



15 September 2020

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 21 September 2020 at 6.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 17.08.20
- (9) Matters arising from Minutes
- (10) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2020

September

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	21 September 2020	Council Meeting	Community Centre

October

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
10.00am	9 October 2020	Traffic Committee Meeting	Community Centre
2.30pm	9 October 2020	Upper Macquarie County Council Meeting	Kelso
10.30am	14 October 2020	Central Tablelands Water Meeting	Grenfell
6.00pm	19 October 2020	Council Meeting	Community Centre

November

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
2.30pm	13 November 2020	Upper Macquarie Country Council Meeting	Kelso
6.00pm	16 November 2020	Council Meeting	Community Centre
6.00pm	19 November 2020	Sports Council Meeting	Community Centre
6.00pm	24 November 2020	Tourism, Towns and Villages Committee Meeting	Community Centre
10.00am	27 November 2020	Central NSW JO Board Meeting	Bathurst

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HELD ON MONDAY 21 SEPTEMBER 2020

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LIVE STREAMING OF COUNCIL MEETINGS

In accordance with the Blayney Shire Council Code of Meeting Practice, this meeting will be recorded for the purpose of the live streaming function via our YouTube channel. The audio and visual live stream and recording, will allow members of the public to view proceedings via the Internet without the need to attend Council meetings. The objective of this service is to eliminate geographic and other access barriers for the community wishing to learn more about Council's decision making processes.

By speaking at the Council Meeting you agree to be livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times.

Whilst Council will make every effort to ensure that live streaming is available, it takes no responsibility for, and cannot be held liable for technical issues beyond its control. Technical issues may include, but are not limited to the availability or quality of the internet connection, device failure or malfunction, unavailability of YouTube or power outages.

Live streams and archived recordings are a free public service and are not an official record of Council meetings. Recordings will be made of all Council meetings (excluding confidential items) and published to YouTube the day after the meeting. For a copy of the official public record, please refer to Council's Business Papers and Minutes page on Council's website.

Council does not accept any responsibility for any verbal comments made during Council meetings which may be inaccurate, incorrect, defamatory, or contrary to law and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error.

Live streaming is primarily set up to capture the proceedings of the Council meeting and members of the public attending a Council meeting need to be aware they may be recorded as part of the proceedings.

01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 17 AUGUST 2020**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.3**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 17 August 2020, being minute numbers 2008/001 to 2008/019 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 17 AUGUST 2020, COMMENCING AT 6.00PM

Present: Crs S Ferguson (Mayor), S Denton (via Zoom), A Ewin (Deputy Mayor), D Kingham, J Newstead, B Reynolds and D Somervaille

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr G Baker), Director Planning & Environmental Services (Mr M Dicker) and Executive Assistant to the General Manager (Mrs L Ferson)

ACKNOWLEDGEMENT OF COUNTRY**RECORDING OF MEETING STATEMENT****DISCLOSURES OF INTEREST**

The General Manager reported the following Disclosure of Interest forms had been submitted:

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Reynolds	Non-Pecuniary (Significant)	12	64	Minutes of the Financial Assistance Committee Meeting held 21 July 2020	Member of the Junction Reefs Trust
Cr Ferguson	Pecuniary	12	64	Minutes of the Financial Assistance Committee Meeting held 21 July 2020	Working on project at Millthorpe Museum in regards to Financial Assistance Program application

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 20 JULY 2020****2008/001****RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 20 July 2020, being minute numbers 2007/001 to 2007/020 be confirmed.

(Newstead/Somervaille)

CARRIED**MATTERS ARISING FROM THE MINUTES**

Cr Reynolds enquired about when BCO Alliance would be formalised and gathering held. General Manager confirmed this would be towards the end of September.

Cr Reynolds enquired about the IPART Rate Review process. Mayor confirmed Mining and Energy Related Councils had placed on their agenda.

EXECUTIVE SERVICES REPORTS**APPLICATION FOR LEAVE OF ABSENCE****2008/002****RESOLVED:**

That Council approve the Leave of Absence application submitted by Councillor Denton for the September 2020 Council meeting.

(Reynolds/Newstead)

CARRIED**LGNSW ANNUAL CONFERENCE 2020****2008/003****RESOLVED:**

That Council

1. Nominate the Mayor as voting delegate to the LGNSW Annual Conference 2020; and
2. Approves the registration and attendance of the Mayor, Deputy Mayor and General Manager as Blayney Shire Council Delegates to attend the LGNSW Annual Conference 2020.

(Ewin/Somervaille)

CARRIED

- 2008/004** **RESOURCES FOR REGIONS ROUND 7**
RESOLVED:
 That Council endorse the following project applications totalling \$3,055,718 be submitted under the NSW Government's Resources for Regions Round 7 Program:
- | | |
|---|-------------|
| 1. CentrePoint Stage 2 | \$1,800,000 |
| 2. Carbine Road | \$550,000 |
| 3. Forest Reefs Road | \$655,718 |
| 4. Blayney Library and Blayney CBD Master Plans | \$50,000 |
- (Reynolds/Somerville)
CARRIED

- 2008/005** **TOURISM EVENT DEVELOPMENT PROGRAM 2020-21**
RESOLVED:
 That Council approve the revision of the Tourism Event Development Program to include funding for general marketing and promotion activities for 2020/21.
- (Ewin/Somerville)
CARRIED

- 2008/006** **MINUTES OF THE BLAYNEY SHIRE CULTURAL CENTRE WORKING GROUP MEETING HELD MONDAY 3 AUGUST 2020**
RESOLVED:
1. That the minutes of the Blayney Shire Cultural Centre Working Group, held on Monday 3 August 2020, be received and noted.
 2. That Council dissolve the Cultural Centre Working Group Committee and members be thanked for their contribution and input into this important project, noting the successful cultural infrastructure projects implemented since the groups inception.
- (Ewin/Newstead)
CARRIED

CORPORATE SERVICES REPORTS

- 2008/007** **REPORT OF COUNCIL INVESTMENTS AS AT 31 JULY 2020**
RESOLVED:
1. That the report indicating Council's investment position as at 31 July 2020 be received.
 2. That the certification of the Responsible Accounting Officer be received and the report be adopted.
- (Kingham/Reynolds)
CARRIED

**DRAFT STATEMENT OF FINANCIAL REPORTS BY COUNCIL
2019/20****2008/008****RESOLVED:**

1. That the statement in accordance with Section 413(2)(c) of the Local Government Act 1993, and Clause 215 of the Local Government (General) Regulation (2005) for the General Purpose Financial Statements for the year ending 30 June 2020 be made.
2. That the certification of the Responsible Accounting Officer be received.
3. That the statement in accordance with the requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2020 be made.
4. That the statements be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
5. That the General Purpose Financial Statements and Special Purpose Financial Statements be referred to audit and Intentus Chartered Accountants, as the contracted agent for the NSW Audit Office, be invited to complete the audit as per the requirements of Section 413(1) of the Local Government Act (1993) and Local Government (General) Regulation (2005).
6. That Council approve the creation of a Carryover works restricted cash account.
7. That Council approve the creation of a Property account – borrowings restricted cash account.
8. That Council approve the net transfers from Council's external cash restrictions of \$324k.
9. That Council approve the net transfers from Council's internal cash restrictions of \$386k, for the purposes as detailed in Schedule 1.
10. That Council approve supplementary votes of expenditure to the 2020/21 budget for carryover works from 2019/20 to 2020/21, totalling \$1.493m funded from Internal Cash Restrictions of \$376k and External Cash Restrictions of \$1.117m as per the attached schedule be approved.

(Newstead/Somervaille)

CARRIED**COMPLIANCE AND REPORTING ACTIVITIES****2008/009****RESOLVED:**

That the report on Compliance and Reporting Activities for the six month period to June 2020 be received.

(Denton/Reynolds)

CARRIED

DISABILITY INCLUSION ACTION PLAN 2017 – 2021 ANNUAL REPORT**2008/010 RESOLVED:**

That the Annual Report on the Disability Inclusion Action Plan 2017 – 2021, for the year ended 30 June 2020, be received and noted.

(Denton/Newstead)

CARRIED**SIX MONTHLY DELIVERY PLAN REVIEW - JUNE 2020****2008/011 RESOLVED:**

That the six-monthly review of Council's 2019/20 – 2022/23 Delivery Plan, for period ending 30 June 2020, be received.

(Reynolds/Ewin)

CARRIED

The Mayor, Cr Ferguson, having declared an interest departed the Chair and left the meeting. The Deputy Mayor, Cr Ewin, assumed the Chair.

Cr Reynolds, having declared an interest left the meeting.

MINUTES OF THE FINANCIAL ASSISTANCE COMMITTEE MEETING HELD 21 JULY 2020**2008/012 RESOLVED:**

1. That the minutes of the meeting held 21 July 2020 be received.
2. That the recommendations for 2020/21 - Round 1 of the Community Financial Assistance Program by the Financial Assistance Committee, in the amount of \$12,468.50 be approved.
3. That the applications for Council DA fees be referred to the General Manager for assessment under delegation.
4. That Council encourages Village Committees, Progress Associations and other community groups to make application for eligible projects in future rounds.
5. That Council consider amending the guidelines to allow community groups, who rely on revenue from the use of their facilities and who lost substantial revenue due to COVID-19, to apply for a grant to help cover administrative costs and overheads.

(Somerville/Newstead)

CARRIED

The Mayor, Cr Ferguson, returned to the meeting and resumed the Chair.

Cr Reynolds returned to the meeting.

INFRASTRUCTURE SERVICES REPORTS**DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT****2008/013****RESOLVED:**

That the Director Infrastructure Services Monthly Report for August 2020 be received and noted.

(Newstead/Ewin)

CARRIED**RECYCLED WATER TREATMENT PLANT****2008/014****RESOLVED:**

That Council approve the Recycled Water Treatment Plant project, fully funded to the value of \$535,000 through the Sewer Reserve.

(Reynolds/Somervaille)

CARRIED**MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 7 AUGUST 2020****2008/015****RESOLVED:**

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 7 August 2020, be received and noted.
2. That Council:-
 - a. increase the 50km/h speed zone (R4-1) signs on Mount Macquarie Road to C size.
 - b. seek Transport for NSW approval for the relocation of the existing repeater sign (R4-1A) on Naylor Street to provide a 300m spacing from the initial speed zone sign, a further repeater (R4-1A) sign be installed 30m North of the intersection with Eulamore Street, and provide 50km ahead (G9-79A) signage on the approach from Mount Macquarie Road.
3. That the current Low Bridge High Vehicle G9-3(R) sign be relocated to between 40 and 60m west of Henry St in accordance with Australian Standard AS1742.2.
4. That a G9-5-1(R) Detour for High Vehicles be erected at the intersection of Burns and Henry Streets.
5. That additional signage be provided to further inform the detour and heavy vehicle access remains available to the Sealink facility.
6. That Council obtain concurrence from Transport NSW to install modified steep descent signage (WS-12 & W8-17-1 (1km)) on Carcoar Road, 2.6km South of the intersection of Browns Creek and Carcoar Roads.
7. That Short *Steep Descent signage (W5-12 & W8-17-1 (1km)) be installed on Errowanbang Road, in accordance with AS1742.2, 3.3km South West of the intersection of Errowanbang and Tallwood Roads.*
8. That Council refuse the request for the conversion of the

existing Give Way (R1-2) signs to Stop (R1-1) signs at the intersection of Henry and Burns Streets, Blayney.
(Reynolds/Newstead)
CARRIED

DELEGATES REPORTS

UPPER MACQUARIE COUNTY COUNCIL DELEGATE REPORT

2008/016 Recommendation:
That Council receive and note the Upper Macquarie County Council achievement report 2019-20.
(Reynolds/Kingham)
CARRIED

CLOSED MEETING

2008/017 RESOLVED:
That the meeting now be closed to the public in accordance with Section 10A of the Local Government Act, 1993 for consideration of the following matter:

LEGAL MATTER

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(Reynolds/Kingham)
CARRIED

CONFIDENTIAL MEETING REPORTS

2008/018 LEGAL MATTER RESOLVED:
That Council receive and note the report.
(Denton/Newstead)
CARRIED

2008/019 RESOLVED:
That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public.
(Reynolds/Ewin)
CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOME OF RESOLUTION NUMBER 2008/018.

There being no further business, the meeting concluded at 7.29pm.

