testing has been held but the modules are not quite completed.

- development of a common general ledger has been completed –

- training plans have been completed – there are 2x2 week blocks of training during October and early November. Some staff are required to learn multiple modules and will be out of the office on training for a number of days. During this time all staff and councillors need to be aware that this will take priority and staff workloads will be heavy.

Whilst the aim of cutting over the new system is still November there are a couple of parts of the preparation phase that could significantly impact on achieving this aim. Unless both IT Vision and the council project leaders are 100% confident that the system is ready for implementation we will not proceed and defer cut over to the new year.

Wellington Upgrade:

A project plan has been finalised with the provider and upgrade development will commence in November. This will also be a very busy and demanding project for the staff at Wellington.

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Integrated Planning and Reporting

Reference Group – Shaping Sessions

The information collected from the community at the Futures Workshops has now used by a smaller group to shape up the draft community plan. These shaping sessions were held as follows:

Wellington	Monday 15 th August	12 community and staff reps
Cabonne	Tuesday 16 th August	18 community and staff reps
Blayney	Monday 22 nd August	18 community and staff reps

(note – Central Tablelands Water plan is being developed in consultation with the Council and GM following the completion and interrogation of the plans from their constituent councils of Blayney, Cabonne and Weddin.)

The Shaping workshops resulted in draft plans being produced. There are some unique issues but also a lot of common themes, strategies and directions within the 3 councils.

What next for the Community Strategic Plan?

The draft plan was completed and is now with the Council Project Managers. During September it will need to be refined and finalised. It is also important to ensure the original community group that attended the Futures workshop and those involved in the shaping workshop are provided a copy of the draft plan.

The ideal would be to have a short session face to face with the community group from the futures workshop and present the draft, explaining how the shaping of the plan was completed. This is not further consultation - rather it's a presentation of the draft so far. It is important that the community can see their words and themes, and to reinforce the ownership of the plan being with the community.

It would also be beneficial to have some of the "shapers" to tell the wider group how the shaping was done.

At the least a copy of the draft plan, with an explanatory letter about how it was shaped should be sent out to everyone that were at the Futures workshop.

Final draft plans will be presented to Oct/November Council meetings for approval to go onto public display. Any feedback from this will then be considered and if appropriated incorporated into the final plan, which will go back to the February council meetings

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Resource and Delivery Plans

A workshop was held on 18 August for all Directors and Managers responsible for the development of the resourcing plans in Asset, Financial and Human Resources (workforce profile) Plans as well as the Delivery plans.

Each of these groups – HR, Assets, and Finance – have formed Alliance project teams to support each other to get the Resourcing plans completed.

The timelines for completing the resource and delivery plans IS VERY tight. Over the next few months there are some key staff who will be very busy with both their IPR commitments as well as the IT Systems implementation at Blayney, CTW and Cabonne. The following summarises the key timelines to ensure that all plans are finalised to meet the DLG submission dates.

Directors and Managers have been informed that they will be required to attend part or all of 2 days workshops (per council) in early February to finalise the delivery plans. They will need to have started working on the delivery plans during December/January.

TIMELINES FOR INTEGRATED PLANNING AND REPORTING

Time line	Community Strategic Plan	Resourcing Plans	Delivery plan	Time line
	Community forums, shaping group, staff, IPR Project Managers	HR, Assets, Finance Managers, IPR Project Managers	Directors Engineering, Finance and their teams, GM's	
July/Aug	Community engagement			July/Aug
	Unedited outputs report			
August	Shaping the plan	Planning to Plan workshop – HR, Assets and Finance plans		August
Oct	Draft Community strategic plan (check back with community and shaping groups and consult with stakeholders and social justice groups)	Resourcing plans to be completed by mid December		Oct
Nov	Final draft CSP To council for adoption	CSP and resourcing plans inform development of delivery plans		Nov
Dec	Public exhibition		Initial work on delivery plan	Dec
Jan	Final graphic design			Jan
Feb	Final draft to council for adoption		IPR Lockdown Delivery plans completed	Feb

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			(2 days per council – Directors and key staff)	
Mar	Submitted to DLG		Draft delivery plan adopted by Council	March
			Public Consultation	April
			Adjustment and final plan adopted by Council	May
			Resourcing and Delivery Plans submitted to DLG	June

Presentation at the Local Government Managers Association Annual Conference

The Alliance successes were showcased recently at the LGMA Annual conference. I was able to present a session on how we operate and outline our achievements. This was very well received. It was also timely in light of the recent Destination 2036 forum and some of the priorities for this which further focuses on the need for collaboration. The Alliance continues to be viewed by the Department of Local Government and within the sector as a viable – and valuable- model of collaboration.

Up coming dates/events:

7 September – Annual General Meeting for the WBC Alliance Board – the secretariat and Chair will be handed over to Blayney. – Meeting to be held at Wellington

4th October – 14th – first two week block training for new IT system

19th October – Professional team meeting – Wellington

24th Oct – 4 November – second two week block training for new IT system

2 November – WBC Board meeting - Blayney

7th November – Cabonne cut over to new IT system

17th November – Shared Service Model Forum – Molong

21st November – Blayney and CTW cut over to new IT system

30th November – Alliance Combined Staff and Councillor Forum - Molong

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Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-13
Date 7 July 2011
Doc ID. A251323

Contact Division of Local Government
02 4428 4100
dlg@dlg.nsw.gov.au

STRENGTHENING PROTECTIONS FOR PUBLIC OFFICIALS WHO MAKE PUBLIC INTEREST DISCLOSURES

The purpose of this circular is to advise councils of recent changes in legislation to protect public officials who disclose wrongdoing in accordance with the *Public Interest Disclosures Act 1994*.

The Division of Local Government is committed to the continuous improvement of the integrity of council administration and supporting public officials who make disclosures about wrongdoing in the local government sector, including preventing reprisal action against them.

The *Protected Disclosures Act 1994*, which has been renamed the *Public Interest Disclosures Act 1994* (the Act), sets out a comprehensive framework for protecting public officials who disclose wrongdoing in accordance with the Act.

The purpose of any protected disclosures system is to promote integrity and to enable councils to fix problems. Councillors and those who work for a council are often the best placed to identify and report problems. It is therefore in the public interest, and in the council's interest, that councillors and members of staff are encouraged to come forward with information of this kind and are supported when they do so.

Legislative changes to strengthen protections for public officials who disclose wrongdoing took effect on 1 July 2011.

These changes apply to all public authorities, which includes local councils.

Councils will need to ensure that they:

- are aware of the changes and make sure councillors and staff throughout the organisation are aware
- operate in accordance with the new strengthened procedures that apply from 1 July 2011, and
- adopt, by 1 October 2011, a policy for receiving, assessing and dealing with protected disclosures.

General Managers are reminded that the Standard Contract of Employment requires them to facilitate council staff awareness of the procedures for making protected disclosures and of the protection provided by the Act.

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Blayney Shire Council**Policy Register****Policy No 2D**

Policy Title	Internal Reporting Policy
Document/File No	C13-12
Officer Responsible	Director Corporate Services
Last Review Date	12/09/2011

Objectives

This policy establishes an internal reporting system for the reporting of disclosures of corrupt, maladministration or serious and substantial waste of public money by Blayney Shire Council, its staff and Councillors.

Policy Statement**Blayney Shire Council****Internal Reporting Policy**

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INTERNAL REPORTING POLICY

PUBLIC INTEREST DISCLOSURES ACT 1994

DEFINITIONS

Three key concepts in the internal reporting system are "corrupt conduct", "maladministration" and "serious and substantial waste of public money". Definitions of these concepts are outlined below.

(1) Corrupt conduct

"Corrupt conduct" is defined in the Independent Commission Against Corruption Act 1988 (sections 8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, i.e. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

(2) Maladministration

"Maladministration" is defined in the Protected Disclosures Act as conduct that involves action or inaction of a **SERIOUS NATURE** that is:

♦ **contrary to law** (s.11(2)(a)) - for example:

- ♦ decisions or actions contrary to the law or ultra vires
- ♦ decisions or actions contrary to lawful and reasonable orders from persons or body's with authority to make or give such orders
- ♦ a breach of natural justice/procedural fairness
- ♦ unauthorised disclosure of confidential information

♦ **unreasonable** (s.11(2)(b)) - for example:

- ♦ decisions or actions:
 - ♦ inconsistent with adopted guidelines or policy
 - ♦ made or taken without obvious relationship to the facts or circumstances
 - ♦ so unreasonable that no reasonable person could so decide or act (i.e. irrational)
- ♦ relevant considerations not taken into account or irrelevant considerations taken into account
- ♦ serious delay
- ♦ wrong, inaccurate or misleading advice leading to detriment

- ♦ means used not reasonably proportional to ends to be achieved (i.e. excessive use of authority)
- ♦ failure to rectify identified mistakes, errors, oversights or improprieties

♦ **unjust** (s.11(2)(b)) - for example:

- ♦ decisions or actions not justified by any evidence, so unreasonable that no reasonable person could so decide to act (i.e. irrational), or unconscionable
- ♦ partial, unfair or inequitable decisions or actions
- ♦ abuse of power

♦ **oppressive** (s.11(2)(b)) - for example:

- ♦ unconscionable decisions or actions
- ♦ abuse of power, intimidation or harassment
- ♦ punitive, harsh, cruel or offensive decisions or actions

♦ **improperly discriminatory** (s.11(2)(b)) - for example:

- ♦ inconsistent application of laws, policies or practices when there is no reasonable, justifiable or appropriate reason to do so
- ♦ distinctions applied not authorised by law, or failure to make a distinction which is authorised or required by law
- ♦ failure to perform duties impartially and equitably

♦ **based wholly or partially on improper motives** (s.11(2)(c)) - for example:

- ♦ decisions or actions for a purpose other than that for which power was conferred
- ♦ decisions or actions for personal advantage
- ♦ bad faith

1. PURPOSE AND CONTEXT OF THE POLICY

The purpose of the Public Interest Disclosures Act (PID) 1994 is:

1. To encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector; and
2. To ensure that any public official who wishes to make a disclosure receives legal protection from reprisals, and that the matters raised in any disclosure are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

This policy seeks to:

1. To establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Liverpool City Council, members of Council staff and Councillors. This enables protected disclosures to be made to the Disclosure Coordinator, a nominated Disclosures Officer, the Mayor, or the General Manager.
2. To complement the normal means of communication between managers and members of Council staff. (Members of Council staff are encouraged to continue to raise appropriate matters at any time with their managers but they also have the right to make protected disclosures in accordance with this policy.)
3. To ensure that Council will take all reasonable steps to protect any Councillor or member of Council staff or Council contractor who makes a disclosure from any detrimental action in reprisal for making that disclosure.

2. ROLES AND RESPONSIBILITIES IN COUNCIL

This policy will apply to:

- Members of Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council.

The policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for Council.

Members of Council staff are encouraged to support those who have made disclosures, as well as protect and maintain their confidentiality. Staff must not victimize or harass anyone who has made a disclosure.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy.

3. COUNCIL COMMITMENT

Blayney Shire Council, as an ethical Council, is committed to acting in accordance with the spirit and letter of the PID Act by:

- creating a climate of trust, where Council staff are comfortable and confident about reporting wrongdoing
- encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the council

- keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate
- protecting staff who make disclosures from any adverse action motivated by their report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping staff who make reports informed of their progress and the outcome
- encouraging staff to report wrongdoing within Council, but respecting any decision to disclose wrongdoing outside Council, provided that disclosure outside Council is made in accordance with the PID Act
- ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- providing adequate resources, both financial and human, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training for key personnel
 - investigate allegations
 - properly manage any workplace issues that the allegations identify or create
 - correct any problem that is identified
 - reassess or review the policy each year to ensure it is still relevant and effective.

4. WHAT SHOULD BE REPORTED?

You should report any wrongdoing you see within the Blayney Shire Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as protected disclosures and according to this policy.

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on what can be reported.

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

c. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what can be reported](#).

d. Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

e. Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with the Blayney Shire Council's policies.

Even if these reports are not dealt with as protected disclosures, the Blayney Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

5. WHEN WILL A REPORT BE PROTECTED?

The Blayney Shire Council will support any staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing. (the Ombudsman Guidelines provides further detail on when a report will be protected).
- The report has to be made to one or more of the following:
 - a position nominated in this policy – see section 9 (b), (c) & (d) below
 - the General Manager
 - one of the investigating authorities nominated in the PID Act – see section 10 below

Reports by staff and councillors will not be considered to be protected disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6. HOW TO MAKE A REPORT

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

7. CAN A REPORT BE ANONYMOUS?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the Blayney Shire Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

8. MAINTAINING CONFIDENTIALITY

The Blayney Shire Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting. If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

9. WHO CAN RECEIVE A REPORT WITHIN THE BLAYNEY SHIRE COUNCIL?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For the Blayney Shire Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the guidelines supporting this policy.

If you are council staff and your report involves a councillor, you should make it to the General Manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within the Blayney Shire Council who can receive a protected disclosure.

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The General Manager must make sure there are systems in place in the Blayney Shire Council to support and protect staff who report wrongdoing. They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager may be contacted on 02 6368 2104.

b. Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in the *Blayney Shire Council* to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor may be contacted on 02 6368 2104

c. Disclosures coordinator

The disclosures coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within the *Blayney Shire Council* who can deal with them appropriately.

The Disclosures Coordinator (Director Corporate Services) may be contacted on telephone 02 6368 2104.

d. Disclosures officers

Disclosures officers work with the disclosures coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Council's Disclosures Officers may be contacted as follows:

- Director of Engineering on telephone: 02 6368 2104
- Director Environmental Services on telephone: 02 6368 2104
- Human Resources Officer on telephone: 02 6368 2104

10. WHO CAN RECEIVE A REPORT OUTSIDE OF THE BLAYNEY SHIRE COUNCIL

Staff are encouraged to report wrongdoing within the Blayney Shire Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to the Blayney Shire Council. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Police Integrity Commission (PIC) — for police misconduct
- the PIC Inspector — for disclosures about the PIC or its staff
- the Division of Local Government, Department of Premier and Cabinet — for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
- the ICAC Inspector — for disclosures about the ICAC or its staff
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the Blayney Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, the Blayney Shire Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Blayney Shire Council code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Blayney Shire Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

11. THE INVESTIGATION PROCESS

All disclosures will be promptly and thoroughly assessed. Decisions as to the most appropriate action to be taken on the disclosure will also be made promptly. The basis for these decisions will be properly documented.

If an internal investigation is to be conducted, terms of reference will be drawn up in order to clarify the key issues to be investigated. An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation plan is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

An internal investigation will be authorised by the General Manager and the disclosure coordinator with an appropriate investigator appointed.

Strict security will be maintained during the investigative process. All information obtained will be secured to prevent unauthorised access.

All relevant witnesses will be interviewed and documents examined. Contemporaneous notes of all discussions, phone calls and interviews will be made. Where possible, interviews will be taped.

A report will be prepared when an investigation is complete. This report will include:

- the allegations;
- a statement of relevant facts and the evidence relied upon in reaching any conclusions;
- the conclusions reached and their basis; and
- recommendations to address any wrongdoing identified and any other matters arising during the investigation.

The principles of procedural fairness (natural justice) will be observed. In particular, where adverse comment about a person is to be included in the report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

A flowchart of Blayney Shire Council's Internal Reporting System is annexed to this policy.

12. FEEDBACK TO STAFF WHO REPORT WRONGDOING

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

This information will be given to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Blayney Shire Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

13. PROTECTION AGAINST REPRISALS

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the protected disclosure.

The Blayney Shire Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has

made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

a. Responding to reprisals

The Blayney Shire Council will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the General Manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

14. SUPPORT FOR THOSE REPORTING WRONGDOING

The Blayney Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

All staff who report wrongdoing will be supported, protected and their disclosures appropriately acted upon. No staff member who reports wrongdoing through the appropriate channels will suffer disciplinary action for having done so.

Staff within Blayney Shire Council who can receive an internal protected disclosure will also support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those suffering any form of reprisal. Details of support officers appear in section 9 of this policy.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

15. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

16. SUPPORT FOR THE SUBJECT OF A REPORT

The Blayney Shire Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

17. REVIEW

This policy will be reviewed by council every twelve/eighteen months. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

18. MORE INFORMATION

Staff can access advice and guidance about the PID Act from Blayney Shire Council Disclosures Coordinator (Director Corporate Services / Public Officer on telephone 6368 2104) and the NSW Ombudsman (for general advice on telephone 9286 1000) or its website at www.ombo.nsw.gov.au.

19. RESOURCES

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
 Phone: 02 8281 5999
 Toll free: 1800 463 909
 Tel. typewriter (TTY): 02 8281 5773
 Facsimile: 02 9264 5364
 Email: icac@icac.nsw.gov.au
 Web: www.icac.nsw.gov.au
 Address: Level 21, 133 Castlereagh Street,
 Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
 Phone: 02 9275 7100
 Facsimile: 02 9275 7200
 Email: mail@audit.nsw.gov.au
 Web: www.audit.nsw.gov.au
 Address: Level 15, 1 Margaret Street,
 Sydney NSW 2000

For disclosures about police misconduct:

Police Integrity Commission (PIC)
 Phone: 02 9321 6700
 Toll free: 1800 657 079
 Facsimile: 02 9321 6799
 Email: contactus@pic.nsw.gov.au
 Web: www.pic.nsw.gov.au
 Address: Level 3, 111 Elizabeth Street,
 Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
 Phone: 02 9286 1000
 Toll free (outside Sydney metro): 1800 451 524
 Tel. typewriter (TTY): 02 9264 8050
 Facsimile: 02 9283 2911
 Email: nswombo@ombo.nsw.gov.au
 Web: www.ombo.nsw.gov.au
 Address: Level 24, 580 George Street,
 Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Division of Local Government in the Department of Premier and Cabinet
 Phone: 02 4428 4100
 Tel. typewriter (TTY): 02 4428 4209
 Facsimile: 02 4428 4199
 Email: dlg@dlg.nsw.gov.au
 Web: www.dlg.nsw.gov.au
 Address: 5 O'Keefe Avenue, Nowra,
 NSW 2541

For disclosures about breaches of the GIPA Act:

Information Commissioner
 Toll free: 1800 463 626
 Facsimile: 02 8114 3756
 Email: oiinfo@oic.nsw.gov.au
 Web: www.oic.nsw.gov.au
 Address: Level 11, 1 Castlereagh Street,
 Sydney NSW 2000

20. LEGISLATION AND REFERENCES

Blayney Shire Council references and relevant Codes & Policies

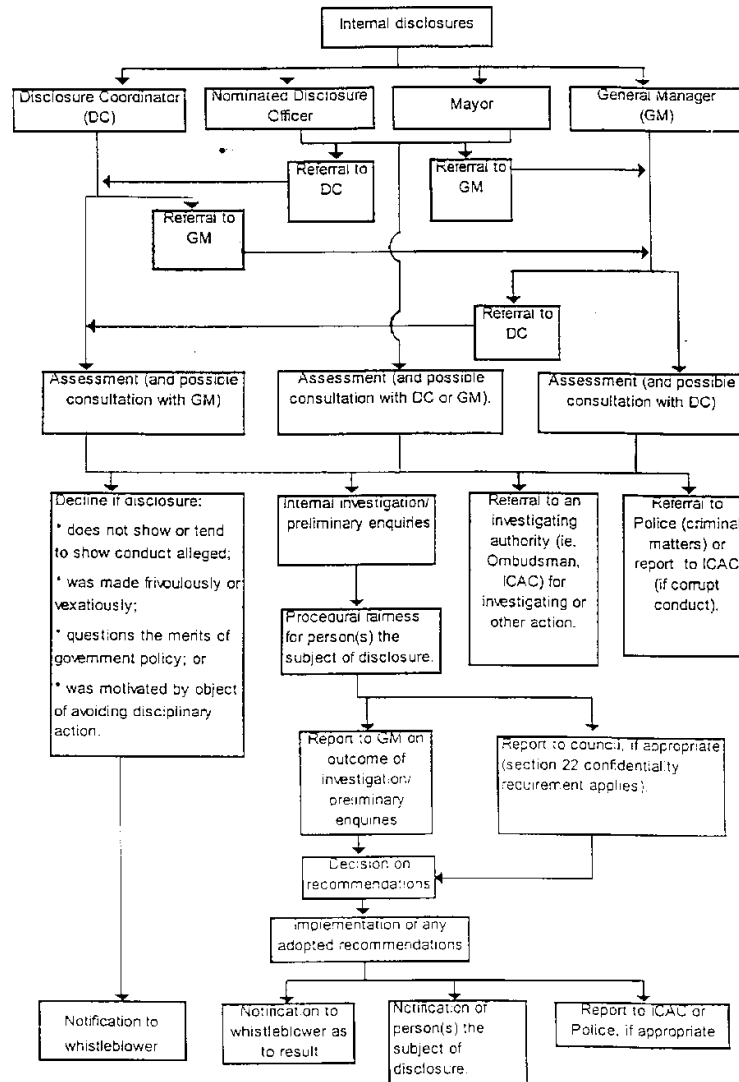
- 1B Code of Conduct
- 2C Complaints Management Policy
- 2F Fraud Control Policy
- 9A Occupational Health and Safety Policy
- 7P Grievance Handling Policy and Procedure

External References

- Independent Commission Against Corruption and the Local Government Managers Association of NSW: Governance Health Check 2004
- NSW Ombudsman: Changes to the public interest guidelines system – information for public authorities 2011
- NSW Ombudsman: Model internal reporting policy (local government) 2011
- NSW Ombudsman: Public Interest Disclosures Guidelines 2011
- NSW Ombudsman: What should be reported –
http://www.ombo.nsw.gov.au/publication/PDF/guidelines/PID_guideline_B2-What_should_be_reported_6June2011.pdf

21. DIAGRAM: INTERNAL (PROTECTED DISCLOSURES) REPORTING SYSTEM

INTERNAL REPORTING SYSTEM



End of Policy

Adopted:	Date:09/11/1998	Minute:725
Lasted Reviewed:	Date: 14/05/2007	Minute:07/094
	Date:	Minute:
Next Reviewed:	Date:10/09/2012	

OTHER RELEVANT EXAMPLES

Internal Auditor – Carrathool, Griffith, Jerilderie, Leeton, Narrandera and Murrumbidgee Councils

Shared Water Engineer – Carrathool and Griffith (Agreement signed, Engineer to be appointed)

Coolamon Shire Council - Geospatial Alliance project - - shared geospatial and mapping services and Internal Audit services

Cootamundra Shire Council

Staff Exchange – CSC Building & Health Surveyor contracted part time to Harden Shire. CSC is also assisting in training of Harden's Trainee H&BS

Gloucester Shire Council

Mid Coast Health, a public health forum of Greater Taree City Council and Great Lakes Council working collaboratively on matters such as food premises inspections, drug awareness, emergency services, community services and general public health issues

Griffith City Council

Provide food safety inspections services to Hay, Jerilderie and Narrandera

Great Hume Shire Council

Managing Council and employer for **Youth Development Officer** position covering Greater Hume LGA, Lockhart LGA and Urana LGA

Holroyd City

Auburn and Holroyd Councils Strategic Alliance is currently assessing:

- o Potential of joint After Hours Answering Service
- o Possible joint I/T back up facilities, use of technology and resources
- o Options for sharing fleet management services
- o Resource and information sharing, already partly implemented by Library and Community Services of both Councils
- o HR staff from both Councils are assessing Workforce Planning, annual training program and supporting HR systems

Liverpool Plains and Gunnedah

Reciprocal referrals of development applications

2010 - 2015 Management Plan



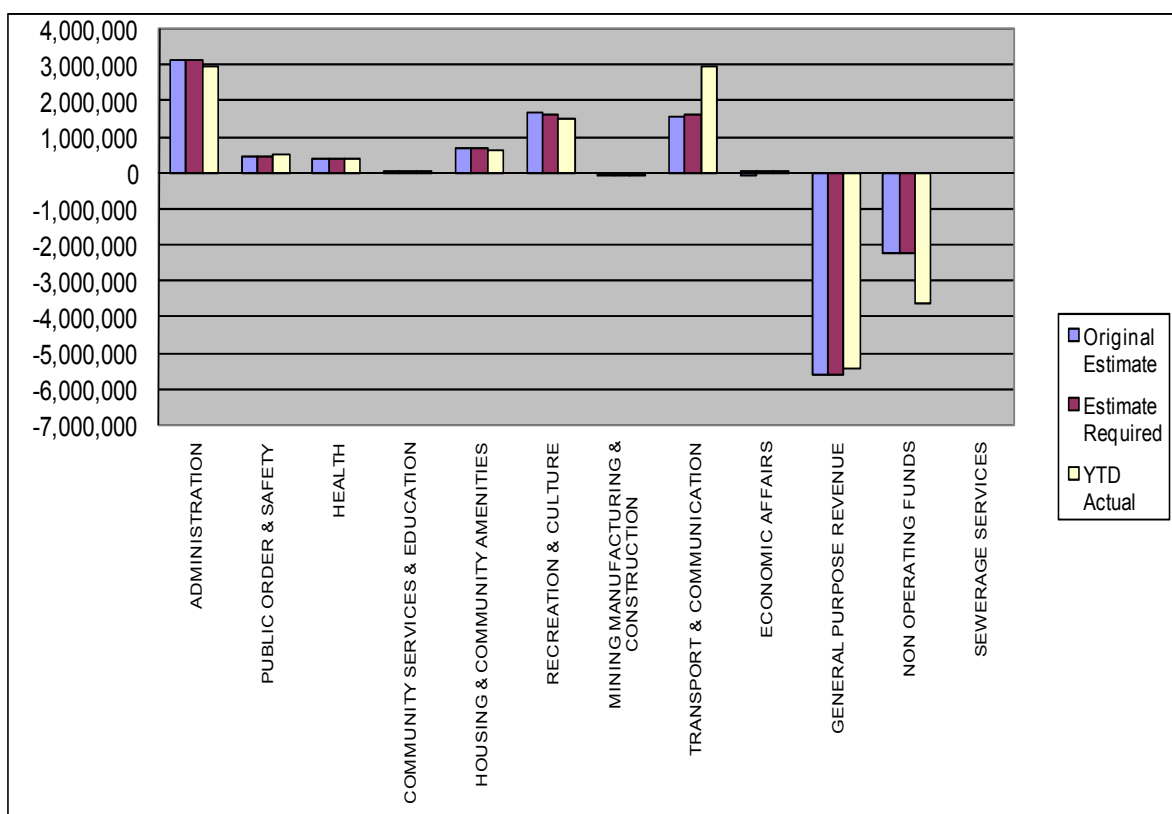
Adopted
Monday 21 June 2010



June Review

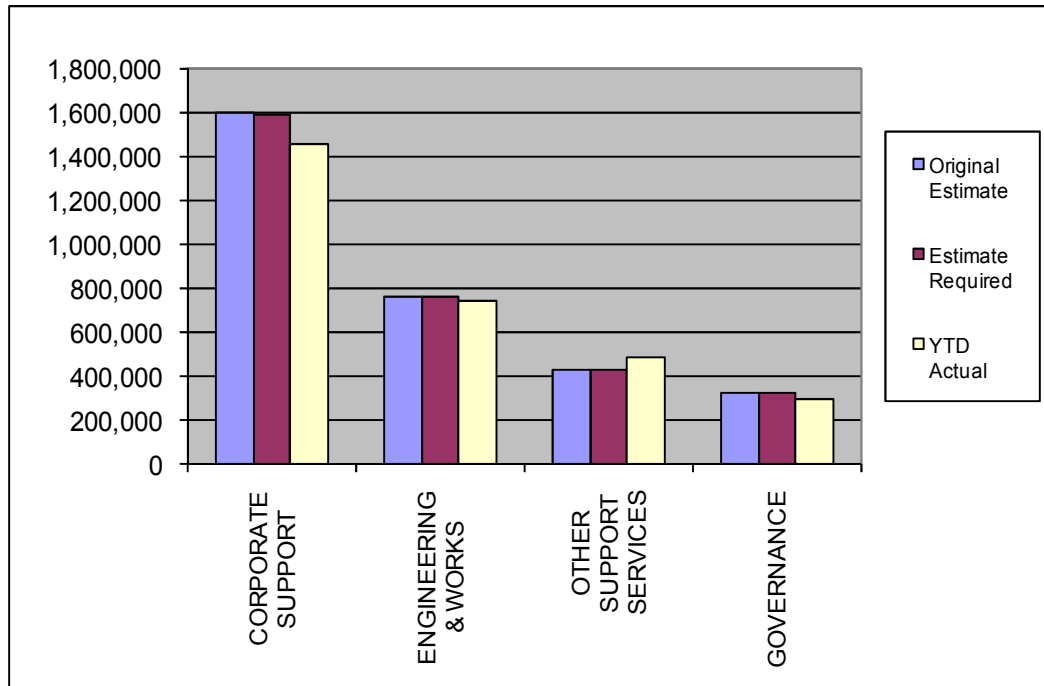
**Blayney Shire Council
2010 – 2015 Management Plan
June Quarterly Review**

	Original Estimate	Estimate Required	YTD Actual
ADMINISTRATION	3,108,817	3,106,394	2,976,688
PUBLIC ORDER & SAFETY	436,761	431,366	494,403
HEALTH	418,680	418,680	413,636
COMMUNITY SERVICES & EDUCATION	43,781	43,755	43,544
HOUSING & COMMUNITY AMENITIES	660,136	659,264	622,773
RECREATION & CULTURE	1,674,823	1,623,150	1,487,419
MINING MANUFACTURING & CONSTRUCTION	-55,837	-55,837	-21,432
TRANSPORT & COMMUNICATION	1,559,672	1,624,000	2,924,359
ECONOMIC AFFAIRS	13,242	22,759	50,564
GENERAL PURPOSE REVENUE	-5,616,075	-5,629,531	-5,424,653
NON OPERATING FUNDS	-2,244,000	-2,244,000	-3,639,829
SEWERAGE SERVICES	0	0	0



ADMINISTRATION

Council's activities in relation to the function of "Administration" include Local Government Elections, Meetings and Elected Members, Corporate Support, Engineering & Works Administration, and Plant Management.

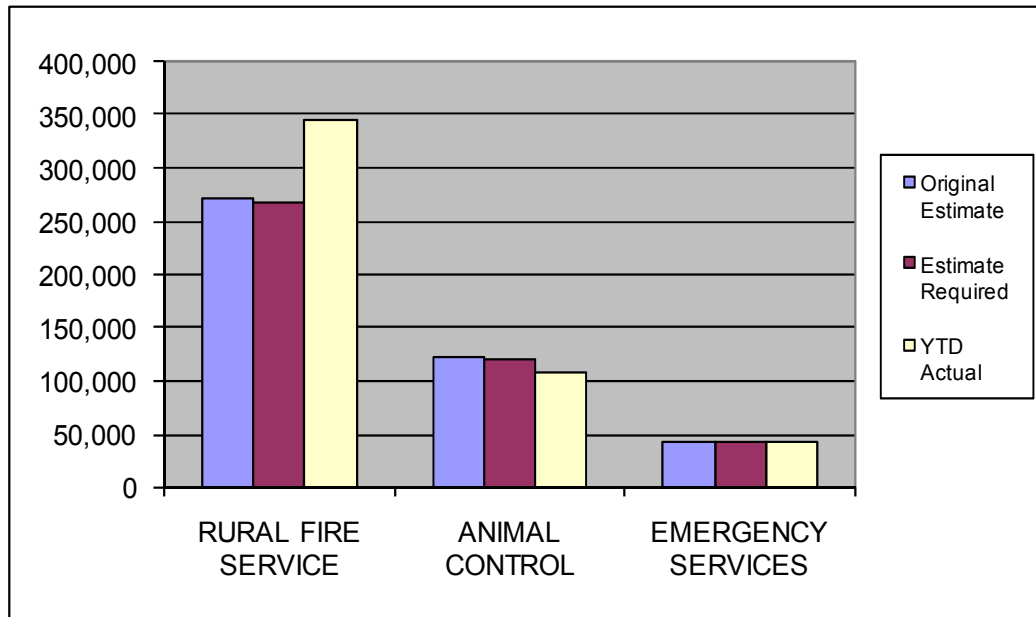


June Performance Report – Administration

- Information packages to Councilors have been provided on a monthly basis per normal practice.
- During the quarter Council did not receive any requests for information under the Government Information (Public Access) Act.
- Community Information - Council continues with production of “Blayney Shire Update” providing updates on Council Services and upcoming events. Ongoing promotion on Council’s website and in the local newspaper also continues.
- Human Resources Management - During the quarter continued monitoring, review and adherence to Councils’ Training Plan occurred. Appointments in the June 2011 quarter include 3 Works Operators.
- No. of Days since LTI (Loss Time Injury): 106 days as at the end of quarter.

PUBLIC ORDER & SAFETY

Council's activities in relation to the function of "Public Order & Safety" include Emergency Services, Fire Protection, Animal Control and Enforcement of Local Government Regulations.

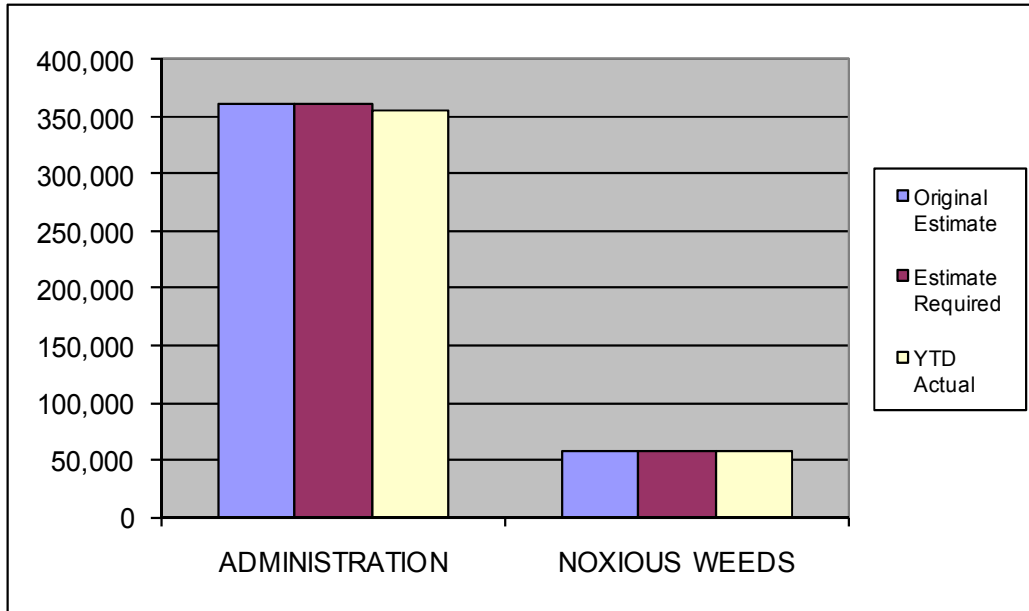


June Performance Report – Public Order & Safety

- Straying dogs & stock – complaints in relation to straying dogs and stock were dealt with expeditiously by the ranger. Regular district patrols are conducted to ensure that instances of wandering dogs or straying stock are minimised.
- Director of Engineering chaired Local Emergency Management Committee meeting.
- Director of Engineering attended Canobolas Zone Bushfire Management Committee and Liaison Committee meetings.
- Director of Engineering attended District Emergency Management Committee meeting.
- Emergency Management NSW Recovery Conference.

HEALTH

Council's activities in relation to the function of "Health" include Environmental Management, Inspections, Immunisations, Food Control, Insect & Vermin Control, Noxious Plants and Health Centres.