The Minute Numbers 2008/001 to 2008/019 were confirmed on 21 September 2020 and are a full and accurate record of proceedings of the Ordinary Meeting held on 17 August 2020.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) COUNCIL MEETING DATES**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.2**Recommendation:**

That Council adopts the meeting dates and times for Ordinary Meetings of Council for the next 12 months as follows:

- Monday 19 October 2020
- Monday 16 November 2020
- Monday 21 December 2020
- Monday 15 February 2021
- Monday 15 March 2021
- Monday 19 April 2021
- Monday 17 May 2021
- Monday 28 June 2021
- Monday 19 July 2021
- Monday 2 August 2021
- Monday 27 September 2021

Reason for Report:

For Council to review and adopt a meeting schedule for the Ordinary Meetings of Council for the next 12 months as per s3.1 of Blayney Shire Council Code of Meeting Practice (2019).

Report:

Council convenes 11 Ordinary Meetings each year. Meetings are held in the Council Chambers, Blayney Shire Community Centre commencing at 6.00pm on the third Monday of each month, except for the January meeting when no meeting is normally held and the June meeting, held on the fourth Monday to adopt the Operational Plan.

This does not preclude the calling of an Extraordinary Meeting when the necessity arises for a particular issue, at the request of Councillors or staff by the authorisation of the Mayor.

The following dates and times are recommended for the Ordinary Meetings of Council over the following 12 months:

- Monday 19 October 2020
- Monday 16 November 2020
- Monday 21 December 2020
- Monday 15 February 2021
- Monday 15 March 2021
- Monday 19 April 2021

- Monday 17 May 2021
- Monday 28 June 2021
- Monday 19 July 2021
- Monday 2 August 2021
- Monday 27 September 2021

Risk/Policy/Legislation Considerations:

The Local Government Act (1993) section 365 stipulates the requirement for Council to meet at least 10 times per annum, each time in a different month.

The Blayney Shire Council Code of Meeting Practice (2019) and Model Code of Meeting Practice for Local Councils in NSW (2018) s3.1 refers to Frequency of Meetings and notes that Council will adopt an annual schedule of dates at the September meeting.

This schedule does not include various Committee meetings, extraordinary Council meetings, workshops or training, civic functions and other commitments of Councillors. Council Committees will continue for the remaining term of Council, along their adopted meeting schedule.

Local Governments in NSW will hold elections on Saturday 4 September 2021. Clause 393B of the Local Government (General) Regulation (2005) limits Councils' ability to exercise some of its functions in the 4 weeks preceding the date of a local government election, during the caretaker period. This means that the final date for Council to convene a meeting will be Friday 6 August 2021. It is proposed that the August meeting be moved a week earlier to ensure Council decisions are made prior to the caretaker period.

The September 2021 meeting is subject to the NSW Electoral Commission announcing election results in time to give notice to Councillors and advertise to the public the first meeting of the new Council. The September meeting is proposed to be deferred a week to allow for the declaration of the poll and remains subject to change.

Budget Implications:

Council meetings are a normal part of the operations of the organisation, and budgeted for in the 2020/21 Operational Plan. This includes travel reimbursement costs of Councillors and catering for meals.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) TOURISM EVENT DEVELOPMENT PROGRAM**Department:** Executive Services**Author:** Manager Tourism and Communications**CSP Link:** 3. The Local and Visitor Economy**File No:** RC.PL.1**Recommendation:**

1. That Council approves the following events under the 2019/20 Tourism Event Development Program;
 - a. \$1,000 for the Royal Hotel Mandurama new website
 - b. \$1,000 for Rosebank Gallery Art Exhibition
 - c. \$1,000 for Virtual Millthorpe Garden Ramble
2. That Council note the amendments to applications, previously approved.

Reason for Report:

To inform Council of the applications under the Tourism Event Development Fund under the 2020/21 budget.

Report:**Royal Hotel Mandurama – New Website**

Funding Request: \$1,000

The Royal Hotel Mandurama is in the process of renovating the accommodation at the hotel. By having their own website it will help advertise the hotel online and bring people to the area. The website will be a link to accommodation portals from other areas promoting the Mandurama area as well as the Royal Hotel.

Rosebank Gallery - Art Exhibition with virtual aspect

Funding Request: \$1,000

Rosebank will host an exhibition featuring 13 local artists all living in the Millthorpe, Blayney and Bathurst areas. The exhibition will run for 3 weeks from Friday 23 October with a virtual opening where the gallery will be filmed with commentary from the artists. Funding will support the promotion of the event (printing, paid social media and radio) and the filming of the virtual tour.

Millthorpe Garden Ramble – Virtual Event

Funding Request: \$1,000

Due to COVID-19 restrictions, the Millthorpe Garden Ramble in its usual format has been cancelled. To ensure the event stays engaged with its audience the committee is planning to host a virtual event.

Funding will support a promotion of the event and a professional videographer to shoot a selection of gardens, and will be posted on social media when the event was planned to be held. These video assets will also be valuable for future Garden Rambles to assist with promotion.

Videos with gardening tips will also be recorded and posted on social media and online competitions for followers to win vouchers to local shops. This engagement through social media will help boost the following the Millthorpe Garden Ramble has on Instagram and Facebook.

Risk/Policy/Legislation Considerations:

In accordance with the Local Government Act, s356, Council may resolve to grant financial assistance to persons for the purpose of exercising its functions.

As the program was included in the draft 2020/21 Operational Plan, does not exceed more than 5 percent of Council's income and is open to all persons within Council's area; 28 days public notice of Council's resolution is not required.

Budget Implications:

Council has a total budget of \$19,000 for 2020/21, approval of all applications will leave \$16,000 available in this program.

The following events had previously been approved:

- \$500 was approved for Millfest however the event has been cancelled. This funding will be allocated back into the 2020/21 funding pool.
- \$1,000 remains allocated to Antica Australis for their Ancient Southern Lands Event (date to be determined)

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) BARRY BORE MOU**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** WA.DC.1**Recommendation:**

That the General Manager be authorised to sign and execute the Memorandum of Understanding between Blayney Shire Council and Barry Community Supplementary Bore Incorporated.

Reason for Report:

For Council to endorse and approve the signing of the draft Memorandum of Understanding (MoU) between Blayney Shire Council and Barry Community Supplementary Bore Incorporated.

The MoU will formalise the provision of raw unpotable water from Council's Village Bore to the Barry Community Supplementary Bore (BCSB) tank and network.

Report:

When Council were addressing the new guidelines for the Village Bores access for key holders and the issuing of new keys, there was valid concern raised in regards to the Barry Community Supplementary Bore (BCSB) network.

In 1983, with Australian Government funding, Blayney Shire Council installed the Barry Village Bore for drought and stock water purposes. According to file records, in the late 1980's the Barry Supplementary Bore tank and reticulation network was installed to provide supplementary water for residential gardens and fire control for the Barry community. The intent of this network is that it is not for human consumption.

The Barry Community Supplementary Bore Committee was established in 1988 as a community operated water supply for the Barry Progress Association, and is referred to as a Private Water Supply as defined under the NSW Public Health Act (2010).

On Thursday 13 August, which was the BCSB annual general meeting, the General Manager, Mayor, Manager Water/Waste Water, Cr Somerville and General Manager CTW attended to discuss the issues regarding a private water supply.

A recommendation was presented to the members of BCSB in attendance that; if only non potable water is to be supplied, they should consider:

- Signage at reservoir;
- Audit of all connections;
- Acknowledgment from all household connections;
- Constitution of BCSB to restrict its functions to non potable supply;
- All connected households to be members of BCSB as a condition of receiving water;
- Part of annual charge allocated to membership fee;
- Annual invoice to include statement re non potable supply; and
- MOU between Council and BCSB Committee Inc. to acknowledge above

An action from this meeting was for Council prepare a draft MOU, which follows this report. A copy has been provided to the BCSB Committee to formalise the risk mitigation strategies as noted above.

Risk/Policy/Legislation Considerations:

Whilst the BCSB question them operating a private water supply, in summary, BCSB;

- currently provides water through reticulation to 32 households,
- is the supplier and charge a fee for properties to be connected to the reticulation,
- is aware of properties using water for human consumption,
- is an incorporated entity; and
- litigation is likely if sickness results from consumption of water.

The fact that BCSB is an incorporated body has reduced the individual risks to committee members.

Budget Implications:

Nil

Enclosures (following report)

1 Barry Community Supplementary Bore MOU

5 Pages

Attachments (separate document)

Nil

Barry Community Supplementary Bore

Blayney Shire Council

and

Barry Community Supplementary Bore Incorporated

Memorandum of Understanding

in relation to the supply and use of raw water
in the village of Barry

1. PARTIES

1. **BLAYNEY SHIRE COUNCIL** ABN 47 619 651 511 a council constituted under the *Local Government Act 1993 NSW* of Council Chambers, 91 Adelaide Street, Blayney, New South Wales (**Council**)
2. **BARRY COMMUNITY SUPPLEMENTARY BORE INCORPORATED** an association registered under the *Associations Incorporation Act 2009 NSW* registered number 9879734 New South Wales (**BCSB**)

2. OVERVIEW

- A. Council owns, operates and maintains a raw water bore and associated pump and reservoir facilities located at Marsden Street, Barry (**Council Bore**).
 - B. The Council Bore and associated infrastructure was installed in 1983 with funding from the Australian Government's Drought Relief Fund for the purpose of providing stock water for primary producers affected by the drought during this time.
 - C. In or about 1990, with funding provided by Council, the Barry Progress Association through its Water Sub-Committee installed a water supply tank (**Barry Reservoir**) and a network of reticulation pipes connecting the Barry Reservoir with properties in the village of Barry (**Reticulation Network**).
 - D. Since the construction of the Barry Reservoir, Council has provided a raw water source from the Council Bore to the Barry Reservoir through an enabling connection at the Council Bore take off point.
 - E. BCSB assumed responsibility from the Barry Progress Association, for the operation, maintenance and management of the Barry Reservoir and the Reticulation Network on its incorporation in 2003.
 - F. With funding provided under the NSW Government's Drought Communities Program:
 - (a) the Council Bore was refurbished in 2019; and
 - (b) the Barry Reservoir was replaced with a new 120,000 litre reservoir in 2020.
-

3. NON POTABLE SUPPLY	Raw water extracted from the Council Bore, stored in the Barry Reservoir and reticulated to properties in Barry is and always has been untreated non potable water not intended to be used for human consumption or for purposes connected with human consumption.
4. PURPOSE OF THIS MOU	<p>Council and BCSB enter into this MOU:</p> <ul style="list-style-type: none"> (a) to record and acknowledge their respective roles and commitments to each other in relation to the supply and use of raw water in the village of Barry; and (b) to assist Council in carrying out its statutory responsibility to take appropriate measures to ensure compliance with the <i>Public Health Act</i> in relation to private water suppliers.
5. COUNCIL COMMITMENTS	<p>Council undertakes to BCSB that it will:</p> <ul style="list-style-type: none"> (a) maintain the Council Bore and its associated infrastructure in good working order; and (b) subject to the capacity of the Council Bore, deliver raw water to the Barry bore take off point to enable BCSB to store that water in the Barry Reservoir.
6. BCSB ACKNOWLEDGMENTS	<p>BCSB acknowledges that:</p> <ul style="list-style-type: none"> (a) the water supplied to the Barry bore take off point is untreated and non-potable raw water; (b) it is aware that groundwater sourced through the Council Bore may be contaminated including by sewage, animal waste and agricultural runoff risks; and (c) it accepts all risks of losses or claims arising from human consumption of water supplied through the Reticulation Network or from use of the water for household purposes.
7. BCSB COMMITMENTS	<p>BCSB undertakes to Council that it will:</p> <ul style="list-style-type: none"> (a) take all reasonable steps to ensure water supplied through the Reticulation Network is not used for human consumption; (b) advise Council in writing from time to time of those steps or to do so on written request from Council;

-
- (c) permit council to inspect the Barry Reservoir and the Reticulation Network and to audit the measures taken;
 - (d) notify Council as soon as it becomes aware of any contamination incidents;
 - (e) maintain and operate the Barry Reservoir and the Reticulation Network in good working order to a standard that is fit for purpose, and to raise sufficient funds from its members and connected properties to enable it to do so.
 - (f) Indemnify Council and keep Council indemnified against any loss, damage or claim resulting from any failure on its part to comply with this clause 7 or from the use, operation or condition of the Barry Reservoir or the Reticulation Network.
-
- 8. GENERAL**
- (a) This MoU does not create a relationship of partnership, joint venture or principal and agent between Council and BCSB.
 - (b) Council and BCSB must each do all things reasonably necessary to give full effect to this MoU and the matters contemplated by it.
 - (c) This MoU may be amended in respect of any subject matter by a further agreement in writing signed by Council and BCSB.
 - (d) Failure to exercise or delay in exercising a right or remedy under this MoU does not operate as a waiver or prevent further exercise of that or of any other right or remedy.
-

Signed by:)
for and on behalf of)
BLAYNEY SHIRE COUNCIL)
Date:) General Manager

Signed by:)
for and on behalf of)
BARRY COMMUNITY)
SUPPLEMENTARY BORE) President
INCORPORATED)
Date:

05) LGNSW ANNUAL CONFERENCE MOTION IPART RATING REVIEW MINING RATE

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GR.ME.2

Recommendation:

That Council propose the following motion at the forthcoming LGNSW annual conference:

“That, in relation to recommendation 34 of the IPART Review into the Local Government Rating system, Local Government NSW lobbies the NSW government to either:

- (a) not implement the recommendation; or if it is to be adopted
- (b) meaningfully engage with all affected Councils before doing so, including a careful consideration of the rationale for and impacts of the recommendation and solutions for any adverse impacts on the financial viability of affected councils.”

Reason for Report:

For Council to endorse a Notice of Motion to be submitted to the LGNSW Annual Conference.

Report:

The Local Government NSW (LGNSW) Conference scheduled to occur in the Hunter Valley in November will now be an online event only held on Monday 23 November 2020. The Mayor has been nominated as the voting delegate for Blayney Shire Council as per Council Resolution in August (**Resolution No 2008/003**).

The following Motion is in the Category: Governance and accountability and is related to the IPART Rate Review Recommendation 34, which if implemented, could cap the total amount of mining rates Council could levy.

Background

Depending on how it was implemented, this could have a severe negative effect on Council's finances and indeed its viability. It is therefore proposed that Council consider proposing a motion at the Local Government NSW conference in relation to recommendation 34.

In December 2016 IPART delivered to the government its final report on its review of the local government rating system in NSW. The purpose of the review was to develop recommendations to improve the equity and efficiency of the rating system, in order to enhance Councils' ability to implement sustainable fiscal policies over the long term. The aim was to allow councils to collect revenue more equitably and efficiently from ratepayers.

Recommendation 34 is:

“Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council’s costs of providing services to the mining properties.”

IPART based its recommendation on its view that mining rates should be set relative to other business categories primarily to reflect differences in the cost of providing council services to these properties. They analysed data from 2013/14 which suggested that some councils may be using the mining category as a profits tax to fund local services. The recommendation was intended to make the mining rate more cost reflective and promote other tax principles, ensuring the rate is not just based on capacity to pay.

They noted that councils should be able to charge higher rates if there is a higher cost of servicing mining properties, including long term rehabilitation and other costs imposed on the local community. They also noted that councils also have the ability to apply for Special Variations to recover costs imposed by mines operating in their local government area. IPART referred to the Victorian model where the Victorian Local Government Act provides that the highest rate cannot be more than four times the lowest rate in an LGA.

Council has made 2 submissions in opposition to this recommendation. The first was in October 2016 following the release of the draft report. In this Council said that the approach was inequitable and its introduction would burden councils administratively and financially. The second was in September 2019 on release of the final report, in which the recommendation had not changed. Council said that councils should have the flexibility to set rates for their communities.

Both Local Government NSW and NSW Rating Professionals also opposed the recommendation:

- LG NSW said that linking mining rates to business rates and the costs of providing services has no logical basis. It noted that there are many other factors that come into consideration when determining mining rates, including capacity to pay, impact on the environment, impact on roads, bridges and other infrastructure, depletion of resources and life expectancy of the mine.
- NSW Rating Professionals noted that while the majority of the recommendations were aimed at increasing flexibility for councils, this one eliminated flexibility. They also pointed out that there was already power in the government to make regulations to tie mining rates to a percentage of business rates either generally or for specific councils (LG Act s. 528(2)).

The government released its responses to the 42 recommendations on 18 June 2020. In its response to recommendation 34 the government simply stated “Agreed” without further comment or explanation. There has been no guidance as to how the recommendation will be implemented.

In support of this motion, Council could point out that recommendation 34 is inconsistent with one important principle of taxation, namely equity. According to IPART itself in its report, this principle is that ratepayers should contribute to funding public goods according to their ability to pay, so that people who are better off to pay more tax than those who are worse off, so the burden of tax is proportional to the taxpayer's means. This was one of the reasons for the recommendation to change the rating basis to capital value of land.

The recommendation also does not sit well with the general thrust of the IPART approach evident throughout its report. This includes comments:

- that rates income should be allowed to increase over time in line with the growth in new capital investment (not just CPI increases apportioned across the value of unimproved land);
- that councils should be allowed to establish and fund additional infrastructure and services for the use of both current and future ratepayers without the need for State Government assistance or Special Variations;
- that flexibility should be encouraged by a new rating category and new subcategories for residential, business, farmland and mining properties, to encourage urban renewal and growth; and
- that councils should be allowed to use their rate structures to better take account of different costs that arise from different land uses.
- Council could also point out that any 'across the board' cap on mining rates relative to business rates is unnecessary in the light of the existing regulation making power in section 528(2) of the Local Government Act 1993.

The government stated in its media release that it intended to work hard to ensure NSW has an equitable and flexible rating system. Arguably, this does not seem to be the case with recommendation 34.

There would be budget implications if recommendation 34 is carried into effect. The exact impact on Council would depend on how it was implemented by the NSW Government:

- If it adopted the Victorian model, as interpreted by IPART, the cap on the mining ad valorem rate would be 4 times the business ad valorem rate. Council's current mining rate is 6.8 times its [weighted average] business rate. This would reduce the mining rate income to \$2,630,320 a reduction in income of \$1,873,570
- If it required councils to demonstrate that the additional mining rate income reflected a council's additional costs of providing services to the mining properties, then a thorough calculation would be required.

One challenge would be that Council has a Mining SRV which is allocated to the additional costs incurred by Council in providing services impacted by mining activities. Council total rates from the mining category for the current financial year are predicted to be:

Ordinary mining rates:	\$2,848,940
Mining SRV:	<u>\$1,656,026</u>
Total:	\$4,504,966

Unless council could demonstrate that our additional costs are in fact greater than that covered by the Mining SRV, the reduction in income would be \$2,848,940.

Risk/Policy/Legislation Considerations:

Motions must be submitted by Monday 28 September 2020 to allow for assessment of motions and distribution of the Business Paper before the conference and be submitted, in line with the LGNSW 2020 Annual Conference Motions Submission Guide

https://www.lgnsw.org.au/common/Uploaded%20files/Annual%20Conference%20documents/2020/LGNSW_2020_Conference_Motions_Submission_Guide.pdf

Motion Category can be any of the following

- Industrial relations and employment
- Governance and accountability
- Economic
- Infrastructure and planning
- Social and community
- Environment

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) LGNSW ANNUAL CONFERENCE MOTION EMERGENCY MANAGEMENT REFORM

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GR.ME.2

Recommendation:

1. That the Mayor formally write to the Local Members of Parliament in NSW and Australian Governments seeking support in Emergency Management Reform.
2. That Council propose the following motion at the forthcoming LGNSW annual conference:
“That LGNSW advocate to the NSW Government, specifically Resilience NSW to transfer responsibility for Emergency Management to the NSW Government to deliver the following outcomes:-
 - Decentralisation of emergency management roles to regional NSW providing stronger local knowledge and employment in the regions.
 - Improved capacity for resilience and recovery planning with that resource capable to transition directly into leading recovery (instead of local government).
 - Significant efficiency gains in the emergency management space with a greater capacity for more on-ground professional emergency management personnel in each local government area or agreed combined areas.
 - More consistent emergency management outcomes regardless of the size or capacity of the council (which itself is highly variable).
 - Improved strategy and delivery of emergency services infrastructure through integration.
 - Improved alignment by allowing local councils and the NSW Police to focus on their core roles.
 - Improved facilities, support and training for emergency service volunteers.
 - A significant boost to the financial sustainability of all councils in NSW.
 - A greater capacity within local councils to develop and implement permanent resilience improvements (e.g. on critical infrastructure).
 - Local councils still have a critical role to play in emergency management planning and response through a ‘seat at the table’, and,

That the transfer of responsibility includes removal of the \$120m Local Government annual contribution to emergency services and the transfer of ownership of Rural Fire Services and State Emergency Services infrastructure from Local Government to the NSW Government”.

Reason for Report:

For Council to endorse Notices of Motion to be submitted to the LGNSW Annual Conference.

Report:

The Local Government NSW (LGNSW) Conference scheduled to occur in the Hunter Valley in November will now be an online event only held on Monday 23 November 2020. The Mayor has been nominated as the voting delegate for Blayney Shire Council as per Council Resolution in August (**Resolution No 2008/003**).

The following Motion is in the Category: Governance and accountability and is in relation to Emergency Management Reform.

Background:

The NSW Government is exploring improved ways to address emergency management through the NSW Bushfire Inquiry, including liaising with other NSW Government agencies, councils and the community. The Australian Government is also investigating a better way through the Royal Commission into National Natural Disaster Arrangements.

Recent disasters across NSW have highlighted the challenges in emergency response and recovery, with overlaps and gaps, unclear responsibilities and in some cases inadequate funding, training, experience and resources. The NSW Inquiry sought to understand and make recommendations on how NSW improves its palling and preparedness for, and response to bush fires.

Council has received correspondence from the Institute of Public Works Engineers Australasia (IPWEA) – NSW expressing concerns over the way Emergency Management is undertaken in NSW.

Following the Bushfire Inquiry, Resilience NSW (formally the Office of Emergency Management) has started looking at ways that NSW prepares for and responds to natural disasters. Resilience NSW is in the early stages of piloting the Regional Disaster Preparedness Program (RDPP). The RDPP will focus on increasing the capacity and resilience of local councils and communities to prevent, prepare, respond and recover from natural disaster events.

All regions are currently supported by a dedicated Regional Emergency Management Officer (REMO), who is generally under resourced, but the NSW Department of Justice has now funded and appointed a Joint Organisation (JO) Emergency Management Officer, into the Canberra Region JO, with resources for training and capacity building within Councils.

In accordance with the State Emergency and Rescue Management Act, Local Government has multiple roles to play in Emergency Management including:-

- Convening, and chairing Local Emergency Management Committees and Recovery Committees

- working with State agencies to identify and prioritise risk mitigation options
- undertaking an all-hazards approach to emergency risk management
- working with insurers to minimise disaster risk exposure.

As the grass roots level of government, with the best engagement with our respective communities, Local Government typically wants to get involved, so we engage early (jump in), which results in us paying.

It is recognised and respected that Local Government should have a seat at the Emergency Management table, as a functional member of the LEMC or Emergency Operations Centre, we should not however be the lead or be the Emergency Management expert.

With the activity in the Emergency Services space, Council and IPWEA NSW consider the existing arrangements a poor structural model, that is going to grow and shift more cost to Local Government, it is therefore our view that now is the time for Local Government to be heard, and for NSW Government to completely overhaul Emergency Management in Regional NSW.

To simply insert a paid Emergency Management Officer into Local Government is a short term and fragile mechanism that will not serve our communities, nor government well into the future, either in the response or recovery phases of natural disasters. To train, have back-up and proper career pathing in the emergency management space requires a robust professional emergency management organisation with appropriate depth and breadth of expertise and experience.

It is recommended that Council support the transfer of responsibility for emergency management to the NSW Government. This includes removing the \$120m annual contribution to emergency services, and transferring ownership of Rural Fire Services and State Emergency Services infrastructure from Local Government to the NSW Government.

This motion adheres to LGNSW Policy principles including:-

Economic

Local Government must have control of its revenue raising and be fairly funded by the Commonwealth and NSW Governments to meet its infrastructure and service responsibilities.

Infrastructure and Planning

Local Government is best placed to plan for, deliver and manage essential local infrastructure.

Governance

Local Government must be constitutionally recognised and respected as an equal sphere of government.

Accountability

Local Government is responsible and accountable to the citizens, and communities it represents, through consultative processes, legislative accountabilities, efficient delivery of services, and effective customer service.