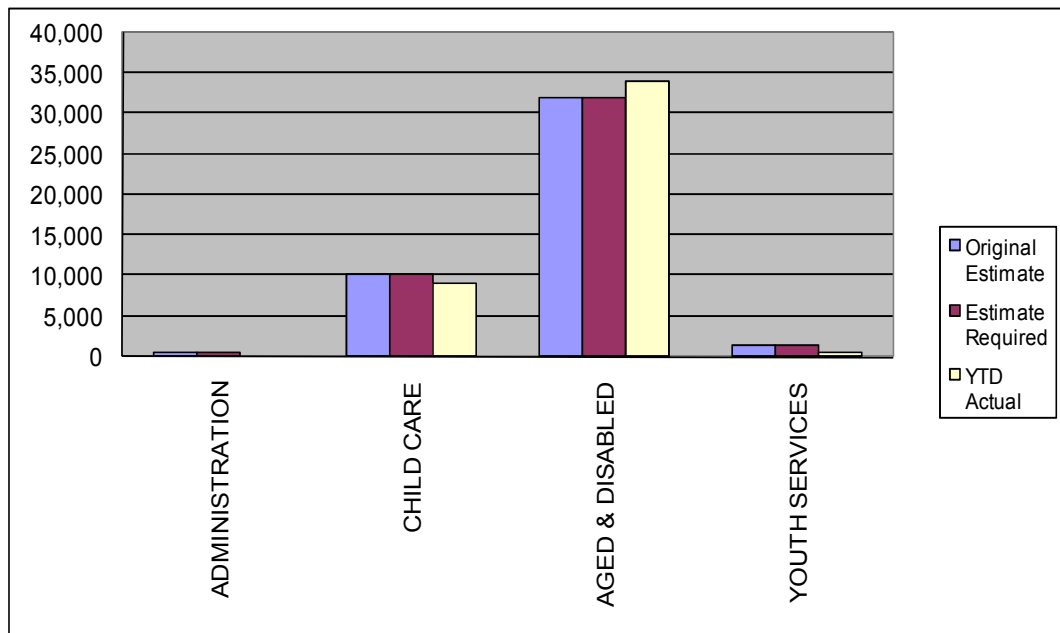
June Performance Report – Health

- On-Site Effluent Disposal Licences

	Sept	Dec	Mar	Jun
Number of licences issued	0	4	2	6

COMMUNITY SERVICES & EDUCATION

Council's activities in relation to the function of "Community Services & Education" include Family Day Care, Child Care, Youth Services, Aged & Disabled Services, Aboriginal Services, Migrant Services and Education.



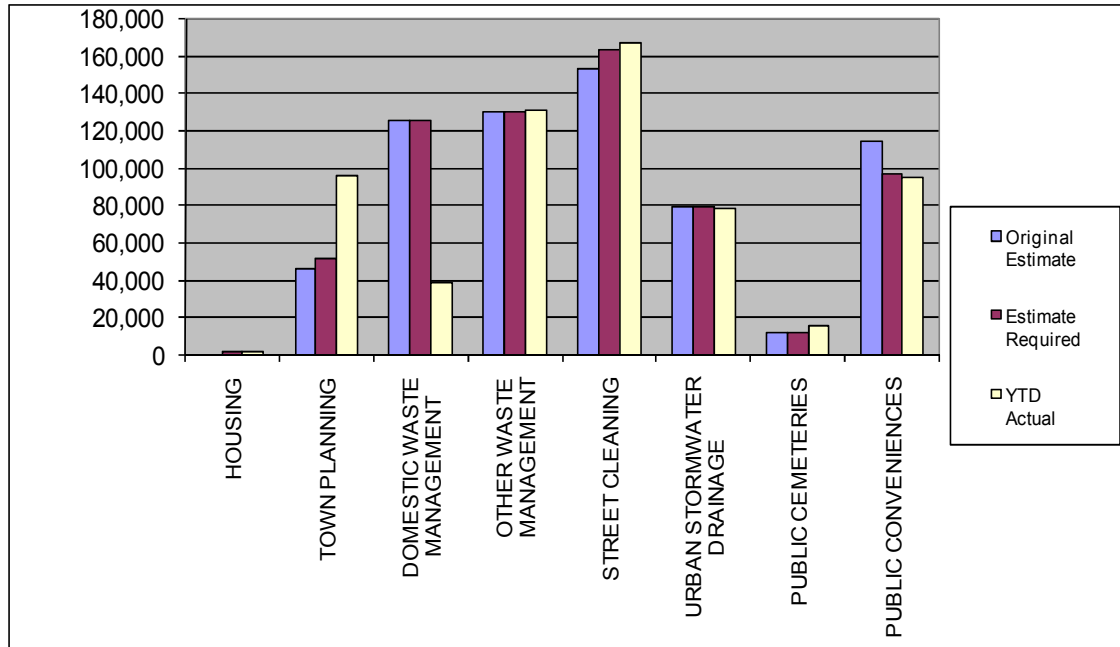
June 2011 Performance Report – Community Services & Education

- Youth Council - During the quarter meetings have not been held due to a lack of quorum. Council is working with the Blayney High School with a view to an alternate model.
- Inala Units - Occupancy is currently at 40% with no applications received and no tenancies resulting from previous applications.
- Cabonne / Blayney Family Day Care - At the end of quarter there were approximately 30 children in care and 4 carers. A waiting list is held with minimal numbers awaiting placement.
- Blayney Out of School Hours Facility (OOSH) – The Blayney Service continues to consolidate with increased growth compared to Term 1.
- Millthorpe Out of School Hours Facility (OOSH) – The Millthorpe Service has maintained consistency and is well utilised and appreciated by working parents.
- Out of School Hours Statistics:

Out of School Hours Care Program		
No of Placements:	Millthorpe	Blayney
<u>2009</u>		
Term 1	854	N/A
Term 2	939	130
Term 3	771	296
Term 4	939	130
<u>2010</u>		
Term 1	362	227
Term 2	338	233
Term 3	816	133
Term 4	494	228
<u>2011</u>		
Term 1	672	263
Term 2	668	356
N.B. A childcare placement is a session of care for a child. i.e. If one child attended the centre for 5 days that would be 5 places.		

HOUSING & COMMUNITY AMENITIES

Council's activities in relation to the function of "Housing & Community Amenities" include Town Planning, Domestic & Other Waste Management, Street Cleaning, Urban Stormwater Drainage, Environmental Protection, Public Cemeteries and Public Conveniences.



June Performance Report – Housing & Community Amenities

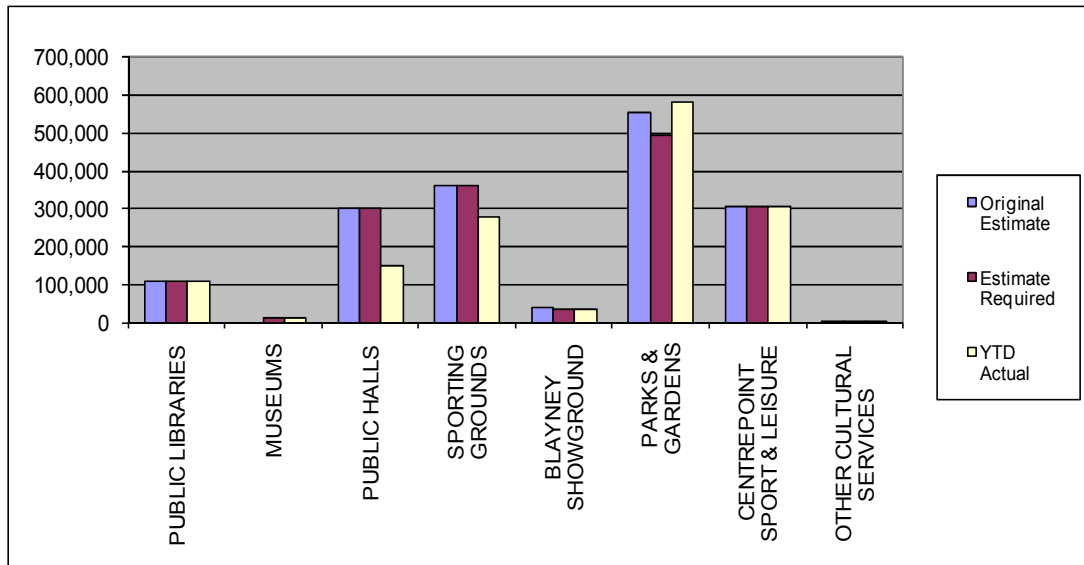
- Street cleaning and bin collection undertaken on a daily basis.
- Public toilets cleaned daily, and repaired as and when required.
- Subdivision Applications

	Sept	Dec	Mar	Jun
Number of Subdivision Applications	1	4	1	1

- Buildings Asset Management Plan under preparation.
-

RECREATION & CULTURE

Council's activities in relation to the function of "Recreation & Culture" include Public Libraries, Museums, Community Centres, Public Halls, Swimming Pools, Sporting Grounds, Parks & Gardens and Lakes.

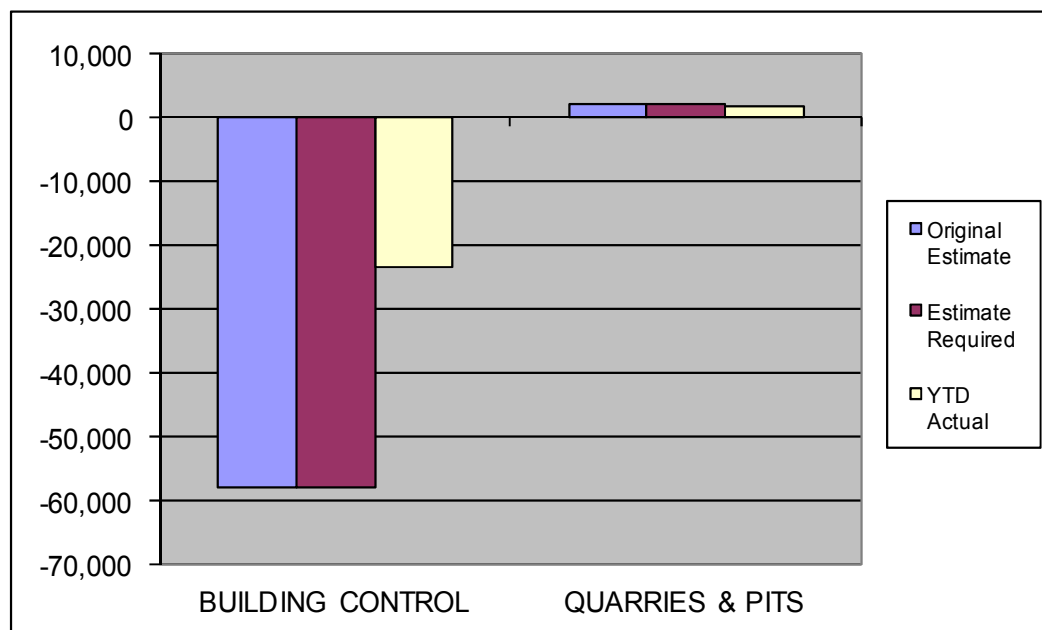


June 2011 Performance Report – Recreation & Culture**Library Usage Statistics**

Quarter ending	New Members	Total Membership	No. of Issues	Total Holdings
September 2008	14	1,877	4,424	10,085
December 2008	23	1,899	3,854	10,254
March 2009	33	1,932	4,204	10,409
June 2009	45	1,977	3,927	10,422
September 2009	34	2,009	3,844	10,142
December 2009	19	2,027	3,468	10,254
March 2010	36	2,060	3,821	10,443
June 2010	33	2,093	3,777	10,537
September 2010	33	2,121	4,307	10,678
December 2010	18	2,139	3,397	10,386
March 2011	40	2,176	4,004	10,319
June 2011	26	2,199	4,050	10,278

MINING, MANUFACTURING & CONSTRUCTION

Council's activities in relation to the function of "Mining, Manufacturing & Construction" include Building Control and Quarries & Pits.



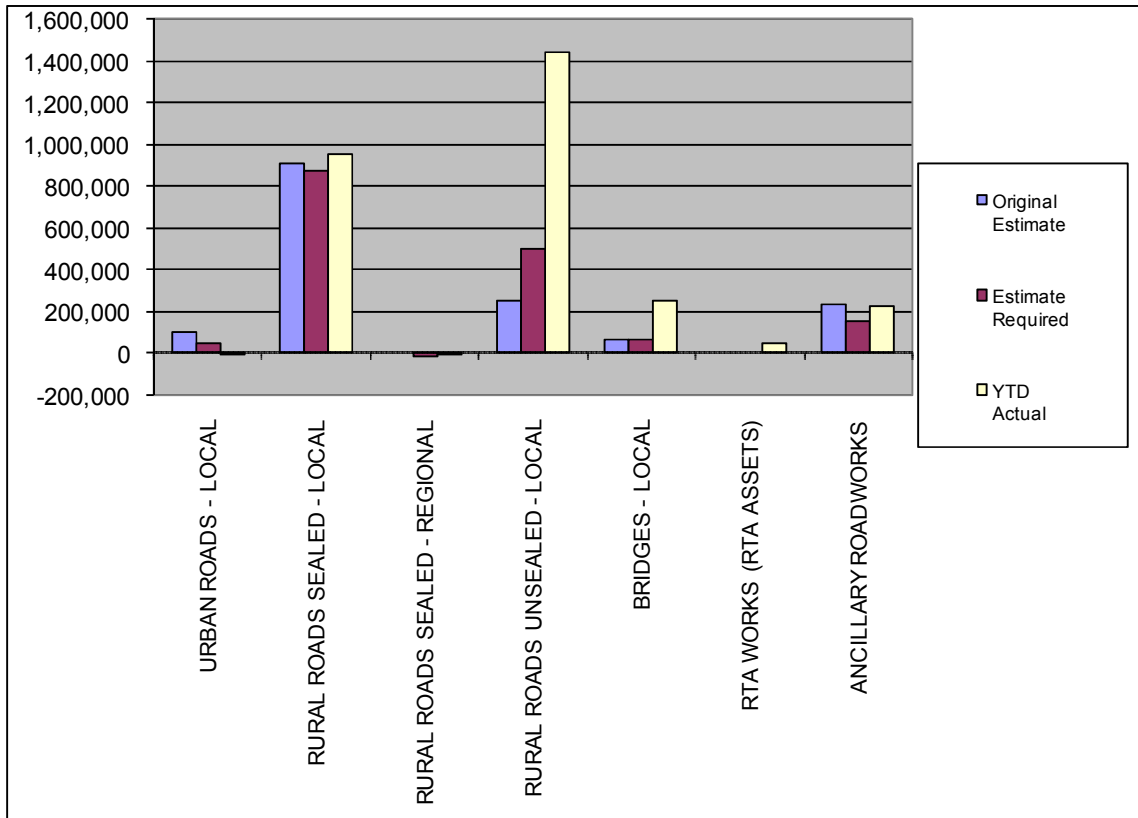
June Performance Report – Mining, Manufacturing & Construction

- Development Applications

	Sept 10	Dec 10	Mar 11	Jun 11
Dwellings, Units, Conversions				
- Number	5	11	5	5
- Value	\$931,200	\$3,122,754	\$1,666,890	\$1,010,500
Minor Buildings, Alterations etc.				
- Number	21	13	10	5
- Value	\$1,307,873	\$654,651	\$146,917	\$112,110
Industrial, Commercial				
- Number	4	3	7	1
- Value	\$130,000	\$170,000	\$7,925,500	\$200,000
Other				
- Number	2	4	0	1
- Value	\$0	\$0	\$0	\$0
Withdrawn	0	1	2	0
Total – Number	32	31	24	12
Total – Value	\$2,369,073	\$3,947,405	\$9,739,307	\$1,322,610

TRANSPORT & COMMUNICATION

Council's activities in relation to the function of "Transport & Communication" include Roads & Streets, Bridges, Footpaths, Parking Areas, Bus Shelters and Street Lighting.

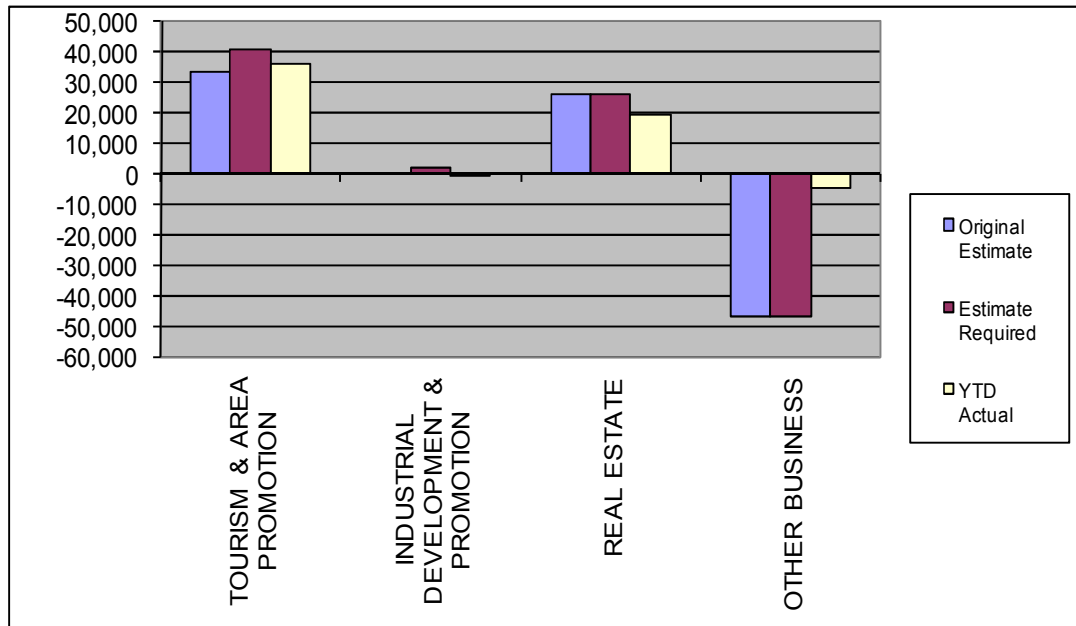


June Performance Report – Transport & Communication.

- Director of Engineering attended Blayney Local Area Traffic Committee Meetings.
- Footpath repairs carried out as required, in accordance with community priorities.
- Ongoing maintenance work on sealed and unsealed roads, including extensive pothole patching, gravelling, drainage works and mowing.
- Director of Engineering attended Blayney-Demondrille railway working group meetings.
- Continue repairs and restoration to roads and drainage systems due to storms and flooding.
- Completion of improvements to section of Lucks Lane.