Risk/Policy/Legislation Considerations:

Motions must be submitted by Monday 28 September 2020 to allow for assessment of motions and distribution of the Business Paper before the conference and be submitted, in line with the LGNSW 2020 Annual Conference Motions Submission Guide

https://www.lgnsw.org.au/common/Uploaded%20files/Annual%20Conference%20documents/2020/LGNSW_2020_Conference_Motions_Submission_Guide.pdf

Motion Category can be any of the following

- Industrial relations and employment
- Governance and accountability
- Economic
- Infrastructure and planning
- Social and community
- Environment

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) REPORT OF COUNCIL INVESTMENTS AS AT 31 AUGUST 2020

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 2. Local Governance and Finance

File No: FM.IN.1

Recommendation:

1. That the report indicating Council's investment position as at 31 August 2020 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

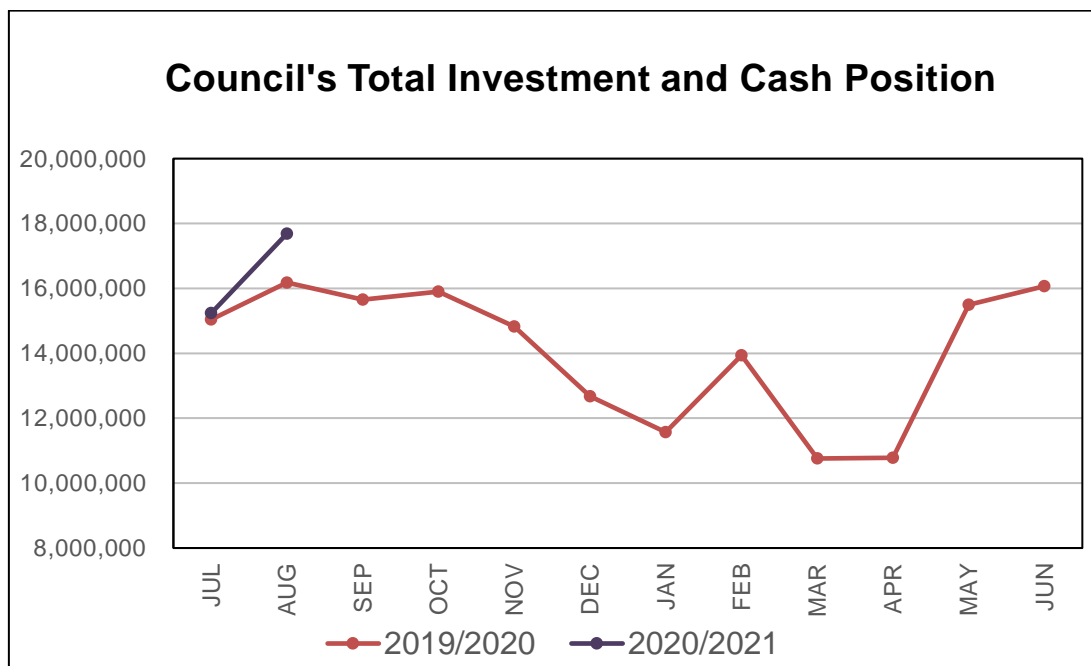
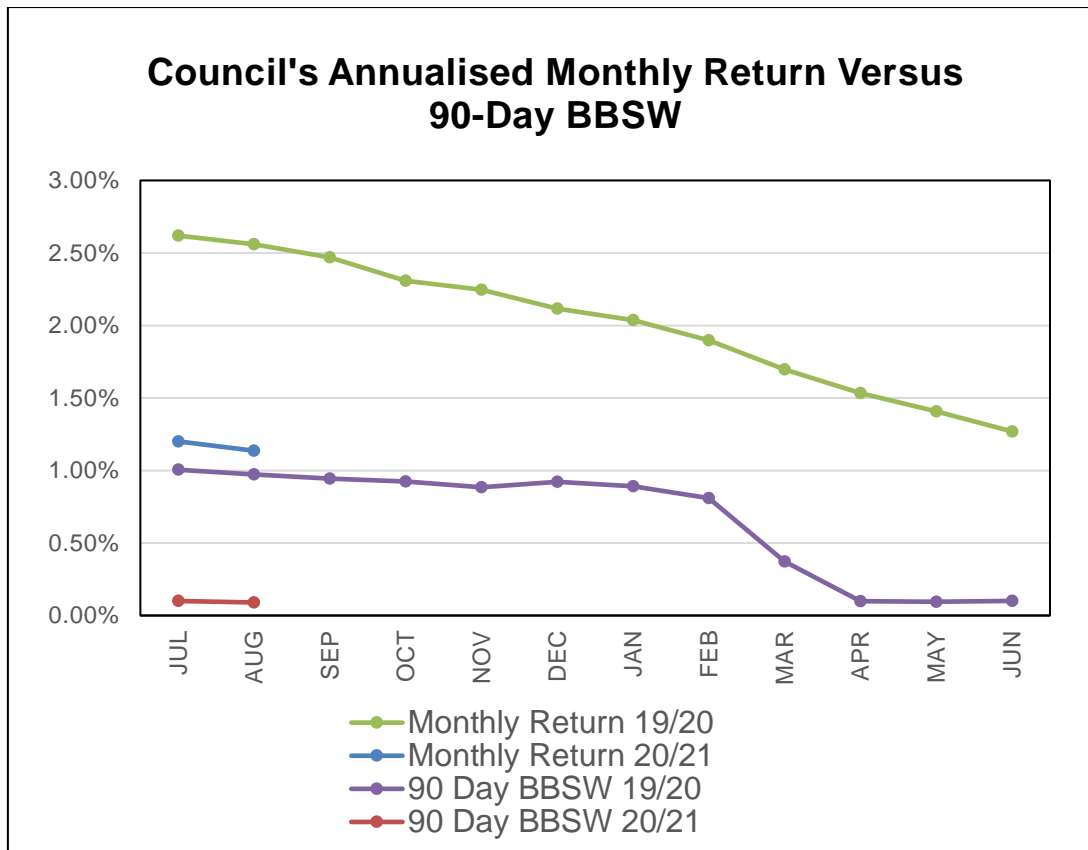
For Council to endorse the Report of Council Investments as at 31 August 2020.

Report:

This report provides details of Council's Investment Portfolio as at 31 August 2020.

Council's total investment and cash position as at 31 August 2020 is \$17,691,470. Investments earned interest of \$13,033 for the month of August 2020.

Council's monthly net return on Term Deposits annualised for August of 1.14% outperformed the 90 day Bank Bill Swap Rate of 0.09%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 AUGUST 2020				
Institution	Rating	Maturity	Amount \$	Interest Rate
NAB	A1+/AA-	01/09/2020	500,000	1.170%
ME Bank	A2/BBB	15/09/2020	500,000	1.600%
Bendigo & Adelaide Bank	A2/BBB+	29/09/2020	500,000	1.500%
Auswide Bank Ltd	A2/BBB	13/10/2020	500,000	1.700%
NAB	A1+/AA-	27/10/2020	500,000	1.040%
CBA	A1+/AA-	11/11/2020	500,000	0.720%
NAB	A1+/AA-	17/11/2020	500,000	0.970%
Macquarie Bank	A1/A+	24/11/2020	500,000	1.550%
Macquarie Bank	A1/A+	01/12/2020	500,000	0.850%
NAB	A1+/AA-	08/12/2020	500,000	0.960%
NAB	A1+/AA-	12/01/2021	500,000	0.960%
NAB	A1+/AA-	26/01/2021	500,000	0.850%
NAB	A1+/AA-	09/02/2021	500,000	0.830%
NAB	A1+/AA-	23/02/2021	500,000	0.770%
MyState Bank Ltd	A2/BBB+	02/03/2021	500,000	1.650%
AMP Bank	A2/BBB+	16/03/2021	500,000	1.800%
Macquarie Bank	A1/A+	23/03/2021	500,000	0.850%
Bank of Queensland	A2/BBB+	30/03/2021	500,000	1.050%
NAB	A1+/AA-	11/05/2021	500,000	0.970%
NAB	A1+/AA-	25/05/2021	500,000	1.000%
Westpac	A1+/AA-	01/06/2021	500,000	0.940%
Westpac	A1+/AA-	08/06/2021	500,000	0.940%
Westpac	A1+/AA-	22/06/2021	500,000	0.980%
AMP Bank	A2/BBB+	03/08/2021	500,000	0.800%
Westpac	A1+/AA-	17/08/2021	500,000	0.770%
Total Investments			12,500,000	1.089%
Commonwealth Bank - At Call Account ⁽¹⁾			2,503,493	0.750%
Commonwealth Bank Balance - General ⁽¹⁾			2,687,977	0.100%
TOTAL INVESTMENTS & CASH			17,691,470	
Benchmarks:	BBSW 90 Day Index ⁽¹⁾			0.090%
	RBA Cash Rate ⁽¹⁾			0.250%

1. % Interest rates as at 31/08/2020

Summary of Investment Movements - August 2020		
Financial Institution	Investment/(Recall) Amount \$	Commentary
AMP	(509,945)	Term Deposit Matured 04/08/2020
AMP	500,000	Term Deposit Reinvested 04/08/2020
Macquarie Bank	(503,719)	Term Deposit Matured 18/08/2020
Westpac	500,000	New Term Deposit 19/08/2020

Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent)	Policy Maximum	Current Holding %	Current Holding \$
TCorp IM Funds	100%	0%	-
AAA – AA Category	100%	60%	7,500,000
A- Category	40%	12%	1,500,000
BBB+ Category ⁽²⁾	30%	20%	2,500,000
BBB Category ⁽²⁾	10%	8%	1,000,000
BBB- Category and below: Local ⁽³⁾ ADI's	5%	0%	-
			12,500,000

2. BBB+ / BBB categories are not to exceed 30% collectively
3. ADI's located within the Local Government Area

Individual Institution Limit	Rating	Policy Maximum	Current Holding
AMP Bank	A2/BBB+	1,000,000	1,000,000
Auswide Bank Ltd	A2/BBB	500,000	500,000
Bank of Queensland	A2/BBB+	1,000,000	500,000
Bendigo & Adelaide Bank	A2/BBB+	1,000,000	500,000
CBA	A1+/AA-	5,000,000	500,000
Macquarie Bank	A1/A+	2,500,000	1,500,000
ME Bank	A2/BBB	500,000	500,000
MyState Bank Ltd	A2/BBB+	1,000,000	500,000
NAB	A1+/AA-	5,000,000	5,000,000
Westpac	A1+/AA-	5,000,000	2,000,000

RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS			
	Actual 30/06/2019 \$ 000's	Forecast 30/06/2020⁽⁴⁾ \$ 000's	Forecast 30/06/2021 \$ 000's
External Restrictions	9,713	9,304	8,197
Internal Cash Restrictions	6,777	6,391	5,382
TOTAL RESTRICTED ASSETS	16,490	15,695	13,579

4. Forecast figures are unaudited as at report preparation date.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffany Irlam, certify that the investments listed in this report have been made in accordance with s625 of the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council Policy.

Risk/Policy/Legislation Considerations:

The Responsible Accounting Officer must table a written report to Council on money invested pursuant to s625 of the Local Government Act (1993). Investments made are in accord with the framework established within Council's Investment Policy.

After the end of the reporting period, AMP's credit rating has been downgraded from BBB+ to BBB. This means Council will be outside of its policy limits for the BBB category (10%) for September. Council will be outside the Individual Institution limit for AMP until the next maturity in March. Council will transition to compliance and rectify these anomalies as investments fall due.

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

08) AMENDMENT TO CODE OF CONDUCT AND PROCEDURES

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GO.PO.1

Recommendation:

1. That Council adopt the Model Code of Conduct for Councillors, Model Code of Conduct for Council staff and Model Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers and they be included in Council's policy register.
2. That Council adopt the Procedures for the Administration of the Model Code of Conduct and it be included in Council's policy register.

Reason for Report:

For Council to adopt the Model Code of Conduct for Councillors; Model Code of Conduct for Council staff; Model Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers as amended; and Procedures for the Administration of the Model Code of Conduct as amended.

Report:

Council has received advice from the NSW Office of Local Government on amendments to the prescribed Model Code of Conduct for Local Councils in NSW and associated Procedures for the Administration of the Model Code of Conduct

Amendments to the Code of Conduct include:

- Expanding the Office of Local Government's role in code of conduct breaches;
- Requiring councils to publicly disclose the findings of an investigation when censuring a councillor;
- Allowing councillors to avoid formal censure by their council for minor offences;
- Allowing councillors to avoid formal censure by their council for minor offences, by making voluntary undertakings;
- Removing the requirement for councillors to formally appoint panels of conduct reviewers to investigate code of conduct breaches;
- Requiring webcasts of council meetings to be kept on council websites for at least 12 months; and
- Lifting the \$50 cap on the value of gifts to \$100 that may be accepted. (Councils are not obliged to lift this cap and it is proposed that Council's \$50 cap on the value of gifts remain.)

Changes to the Code of Conduct Model Procedures include:

- Councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
 - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act); or
 - that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling.
- Investigators can finalise their investigations without a report to the council where they consider it to be an appropriate outcome.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined.
- Other amendments have been made to the Procedures to:
 - allow panels of conduct reviewers to be appointed without a resolution of the council; and
 - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

As the amendments are to the prescribed documents it is not proposed that they go on public exhibition.

A copy of proposed of the documents for adoption are provided as an attachment to this report.

Risk/Policy/Legislation Considerations:

Local Government Act s.440 and s.440A requires Council to adopt the Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct.

Budget Implications:

Administration and associated compliance associated with the Code of Conduct is borne within Council's Operational Plan.

Enclosures (following report)

- | | | |
|---|---|--------|
| 1 | OLG Circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures | 1 Page |
|---|---|--------|

Attachments (separate document)

- | | | |
|---|---------------------------------|----------|
| 2 | Code of Conduct for Councillors | 44 Pages |
|---|---------------------------------|----------|

- | | | |
|----------|---|----------|
| 3 | Code of Conduct for Council Staff | 39 Pages |
| 4 | Code of Conduct for Council Committee Members,
Delegates of Council and Council Advisers | 34 Pages |
| 5 | Procedures for the Administration of the Model Code
of Conduct for Local Councils in NSW | 54 Pages |

Circular Details	20-32 / 14 August 2020 / A708384
Previous Circular	19-25 – <i>Penalties available to councils for code of conduct breaches by councillors</i>
Who should read this	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
Contact	Council Governance Team/ 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

What's new or changing

- The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.
- Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.
- The new prescribed Model Code of Conduct and Procedures are available on the Office of Local Government's (OLG) website.

What this will mean for your council

- The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.
- Councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.
- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.

Key points

Amendments to the Procedures

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
 - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or

Office of Local Government
 5 O'Keefe Avenue NOWRA NSW 2541
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 E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
 - allow panels of conduct reviewers to be appointed without a resolution of the council, and
 - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

Amendments to the Model Code of Conduct

- The Model Code of Conduct has been amended to:
 - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
 - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
 - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
 - lift the \$50 cap on the value of gifts that may be accepted to \$100
 - clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed

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- clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
- remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

Where to go for further information

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

Office of Local Government
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09) SALE OF LOT 12 STREATFEILD CLOSE

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 1. Public Infrastructure and Services

File No: PM.AD.1

Recommendation:

1. That Council endorse the action of the General Manager to accept the offer for sale of Lot 12 at Streatfeild Close (Lot 12 DP1264136) at the listed price of \$136,000.
2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal.

Reason for Report:

For Council to endorse the actions of the General Manager to accept an offer for sale of land at Streatfeild Close (Lot 12 DP1264136), Blayney.

Report:

Council at its meeting held 17 December 2018 resolved that the General Manager be authorised to list properties and negotiate sales for land.

Council had previously endorsed sale of this lot at its July 2020 meeting however the Purchaser had withdrawn from the transaction.

Council has received a new offer for Lot 12 in the amount of the listed price of \$136,000.

A sales advice has been sent by the Real Estate Agent to Council's solicitor for contract preparation and distribution. Council endorsement of this report will facilitate exchange of contracts with the Purchaser. Contract settlement will be the standard timeframe of 42 days however will be shortened where acceptable to the Purchaser.

Should Council endorse this sale and it proceed to contract exchange all 14 parcels will have been sold.

Risk/Policy/Legislation Considerations:

Pursuant to Local Government Act s.377(h) sale of land requires a resolution of Council.

Budget Implications:

Council will benefit from lands sale with a nett increase in rate income. Nett proceeds after purchase cost, development costs and associated costs of sale (profit on sale) will be brought to account as income following contract settlement.

Proceeds will be held as restricted cash in the Property Account for servicing of borrowings for this project with the residual funds held for future land development purposes.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) MINUTES OF THE BLAYNEY SHIRE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 3 SEPTEMBER 2020

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: FM.AU.1

Recommendation:

1. That the minutes of the Blayney Shire Audit, Risk and Improvement Committee meeting held 3 September 2020 be received.
2. That the update on the External Audit and Management Letter on the Interim Phase of the Audit for the year ended 30 June 2020 from the NSW Audit Office be received.
3. That the Annual Report on the operations of the Blayney Shire Audit, Risk and Improvement Committee for the period 1 January 2019 to 30 June 2020, as required under the Council's Audit, Risk and Improvement Committee Charter, be received.

Reason for Report:

For Council to endorse the minutes of the Blayney Shire Audit Risk and Improvement committee meeting held 3 September 2020.

Report:

The minutes of the Audit, Risk and Improvement Committee held 3 September 2020 are tabled below. The meeting considered the Annual Report of the Audit, Risk and Improvement Committee.

The Audit, Risk and Improvement Committee Charter adopted by Council requires that the Committee report at least annually on its activities. The Annual Report tabled covers operation of the Audit Committee for the period 1 January 2019 to 30 June 2020.

The report provides a background to the establishment of the Audit Committee, its membership, operation during the period and areas for development in the year to come. This report serves to inform Councillors on activities and accomplishments

The report has been prepared by the Audit, Risk and Improvement Committee Chair and Independent Member appointee, Mr. Phil Burgett with input from Independent Member appointee, Ms. Donna Rygate.

MINUTES OF THE BLAYNEY SHIRE COUNCIL AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING
HELD IN THE BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 2 SEPTEMBER 2020, COMMENCING AT 9.04AM

Present: Phillip Burgett (Independent - Chair), Donna Rygate (Independent), Cr. David Somerville (Councillor), Rebecca Ryan (General Manager), John O'Malley (Intentus - Audit Service Provider for NSW Audit Office), Anton Franze (Director Corporate Services – Secretariat), Tiffaney Irlam (Chief Financial Officer).

APOLOGIES

Vicki Walker.

DISCLOSURES OF INTEREST

The Director Corporate Services reported nil Disclosure of Interest forms submitted:

Confirmation of Minutes

MINUTES OF THE PREVIOUS MEETING

Recommendation:

That the Minutes of the previous meeting held on 3 June 2020 be confirmed.
Donna Rygate / David Somerville

MATTERS ARISING FROM THE MINUTES

Nil.

Reports

EXTERNAL AUDIT UPDATE AND MANAGEMENT LETTER ON INTERIM PHASE OF 2019/20 AUDIT

Recommendation:

1. That the update on the External Audit and Management Letter on the Interim Phase of the Audit for the year ended 30 June 2020 from the NSW Audit Office be received.
2. That the issues raised in the Management Letter on the Interim Phase of the 2019/20 Audit be noted in the Schedule of Recommendations for ongoing monitoring by the Audit, Risk and Improvement Committee.
David Somerville / Donna Rygate

Geoff Paton (Manager Infrastructure) entered meeting to present report.

John O'Malley (Intentus) and Geoff Paton (Manager Infrastructure) left meeting.

CENTREPOINT OPERATIONAL REVIEW

Recommendation:

That the report on the CentrePoint Operational Review be received.

David Somerville / Donna Rygate

WHS AND RISK REPORT

Recommendation:

That the WHS and Risk Coordinator report be received.

Donna Rygate / David Somerville

CFO REPORT - MAY - AUGUST 2020

Recommendation:

That the Chief Financial Officer report on Finance activities be received.

David Somerville / Donna Rygate

STRATEGIC INTERNAL AUDIT PLAN - 2019/20

Recommendation:

That the report on the Internal Audit Plan Activities 2020/21 be received.

Donna Rygate / David Somerville

Glenn Newman (Manager Information Technology) entered meeting to present report.

CYBER SECURITY AUDIT UPDATE

Recommendation:

1. That the report on Cyber Security Audit Update be received.
2. That the additional actions by Council, based on feedback from Content Security on recommendations for action from the Cyber Resilience Assessment, be included on the Schedule of Recommendations for ongoing monitoring by the Audit, Risk and Improvement Committee.

David Somerville / Donna Rygate

Glenn Newman (Manager Information Technology) left meeting.

ARIC ANNUAL REPORT

Recommendation:

1. That the Annual Report on the operations of the Blayney Shire Audit, Risk and Improvement Committee for the period 1 January 2019 to 30 June 2020, as required under the Council's Audit, Risk and Improvement Committee Charter, be received and endorsed.
2. That the Annual Report on the operations of the Blayney Shire Audit, Risk and Improvement Committee for the period 1 January 2019 to 30 June 2020 be referred to Council.

David Somerville / Donna Rygate

SCHEDULE OF OUTSTANDING AUDIT RECOMMENDATIONS

Recommendation:

That the Schedule of Outstanding Audit Recommendations report be received.

Donna Rygate / David Somerville

PRESCRIBED FUNCTIONS ACTIVITIES REPORT**Recommendation:**

That the report on Prescribed Functions activities be received.

David Somerville / Donna Rygate

UPDATE ON MAJOR DEVELOPMENTS**Recommendation:**

That the Update on Major Developments report be received.

Donna Rygate / David Somerville

Meeting closed 10.52am

Risk/Policy/Legislation Considerations:

The Audit, Risk and Improvement Committee (the Committee) has been established to promote good corporate governance in Council. Good corporate governance of the Council ensures that the people of Blayney Shire receive the services that they need in an effective and efficient manner, delivered with honesty and integrity.

The objective of the Committee is to provide independent assurance and assistance to Council with respect to the following key areas as per Section 428A of the Local Government Amendment (Governance and Planning) Act 2016. Such areas include compliance; risk management; fraud control; internal control; financial management; governance; service reviews; other matters prescribed by the regulations, and execution of Council functions.

The Committee is an independent advisory Committee that assists the Council to fulfil its oversight responsibilities.

Budget Implications:

Costs associated with holding of Committee meetings, sitting fees for independent members and associated service reviews / audits are provided for in Council's 2020/21 Operational Plan for this purpose.

Enclosures (following report)

- | | | |
|---|---|---------|
| 1 | The Annual Report of the Audit, Risk and Improvement Committee. | 6 Pages |
|---|---|---------|

Attachments (separate document)

Nil



Blayney Shire Council - Audit Risk and Improvement Committee Annual Report to Council 2020

Introduction

On behalf of the Audit, Risk and Improvement Committee ('Committee' or 'ARIC'), I present the ARIC report for Blayney Shire Council (BSC) covering the period of activity from January 2019 to 30 June 2020.

The extended period covered by this report is a consequence of the change in Committee Chairmanship in early 2019, at which time the previous report from the Committee up to 31 December 2018 was tabled and has been required to realign the reporting responsibility of the Committee with the ARIC Charter which requires the Committee to present its Annual Report to the first meeting of the Committee after 30 June each year.

The objective of the ARIC is to function as an independent and objective assurance activity that provides oversight and assistance to improvement of the Blayney Shire Council on risk management, control, governance, and external accountability.

The ARIC operates in accordance with its Charter which is complemented by an Internal Audit Charter. The ARIC Charter sets out the roles and responsibilities of the Committee, its authority, membership and the tenure of its members, the operation of its meetings, how decisions are made and its reporting responsibilities. The Charter is subject to formal review biennially but is amended as necessary to reflect evolving regulatory guidance issued by the Office of Local Government.

Role of the Committee

The Committee seeks to achieve its objectives as outlined in the Charter by:

- examining and commenting on Council's risk management framework and practices;
- reviewing internal control mechanisms;
- reviewing financial reporting and controls in Council including meeting with Council's external auditors;
- monitoring legislative compliance including compliance with policies and guidelines issued by the Office of Local Government; and
- supporting an active program of internal audit by authorising an annual and strategic internal audit program, as well as overseeing progress with the implementation of the recommendations of completed internal audit reports.

Blayney Shire Council Audit, Risk and Improvement Committee Annual Report 2019-2020

Purpose of Report

The report provides background to the Committee's membership, activities during the period and areas for development in the year to come.

Prior to its presentation to Council, the report was reviewed and endorsed by the Members of the ARIC.