ECONOMIC AFFAIRS

Council's activities in relation to the function of "Economic Affairs" include Tourism & Area Promotion, Industrial Development Promotion, Saleyards and Markets, Real Estate Development and Private Works.

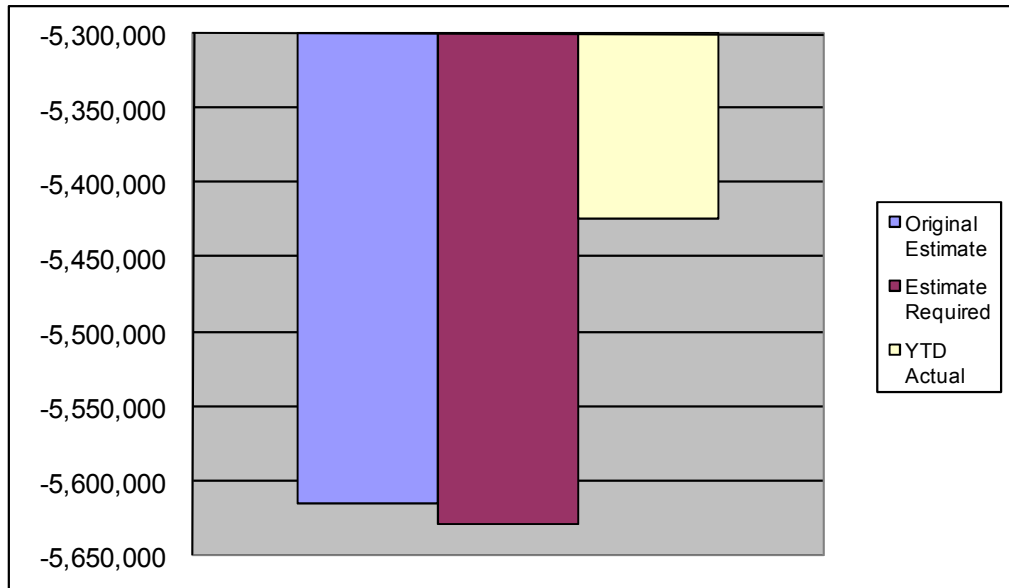


June 2011 Performance Report – Economic Affairs

- Tourism – The Tourism Committee has been meeting on a regular basis during the quarter.

GENERAL PURPOSE REVENUES

Council's activities in relation to the function of "General Purpose Revenues" include Administration of Council's Rates & Charges and the Administration and Collection of Government Grants.

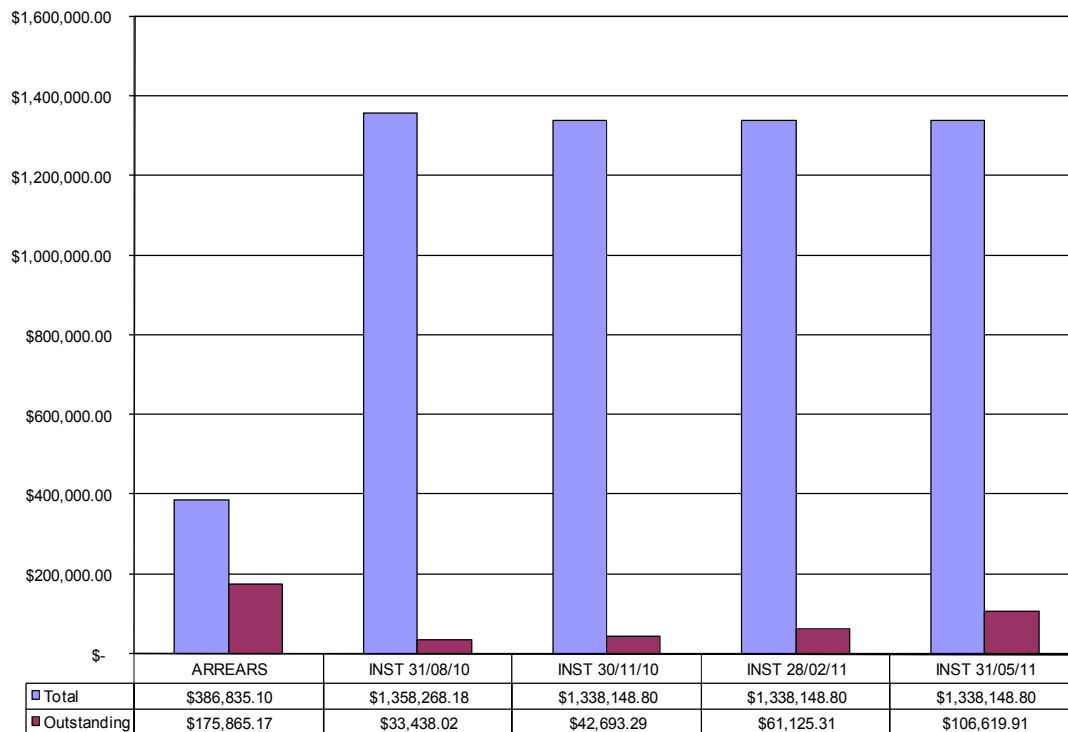


June 2011 Performance Report – General Purpose Revenues

- During the quarter all Rates & Charges notices were issued in accordance with the provisions of the Local Government Act 1993 and related regulations.
- Rates & Charges Outstanding:

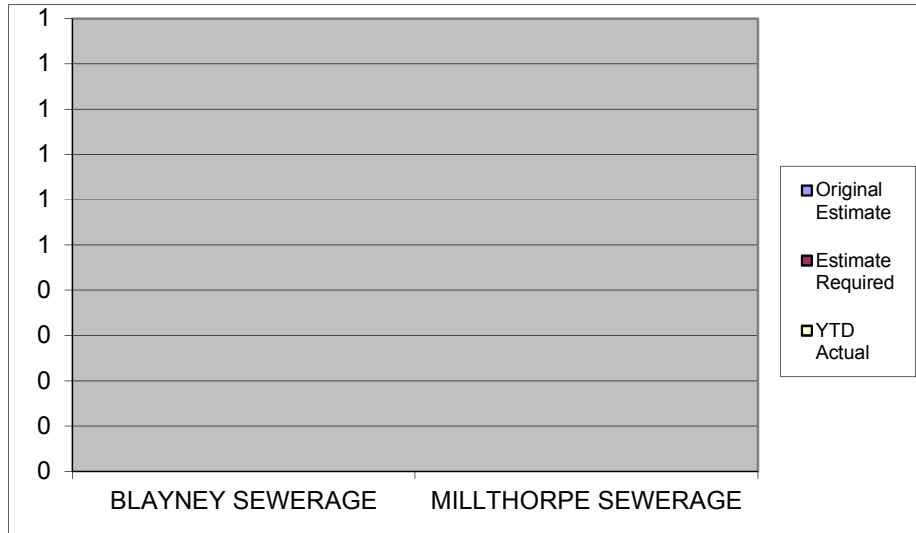
	Sept	Dec	March	June
% of Rates & Charges Outstanding	68.43%	47.72%	26.62%	8.39%
% Overdue	7.95%	8.13%	7.60%	8.39%

- Overdue rates at the end of June 2011 were at 8.39%.
- An analysis of Total Arrears at 1/07/10 and Rates levied by Instalment to Outstanding Balances as at the end of quarter is shown below.



SEWERAGE SERVICES

Council's activities in relation to the function of "Sewerage Services" include Blayney Sewerage Scheme, Millthorpe Sewerage Scheme and the Development & Implementation of future Sewerage Schemes.



June Performance Report – Sewerage Services

- No. of sewer chokes – 9.
- No. of odour complaints – Nil.
- All treated effluent recycled to Cadia.
- Installation of low energy aeration and desludging equipment to sludge lagoons at Blayney Sewerage Treatment Works.



Blayney Shire Council

Policy Register

Policy No 1A

Policy Title Payment of Expenses and the
Provision of Facilities to the
Mayor and Councillors Policy

Document/File No 142801

Officer Responsible Director Corporate Services

Last Review Date 12/09/2011

Objectives

Section 252 (1) of the Local Government Act 1993 requires Council to 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 and other councillors in relation to discharging the functions of civic office.

Policy Statement

Blayney Shire Council



Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy

1. OBJECTIVE OF POLICY

Section 252 (1) of the Local Government Act 1993 requires Council to 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 and other councillors (including Administrators) in relation to discharging the functions of civic office.

The purpose of this policy is to ensure that councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties and that there is accountability and transparency in the payment of expenses incurred, or to be incurred by Councillors (including Administrators). The overriding principle to be addressed in the development of this policy is that the provisions of the policy meet the expectations of the local community.

This policy does not deal with matters associated with the setting and payment of annual fees to the Mayor and Councillors, which are determined by the Local Government Remuneration Tribunal.

Any reference hereon in this policy to Councillors will encompass Administrators.

2. STATUS OF THE POLICY

This policy has been prepared in accordance with the "Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW" as issued by the Division of Local Government, Department of Premier and Cabinet dated 7 October 2009 (Circular 09-36).

3. PAYMENT OF EXPENSES

3.1. CONFERENCES AND SEMINARS

Requests for attending conferences shall be in writing outlining the benefits for Council. A written report shall be furnished to Council from the Councillor or staff accompanying the Councillor on the aspects of the conference relevant to council business and / or the community. No written report shall be required for the Local Government and Shires Association Annual Conference.

Council will meet the following expenses for Councillors attending conferences and seminars which have been authorised by Council resolution or by the Mayor under delegated authority.

3.1.1. Registration Fees

- i) Payment of registration fees for attendance at conference / seminar sessions.
- ii) Payment of official conference / seminar lunches and dinners, and associated tours where they are relevant to the business and interests of Council, if not covered by the registration cost.

3.1.2. Accommodation

Payment of accommodation costs on the following basis:

- i) Accommodation selected by the Council or General Manager on the basis of cost and convenience of location to the conference. A Councillor may choose accommodation at a different location but which is the same cost or less.
- ii) The number of accommodation days provided under this policy shall be limited to:
 - a. Registration day;
 - b. Each day on which official sessions of the conference / seminar are held, as well as the night preceding the conference / seminar where travelling schedules reasonably require such accommodation; and
 - c. Each day on which a Councillor is required to be accommodated en route to and from the conference / seminar.
- iii) Any additional accommodation costs incurred as a result of the attendance of partners and/or children shall be borne by the Councillor.

3.1.3. Car Parking Fees

Council shall meet the cost of the following car parking fees.

- i) Hotel / Motel parking – additional car parking fees not included in accommodation costs.
- ii) Airport parking – costs incurred in the parking of a Councillor's private vehicle at an airport for the duration of a conference / seminar, subject to the vehicle being parked in the most economical airport car park.

Reimbursement for parking expenses shall be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim form. Claim for such expenses shall be made within two (2) months of the date of return from the conference / seminar.

The driver is personally liable for all traffic infringements and parking fines incurred while travelling in private or Council vehicles. Claims for reimbursement or payment of expenses shall be refused.

3.2. TRAINING AND PROFESSIONAL DEVELOPMENT

Council shall meet the expenses for Councillors attending training and professional development which have been authorised by Council resolution or by the Mayor under delegated authority, where the training or educational course is directly related to Councillors civic functions and responsibilities.

The specific expense items met by Council are the same as those applicable to "Conferences and Seminars", as listed at clause 3.1.

3.3. REIMBURSEMENT AND RECONCILIATION OF EXPENSES

Councillors seeking reimbursement of costs and expenses, incurred in accordance with the requirements of this Policy, shall only be approved upon the production of appropriate receipts and tax invoices, and the completion of the required claim form.

Claims for reimbursement of costs and expenses shall be made within two (2) months of the costs and/or expenses being incurred, unless otherwise specified within this policy.

3.4. CLAIM FORM

Provided as an attachment (Attachment A) to this Policy, is the prescribed Claim Form which shall be completed by any Councillor seeking reimbursement of their costs and expenses.

It is the responsibility of the Councillor to ensure that the Claim Form is submitted accurately and complete, and within the prescribed timeframe as required by this Policy.

Incomplete claim forms may result in costs and expenses not being reimbursed.

3.5. 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. Councillors may also request an advance payment for the cost of any other service or facility covered by this Policy. However, Councillors shall fully reconcile all expenses against the cost of the advance within fourteen (14) days of their return.

Note: No general allowance type payment shall be made under any circumstances.

3.6. PAYMENT OF EXPENSES FOR SPOUSES, PARTNERS AND ACCOMPANYING PERSONS

Where the business of Council includes an invitation to a Councillor's spouse, partner or accompanying person, Council shall meet all reasonable costs associated with the spouse, partner or accompanying person attending that function.

In circumstances where an invitation is not extended to a Councillor's spouse, partner or accompanying person, that spouse, partner or accompanying person may accompany the Councillor on the business of Council, at the expense of the Councillor.

An accompanying person is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor.

3.7. INCIDENTAL EXPENSES

Claims for reimbursement of reasonable out-of-pocket or incidental expenses incurred by a Councillor whilst attending conferences, seminars or training courses shall only be approved upon presentation of receipts and the completion of the prescribed claim form. Payments of general expense allowances shall not be permitted under this policy.

Incidental expenses could reasonably include:

Type of Expenses	Daily Limits
Taxi / Train Fares	\$50.00
Parking Fees	\$50.00
Additional Meals & Refreshments	\$35.00
Other Approved Incidentals by General Manager	\$50.00

3.8. INSURANCE

Council shall effect an appropriate level of insurance for Councillors in the following areas:

- i) Public Liability – for matters arising out of a Councillor's performance of their civic duties and/or exercise of their Council functions.
- ii) Professional Indemnity – for matters arising out of a Councillor's performance of their civic duties and/or exercise of their Council functions.
- iii) Personal Accident – coverage of Councillor and/or spouse while on Council business.
- iv) Defamation – excluding Councillor to Councillor, Councillor to Staff and Staff to Councillor.
- v) Travel – for approved travel on Council business.

Council shall meet any excess applicable under a policy for:

- Councillor and Officers – in relation to a Councillor performing their civic duties or Council functions;
- Other Insurances – in specific instances when considered necessary by the General Manager (eg travel insurance).

3.9. LEGAL EXPENSES

Council may indemnify or reimburse the reasonable legal expenses of:-

- i) A Councillor defending an action arising from the performance in good faith of a function under the Local Government Act 1993 (refer Section 731), provided that the outcome of the legal proceedings is favourable to the Councillor.
- ii) A Councillor defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.
- iii) A Councillor involved in the event of:
 - An inquiry, investigation or hearing into a Councillor's conduct by any of the following:
 - o Independent Commission Against Corruption
 - o Office of the NSW Ombudsman
 - o Division of Local Government, Department of Premier and Cabinet
 - o NSW Police Force
 - o Director of Public Prosecutions
 - o Local Government Pecuniary Interest Tribunal
 - o Council's Conduct Review Committee / Reviewer

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a councillor's functions under the Local Government Act 1993 and the matter before the 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 shall only be made available where a matter has been referred by the General Manager to the 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 shall only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs shall only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

Council shall not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

Council shall 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.

Legal costs shall not be met for legal proceedings that do not involve a councillor performing their role as a councillor.

Council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that it is authorised to meet.

Council may reimburse such Councillor, after the conclusion of the inquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the inquiry, investigation, hearing or proceeding, on a solicitor / client basis. Such determination shall be by resolution of Council.

3.10. CARER'S PROVISIONS

3.10.1. Carer's Expenses

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member shall be entitled to reimbursement of carer's expenses up to a maximum of \$1,000 per annum for attendance at Council and Committee meetings and other official civic functions noted below, plus reasonable travel from their principal place of residence. Child care expenses may be claimed for children up to and including the age of 16 years. Reimbursement of carer's expenses shall be made after submission of receipts and tax invoices and completion of the prescribed claim form. Claims for such expenses shall be made within one (1) month of the expense being incurred. Official civic functions may include:

- Attendance at Ordinary and Extraordinary meetings of Council.
- Attendance at Council Committee meetings of which the Councillor is a member.
- Attendance at Ordinary, Committee and Sub-Committee meetings of an organisation where the Councillor has, by Council resolution, been duly elected as a Council delegate.
- Attendance at inspections, within or outside the area as authorised by Council resolution or by the Mayor under delegated authority.
- Attendance at official Council functions as authorised as Council business by a resolution of Council.
- Attendance at conferences or seminars approved by Council resolution or by the Mayor under delegated authority.

- Attendance at training or professional development approved by Council resolution or by the Mayor under delegated authority.
- Attendance at functions to which the Mayor has been invited, which are attended at the request of the Mayor.

Councillors shall provide suitable evidence to the General Manager that reimbursement is applicable, such as advice from a medical practitioner in the event of caring for an adult person.

3.10.2. Expenses and Facilities for Councillors with Disabilities

In addition to the provisions of 3.10.1, for any councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their civic duties.

4. CONSIDERATION OF SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

4.1. GENERAL TRAVEL ARRANGEMENTS

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

Note: The driver is personally responsible for all traffic infringements and parking fines incurred while travelling in private or council vehicles on Council business.

4.2. LOCAL TRAVEL ARRANGEMENTS AND EXPENSES

For the purposes of this Policy, Local Travel will include travel conducted within the following Local Government Areas:-

- Blayney
- Cowra
- Bathurst
- Orange
- Cabonne
- Wellington

For the purposes of this Policy, where Council Delegates attend meetings of the Lachlan Regional Transport Committee Inc, Local Travel will include travel conducted within, and transiting to, the Local Government Areas of the members to this Committee.

Travelling expenses within these Local Government Areas shall be paid to Councillors upon submission of the completed claim form for:

- Attendance at Council or Committee meetings;
- Undertaking approved business of the Council.

Councillors are encouraged to pool vehicles where practicable.

4.3. NON-LOCAL AND OTHER TRAVEL ARRANGEMENTS AND EXPENSES

Payment of travelling expenses for all other travel outside of the "local area" as defined above shall be submitted to Council for consideration, and shall only be paid if approved.

All non-local and other travel should be advised to the General Manager in advance for coordination of accommodation and travel arrangements (if required). Such advice shall be on a travel authority and submitted in time for approval by Council as attached to this policy. For risk minimisation Councillors are to pool vehicles where practicable. All travel by vehicle shall be by the following priority:

- a. Council vehicle (if available)
- b. Councillor vehicle
- c. Hire vehicle

Claims for expenses incurred shall be submitted on the approved claim form as attached to this Policy, and each claim shall clearly state the purpose of the travel.

4.4. TRAVELLING EXPENSES PER KILOMETRE RATE

Approved claims for payment of travelling expenses shall be fixed at the rate per kilometre for vehicles in excess of 3 litre capacity, as determined by the Australian Taxation Office, effective from the 1st July of that financial year.

4.5. OTHER EXPENSES

Councillor claims for payment of "Other Expenses" not specifically covered by this Policy shall be presented in a report to Council for consideration, and shall only be paid if approved.

5. PROVISION OF FACILITIES

5.1. GENERAL PRINCIPLES

The provision of facilities, equipment and services to the Mayor and Councillors shall be used by the Mayor and Councillors only for the purposes of fulfilling their civic duties and functions. However, Council acknowledges that infrequent private use of the facilities and equipment may occur.

Council facilities, equipment and services shall not be used to produce and disseminate election material, personalised pamphlets or newsletters (and the like) or material for any other political purpose.

5.2. TELEPHONE / FACSIMILE LINE

At Council's expense a separate telephone / facsimile direct line shall be connected to all Councillors' residences for Council business upon receipt of a written request from each respective Councillor. All costs associated with the operation of this line shall be paid by Council.

In circumstances where a Councillor elects not to have a separate telephone / facsimile line connected, and instead utilises their own private telephone / facsimile line, Council shall reimburse only the call costs identified by the Councillor as relating to council business. Claims for this reimbursement shall be accompanied by a copy of the telephone account for this line with each council business call highlighted.

5.3. FACSIMILE MACHINES

At the expense of Council, each Councillor shall be provided with a facsimile machine.

Maintenance and the supply of toner consumables (toner & paper) for the Council provided facsimile machines shall be provided at Council's expense.

5.4. RETURN OF FACILITIES

At the completion of their term of office

- Each Councillor shall return their facsimile machine and any other equipment to Council.
- Where a separate telephone / facsimile line had been established, this line shall be disconnected at Council's expense. However, should the Councillor wish to retain the use of this line, then at Council's expense, the line shall be transferred into the name of the Councillor.

5.5. SECRETARIAL SUPPORT

Secretarial support facilities are available to the mayor during normal office hours, through the General Manager's Executive Assistant.

**BLAYNEY SHIRE COUNCIL
COUNCILLOR'S EXPENSES CLAIM FORM
2011/12**

ATTACHMENT B – TRAVEL AUTHORITY

**BLAYNEY SHIRE COUNCIL
COUNCILLOR TRAVEL AUTHORITY
FOR NON-LOCAL AND OTHER TRAVEL**

Pursuant to the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy the following application is submitted:	
Name of Councillor: _____	
Purpose of Travel: _____	
Date(s): _____ Time from / to: _____	
Location: _____	
Venue: _____	
Mode of Transport: (please circle) Air Council Vehicle Councillor Vehicle Hire Vehicle	
Accommodation (if required): Single Room: _____ Double Room _____	
Motel preference: _____	
Please provide other relevant details (e.g. special requirements): _____ _____	
SIGNATURE: _____ DATE: _____	
(N.B. Authority should be lodged with sufficient time for Council report to be submitted.)	
Office Use Only	
Council meeting date: _____ Minute No.: _____	
Transport: _____ Order No.: _____	
Motel _____ Order No.: _____	

	Date	Minute No.
First Adopted:	20/9/1999	592
Last Reviewed:	12/09/2011	
	09/05/2011	1105/007
	08/02/2010	1002/010
	29/09/2008	08/231
	12/05/2008	08/105
	14/05/2007	07/094
	12/02/2007	7
	13/08/2001	388
Next Review:	13/08/2012	

ENGINEERING SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 SEPTEMBER 2011



22) DRAFT ASSET MANAGEMENT POLICY
(Assets Manager)

RECOMMENDED:

1. That the Draft Asset Management Policy be received and noted, and
2. That the Draft Asset Management Policy be placed on public exhibition for a period of not less than 28 days and the public be invited to make submissions.

REPORT

Background

During 2009, the Department of Local Government advised that they would be requiring all NSW councils to have Asset Management Plans (AMPs), for all asset classes under Council's control.

The Department of Local Government requirements for Asset Management should be seen in light of the ongoing development of a National Asset Management Framework.

Key requirements of the asset management process include:

- An Asset Management Policy and Strategy, setting out the key objectives of asset management and a suite of strategies to achieve these objectives;
- An Asset Management Plan for bringing assets up to a satisfactory level and report on annual progress against that plan;
- A funding strategy for meeting the future renewal (of assets) gap (the ratio between current actual asset renewal expenditure and the long term renewal requirement), and
- The current levels of expenditure on maintenance of existing assets, renewal of existing assets and new or improved services.

In NSW, one of the mechanisms for incorporating the National Asset Management Framework into local government practices is through the Integrated Planning and Reporting Framework that Council is required to implement. This involves the development and implementation of an Asset Management System. Some key components of this system are:

- An Asset Management Policy,
- An Asset Management Strategy,
- A Risk Management Policy,
- An asset register, which identifies, condition ratings and values all assets, and
- Individual Asset Management Plans for each of the key asset classes.

Report

The key purpose of this policy is to ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner.
- Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating asset management awareness throughout the organisation by training and development.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated, and
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

It is recommended that Council note the attached Asset Management Policy and it be placed on public exhibition for a period of not less than 28 days and the public be invited to make submissions.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

1 Draft Asset Management Policy 3 Pages

23) MILLTHORPE TENNIS COURT RECONSTRUCTION
(Director Engineering)

RECOMMENDED:

1. That the report on the reconstruction of the Redmond Oval Tennis courts at Millthorpe be received and noted.

REPORT

Executive Summary

Councillors may recall, that as part of the Commonwealth Governments Regional and Local Community Infrastructure Program – Phase 3 (RLCIP3), Council applied for \$40,000 (Ex. GST) in funding to upgrade the tennis courts at Redmond Oval, Millthorpe.

The Millthorpe Village Committee (MVC) were also successful in applying for \$40,000 (Ex. GST) in funding through the NSW State Government Community Building Partnership (CBP) program.

Council has also been advised that the Millthorpe Garden Ramble are providing a \$4,000 donation to the project.

Background Information

Following meetings between Council staff and members of the MVC, Council prepared Request for Quotation documentation seeking costs to undertake either option:-

- a. the resurfacing of the courts with a sand filled synthetic grass, or the
- b. construction of a new concrete base with acrylic sports surface system.

In order to maximise the benefits of a competitive quotation, Council advertised the project via its e-tendering system, "Tenders Online" and through the Sydney Morning Herald.

Upon closing of submissions, Council had received seven (7) submissions for Option a. and eight (8) submissions for Option b. After a review it was identified that one (1) submission was non compliant as it related to pricing for fencing works, and was set aside.

Council then undertook a "whole of life" cost analysis between Options a. and b., based upon a thirty (30) year horizon.

The analysis identified that the cost of providing Option a., would provide a cheaper upfront cost, but was significantly more expensive over the thirty (30) year horizon.

Following the life cycle analysis, an assessment of submissions for the concrete base (Option b.) were considered, with a suitably qualified contractor being identified.

At a meeting between Council staff and members of the MVC, Council outlined the process undertaken, and it was agreed that Option b. was the most cost effective and provided the community with the greatest benefits. The group then agreed that L-Don Sporting Areas be awarded the project.

BUDGET IMPLICATIONS

The project shall be funded from within existing budget allocations.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

24) SUPPLY OF BITUMEN EMULSION
(Director Engineering)

RECOMMENDED:

1. That Council:
 - a. Agree to participate in a regional bitumen emulsion contract, and,
 - b. Advise Centroc of the outcome of its decision.

REPORT

Executive Summary

This report seeks Council's resolve to participate in the regional purchase of bitumen emulsion through Central NSW Councils (Centroc) Compliance and Cost Savings program.

Council has participated in Centroc's regional contract for the purchase of bitumen emulsion for the past 5 years and Centroc seeks, Council's continued support for the next contract period which will commence 1 January 2012.

The following report provides background advice regarding both Centroc's Compliance and Cost Savings Program and the regional purchase of bitumen emulsion.

Background Information

Centroc Compliance and Cost Savings Program

Central NSW Councils (Centroc) represents over 236,000 people covering an area of more than 70,000sq kms comprising Bathurst Regional, Blayney, Boorowa, Cabonne, Cowra, Forbes, Harden, Lachlan, Lithgow City, Oberon, Orange City, Parkes, Upper Lachlan, Weddin, Wellington and Young Councils and Central Tablelands County Council.

Centroc exists to do two things – advocate on behalf of the region and support member operations through regional co-operation and resource sharing.

Please go to the Centroc website for more advice on Centroc activities at www.centroc.com.au

To support member operations, a three year Compliance and Cost Savings Program has been created to add better value to members and generate more cost savings to individual councils. The program is being funded in part from the Centroc surplus and comes at no extra cost to members.

The objective of the program is to drive initiatives across the region to reduce Council costs through

- providing a regional approach to compliance with State and Federal legislation thereby reducing costs to member Councils
- trialling with the intent to implement products and services to reduce costs and

- implementing regional contracts to reduce costs through group purchasing

At the completion of the three years, the aim is to have the Compliance and Cost Savings Program be self funding through the revolving cost savings fund. A percentage of each member Council's savings will be placed back into the program in order to continue to provide further funds for Centroc. The Board resolved to take this approach rather than increasing fees for members. A full report on how this works was provided to members in February 2009 and is available upon request.

The program has been in operation since 14 December 2009 and over \$1,000,000 of savings to the region have been realised through a variety of programs including desktop telephony audit, on site telephony audit at some councils, diesel tax rebate audit and a desktop electricity review.

Centroc Supply Management Team

The Supply Management Team was established in June 2003. The objectives of this team are:

1. Networking of professional purchasing staff
2. Achieve savings through joint procurement of goods and services
3. Generate income through rebates to Central NSW Councils
4. Facilitate professional development and training of Council purchasing staff
5. Encourage use of the latest technology for communication and purchasing functions

The Supply Management Team has been successful in all of these areas over the past eight years and continues to provide ways for councils to save money and time through working together regionally.

In addition to bitumen emulsion, the team currently has regional tenders in road signs and fuel and are continuously looking at ways that purchasing regionally can assist Centroc members.

Development of a regional bitumen emulsion contract

The Supply Management Team first decided to do a regional contract for Bitumen Emulsion in 2004 culminating in a three year regional contract in 2005 with the process repeated at the completion of that contract in 2008. As we near the completion of the current contract, Centroc seeks to repeat the process.

Centroc members currently procuring under this arrangement are as follows:

Council	Participating in Current Regional Contract
Bathurst	Yes
Blayney	Yes
Boorowa	No

Cabonne	Yes
Cowra	Yes
Forbes	Yes
Lithgow	Yes
Harden	No
Lachlan	Yes
Oberon	Yes
Orange	No
Parkes	Yes
Upper Lachlan	No
Weddin	Yes
Wellington	Yes
Young	No

At the Centroc Supply Team meeting on 1 December 2010, it was resolved to proceed to a new contract commencing 1 January 2012. This was also noted by the Centroc General Managers' Advisory Committee on 28 July 2011.

Should council agree to participate in a regional contract, Centroc will put out an RFT (Request For Tender) and proceed to a contract.

Advice regarding service and pricing under a regional contract will be provided to members.

Council contribution

Centroc manages the process including all costs of advertising and tender assessment and takes a management fee from the supplier to cover these costs which council is not responsible for.

Council should also give consideration to future compliance with the contract.

Options

If Council was to participate in Centroc's regional contract, benefits of the larger buying power of multiple councils will be seen in the purchase price of the bitumen emulsion, as well as time saving for council staff in not having to retrieve quotes each time the supply of emulsion is required.

As Council purchases less than \$150,000 worth of bitumen emulsion each year it is not bound to purchase off a contract, and staff can seek quotes each time they look to purchase emulsion. However this provides no guarantee of what prices will be obtained and requires more staff time in undertaking each purchase.

Council currently purchases bitumen emulsion through Centroc's current regional contract, and in 2010/11 the total expenditure was \$113,000.

It is recommended that Council continue to participate in a regional bitumen emulsion contract, as this provides Council with price stability and reduced staff costs.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

1. Quality and secure water resource for Centroc communities
2. Efficiency and effectiveness through co-operation on best practice and compliance
3. Knowledge sharing, peer review of performance and mentoring where appropriate, and,
4. Achieving cost savings

The CWUA has been set up by the Centroc Board in response to the State and Federal Government's calls for reform in the delivery of secure and quality water supply.

It is a voluntary and co-operative alliance of Councils where staff attending from the region are listed below. Programming is supported by a consultant and Centroc staff. NSW Office of Water (NOW) personnel also attend meetings as requested to provide specialist advice.

Name	Organisation	Name	Organisation
Mr Russell Deans	Bathurst	Mr Eric Poga	Wellington Council
Mr Grant Baker	Blayney	Mr Phillip Glover	Young Shire Council
Mr Sam Golam	Boorowa	Mr Paul Lee	NSW Office of Water
Mr Rob Buttenshaw	Cabonne Council	Mr Matt Parmeter	NSW Office of Water
Mr Tony Perry	Central Tablelands Water	Mr Bill Ho	NSW Office of Water
Mr Darryl Sligar	Central Tablelands Water	Mr Luke Maloney	Upper Lachlan
Mr Carl Berry	Cowra	Mr Phil Newham	Upper Lachlan
Mr Michael Read	Cowra	Mr Daniel Buckens	Lithgow
Mr David Tinlin	Forbes	Mr Chris Lane	Lithgow
Mr Mark Crisp	Harden	Mr Leigh Robins	Oberon
Mr Michael Bickford	Harden	Mr Wayne Beatty	Orange
Mr Luke Maloney	Upper Lachlan	Mr Kent Boyd	Parkes
Mr Phil Newham	Upper Lachlan	Mr Andrew Francis	Parkes
Mr Kevin Smith	Lachlan	Mr David Swan	Project Officer
Mr Ben Falconer	Lachlan	Mr Daryl McGregor	DLM Environmental
Mr Bill Twohill	Weddin	Ms Jennifer Bennett	Centroc
		Ms Lee Chapman	Centroc

State and federal policy framework on water supply, waste water and sewerage management

As a result of a federally led reform process called the National Water Initiative, the management of water has moved away from local government across Australia.

NSW and Queensland are the only states in Australia where local government retains control over its water utilities. Under the Council of Australian Governments (COAG) agreements, the NSW State Government has made commitments to ensure compliance under the National Water Initiative. Council may recall reports by the National Water Commission, Infrastructure Australia and the Productivity Commission reviewing the structural arrangements for water supply.

Each of these reports challenges local government's management of water utilities in regional NSW. Where the earlier reports were supporting the notion of State owned corporations, the most recent report, by the Productivity Commission, supports the approach taken by Centroc members. Reference should be made to the Centroc website for submissions regarding Council management of water utilities.

Council may also recall the *Report of the Independent Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for non-metropolitan NSW* also known as the Gellatly Report. For more advice regarding this report please go to <http://www.water.nsw.gov.au/Urban-water/Local-water-utilities/Local-Water-Utilities-Inquiry/Local-Water-Utility-Inquiry/default.aspx#report>

This report provides background to the State on how it can deliver on its COAG commitments under the National Water Initiative. It includes maps providing boundaries for "binding alliances" where Councils work together to deliver water management services.

It is clear from the above that co-operation between Councils on water utility service delivery will assist in supporting the local government case for retaining control over water assets.

The degree to which collaboration between Councils needs to be formalised, for example through some type of Deed of Agreement, is still unclear. The Centroc structure however is a Section 355 Committee of Forbes Shire Council and may well already have sufficient governance arrangements to meet State requirements.

Statutory Requirements

To support its commitments under the COAG, NSW has developed a suite of mandatory best practice strategic work, including Integrated Water Cycle Management Plans that must be completed by Councils. Besides it being a state requirement, access to state funding for some capital works programs is not forthcoming unless Best Practice plans are in place.

Regional programming in best practice as delivered by the Lower Macquarie Water Utilities Alliance (LMWUA) has been accepted by NSW Office of Water as meeting the State's best practice planning requirements.

Centroc policy and practice on co-operation around water

In response to the National Water Initiative and the *Report of the Independent Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for non-metropolitan NSW* Centroc resolved interalia the following policy in its Board meeting of December 2009.

1. *continued co-operation in the region to support the delivery of best practice management*
2. *this co-operation is directed by the guiding principle that members retain control over water utilities*

3. *update advice to the Board be provided to include resourcing with reference to funding opportunities for sourcing funds at the State and Federal levels for programming developed by the region*

Subsequently, programming has been progressed where each Centroc member, including Council, has contributed \$3000. This has included

- the engagement of specialist support from DLM Consulting – the team delivering programming to the LMWUA
- development of a management plan
- an audit of best practice strategic works needs and other water utilities management support needs from members
- the successful acquisition of over \$150,000 of State and Federal Funding to support this program
- progression of best practice plans
- progression of a procurement, resource sharing, training and mentoring plan
- formation of a “Supervisor and Operators” subcommittee.

More detailed information on these activities is provided below.

All Centroc Board reports include updates on this program under “Infrastructure Report” and are available from the Centroc website or by request.

Update on the activities of the CWUA

CWUA meet every two months and have developed a forward program for the next two years. This plan is available upon request.

At each meeting, speakers attend to provide advice, and information is shared. Significant effort is being given to Stage 1 of the regional Best Practice Program delivering compliance to Centroc members at greatly reduced costs. A federally funded plan which aims to deliver further cost savings and efficiencies around training, mentoring and procurement is also under development. A final area of current effort is around collectively delivering performance reporting to the NSW Office of Water (NOW).

Program delivery includes the full suite of all seven best practice plans required for compliance purposes with NOW. These are being delivered in two stages.