Committee Membership

Membership of the Audit Committee comprises one Councillor and two Independent Members. The previous Chair, Steve Kent retired from the Committee on 31 October 2018 and did not seek re-appointment. Phillip Burgett was re-appointed and Donna Rygate was appointed as independent ARIC members following an expression of interest process undertaken by Blayney Shire Council, Central Tablelands Water and Cabonne Council in late 2018.

Phillip Burgett was elected Chair of the ARIC on 21 February 2019.

The Committee is currently comprised of the following members:

Independent Members:

- Phillip Burgett (Chair)
- Donna Rygate

Councillor members:

- Councillor David Somerville (voting)
- Councillor John Newstead (alternate)

Independent Member Profiles

Phillip Burgett is an experienced professional accountant and external auditor with considerable experience in local government. He retired in June 2011 after a lengthy career as a Partner with the Bathurst based professional accounting firm Morse Group. Currently Phillip is a member of six (6) local government council audit, risk and improvement committees.

Donna Rygate is an experienced Chief Executive, independent director, business leader and skilled problem solver with a solid track record of positive transformation of organisations. Currently Donna is a member of six (6) local government council audit, risk and improvement committees.

During the period, the ARIC was effectively supported by:

- Rebecca Ryan, General Manager;
- Anton Franze, Director Corporate Services;
- Tiffany Irlam, Chief Financial Officer and,
- Vicki Walker, Risk Officer

Blayney Shire Council Audit, Risk and Improvement Committee Annual Report 2019-2020

Meetings of the Committee

The table below sets out the meetings of the Committee held during the reporting period and the attendance of Committee Members at these meetings.

Meeting Date	Phillip Burgett	Donna Rygate	Cr David Somerville	Cr John Newstead
21 February 2019	√	√	√	NOT REQUIRED
1 August 2019	√	√	√	NOT REQUIRED
21 November 2019	√	√	√	NOT REQUIRED
4 March 2020	√	√	√	NOT REQUIRED
3 June 2020	√	√	√	NOT REQUIRED

Councillor John Newstead has been the alternate member since November 2018 but has not been required to attend meetings in the period covered by this report.

Committee Activities in the Reporting Period

The operation of the ARIC has been characterised by the following key activities.

Internal Audit

The Committee's last Annual Report set the goal of having a three (3) year Strategic Internal Audit Plan in place which was achieved with the adoption of the Plan at the Committee meeting on 1 August 2019.

Council's budget allows for no more than two (2) major internal audits each year, the resourcing for which is matched to the skills and experience required for each specific audit.

The following internal audits were undertaken and finalised in the reporting period:

- Review of Procurement & Project Management: Errowanbang Road (21 February 2019)
- Cyber Resilience Assessment (June 2020)
- Internal and External Penetration Testing and Vulnerability Assessment (June 2020)

Progress made in the development of a multi-year internal audit plan has addressed the Committee's previous concerns about Council's commitment to internal audit.

Risk Management

The Committee has continued to promote the need for a Risk Management Framework (RMF), to assist Council's decision making, risk mitigation activities and inform internal audit priorities.

Council with involvement of its Risk Officer has continued to make good progress in embedding risk management within Council and this has included:

- Participating in the Statewide Continuous Improvement Pathway
- Statecover 2018 WHS Audit Report and Action Plan (21 February 2019)
- JLT Risk Maturity Assessment Review (1 August 2019)
- Risk Management Policy (1 August 2019)
- Corporate Risk Register (1 August 2019)
- Continuing to work with Directors, Managers and Staff to identify assess and record risks, together with the promulgation of good risk management practices.

External Audit and Annual Financial Statements

Blayney Shire Council Audit, Risk and Improvement Committee Annual Report 2019-2020

The Auditor General of New South Wales (AO) is the appointed external auditor of Blayney Shire Council but retains the services of Intentus Chartered Accountants as its contracted agent to conduct the external audit.

Both the Audit Office Director and Contract Agent were active contributors to the activities of the ARIC, attending meetings in person and online as appropriate.

The Committee considered the following documents provided by the AO covering the conduct of the external audit:

- 2017 – 18 Final Phase Management Letter (1 February 2019)
- 2018 – 19 Interim Phase Management Letter (1 August 2019)
- 2018 – 19 Final Phase Management Letter (4 March 2020)
- 2018 – 19 Audit Engagement Closing Report (21 November 2019)
- 2019 – 20 Annual Engagement Plan (4 March 2020)

The Committee reviewed the external auditor's management letters and Council's management responses and were satisfied there were no significant findings in the letters requiring specific action by the Committee

Status of Prior Report Recommendations

The status of past report recommendations has been considered at each meeting. Whilst this an important function of the Committee to ensure follow-up and completion of agreed actions, the ARIC has requested that these matters be monitored and progressed between Committee meetings through the regular meetings of MANEX in order to ensure reporting deadlines are achieved and improvements to Council operations are implemented.

Currently there are agreed actions in progress covering the following reports:

- Review of Procurement & project Management: Errowanbang Road
- Audit Office 2018 – 19 Final Phase Management Letter
- Cyber Resilience Assessment
- Internal and External Penetration Testing and Vulnerability Assessment

The Committee will manage the resolution of these outstanding matters in accordance with the agreed deadlines over the course of 2020-21.

Other Risk and Regulatory Matters Considered by the Committee

- An Environment Protection Authority (EPA) compliance audit was undertaken at Blayney Waste Disposal Depot. The site was audited as part of an EPA compliance audit program with a focus on the management of activities related to waste disposal by application to land and the emergency management procedures in the licensee's Pollution Incident Response Management Plan (PIRMP). The findings of the audit revealed that the licensee was not complying with some of the audit criteria. All non-compliances were classified as low risk and have since been satisfactorily resolved by Council.
- Statewide conducted a Business Continuity Plan [BCP] exercise for Council's Managers and Directors. The exercise highlighted administration gaps in Council's Business Continuity Plan and Incident Checklists but the BCP was still considered an effective document.

- In response to the Office of Local Government's (OLG) Discussion Paper on the proposed structure, role and responsibilities of audit, risk and improvement committees, the Committee provided commentary on the key issues which formed the basis of a submission made by Council. No further advice has been provided to the sector by the OLG on the issues raised in the consultative process and an implementation timetable has not been confirmed. The ARIC will continue to monitor developments and advise Council.

Committee's Report Card

RESPONSIBILITY	COMPLIANCE	COMMENT
Risk Management	ACHIEVED	Risk Policy, Risk Management Framework and Risk Register adopted by Council. Risks were reviewed by management in 2019 – '20 and presented to the ARIC meeting.
Internal Control Framework	ACHIEVED	Review of controls through the internal audit reports received. External audit management letter considered in ARIC meetings. Process improvement project commenced with progress reported to ARIC
External Accountability	ACHIEVED	Independent audit processes and opinions reviewed OLG Compliance Calendar
Compliance	ON-TRACK	OLG Compliance Calendar. Prescribed Functions Activity Report is tabled at each ARIC meeting.
Internal Audit	ACHIEVED	Risk based plans approved annually by the Audit, Risk and Improvement Committee. Suitably qualified consultants engaged on each audit. Standard methodologies and practices based on the Internal Audit International Professional Practise Framework (IPPF).
External Audit	ACHIEVED	External audit plans and reports reviewed and implementation by management of audit recommendations monitored.
Fraud and Corruption Prevention	ON-TRACK	Fraud and Corruption Control Policy and Plan adopted by Council. Fraud Control Framework internal audit scheduled for 2020-'21
Business Improvement	COMMENCED	Process improvement project on finance activities commenced.
Accountability	ON-TRACK	Prescribed Functions Activity Report is tabled at each ARIC meeting. This report tracks progress against the responsibilities of the Committee as set out in its Charter and Local Government legislation
Transparency	ACHIEVED	Declarations of any pecuniary or non-pecuniary conflicts of interest required. Sensitivity of all matters considered by the ARIC are assessed but generally agendas and minutes of Committee meetings will be made publicly available subject to privacy and confidentiality considerations.

The Year Ahead in 2020 – 21

Blayney Shire Council Audit, Risk and Improvement Committee Annual Report 2019-2020

Reflecting on the objectives set in the last Committee Annual Report and the foregoing Report Card Council and the ARIC have made solid progress in the development of Council's governance framework covering risk management and internal audit.

Building on this base will be the primary focus of the Committee in 2020-'21 in the following specific areas.

- Internal Audit - . Areas of review for in 2020-21 will be in accordance with the approved Strategic Internal Audit Plan influenced by key areas of risk as identified by the organisation and increased and emerging risks in the local government sector which may impact Council.
- Risk Management – Monitor Council's risk management framework and associated procedures to facilitate effective identification and management of business and financial risks.
- Fraud and Corruption Prevention – Respond to the outcomes of the planned internal audit of Council's policies and processes and work with management to establish objective performance measures.
- Business Improvement – Enhance the Committees understanding of management's plans for this objective and work with management to develop effective reporting of project goals and achievements.
- Compliance and Accountability – Further enhance the alignment of the Prescribed Functions Activity Report with the ARIC Charter responsibilities of the Committee.

Recommendation: That Council receive and note this report.

Phillip Burgett

Independent Chair - Blayney Shire Council Audit, Risk and Improvement Committee

11) DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Public Infrastructure and Services**File No:** GO.ME.1**Recommendation:**

That the Director Infrastructure Services Monthly Report for September 2020 be received and noted.

Reason for Report:

To update Councillors on matters associated with shire infrastructure, its maintenance, operation, upgrade and construction.

Report:**Topical Matters**Funding Applications

Council has received advice that its funding application under the Streets as Shared Spaces, COVID19 Program for the completion of the Belubula River Walk project was unsuccessful.

A separate report is provided for Council consideration on the strategic projects including the Belubula River Walk and the Beaufort Street Park project.

Major WorksHobbys Yards Road

Design is complete for the rehabilitation works on Hobbys Yards Road between Three Brothers Road and Mckellars Lane, and the bulk of construction works are scheduled to commence in the week of 21 September. These works are funded via NSW Government REPAIR Grant funding and Council's Regional Roads allocation.

Recycled Water Pipeline

Works on the recycled water pipeline to King George Oval from the repurposed Cadia wastewater transfer line have commenced. The underbore of Adelaide St has been completed, and pump station construction is continuing. Once completed this will deliver recycled water from the Blayney Sewerage Treatment Plant to Napier and King George Ovals for irrigation purposes. The pipeline work is funded under the Australian Government Drought Communities Program.

Carcoar Sportsground Amenities Block

Carpark sealing works have been completed.

The driveway was constructed slightly too high to enable a mini bus to transition from the road level to the carpark level. This has since been rectified. Tree plantings will occur shortly to help provide a screen on the eastern edge of the amenities building.

It is anticipated that a community fun day will be held to formally open the facility in coming months.

Central West Equestrian and Livestock Centre (CWELC)

The storage shed design has been finalised and is expected to be installed by end of September.

Power upgrades are still not expected to be completed until November.

Boondaroo Road Bridge

Council has issued a Request For Quotation for the geotech investigation, survey and hydraulic data collection to inform a future Design and Construction Contract, for this bridge that was damaged by the storm event in February.

Road Maintenance Works

Road maintenance works including pot hole patching, vegetation management, signage, and drainage work have been undertaken on Mount Macquarie Road, Neville Trunkey Road, Old Lachlan Road, Millpost Creek Road, Belubula Way, Moorilda Road.

It is noted that the return to wetter conditions is resulting in a significant increase in pot hole patching compared to recent years.

Footpaths

Footpath works in Neville as part of Council's Active Movement Strategy, are due to commence in the week commencing 14 September, with the Neville 1A project providing a shared path from the Memorial Park disabled parking space toward the Neville Public School.

Assets

Assets staff have completed the annual data return of Local Roads and Bridges for the NSW Local Government Grants Commission.

Kerb and gutter inspections have been completed and gravel road inspections are currently underway. Staff are updating additions in Council's asset management system and trialling depreciation reports for the September quarterly budget review.

Parks and Recreation

The Parks and Recreation team recently held a tree planting day with the Carcoar community for the Revive 2 Project on the Belubula River, upstream of Pound Flat. The day was a great success with a small enthusiastic group of local people involved.

Further work has been undertaken in various Council cemeteries including bush regeneration in Carcoar Cemetery to address Freesia incursions, weed spraying of table drains and open space areas, and top dressing of graves where required, due to recent heavy rain.

Routine maintenance has continued with the flat leaf weed spraying program throughout the Shire, line marking at Redmond and King George Ovals, and Carcoar Sportsground.