1. Stage 1 Best Practice
 - a. Drought Management
 - b. Demand Management
 - c. IWCM
2. Stage 2 Best Practice
 - a. Strategic Business Plan

- b. Developer Servicing Plan
- c. Best Practice Pricing
- d. Drinking Water Quality Plan

Specific advice on the progress of this initiative is below.

Work has also begun on the Centroc Regional Resource Sharing Mentoring Training and Procurement Plan. The deliverables for this Plan are

1. Regional procurement engagement and priority schedule;
2. Who does what with water in Central NSW? A register for informal mentoring advice including contact details and availability for members;
3. Centroc Water Utilities Alliance Skills Audit, Workforce and Training Planner;
4. The Centroc Water Utilities Alliance Mentoring Program using the TAGI Model and;
5. Growing our own – Centroc Water Utilities Alliance Apprenticeship Facilitation Guide.

This plan is being funded through the Federal Government's Strengthening Basin Communities Program and will provide advice on further activities by the CWUA to deliver cost savings and other efficiencies as well as training.

The CWUA also has a supervisors and operators subcommittee, comprised of staff from across the region who share advice regarding on-ground service delivery. This group also meets every two months at different Councils where they inspect Council sites.

All minutes of CWUA meetings and the management plan is available upon request.

Best Practice Project – Stage 1

Following the CWUA decision to prioritise the Drought Management, Demand Management and the Integrated Water Cycle Management (IWCM) Evaluation sections of the suite of Best Practice compliance documentation, tenders were called through Tenderlink which closed on the 12 April 2011. Four, six, and four tenders were received respectively.

The evaluation team met in Orange on 19 April 2011 to assess the tenders, who recommended to GMAC that the following tenders be accepted:

Best Practice Compliance Plan	Selected Consultant	Price accepted
Drought Management	HydroScience Consulting	\$87,036
Demand Management	MWH	\$61,750
IWCM Evaluation	MWH	\$251,750

All information is available upon request however Councillors should note that tender information should be treated as commercial in confidence. It is noted that the tender prices accepted were within budget.

Both consultancies have had experience in the region. MWH undertook the Centroc Water Security Study and this detailed experience gives them a very good knowledge of the issues that the Alliance requires to be included in the documentation. Both consultants are well known to the NOW and have undertaken many similar projects elsewhere in this area of strategic infrastructure management.

The next step in this process is the collection of the necessary local data to give to the consultants the information to complete their work. The General Managers' Advisory Committee (GMAC) to the Centroc Board have indicated that they are keen for this process to develop in a timely manner, and accordingly tenderers were requested to resource this project such that the project could be completed to final draft within 3 months.

A list of the required information was requested from the consultants and forwarded to each Council. The provision of this information was requested by 16 June 2011. As the consultants had indicated that this information was required in *Week One* of the contract period it was decided that the consultants would be provided a conditional letter of acceptance; conditional upon the contract period commencing upon provision to them of all the information by each Council. This decision was made to reduce the likelihood of a claim for contract prolongation if this information could not be provided in a timely manner by each Council.

To assist Councils to get to this position, GMAC suggested that Councils who required extra help should seek any requires assistance, but this assistance is to be funded by each individual Council.

Notwithstanding, Councils with the data available have provided this to the respective consultant. An inception meeting with the HydroScience took place on 1 June in Dubbo which included a meeting with NOW's Matt Parmeter and Shyamala Manorathan. Andrew Francis and David Swan facilitated the inception meeting. Inception meetings with MWH have been delayed for the reasons detailed above.

It has become apparent that some of the Councils have found the timing of the provision of this data is too tight. Negotiations with these Councils are underway with a view to progressing the regional approach such that Centroc members who require compliance for capital works projects are not delayed.

Implications for Council

As Blayney Shire Council does not maintain a water reticulation network, it is therefore not required to prepare a Drought or Demand Management Plan (Stage 1.)

Councillors may also recall that Blayney in association with Central Tablelands Water, Weddin Shire and Cabonne Councils have previously engaged consultant, HydroScience Consulting to prepare an IWCM Evaluation Study. Following this, Councillors may recall that the group of Councils were required to continue through to the second phase of IWCM, with the Strategy report currently being prepared.

Therefore Blayney Shire Council has not been involved in Stage 1 of the Centroc project, however Council has committed \$3,000 in additional resources to this project, to complete the data requirements toward involvement in the preparation of a Regional IWCM plan through the Centroc program. This will ensure that when individual Council plans are required to be reviewed, that Blayney is in a position to be involved at the lowest possible “buy in” price.

This will give currency to three Best Practice Plans. Centroc has negotiated a grant with the Federal Government to subsidise funding of the Drought Management Plan. \$50,000 has been included in the Project funds for this part of the Project, and the contributions table reduced accordingly from the figures quoted prior to these additional funds being made available.

As previously advised when approval was sought to fund the IWCM Strategy, Council is eligible for funding from NOW for their IWCM work.

This delivers substantial savings to member Councils. Please see the savings across the region listed below where these figures have been derived from the average cost of delivering these projects subtracting the cost to Councils and then the costs of delivering the project to date.

Councils who save substantially are those who have already completed their strategic work and therefore do not need to do more. Of course the question could be asked – why count those who have completed their works in recent years? This is because to get the region into the one timeframe means every member needs to update. The costs of updating are negligible and provide currency.

The costs for the various programs are as follows:

- **Drought Management Plan:** \$3,000 for a review to regionalise and \$8,000 for preparation of a plan from scratch.
- **Demand Management Plan:** \$6,000 for a review and incorporation into a Regional Plan, and \$10,000 for a full strategy from scratch.
- **IWCM:** \$3,000 to include in a Regional Plan, \$15,000 to review an Evaluation and \$36,000 for a Full Evaluation.

Council	Net Savings on Best Practice Compliance Program	Cost of CWUA project to Council	Total Savings to Council
Bathurst	\$76,300	\$3,000	\$73,300
Blayney*	\$79,000	\$3,000	\$76,000
Boorowa	\$51,700	\$3,000	\$48,700
Cabonne*	\$71,700	\$3,000	\$68,700
Cowra	\$30,000	\$3,000	\$27,000
CTW*	\$73,000	\$3,000	\$70,000
Forbes	\$76,700	\$3,000	\$73,700
Lachlan	\$34,000	\$3,000	\$31,000
Lithgow	\$76,700	\$3,000	\$73,700
Oberon	\$30,000	\$3,000	\$27,000
Orange	\$70,700	\$3,000	\$67,700
Parkes	\$51,000	\$3,000	\$48,000
Upper Lachlan	\$30,000	\$3,000	\$27,000
Weddin*	\$76,700	\$3,000	\$73,700
Young	\$33,700	\$3,000	\$30,700
Total Savings Across the Region			\$816,200

*Note CTW members have been treated as if they were individual water authorities and this is not the case.

Further, it is a requirement of NOW that each of the compliance based plans in best practice be reviewed at stated intervals into the future. As it is the intention of the CWUA to continue to progress these from a regional perspective, each plan across the region once completed will become due for review at the same time. This then allows for future reviews to be undertaken on a region basis, which again at that time will provide good cost savings.

BUDGET IMPLICATIONS

Expenditure on the IWCM project is accounted for in Council's Management Plan.

POLICY IMPLICATIONS

Council's involvement in the CWUA and various elements of the best practice program, ensure Council compliance with the NSW Office of Water Best Practice requirements, and an ongoing resource sharing and support.

Attachments

Nil

26) TBL SEWERAGE BENCHMARKING REPORT
(Director Engineering)

RECOMMENDED:

That the summary of the results of the 2009/10 Blayney Shire Council Triple Bottom Line (TBL) Performance Report as published by the NSW Office of Water be noted.

REPORT

Executive Summary

In line with the National Water Initiative, the NSW Government developed the Best Practice Management of Water Supply and Sewerage Guidelines. These guidelines are the key driver in the NSW Government's reform agenda for planning and management and for continuing performance improvement by Local Water Utilities (LWUs).

The guidelines require LWUs to undertake annual performance monitoring in accordance with the National Water Initiative, with the aim of improving the quality and efficiency of services to all NSW residents.

This report provides an annual update on the performance of Council's Sewerage business and is provided for noting.

Background Information

Best Practice Compliance

Council's compliance level with the NSW Best Practice Management Guidelines Requirements is 89%.

Council's non compliance is with requirement 2(e) Pricing – Developer Servicing Plan with commercial developer charges. The work required to undertake this is programmed to be undertaken as part of the Centroc Water Utilities Alliance (CWUA) Best Practice program.

The key achievement in the 2009/10 reporting period was the completion of the emergency storage facilities at the Millthorpe and Henry Street Pump Stations as recommended in the Strategic Business Plan and referred to in the Blayney Sewerage Scheme sewer overflow investigations report.

Council has received its Triple Bottom Line (TBL) Performance Report for the 2009/10 period.

Characteristics		
Indicator	Result	Comments
Properties served per km of main	24	Blayney number is low due to the spatial separation of Millthorpe and Blayney and low urban density within these two catchments. Statewide median 40.
Renewals Expenditure	0.0% of CRC ¹ Ranking ² 2 (3)	Council's maintenance and renewals expenditures are low. Expenditure as programmed in Asset Management Plan should provide for improved result. Statewide median 0.3%.
Employees per 1,000 properties	1.1 Ranking 2 (2)	Good.
Social – Charges		
Typical residential bill (TRB) (\$)	450 Ranking 3 (3)	Satisfactory. The TRB is in accordance with Council's Strategic Business Plan for Sewer. Statewide median \$530.
Typical Developer Charges (\$ per ET ³)	3,030 Ranking 1 (3)	Very Good To be reviewed as part of CWUA Best Practice program. Statewide median \$4,200 per ET.
Non-residential sewer usage charge (c/kL)	110 Ranking 3 (3)	Satisfactory. Review of charge required to be comparable to operating cost per kL. Statewide median 105 c/kL
Social – Health		
Urban properties without reticulated sewerage service (%)	30.1 Ranking 5 (5)	Result is low due to outer villages not being connected to the network. Connection levels in the Village of Millthorpe continue to grow. Statewide median 3.9%
Social – Levels of Service		
Odour complaints / 1,000 properties	0 Ranking 1 (1)	Very Good Statewide median 0.6
Service Complaints / 1,000 properties	14 Ranking 3 (3)	Satisfactory Statewide median 10
Average sewerage interruption (mins)	60 Ranking 1 (1)	Very Good Statewide median 118
Total days lost (%)	0 Ranking 1 (1)	Very Good
Environmental		
Volume of sewage collected per property (kL)	144 Ranking 2 (1)	
Recycled water (%)	77% Ranking 1 (1)	Very Good Heavily reliant upon external demand Statewide median 11%
Net greenhouse	130	Good

gas emissions (t CO ² /1000 properties)		Statewide median 350
Compliance with BOD and SS in licence (%)	100% Ranking 1 (1)	Very Good
Sewer main breaks & chokes / 100km of main	36 Ranking 3 (2)	May require review Renewals expenditure as programmed in Asset Management Plan should provide for improved result. Statewide median 39
Sewer overflows to the environment / 100km of main	3 Ranking 4 (3)	May require review Renewals expenditure as programmed in Asset Management Plan should provide for improved result. Statewide median 15
Economic		
Non residential % of sewage collected	11 Ranking 4 (4)	Statewide median 18
Non residential revenue (%)	10 Ranking 4 (5)	Considered in line with the non residential % of sewage collected.
Economic real rate of return (%)	0.4 Ranking 3 (3)	Satisfactory Statewide median 1.3%
Return on assets (%)	0.2 Ranking 4 (4)	May require review An ROA > 0% is required for full cost recovery.
Net debt to equity (%)	-16 Ranking 3 (3)	Satisfactory Statewide median -2%
Interest cover	2 Ranking 4 (4)	Satisfactory Statewide median 3
Loan payment (\$)	61 Ranking 1 (2)	Very good Statewide median \$38
Operating Cost (OMA) / property (\$)	335 Ranking 4 (3)	May require review Affected by spatial separation of Millthorpe and Blayney and low urban density within these two catchments. Statewide median \$360
Management cost / property (\$)	151 Ranking 5 (5)	May require review Management cost is high. With increase in connections in Village of Millthorpe management cost should trend downward. Statewide median is \$128
Treatment cost / property (\$)	143 Ranking 4 (4)	May require review Affected by economies of scale Statewide median \$115
Pumping cost / property (\$)	24 Ranking 2 (1)	Good Statewide median \$55
Sewer main cost /	15	Very good

property (\$)	Ranking 1 (1)	Statewide median \$40
Notes: 1. CRC – Current replacement cost of system assets. 2. Ranking – The ranking relative to similar size Local Water Utilities (LWU's) with 200 to 1,500 connected properties is shown first, followed by the ranking relative to all LWU's within brackets. 3. ET – Equivalent Tenaments		

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

27) ROADS TO RECOVERY PROGRAM
(Director Engineering)

RECOMMENDED:

1. That Council support the Australian Local Government Association in its campaign to continue with the Roads to Recovery Programme on a permanent basis beyond 2014.
2. That Council call on the Federal Government to:
 - a. Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
 - b. Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities for providing access for its communities;
 - c. Continue the Roads to Recovery Program with the current administrative arrangements; and
 - d. Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.
3. That Council write to the Prime Minister, Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and the local Federal Member, seeking their support for the continued operation of the Roads to Recovery Program.

REPORT

Executive Summary

Council is in receipt of correspondence from the Australian Local Government Association (ALGA) inviting council to attend the 2011 National Roads and Transport Congress, themed *Better Roads are Safer Roads*, in Mount Gambier, South Australia from 16 – 18 November 2011.

Also included in the correspondence is advice that the ALGA Board will use the Congress to launch local government's campaign for the Federal Government to renew Roads to Recovery funding beyond the current program end date of 30 June 2014.

Council staff are unable to attend the Congress and have therefore contacted ALGA to clearly ascertain the "message" that they wish to promote.

This report provides information on past and present Roads to Recovery program funding, and the financial implications associated with it.

Background Information

The Australian Governments Roads to Recovery (R2R) program has become an essential element in local government's ability to maintain and upgrade the

local roads network. It is an outstanding example of a partnership between Federal and local government to provide direct funding to local communities.

Australia's local road network consists of around 680,000km of road and related infrastructure, such as bridges, earthworks and road signage. Local roads link our homes to our schools and shops and provide connections to the regional, state and national networks.

Blayney Shire Council owns and maintains local roads within the Shire. The cost of this maintenance is immense and is met from rates and funding from state and federal governments. Over the years, the amount of funding available to local government has not kept pace with the cost of maintaining local roads to acceptable standards. Much local road infrastructure is now reaching the end of its economic life and its replacement cost cannot be met by local government alone.

In recognition of the growing backlog in local road maintenance, the Federal Government established the Roads to Recovery Program.

Between February 2001 and June 2005, the first R2R program provided \$1.2bn. and then during 2002/03 ALGA conducted a strong and focused "Renew R2R" campaign to have the program renewed beyond June 2005.

The Australian Government announced in January 2004 that, as part of the new AusLink initiative, a new R2R program would provide a further \$1.2bn over the four years from July 2005 to June 2009.

From 2009-10 to 2013-14 the Government will provide \$1.75 billion (\$350 million in 2010-11) under the Roads to Recovery program, to be distributed to Australia's local councils, state and territory Governments.

The R2R programs have had a strong rural and regional focus, and the much needed funding has helped local government begin to address the backlog of local road maintenance, improving safety, transport efficiency and stimulating economic development across the country.

ALGA is encouraging Council's to write to the Prime Minister, Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and the local Federal Member, advising them of Council's support for the ongoing operation of the Roads to Recovery Program beyond 2014.

It is therefore recommended that Council support the Australian Local Government Association in its campaign, for the Federal Government to continue with the Roads to Recovery program.

BUDGET IMPLICATIONS

The Roads to Recovery program has previously provided Council with funding of \$2,654,025 between 2001 and 2009. The current program provides Council with \$1,861,033 between 2009 and 2014.

The loss of such funding would have a considerable impact on the works undertaken by council.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

28) CASUAL PLANT HIRE TENDER 2011-2012
(Operations Manager)

RECOMMENDED:

1. That Council accept the tenders submitted for Hire of Plant in the current financial year, as listed in the report, in accordance with the General Conditions for Hire of Plant.

REPORT

Executive Summary

To protect Council from a probity perspective, tenders were called for the casual hire of plant in the current financial year.

Background

Council frequently hires various items of plant to assist with Councils delivery of its works programme. By tendering for the hire of plant, Council can ensure that it is receiving value for money, and can be satisfied that the items of plant hired are being maintained in a suitably safe manner.

Report

Ten tenders were received for the casual hire of plant as follows with various hire rates in the classes shown below:

	Submitted By	Items of Plant
1	Sherrin Rentals	Graders Rollers Excavators Watercarts Skid Steer Loaders Loaders Dump Trucks Compactors
2	N.D Swain Pty. Ltd.	Tipping Trucks
3	Earthmoving Hire Australia	Graders Rollers Loaders Backhoes Excavators Bulldozers Skid Steer Loaders Watercarts Tipping Trucks Dump Trucks
4	Earth Plant Hire	Rollers
5	Accurate Asphalt & Road Repairs	Stabilisation Equipment

6	Rollers Australia	Rollers
7	Coates Hire	Graders Rollers Loaders Backhoes Excavators Skid Steer Loaders Watercarts
8	CPB Excavations	Loaders Excavators Bulldozers Skid Steer Loaders Watercarts Tipping Trucks Plant Float
9	Divalls Earthmoving and Bulk Haulage	Graders Rollers Loaders Backhoes Excavators Bulldozers Skid Steer Loaders Watercarts Dump Trucks Scrapers Tipping Trucks
10	Smiths Earthmoving Canowindra	Rollers Excavators Bulldozers Tipping Trucks Scrapers

One late tender was received.

As stated in the tender specifications, any plant submitted after the tender close date will only be hired if plant of a similar type is not available from those tenders received prior to closing date of the tender.

Plant hire is on an as needed, casual basis, and all plant must comply with the General Conditions for Hire of Plant, particularly with respect to Occupational Health and Safety commitments, insurance, and the Road Regulation.

Selection of the contractor for the hire of plant will be based on value to Council, which will take into account the Occupational Health and Safety systems of the contractors, and the price tendered for the hire.