Large pine trees have also been removed at King George Oval, as they reach their end of useful life, and also in preparation for the construction of the new amenities buildings.

Staff have continued to apply water to the CWELC arena to develop a suitable moisture profile, and undertaken aeration, seeding and fertilising of the Pony Club area.

Richards Lane Vegetation Project

The Millthorpe Village Committee were successful in obtaining funding from the Australian Government for improvements to the roadside on Richards Lane to improve pedestrian access and provide for enhanced native revegetation outcomes.

Council has been engaged to provide for the clean-up and grading of the roadside verge prior to planting being undertaken by volunteers, under the supervision of Council.

Council recently removed rubbish, invasive weeds and tree species.

Showground Eastern Access Road

The internal eastern access road at the Blayney Showground is well advanced with stormwater pipe installation and gravel nearing completion. Works were delayed due to ongoing wet weather, however have been reactivated as the ground conditions improve.

The boundary fence and signage contract was awarded and installation works have commenced. The installation should be completed in approx. 3 weeks.

These works have been funded under the NSW Government Showground Stimulus Program.

Dakers Oval Cricket Fence

A Contractor has been engaged for the construction and installation of the new fence. The works are expected to be completed prior to Christmas. This project is funded under the Australian Government Drought Communities Program.

Newbridge Showground Pavilion Refurbishment

The Progress Association have relocated all items from the old shed in preparation for works. A Contractor has been engaged, and commenced demolition of the old pavilion, following worksite barrier fencing installation and an alternative access to the hall put in place. Final structural plans for the building are being completed. This project is funded under the Australian Government Drought Communities Program.

Blayney Tennis Club Amenities Building

A Contractor has been engaged to undertake work with plans being approved by tennis club representatives. This project is funded under the Australian Government Drought Communities Program.

Wastewater

Procurement of the equipment for the Recycled Water Treatment Plant is underway and preliminary works at site have commenced.

The additional 33kW solar system installation is commencing after Essential Energy limited export power from the site to 30kW.

Fleet & Plant

Council has commenced procurement for the 2020/21 plant replacement program. Requests for Tender for the replacement of a Truck (P31) and Dog Trailer (P171) have now closed and are being assessed by staff.

Risk/Policy/Legislation Considerations:

Information report only.

Budget Implications:

Information report only.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

12) PROPOSED FEE - BLAYNEY SHOWGROUND EQUESTRIAN - RACE ENTERTAINMENT & INDIVIDUAL RIDERS**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 4. Community, Sport, Heritage and Culture**File No:** FM.FC.1**Recommendation:**

1. That the proposed seasonal hirer fee of \$1,240 for RACE Entertainment be exhibited for a period of not less than 28 days.
2. That the proposed Individual/Group Horse Riders fee of \$100 per hour (minimum 2 hours) for up to 5 Horse Riders be exhibited for a period of not less than 28 days.
3. Should no written submissions be received during the public exhibition, the 2020/21 Operational Plan be amended to include the 2 new fees and charges.

Reason for Report:

For Council to consider a new hire fee to be introduced at Blayney Showground for RACE Entertainment and for Individual/Group Horse Riders.

Report:

Council is in receipt of a new booking for Blayney Showground by RACE Entertainment, a request through several general enquiries and the Blayney Showground User Group for casual use.

Current fees in place in the 2020/21 Operational Plan for Blayney Showground are charged on a User Pay Principle and are as follows:

Description	Fee (GST inc)
Carcoar & District Pony Club	\$600
Central West Dressage	\$1,240
Orange Equestrian Club	\$1,240
Blayney Shire Horse Sports	\$1,240
Central Tablelands Working Equitation	\$1,240
Individual Accredited Coaching Clinics	\$250

No hire fee currently exists for RACE Entertainment and a fee of \$1,240 is proposed.

No hire fee currently exists for the purpose of Individual/Group Horse Riders (for up to 5 Horse Riders) and a fee of \$100 per hour (minimum 2 hours) is proposed.

Council is obligated under the Local Government Act to exhibit these fees and consider submissions prior to adoption.

Risk/Policy/Legislation Considerations:

The Local Government Act s610A states that Council must not determine a fee until it has given public notice and has considered any submissions made during the period of public notice.

Budget Implications:

Council will derive additional revenue following exhibition and adoption of this fee.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

**13) OPEN SPACE PROJECTS - STRATEGIC PLANNING
(SUBMISSIONS)**

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 4. Community, Sport, Heritage and Culture

File No: PR.MA.1

Recommendation:

That Council adopt the concept designs for Beaufort Street Park and the Belubula River Precinct, and seek funding to deliver these projects.

Reason for Report:

The draft schematic landscape designs for the Frape / Beaufort Street Park and Belubula River Precinct are presented for Council's adoption following the public exhibition period. The designs have been prepared by Place Design Group and Council.

Report:**Executive Summary**

The draft schematic landscape designs expanded upon the two proposed concepts previously identified within, either the Blayney Shire Sport and Recreation Master Plan (2017), Blayney Active Movement Strategy (2016) and/or Blayney 2020 Master Plan (2016).

Both schematic designs focus on the utilisation of currently underutilised Council held land and road reserves, seeking to obtain greater utilisation and provide the Blayney community with improved passive recreation open space opportunities.

The Frape / Beaufort Street Park area, bounded by Frape, Cook and Beaufort Streets with a pathway access to Roseberry Place is a previous brickworks site, and has remained unused for many decades. The land was previously Crown Land and is identified as a Public Reserve. Council has recently finalised a 3 lot subdivision to excise 2 residential lots fronting Frape Street, and these are currently being prepared for sale.

The schematic design proposes shared path linkages through the park, with playground and shadesails, fitness equipment, BBQ with seating, toilet block, open grass areas and associated landscaping.

The Belubula River Precinct stretches from Dakers Oval in the North through to Martha Street and Heritage Park in the South, with multiple linkages to local roads, primarily along Lower Farm Lane. Council has also undertaken preliminary discussions with an adjoining landholder to improve and make available a piece of land known as "the island" near Newbridge Road for public passive recreation such as fishing and bird viewing.

The schematic design proposes the closure of the section of Lower Farm Lane between Charles and Stillingfleet Streets and repurposing of this section to provide for a shared path. The shared path will service the full length of the route from Dakers Oval to Heritage Park, offering the community a safe pedestrian and cycling off-road track enhancing local connectivity across Blayney.

Works also identified, include the removal of existing noxious and invasive species such as willow and elm along the river alignment, a pedestrian bridge to service "the island", viewing decks, bird hide, associated landscaping, and other environmental enhancements.

Community Engagement

Council engaged Place Design Group as its preferred consultant in May 2019.

Community engagement has included an on-line community survey for each project, with these being made publicly available in July and open until mid-August 2019. Each survey received 50-60 responses from the community.

Following this, Place Design prepared two options for each project.

Council undertook separate community engagement sessions, including BBQs to seek local community feedback on the options for the projects, and further inform Place Design. Each event attracted approximately 20 people, and identified a preferred option for each site, and any further refinement that may be required was provided back to Place Design.

Councillors have been provided with an opportunity to review both projects, and further engage with the consultant via an online video presentation with Place Design Group in May.

Public Exhibition Period

At the ordinary June meeting, Council resolved to place the preferred option for each site on public exhibition for a period of 28 days, with promotion via the GM Conversation in the Blayney Chronicle and Council's social media platforms. The exhibition period closed on 23 July with two submissions received.

Submissions

Submission 1 – In support of the proposal, with a concern about the potential location for the accessible toilet block and the location being the wettest part of the site.

Determination of requirement for a future toilet block, can be considered by Council at its discretion, and a final location when it prepares a detailed design.

Submission 2 – In support of the proposal, with a concern about pedestrian safety in Frape Street.

Speeding/pedestrian safety on Frape Street shall be investigated by Council staff and subject to the outcomes, referred to Traffic Committee.

Costings

Place Design have provided an Opinion on Probable Costs (OPC) on landscaping and facilities/amenities for each project, with exclusions identified for engineering (civil costs) type works (bulk earthworks, bank stabilisation, kerb and guttering, storm water drainage, irrigation, sampling and approvals). As the designs are at strategic concept level, not detailed design, Council staff also developed an indicative value for items specifically excluded from the OPC.

These were then reviewed to discern between those costs that could be capitalised (roads, paths etc), or considered as operational (trees, lawn etc) elements, in delivery of each project, and a determination of the annual depreciation and annual operational (mowing etc) costs. This has resulted in the following total project costs and annual costs, as part of the Whole of Life (WOL) cost analysis.

Site	Project Estimate (\$)	Write Down (\$)	Depreciation (\$ / annum)	O + M (\$ / annum)	Total Annual Cost (\$)
Beaufort Park	760,744	0	15,290	6,000	21,290
Belubula Walk	1,502,625	53,370	20,715	3,000	23,715

Risk/Policy/Legislation Considerations:

Asset Management

Council owns and manages the Frape / Beaufort Street open space area.

The delivery of the Belubula River Precinct will require further engagement with the owner of "the island" to work through any identified concerns, and put in place measures to mitigate risks that may be identified, related to Council obtaining access to, and the use of privately owned land.

Lower Farm Lane is a Council public road reserve and the constructed section can be closed to traffic, should the project progress.

Policy

The strategic designs have been developed in consultation with the community, provide Council with clear direction on what the community seeks in these two areas, provides evidence of well-developed projects that can be considered shovel ready for grant applications, and where to target future expenditure of funds.

Budget Implications:

An analysis of Whole of Life (WOL) costs has been undertaken for the two projects, based upon the Project Estimates. This analysis has considered capital costs (project estimates), operational expenses, potential write downs, annual depreciation and operational costs.

The project development costs are:-

- Belubula River Walk - \$1,502,625
- Beaufort Park - \$760,744

The additional annual costs to Council are

- Belubula River Walk - \$23,715
- Beaufort Park - \$21,290

Enclosures (following report)

Nil

Attachments (separate document)

Nil

14) CENTRAL WEST JO - REGIONAL ROAD SIGNS CONTRACT**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1**Recommendation:**

That Council endorse the Director Infrastructure Services signing the participation form in the Central NSW Joint Organisation Regional procurement for supply and delivery of road signs, however recommends that the Central NSW Joint Organisation Contract Management Fee is replaced by an upfront Contract Management Fee that is determined by a transparent and accountable basis.

Reason for Report:

To seek Council endorsement of the participation form to participating in the regional purchase of road signs through Central NSW Joint Organisation (CNSWJO).

Report:

Council has participated in regional contracts for the purchase of road signs for the past 14 years through Centroc and Council's endorsement to the Director of Infrastructure's provision of support for the next contract which will commence 1 January 2021.

The Supply Management Group first decided to conduct a procurement process for a regional contract for road signs in 2004 which culminated in a three year regional contract in 2005 with the process repeated at the completion of that contract in 2008, and again in 2011, 2014 and 2018. The latest contract has also been extended for 12 months and is due to conclude on 31 December 2020. As the conclusion of the current contract nears, CNSWJO seeks to repeat the procurement process on behalf of its members.

The annual spend by CNSWJO members procuring under this arrangement from 1 July 2018 to 30 June 2020 is as follows:

Council	Participating in Current Contract
Bathurst	Yes
Blayney	Yes
Cabonne	Yes
Central Tablelands Water	No
Cowra	Yes
Forbes	Yes
Lachlan	Yes

Oberon	Yes
Orange	Yes
Parkes	Yes
Weddin	No

At its meeting on 4 June 2020, the CNSWJO Board resolved to commence a new procurement process in 2019 with the intent for a new contract to commence on 1 January 2021.

The current regional road signs contract was based on a basket of signs provided by CNSWJO members as commonly used by all participating councils. Work will take place with the evaluation panel to determine whether this basket of signs is still relevant or needs updating.

Should Council agree to participate in a regional procurement process, CNSWJO will issue a Request for Quotation (RFQ) on behalf of member councils, with the intention of forming a panel arrangement contract.

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

Benefits of a regional approach include:

- cost savings to members through bulk procurement;
- time saved by Council staff through centralised coordination and
- income stream to CNSWJO from the Service Provider/s with a view to reducing fees

Member councils have the opportunity to be involved in the procurement process, where the Evaluation Committee consists of representatives from member councils, with CNSWJO staff acting as the procurement facilitator.