BUDGET IMPLICATIONS

All works will be undertaken within Councils' existing Management Plan

POLICY IMPLICATIONS

Nil Effect

Attachments

Nil

29) CENTROC ROAD SIGN SUPPLY CONTRACT
(Director Engineering)

RECOMMENDED:

1. That Council
 - a. Endorse the selection of Road Management Solutions as Council's preferred road sign supplier, and,
 - b. Advise Centroc of the outcome of its decision.

REPORT

Executive Summary

Central NSW Councils (Centroc) has previously run two successful regional road signs contracts which have saved members thousands of dollars. As the current contract is approaching expiry, the Supply Management Team and the General Managers of the region have resolved to develop another regional contract for the supply and delivery of road signs.

Councillors may recall that at the ordinary May 2011 meeting of Council, it was resolved:

1. *That Council approve the participation of Blayney Shire Council in a regional road signs contract with Centroc Councils.*

Background Information

Centroc Compliance and Cost Savings Program

Central NSW Councils (Centroc) represents over 236,000 people covering an area of more than 70,000sq kms comprising Bathurst Regional, Blayney, Boorowa, Cabonne, Cowra, Forbes, Harden, Lachlan, Lithgow City, Oberon, Orange City, Parkes, Upper Lachlan, Weddin, Wellington and Young Councils and Central Tablelands County Council.

Centroc exists to do two things – advocate on behalf of the region and support member operations through regional co-operation and resource sharing. Please go to the Centroc website for more advice on Centroc activities at www.centroc.com.au

To support member operations, a three year Compliance and Cost Savings Program has been created to add better value to members and generate more cost savings to individual councils. The program is being funded in part from the Centroc surplus and comes at no extra cost to members.

The objective of the program is to drive initiatives across the region to reduce Council costs through

- providing a regional approach to compliance with State and Federal legislation thereby reducing costs to member Councils

- trialling with the intent to implement products and services to reduce costs and
- implementing regional contracts to reduce costs through group purchasing

At the completion of the three years, the aim is to have the Compliance and Cost Savings Program be self funding through the revolving cost savings fund. A percentage of each member Council's savings will be placed back into the program in order to continue to provide further funds for Centroc. The Board resolved to take this approach rather than increasing fees for members. A full report on how this works was provided to members in February 2009 and is available upon request.

The program has been in operation since 14 December 2009 and over \$1,000,000 of savings to the region have been realised through a variety of programs including desktop telephony audit, on site telephony audit at some councils, diesel tax rebate audit and a desktop electricity review.

Centroc Supply Management Team

The Supply Management Team was established in June 2003. The objectives of this team are:

1. Networking of professional purchasing staff
2. Achieve savings through joint procurement of goods and services
3. Generate income through rebates to Central NSW Councils
4. Facilitate professional development and training of Council purchasing staff
5. Encourage use of the latest technology for communication and purchasing functions

The Supply Management Team has been successful in all of these areas over the past eight years and continues to provide ways for councils to save money and time through working together regionally.

In addition to road signs, the team currently has regional tenders in bitumen emulsion and fuel and are continuously looking at ways that purchasing regionally can assist Centroc members.

Financial and resourcing impacts

Centroc has managed the process including all costs of advertising and tender assessment and will receive a management fee from the provider to cover these costs which council will not be responsible for.

As Council purchases less than \$150,000 worth of road signs each year it is not bound to purchase off a contract, and staff can seek quotes each time they look to purchase road signs. However this provides no guarantee of what prices will be obtained and requires more staff time in undertaking each purchase.

Council currently purchases road signs through Centroc's current regional contract, and a local supplier, in 2010/11 the total expenditure was \$17,000.

It is recommended that Council continue to participate in a regional road sign contract, as this provides Council with price stability and reduced staff costs.

Regional Supplier for Road Signs process

The Centroc Request for Tender (RFT) for Supply and Delivery of Road Signs was managed under the auspices of the Centroc Supply Management Team and its sponsoring General Manager Mr A Jones of Blayney Shire Council.

The Supply Management Team oversaw the RFT process run by Centroc. All documentation including copies of the RFT, responses from tenderers and tender assessment documentation is available upon request.

The evaluation panel gave consideration to responses from three companies:

- Artcraft
- Road Management Solutions
- Appleton Traffic Equipment

A panel, selected from the Supply Team, reviewed all tender submissions utilising the All Purpose Evaluation Tool (APET) software designed to make tender evaluations easier to manage. The tender evaluation panel, has recommended to Centroc Council's, that both Artcraft and Road Management Solutions (RMS) be placed on an approved supplier list for road signage supply, with said advice being provided to Centroc General Managers on 24 August 2011. The panel resolved that there was not enough difference between the two preferred providers to choose only one provider to sign a contract with. This will enable Council to choose between the two providers when purchasing road signs, providing Council with maximum choice and flexibility. It is noted that Centroc advised that Council's can choose to sign with either or both suppliers.

However after reviewing the pricing provided in the RTS process and identifying those sign types that Blayney Shire Council would ordinarily purchase, it is recommended that Council enter into a 2 year contract (with a possible 12 month extension) with Road Management Solutions (RMS).

BUDGET IMPLICATIONS

Expenditure on road signs is accounted for in Council's Management Plan.

POLICY IMPLICATIONS

Adoption of a preferred road sign supply contractor in accordance with the Local Government Act 1993.

Attachments

Nil.

Blayney Shire Council**Policy Register****Policy No XX**

Policy Title	Asset Management
Document/File No	
Officer Responsible	Director Engineering
Last Review Date	16/08/2011

Objectives

To set guidelines for implementing consistent asset management processes throughout Blayney Shire Council.

To ensure adequate provision is made for the long-term replacement of major assets.

Policy Statement**Blayney Shire Council****Asset Management Policy**

OBJECTIVES

To ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining an asset management awareness throughout the organisation by training and development.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

SCOPE

This policy applies to all Council activities.

GENERAL**Background**

1. Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.
2. Council owns and uses approximately \$246,469,000 of non-current assets to support its core business of delivery of service to the community.
3. Asset management practices impact directly on the core business of the organisation and appropriate asset management is required to achieve our strategic service delivery objectives.
4. Adopting asset management principles will assist Council in achieving its Strategic Longer-Term Plan and Long Term Financial objectives.
5. A strategic approach to asset management will ensure that the Council delivers the highest appropriate level of service through its assets. This will provide positive impact on;
 - Members of the public and staff;
 - Council's financial position;
 - The ability of Council to deliver the expected level of service and infrastructure;
 - The political environment in which Council operates; and the legal liabilities of Council.

Principles

1. A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.
2. All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.
3. Asset management principles will be integrated within existing planning and operational processes.
4. Asset Management Plans will be developed for major service/asset categories. The plans will be informed by community consultation and financial planning and reporting.
5. An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.
6. Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long term financial plans will be fully funded in the annual budget estimates.
7. Service levels agreed through the budget process and defined in adopted Asset Management Plans will be fully funded in the annual budget estimates.
8. Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
9. Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.
10. Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.
11. Future service levels will be determined in consultation with the community.
12. Training in asset and financial management will be provided for councillors and relevant staff.

RESPONSIBILITY

- **Councillors** are responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets.
- The **General Manager** has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.

End of Policy

Adopted:	Date:	Minute:
Last Reviewed:	Date: 16 August 2011	Minute:
Next Reviewed:	Date: 16 August 2015	

ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 SEPTEMBER 2011



30) ACCESS TO PREMISES STANDARD 2010
(Director Environmental Services)

RECOMMENDED:

1. That Council receive and note the report on the new Access to Premises Standard 2010.

REPORT

Access for people with disabilities to both public and private buildings will improve significantly under the new 'Access to Premises' standard that has become effective from 1 May 2011. The effect of the Premises Standard is has made building law and discrimination law align when it comes to access for people with disabilities.

Access for people with disabilities, particularly access to public buildings and the goods and services offered within them, is a major issue. The new standards with the access code are also included in the 2011 Building Code of Australia and apply to new buildings and new parts of existing buildings undergoing renovation or upgrade.

The new standards are not squarely aimed at people who use wheelchairs or people with mobility issues, but attempt to cover all people with a disability including physical, cognitive and sensory.

In terms of mobility and people with disabilities, more than 2.6% of the population require the use of a cane, walking frame or stick, crutches, manual or electric wheelchairs, scooters, specially modified vehicle or other mobility aid.

Areas to be covered include accessible car parking, signage, hearing augmentation, wheel chair seating spaces, swimming pool access via ramps, aquatic wheelchairs and lifts, general ramps and landings, stairs glazing on access ways, lift installations, sanitary facilities, accessible showers and public transport facilities.

In the past, building owners, developers, designers and the like have been unable to clearly determine their obligations under the Disability Discrimination Act. The new mandatory standard and BCA requirements eliminate the uncertainty which has existed for both building owners and for people with a disability.

In addition people with disabilities have in the past been unable to fully participate in the community given the variance, inconsistency and in many cases inadequate amenity offered across public buildings. The new standards will go a long way towards rectifying this situation.

The new standards may have significant impacts on many existing buildings however the requirements of the standards are required to prevail. The

retrofitting of buildings will require considerable attention to detail in order to identify suitable measures to address the requirements of the standard.

Any work on affected premises that requires either a Construction Certificate or Complying Development Certificate is caught under the mandatory provisions. It is recommended that building owners wishing to do work on buildings that fall under the code should work out how the access will be provided to meet the requirements as an early part of their considerations and before lodging development applications for affected properties.

Council officers are available for consultation prior to the lodgement of applications however the provisions of the Building Professional Act, 2005 preclude Council officers giving technical advice where Council is to be appointed as the Principal Certifying Authority. Councils Access Committee shall be engaged for input at the earliest opportunity, when staff become aware of proposals to upgrade existing premises.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

Nil

31) **REFUSAL OF DA13/2011 FOR THE CONSTRUCTION OF ADDITIONS TO AN EXISTING WORKSHOP AND CONSOLIDATION OF THREE (3) ALLOTMENTS AT 14 HILL STREET, BLAYNEY**
(Director Environmental Services)

RECOMMENDED:

1. That Council refuse DA13/2011 for construction of additions to an existing workshop and consolidation of three (3) allotments, as the works have been predominantly completed and may not be approved retrospectively.
2. That Council invites Mr Reeks to submit a new Development Application for the use of the unapproved workshop addition. This application would be required to be accompanied by an application for a Building Certificate.
3. That Council issue a Notice of Intention to serve Order Number 9 under Environmental Planning and Assessment Act 1979, requiring the cessation of the occupation of the building until such time as appropriate provisions for fire safety and fire safety awareness which are adequate to prevent the spread of fire and promote the safety of persons in the event of fire, are installed in the building.

REPORT

Executive Summary

After having met with Council staff to obtain pre-Development Application advice, and subsequently lodging a Development Application for construction of additions to an existing workshop and consolidation of three (3) allotments, the property owners of 14 Hill Street, Blayney (IB & RM Reeks) have erected the additions to an existing workshop, prior to determination of that Development Application. This action constitutes an offence against the Environmental Planning and Assessment Act 1979.

Due to the sensitive nature of this situation, this report is presented to Council, seeking a resolution to instruct staff as to action to be taken to resolve this state of affairs.

Council's decision in this matter has the potential to set policy precedence for how staff address breaches of the provisions of the Environmental Planning and Assessment Act 1979, in the future. As well Council's decision in this matter has the potential will set the expectations of developers and members of the community in relation to consequences for failure to obtain approvals required under Environmental Planning and Assessment Act 1979.

Background

7 July 2011 Pre-Development Application advice meeting on site at ICR Engineering Hill Street, Blayney. Present were Mr. Ian Reeks (ICR), Paul O'Brien (DES Blayney Shire) and Greg

Prince (MH&BS Blayney Shire).

Mr. Reeks advised Council of the proposal and that he had a tight timeframe as he had equipment arriving from Italy. Mr. Reeks stated that he was only coming to Council for approval as Mrs. Reeks had advised him against illegally erecting the addition.

Several issues were raised in relation to Building Code of Australia compliance and the failure of the occupant to provide a Fire Safety Certificate in relation to the Essential fire safety measures currently required (and not provided) in the building. It was agreed on site that these outstanding issues would be addressed as part of the Development Application process for the additions and consolidation.

- | | |
|----------------|---|
| 18 July 2011 | Development Application for construction of additions to an existing workshop and consolidation of three (3) allotments lodged with Council. |
| 11 August 2011 | Site inspection by Claire Johnstone (STP Blayney Shire) and Greg Prince (MH&BS Blayney Shire) reveals that the construction of the proposed additions to the existing workshop had been completed, without the required consent of Council. |
| 17 August 2011 | Notice of Intention to Serve Order No.2 under Section 121B of the Environmental Planning and Assessment Act, 1979, served on the owners of the property, under delegated authority. |
| 31 August 2011 | Representations received by Council from Mr. Reeks, in relation to the proposed Order, detailing that he was aware that they had erected the building without DA Approval, and that they (ICR Engineering) “had to erect this structure when we did . . . (as) there was a machine ordered from Italy that is worth almost one million dollars and it had to go straight under cover”. In his submission, Mr. Reeks is particularly egregious in his attitude to Councils position. |

Councils Manager Health and Building provides the following in a memorandum in relation to the building:

At the time of our site inspection just prior to the submission of the subject development application it was noted that the building erected was both non-compliant with the existing consent and construction certificate already granted. The departures from the approval showed that many of the fire safety provisions have not been adhered to as required.

In considering the proposed works for development consent, Council would normally give consideration to the existing building fire safety pursuant to the

provisions of Clause 93 of the Environmental Planning and Assessment Regulation 2000.

The non-compliant existing issues could have been addressed at this point however, there are significant departures from the Building Code of Australia that would need to be considered as an alternate solution under the Building Code of Australia Provisions. To have these matters assessed, considerable design evaluation and modeling may have been necessary from a fire engineer.

The building as constructed has both significant issues for occupant safety and also for containment of the spread of fire. I am of the opinion that the prospects of an alternate solution are slim at best.

Given the current exacerbation of the existing non-compliant nature of the building and the additional impacts on occupant safety it would be reasonable for Council consider the Issue an Order number 9 under Environmental Planning and Assessment Act 1979, requiring the cessation of the occupation of the building. Further consideration should be given to this matter after a full evaluation.

Given the erection of the work prior to consent and construction certificate it is now not possible to issue a construction certificate and therefore Council should deal with the non-compliances in decisive terms in accordance with the provisions of the Environmental Planning and Assessment Act 1979

Report

In the past, Blayney Shire Council has viewed illegal building work or the failure to comply with the terms and conditions of development consent as a matter of serious concern. Council has previously taken action in the courts following the identification of illegal building works in the past, and Councillors have given a direction for zero tolerance for illegal works in Heritage Conservation areas. i.e. If the structure is unapproved it is to be removed.

Council staff are committed to rigorously monitoring any unauthorised changes to Development Applications or illegal building works. The consequences of carrying out illegal building works are significant.

There are a range of legal mechanisms in place to control illegal building works. Builders/Owners or Developers found to be carrying out construction works without the required consent may be issued a Penalty Infringement Notice, be prosecuted in the Local Court, or in more serious cases, taken to the Land and Environment Court.

Illegal building works are those undertaken without the issue of a valid Consent, being a Construction Certificate, where Development Consent is required, or a Complying Development Certificate. It also includes building work that does not conform to an approved Construction Certificate or where a Construction Certificate has been issued and certain conditions under the Development Consent have not been met.

Councils are generally successful bringing cases before the Local Court or Land and Environment Court against developers or builders who carry out illegal building work or works contrary to their Development Consent. Often

the Courts may impose hefty fines, or in cases known as 'class 4 appeals' in the Land and Environment, will order the demolition of the illegal building works.

Where illegal building works are identified Council may consider:

- Issuing the builder with a penalty infringement and issue a 'Stop Work' notice;
- Ordering the demolition of the illegal works;
- In cases where minor illegal works are found to be acceptable by Council on a merit assessment, recommendation for approval of these illegal works may be submitted to a Council meeting for consideration and determination. In such cases additional fees and/or fines may still be levied;
- Illegal building works which constitute major breaches may be prosecuted through either the Local Court or the Land and Environment Court. If Council observes illegal building work that is under the control of a Private Certifying Authority, the Authority will be reported to the Building Professionals Board.

It is suggested that measures should be taken as an appropriate censure in this matter to emphasize to Mr. Reeks the importance of obtaining the required consents, prior to undertaking building works. This censure should also serve as a deterrent to the general populace, from undertaking development in Blayney Shire, without first obtaining the appropriate consent.

Advice has been sort from Pikes Layers in relation to this matter, who advise that it would be prudent for Council to follow the course of action detailed below.

1. Refuse DA13/2011 for construction of additions to an existing workshop and consolidation of three (3) allotments, as the works have been predominantly completed and may not be approved retrospectively.
2. Invite Mr. Reeks to submit a new Development Application for the use of the unapproved workshop addition. This application would be required to be accompanied by an application for a Building Certificate.
3. Issue a Notice of intention to serve Order Number 9 under Environmental Planning and Assessment Act 1979, requiring the cessation of the occupation of the building until such time as appropriate provisions for fire safety and fire safety awareness which are adequate to prevent the spread of fire and promote the safety of persons in the event of fire, are installed in the building.
4. Litigation. A Closed Council Report will be presented at this meeting.

In relation to point No.3 above, the actual order requiring the cessation of the occupation of the building, would not need to be issued, where Mr. Reeks was cooperative in attending to the fire safety issues which exist in the building currently.

Conclusion

Council is currently experiencing somewhat of a boom in development. Now more than ever it is imperative that development progress in a manner which is orderly and in conformance with local and state legislative requirements. This has the effect of providing surety to the general populace, in relation to the appropriateness, quality and type of development carried out within Blayney Shire.

It is recommended that Council adopt the recommendations contained within this report.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

Attachments

- | | | |
|---|---------------------|---------|
| 1 | Memo | 1 Page |
| 2 | Notice of Intention | 3 Pages |
| 3 | Representations | 1 Page |

312430

Blayney Shire Council**FILE NOTE**

TO: FILE NOTE

FROM: Claire Johnstone (Senior Town Planner) & Greg Prince
(Manager Health and Building)

DATE: 11 August 2011

RE: DA13/2012 – Extension to Existing Workshop and
Consolidation of Three (3) Allotments into One (1) – 14 Hill
Street, Blayney

On the 11 August 2011 at approximately 4pm Greg Prince (Manager Health & Building) and Claire Johnstone (Senior Town Planner) visited the subject site following a Development Allocation Meeting undertaken that morning regarding the subject application received on the 19 July 2011.

During the site visit from the roadway it became apparent that the proposed extension to an existing workshop had been erected. This work had taken place without the issue of a development consent and is not considered Complying Development under the *SEPP (Exempt and Complying) 2008* or *BLEP1998*.

Before undertaking further investigation we returned to the office to further review the application and discuss the appropriate way forward to deal with the unauthorised works.

In the absence of the Director Environmental Services (DES) on the 11 and 12 August 2011 it was agreed that this matter would be discussed with DES as soon as possible on his return to the office.



Claire Johnstone
Senior Town Planner



Greg Prince
Manager Health & Building

Blayney Shire Council



17 August 2011

File No. 309828

Mr Ian Reeks and Mrs Roxanne Reeks
PO Box 119
BLAYNEY NSW 2799

NOTICE OF INTENTION TO ISSUE AN ORDER

Section 121H Environmental Planning and Assessment Act, 1979
Lot 11 and Lot 13, Section 16, DP 758121, 14 – 16 Hill Street, BLAYNEY

It is Council's intention to issue the attached Order as the building has been erected without prior development consent and construction certificate where prior development consent and construction certificate are required.

Please read this letter and the attached draft Order carefully.

The Act allows you to make representations to Council as to:

- i) why the Order should not be given;
- i) the terms of the Order;
- ii) the period of time for compliance with the Order.


This representation can be made by you, or alternatively, an Australian legal practitioner or agent. Any representation is to be made within fourteen (14) days in writing, and made to Paul O'Brien, Director of Environmental Services, Blayney Shire Council, being the person who will consider the representation.

What happens next:

- Should you carry out the requirements of the attached draft Order, the Order will not be issued and no further action will be necessary.
- Should no representations be received and a further inspection indicates that the circumstances that lead to the draft order being prepared continue to exist, the draft Order will be issued.
- Should you make a representation, the representation will be considered and one of the following may occur:
 - o the Order will not be issued,
 - o the Order will be issued in the same terms as the draft Order, or
 - o the Order will be issued with modified terms.

Should you have any questions in relation to this matter, please contact Council's Health and Building Department on (02) 6368 9618.

Yours Faithfully


Paul O'Brien
Director of Environmental Services
For the General Manager

COUNCIL CHAMBERS
91 ADELAIDE STREET,
BLAYNEY, N.S.W. 2799
email: council@blayney.nsw.gov.au

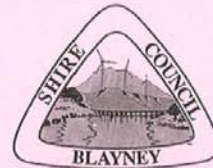
TELEPHONE: (02) 6368 2104
FAX: (02) 6368 3290

ALL COMMUNICATIONS TO
BE ADDRESSED TO:

GENERAL MANAGER
BLAYNEY SHIRE COUNCIL
P.O. BOX 62,
BLAYNEY, N.S.W. 2799

www.blayney.local-e.nsw.gov.au

Blayney Shire Council



DATE

DRAFT ORDER

File No. 309828

Mr Ian Reeks and Mrs Roxanne Reeks
PO Box 119
BLAYNEY NSW 2799

ORDER No 2

Section 121B Environmental Planning and Assessment Act, 1979

Premises: Lot 11 and Lot 13, Section 16, DP 758121, 14 – 16 Hill Street, BLAYNEY

The Blayney Shire Council (the "Council"), in pursuance of the powers conferred by Section 121B of the Environmental Planning and Assessment Act, 1979 (the "Act"), orders you as Owner of **Lot 11 and Lot 13, Section 16, DP 758121, 14 – 16 Hill Street, BLAYNEY** to do such things or refrain from doing such things as specified in the Terms of the Order set out below within the period set out below for the indicated reasons.

Terms of the Order:

Demolish the unauthorised addition located between the eastern boundary of Lot 13, Section 16, DP 758121 and running up to the eastern wall of the existing workshop located on Lot 11, Section 16, DP 758121 and between the southern boundary up to approximately 11.266 metres north of the southern boundary.

Circumstances in Which the Order is Given:

The building has been erected without prior development consent and construction certificate where prior development consent and construction certificate are required.

Reasons for the Order:

The building has been erected without prior development consent and construction certificate where prior development consent and construction certificate are required.

Time Period for Compliance:

This Order must be complied with within 28 days.

You may appeal the order to the Land and Environment Court of New South Wales against all or part of the Order within 28 days after service of this Order on you.

It is an offence against the Environmental Planning and Assessment Act not to comply with this Order.

Your attention is directed to the following extracts of the Environmental Planning and Assessment Act 1979, concerning penalties for offences committed against the Act.

COUNCIL CHAMBERS
91 ADELAIDE STREET,
BLAYNEY, N.S.W. 2799
email: council@blayney.nsw.gov.au

TELEPHONE: (02) 6368 2104
FAX: (02) 6368 3290

ALL COMMUNICATIONS TO
BE ADDRESSED TO:

GENERAL MANAGER
BLAYNEY SHIRE COUNCIL
P.O. BOX 62
BLAYNEY, N.S.W. 2799

www.blayney.local.nsw.gov.au

Extracts from the Environmental Planning and Assessment Act.

1 PENALTY UNIT CURRENTLY EQUALS \$110.00

- Section 126 (1)** A person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding 10,000 penalty units and a further daily penalty not exceeding 1,000 penalty units.
- Section 126 (2)** A person guilty of an offence against the regulations is, for every such offence, liable to:
- (a) the penalty not exceeding 1,000 penalty units) expressly imposed by the regulations; or
 - (b) if no such penalty is imposed, to a penalty not exceeding 1,000 penalty units.
- Section 126(3)** Where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the court dealing with the offence may, in addition to or in substitution for any pecuniary penalty imposed or liable to be imposed, direct that person:
- (a) to plant new trees and vegetation and maintain those trees and vegetation to a mature growth; and
 - (b) to provide security for the performance of any obligation imposed under paragraph (a).
- Section 121 ZJ** If a person fails to comply with the terms of the Order given to the person, the Council may do all such things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order.
- Any expenses incurred by the Council under this section (less the proceeds, if any, of any sale) under 121ZJ together with all its associated costs may be recovered by the Council in any court of competent jurisdiction as a debt due to the Council by the person concerned.

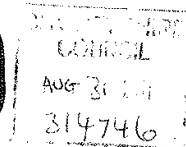
Council's fees and charges schedule also provides for an administration fee of \$455.00 for giving effect to an order. Any expenses incurred by Council in effecting an order, including the administration fee, may be recovered by Council in any Court of competent jurisdiction as a debt due to it by the person required to comply with the Order.

The Act also allows for penalty notices to be issued for offences against the Act.

Should you have any enquiries please contact Council's Health and Building Department on (02) 63689618.

Yours Faithfully

Paul O'Brien
Director of Environmental Services
 For the General Manager

**ICR ENGINEERING Pty Ltd**

16A HILL STREET
P.O. BOX 119
BLAYNEY NSW 2799

ABN: 88 103 201 332
ACN: 103 201 332

ian@icrengineering.com.au

Telephone (02) 6368 3067
Fax (02) 6368 2070

31/09/2011

The General Manager
Blayney Shire Council
RE : DA application for workshop extension

Dear Alan

I refer to the letter we received on the 19/08/2011 asking as to remove the building that we have erected without DA approval.

We had to erect this structure when we did and as it was pointed out to your staff at a site meeting prior to lodging the DA that there was a machine ordered from Italy that is worth nearly one million dollars and that it had to go straight under cover and located in it's correct position as it weighs nearly 40 ton in total. This was taken on board by Paul and Greg and I thought that everything would be taken care of, after all it is in an industrial area and we already had a approved DA for a similer building in the same spot but just smaller. I hadn't lodged a DA earlier because of the on going issues with the council but I thought these were over with the general manager resigning as I felt that a DA lodged then would never have been approved ,one would like to think that this is not still the case , rest assured that I would take no convincing in moving my business to Orange as they are trying to persuade me to and are making it very attractive to do so.

This machine is now here and has been for many weeks, we have had technicians here from Perth and now Italy installing and commissioning this state of the art machine of which I might add is the first of its kind in Australia and only about fifth in the world. I would like your assistance in this matter to resolve it as quickly as possible so we can move forward from here and promote this machine in the Blayney Shire.

Regards
Ian Reeks
Director

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 SEPTEMBER 2011



32) CENTRAL TABLELANDS WATER DELEGATES REPORT
(Interim General Manager)

RECOMMENDED:

1. That the Central Tablelands Water Delegates Report from the August 2011 meeting be received and noted.

Attachments

- 1 Central Tablelands Water Delegates Report 3 Pages

33) **MINUTES OF THE BLAYNEY SHIRE TOURISM COMMITTEE
MEETING - 14 JULY 2011**
(Director Corporate Services)

RECOMMENDED:

1. That the Minutes of the Blayney Shire Tourism Committee meeting held 14 July 2011 be received and noted.

REPORT

The Blayney Shire Tourism Committee held their meeting on Thursday 14 July 2011, at the Cottage. A copy of the minutes from this meeting is provided as an attachment to this business paper.

BUDGET IMPLICATIONS

Nil effect.

POLICY CONSIDERATIONS

Nil effect.

Attachments

- 1 Blayney Shire Tourism Committee minutes 14 July 2011 1 Page

34) MINUTES OF THE BLAYNEY SHIRE TOURISM COMMITTEE
MEETING - 4 AUGUST 2011
(Director Corporate Services)

RECOMMENDED:

1. That the minutes of the Blayney Shire Tourism Committee meeting held 4 August 2011 be received and noted.
2. That the resignation by Aida Pottinger be received and that Council advertise to fill the vacancy on the Tourism Committee.

REPORT

The Blayney Shire Tourism Committee held their meeting on Thursday 4 August 2011, at the Cottage. A copy of the minutes from this meeting is provided as an attachment to this business paper.

BUDGET IMPLICATIONS

Nil effect.

POLICY CONSIDERATIONS

Nil effect.

Attachments

1 Blayney Shire Tourism Committee minutes 4 August 2011 1 Page

Delegates' Report - Central Tablelands Water

The following is a précis of the items discussed at the August 2011 meeting of Central Tablelands Water and is submitted for Council's information:

Budget Review Statement to 30 June 2011

The Finance Manager reported that the Budget Review Statement for the period ending 30 June 2011 revealed a deficit for the year of \$600,201, which is a dramatic turn around on the original budget surplus of \$33,392.

The main contribution to this deficit result was a reduction of \$781,803 in revenue from water charges as a result of a significantly wet year.

Council's Investments

The Finance Manager reported that Council's CDO investments through Lehman Bros continued to improve with the value at 30 June 2011 at 57.17% of par value. Lehman Australia remains in liquidation and Council's legal representatives, Piper Alderman and litigation fund managers IMF (Australia) are continuing to work on behalf of a significant number of councils with a class action against Lehman Australia.

The trial in the Federal Court has been completed and Council's legal representatives are pleased with the outcome. It is anticipated that the Court will take between 3 to 6 months to deliver judgment in the Proceedings.

As previously reported to Council, the Finance Manager further advised that, whilst Council's CDO investments through Lehman's are well below par value, Council's remaining investment portfolio of approximately \$2.45 million is all capital guaranteed, primarily in term deposits.

Audit Committee and Internal Audit

Council resolved to endorse the appointment of Mr Phillip Burgett and Mr Matthew Lawrence as independent external members on Council's Internal Audit Committee and that membership of the Internal Audit Committee comprise of the Chairman (or delegate), two external independents, the General Manager as an observer and the Finance Manager assuming the role of Secretariat to the Committee.

Council further resolved to adopt a three (3) year Strategic Internal Audit Plan for the period ending 30 June 2014 and present it to the Internal Audit Committee for implementation.

Policy Register Review

Following the annual review, Council resolved to adopt the updated Policy Register, as presented by the General Manager.

Public Interest Disclosures

The General Manager reported that he was working towards producing a policy document, as required, and would present it to the October 2011 meeting of Council.

Centroc Water Security Study – Lake Rowlands Augmentation

The Executive Officer of Centroc, Ms Jenny Bennett, addressed the meeting with a comprehensive overview of the activities of Centroc and, in particular, a thorough update on the Centroc Water Security Study with emphasis on the current status of the Lake Rowlands enlargement proposal.

Council resolved to authorise the Chairman and General Manager to meet with the Minister for Primary Industries, the Hon. Katrina Hodgkinson to discuss the requirements of the Dam Safety Committee for the existing Lake Rowlands Dam and the submission made to her for the reallocation of the Browns Creek pipeline subsidy.

Council further resolved that the General Manager should issue a press release reinforcing Council's support of Orange City Council's Macquarie River pipeline.

Staff Performance Reviews

The General Manager reported that annual performance reviews on all non-operations staff have been completed and, as reported last year, he is pleased to report that he is supported by a cohesive and dedicated team in finance, administration and operations management.

The Operations Manager has also completed annual performance reviews on all operations staff with pleasing and satisfactory outcomes.

WBC Alliance

Council resolved to receive and note the July monthly report from the WBC Project Officer.

Council further resolved to support the proposed WBC Councillor and Staff Forum, indicate their commitment to attend and to put forward any agenda items/topics they would like included on the day.

LGSA Water Management Conference

Council resolved to give approval for the Chairman, General Manager, Operations Manager and any other Councillor to attend the 2011 LGSA Water Management Conference in Grafton and that Councillors interested in attending should contact the General Manager to arrange registration.

Age of Fishes Museum – Canowindra

Council resolved to grant the Age of Fishes Museum an annual donation equivalent to 100% of the availability charge on their water account.

Grenfell PAH and I Association

Council resolved to approve a Section 356 payment of \$250.00 to the Grenfell Show Committee in support of the 2011 Grenfell Show.

Operations

The Operations Manager reported on various routine maintenance activities and the following:

Service Repairs

Staff have attended to 31 problems to water services over the past two months.

Mains Breaks

In the two-month's period there have been 6 reticulation main failures, 3 rural scheme main failures and 1 trunk main failure.

New Services

In the two-month's period there have been seven (7) new service connections.

Reservoir Levels

All reservoir levels have been maintained at or near 100% capacity.

The level of Lake Rowlands on 1 August was 96%.

Capital Works

The Millthorpe mains replacement programme for 2010/2011 was completed with all customers transferred to the new mains.

General Manager – Annual Performance Review

Following the Annual Performance Review of the General Manager, Council resolved that it was pleased to advise the General Manager that his performance over the past 12 months was considered to be above satisfactory.

Cr. G Braddon

Cr. K Radburn

**MINUTES OF THE MEETING OF THE BLAYNEY SHIRE TOURISM COMMITTEE
HELD IN THE COTTAGE
ON 14 JULY 2011**

The meeting commenced at 5.07pm

1. Present:

Karen Somervaille, Ena Norris, Elizabeth Russ, Cathy Griffiths, Iris Dorsett, Tom Williams, Howard Sinclair, Cllr Kevin Radburn, Jenny Rand (presenter), Anton Franze.

2. Apologies:

Karen Somervaille, Cllr Alan Ewin, David Kennedy, Aida Pottinger.

RESOLVED: That the apologies be accepted. (Griffiths / Dorsett)

3. Adoption of Minutes of the Previous Meeting:

RESOLVED: The minutes of the previous meeting held on the 12 May 2011 be received and noted as a true and accurate record. (Williams / Somervaille)

4. Matters Arising:

- Nil.

5. Presentation of Tourism Strategy by Jenny Rand

A Powerpoint presentation was made to the committee by Jenny Rand of Jenny Rand & Associates of the outcomes of the Strategy to date. Discussion was also held on the Draft Diagnostics Report and Action Plan that will inform the final Strategy.

RESOLVED: That the presentation be received and that comments be provided to Jenny Rand within two (2) weeks.

(Williams / Norris)

6. Next meeting

Special meeting 04/08/2011
Ordinary meeting 08/09/2011

Meeting closed 7.07pm

**MINUTES OF THE SPECIAL MEETING OF THE BLAYNEY SHIRE TOURISM
COMMITTEE HELD IN THE COTTAGE
ON 4 AUGUST 2011**

The meeting commenced at 5.00pm

1. Present:

Clr Kevin Radburn, Clr Alan Ewin, Karen Somervaille, Elizabeth Russ, Ena Norris, Tom Williams, Cathy Griffiths, Iris Dorsett, Howard Sinclair, Anton Franze.

2. Apologies:

David Kennedy, Aida Pottinger.

RESOLVED: That the apologies be accepted. (Griffiths / Somervaille)

3. What's on in Shire Monthly and Coming Events Newsletters

As a starting point meeting dates, times and locations for different groups will be collated.

RESOLVED: That Cathy Griffiths will commence collation of meeting dates, times and locations for different groups across the Shire. (Williams / Norris)

4. RV Friendly Town

RESOLVED: That the Cottage Committee investigates costs and application to become an RV Friendly Town. (Russ / Sinclair)

5. Tourism Strategy Presentations

Tentative dates and locations as follows:

- Newbridge: 3.30pm Sunday 11/09/2011
- Millthorpe: 9.00am Monday 12/09/2011
- Blayney: 5.00pm Monday 12/09/2011
- Carcoar: 5.30pm Tuesday 13/09/2011

6. Discover Blayney Shire CD Update

Update to CD is required however will wait a further 3 months before coordination of CD update.

7. Branding / Promotion of Blayney Shire

Will await outcome of Tourism Strategy before proceeding.

8. Vacancy

Aida Pottinger has advised Council that she is unable to commit to the Committee due to ill health and has indicated her willingness to step down as a member of the Committee.

RESOLVED: That the resignation by Aida Pottinger be received and that Council advertise to fill the vacancy on the Tourism Committee.

6. Next meeting

Ordinary meeting 08/09/2011

Meeting closed 6.45pm