CNSWJO manages the procurement process including all costs of advertising and response assessment and takes a contract management fee. At its 4 June meeting the CNSWJO Board resolved to include a 2% contract management fee to be recouped from the Service Provider on a quarterly basis based on the value of spend by each participating council.

Through the Best Practice in Aggregated Procurement Program, CNSWJO and the other participating JOs are reviewing ways to generate income for the JO conducting aggregated procurement. Outcomes of this review will be provided to CNSWJO member councils in due course.

Risk/Policy/Legislation Considerations:

An email was received, and the Director Infrastructure Services has signed the Participation Form to be involved in the regional purchase of road signs through Central NSW Joint Organisation (CNSWJO).

Upon completion of the regional procurement, a report will be provided to Council seeking its approval to sign contracts with successful suppliers.

Budget Implications:

Expenditure on the supply and delivery of road signs is accounted for within Council's existing budget allocations.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

15) ELECTRIC VEHICLE CHARGING STATIONS**Department:** Infrastructure Services**Author:** Manager Water and Wastewater**CSP Link:** 1. Public Infrastructure and Services**File No:** ET.LI.2**Recommendation:**

1. That Council endorse a program to provide a donation to private businesses for the sole purpose of installing an Electric Vehicle Charging Station at their premises.
2. That Council endorse the reallocation of Council funds to enable the program to be completed.
3. That Council endorse and place on public exhibition for a period of 28 days the Electric Vehicle Charging Stations Program proposal to provide financial assistance to the following businesses;
 - Angullong Cellars, Millthorpe
 - Millthorpe Motel, Millthorpe
 - Royal Hotel, Carcoar
 - Royal Hotel, Mandurama
4. Should no written submissions be received during the public exhibition, the Electric Vehicle Charging Stations Program be adopted and proceed.

Reason for Report:

For Council to endorse a program to provide financial assistance to Private Businesses to provide Electric Vehicle Charging Stations.

Council approval is also required for the reallocation of Council funds and for these funds to be provided to public businesses.

Report:

Council received funds from Cadia Valley Operations (CVO) in 2019 for the purpose of installing an Electric Vehicle Charging (EV) Station. Council allocated funding in addition to this project in this 20/21FY budget to be included with the CVO funds to install two EV charging stations, in Millthorpe and Carcoar.

During the COVID19 Pandemic, staff considered an alternative approach to the EV chargers which could provide benefit to our tourist related businesses, who have suffered during these hard times. It was determined a beneficial approach would be to change the EV charging program from being Council owned public chargers to individual private charges, which will be owned and operated by our local tourism businesses.

Council instigated an expression of interest process, made available to our tourism related businesses to seek feedback on their interest in being involved in this program.

There were 3 specific criteria set for the program.

1. Local compliant business involved in the tourism trade.
2. Business agreed to have infrastructure installed on their premises.
3. Business agreed to own and operate the equipment including any future maintenance requirements.

Council received 6 expressions of interest, the following 4 of which met the funding criteria and guidelines:-

- Angullong Cellars, Millthorpe
- Millthorpe Motel, Millthorpe
- Royal Hotel, Carcoar
- Royal Hotel, Mandurama

2 businesses which submitted expressions of interest, were unable to meet the set criteria.

Council staff met with each business operator who expressed an interest to discuss the program and how they can be involved. After these discussions and indicating their preparedness to proceed, Council engaged a contractor to undertake a site inspection of each premises to advise of the available power, suitable location of the charger (in consultation with the operator) and a quote for the installation.

After receiving the report back from the electrical contractor a budget for each business was developed utilising a suitable EV charger which would meet the site capacity. The chargers selected are what is commonly called a destination charger which enables EV vehicle users to top up their batteries whilst they visit these villages. The chargers were also selected to provide flexibility for the businesses to expand into the future should they wish to.

Council staff have had further consultation with each of the 4 businesses to advise of the progress of the program and inform them of the outcomes from the site investigations and program costings. Each recipient indicated their willingness to proceed, however this cannot occur without approval from Council.

Risk/Policy/Legislation Considerations:

It was identified that there may be some risk around ownership should Council procure the infrastructure and provide for the installation. To provide certainty of ownership, including warranties, Council will employ a funding model similar to that which was implemented with the Drought Assistance Program.

This agreement identifies the terms of the relationship between Council and the business owner to ensure the intent of the program is delivered prior to Council providing funding to the business.

As Council has completed the feasibility and program budgets the agreement will identify a ceiling of the amount to be donated to the business.

Therefore should the business exceed the allocated amount for the installation of the EV charger at their premises, they would be responsible for funding the difference in costs.

In accordance with the Local Government Act, s356, Council may resolve to grant financial assistance to persons for the purpose of exercising its functions. However, as the proposed recipients are receiving a private gain, Council must provide 28 days public notice of the proposal.

Budget Implications:

The program budget, including both CVO and Council funding is \$17,700. The total developed program budget to deliver the four charges at the described businesses is under the allocated budget and is able to proceed.

Enclosures (following report)

1	Electric Vehicle Charging Station - Funding Agreement	8 Pages
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Attachments (separate document)

Nil

FUNDING AGREEMENT - Electric Vehicle Charging Station Program

This Funding Agreement and associated schedules form an Agreement between Blayney Shire Council ("Council") and the Recipient Organisation ("The Organisation") for the purpose of providing financial assistance to the Organisation to undertake the project below, which is one of the 4 projects formally approved by the Council. The Organisation agrees to use the financial assistance and undertake the project in accordance with this agreement.

This Agreement is made between Blayney Shire Council and

<Organisation name>

ABN: <ABN>

ADDRESS: <Address>

EMAIL: <email>

TERMS OF AGREEMENT and REVIEW DATE

It is agreed as follows:

AMOUNT AND PURPOSE

1. The Electric Vehicle Charging Station Program will support the organisation by providing financial assistance for the purpose of undertaking the purchase and installation of an Electric Vehicle Charging Station
2. The Project scope and description is as follows:
To supply a fully functioning electric vehicle charging station which will be made available to the public, in particular tourists and visitors to the region.
3. The Electric Vehicle Charging Station Program funding is to be used by the organisation for the project only, unless prior written approval is provided by Blayney Shire Council.
4. The total amount of the Funding is <Funding amount> (excluding GST)
5. The Organisation acknowledges that there is no scope for any increase or additional request from Council and that financial control and management of this expenditure is the responsibility of the Organisation.
6. If the Organisation fails to comply with this agreement, Blayney Shire Council may withhold payment of financial assistance funds, terminate the financial assistance or request full reimbursement of the financial assistance pursuant to conditions outlined in Schedule 1.
7. The Organisation takes ownership of the infrastructure and commits to the operation and maintenance of the equipment.
8. Any unspent funds will remain with Council.



FUNDING AGREEMENT - Electric Vehicle Charging Station Program**DURATION OF PROJECT**

9. The project starts on <project start date> (project start date) and ends on <project end date> (project end date).
10. In undertaking the Activity, the Organisation will meet the following milestones by the due dates:

Milestone No.	Milestone Description	Due Date
1	Confirmation of procurement and receipt of the charger	
2	Fully installed and commissioned charger	

11. The Organisation undertakes to inform Council of any extension to the project duration or scope of works and any request must be approved by Blayney Shire Council in writing.
12. The Organisation acknowledges that any delay to expending monies or changing of scope will require approval by Council.

RECORD KEEPING

13. The Organisation agrees to:
 - (a) maintain records that identify the receipt and expenditure of the funding and any other Contributions separately within the Organisation's accounts and records so that at all times the Funding is identifiable; and
 - (b) keep financial accounts and records relating to the Activity so as to enable all receipts and payments related to the Activity to be identified and reported; and
14. The Organisation agrees to maintain the records for 5 years after the Completion Date and provide copies of the records to Blayney Shire Council upon request.

CLAIMS FOR PAYMENT

15. Council will provide the Organisation with a Claim Form to be accompanied by a compliant Tax Invoice addressed to Council, in the name and with the ABN of the Organisation, submitted to Council to arrange reimbursement of accounts paid to your suppliers, contractors/manufacturers/builders. Payment will be subject to the following evidence provided to Council:
 - work being completed/materials delivered or supplied as detailed;
 - provision of a copy of the account from your contractor/supplier; and
 - an inspection by Council Officer

REPORTING ON PROJECT

16. The Organisation will provide a written monthly report to Blayney Shire Council within 5 days of the end of each month on the Report Template provided.
17. At the end of the project a final report and acquittal detailing the outcomes of the project is to be provided to Blayney Shire Council.

INSURANCE AND LEGISLATIVE COMPLIANCE

FUNDING AGREEMENT - Electric Vehicle Charging Station Program

18. The Organisation will hold, and where contractors are engaged, ensure they possess, appropriate insurance, including workers compensation and public liability insurance.
19. The Organisation will ensure that all Contractors engaged are:
 - Licenced
 - Insured;
 - Comply to WHS and Safety standards;
 - Have been inducted onsite; and
 - Hold an ABN.
20. The Organisation will ensure that materials delivered are to specification and works are completed to relevant Australian Standards and Building Codes.

PUBLICITY

21. The Organisation will ensure that photographs showing project at project commencement, in progress and at completion to assist with project publicity and promotion are furnished to Council.
22. Communication with Council of works progressing to facilitate media opportunities must be maintained.
23. Blayney Shire Council has the authority to use, distribute, and demonstrate any materials produced by the Funding project.
24. Blayney Shire Council and Cadia Valley Operations (co-funding organisation) should be acknowledged in any media related to the program.



FUNDING AGREEMENT - Electric Vehicle Charging Station Program

SIGNATURE OF PARTIES TO THE AGREEMENT

Executed as an Agreement:

The signatories below, signed for and on behalf of [Recipient Organisation] accepts the terms and conditions of the Blayney Shire Council Electric Vehicle Charging Station Program Funding Agreement.

Signed for and on behalf of

[Organisation]

Signature of Authorised Representative

Date

(Print Name and Position held)

Blayney Shire Council

Rebecca Ryan
General Manager

Date



FUNDING AGREEMENT - Electric Vehicle Charging Station Program**Schedule 1 Council General Funding Conditions****1. Undertaking the Project**

The Organisation agrees to undertake the Project in accordance with this Agreement.

2. Acknowledgements

The Organisation agrees to acknowledge the Council's support in Material published in connection with this Agreement and agrees to use any form of acknowledgment the Council reasonably specifies.

3. Notices

3.1 The Parties agree to notify the other Party of anything reasonably likely to affect the performance of the Project or otherwise required under this Agreement.

3.2 A notice under this Agreement must be in writing, signed by the Party giving notice and addressed to the other Party's representative.

4. Relationship between the Parties

A Party is not by virtue of this Agreement the employee, agent or partner of the other Party and is not authorised to bind or represent the other Party.

5. Subcontracting

5.1 The Organisation remains responsible for compliance with this Agreement, including in relation to any tasks undertaken by subcontractors.

5.2 The Organisation agrees to make available to the Council the details of any of its subcontractors engaged to perform any tasks in relation to this Agreement upon request.

6. Conflict of interest

The Organisation agrees to notify the Council promptly of any actual, perceived or potential conflicts of interest which could affect its performance of this Agreement and agrees to take action to resolve the conflict.

7. Variation

This Agreement may be varied in writing only, signed by both Parties.

8. Payment of the Funding

8.1 The Council agrees to pay the financial assistance to the Organisation in accordance with the agreement.

8.2 The Council may by notice withhold payment of any amount of the Funding where it reasonably believes the Organisation has not complied with this Agreement or is unable to undertake the Project.



FUNDING AGREEMENT - Electric Vehicle Charging Station Program

8.3A notice under clause 8.2 will contain the reasons for any payment being withheld and the steps the Organisation can take to address those reasons.

8.4 The Council will pay the withheld amount once the Organisation has satisfactorily addressed the reasons contained in a notice under clause 8.2.

9. Spending the Funding

9.1 The Organisation agrees to spend the Funding for the purpose of undertaking the Project only.

9.2 The Organisation agrees to provide a statement signed by the Organisation verifying the Funding was spent in accordance with the Funding Details.

10. Repayment

10.1 If any of the Funding has been spent other than in accordance with this Agreement or any amount of the Funding is additional to the requirements of the Project, the Organisation agrees to repay that amount to the Council unless agreed otherwise.

10.2 The amount to be repaid under clause 10.1 may be deducted by the Council from subsequent payments of the Funding.

11. Record keeping

The Organisation agrees to maintain records of the expenditure of the Funding.

12. Privacy

When dealing with Personal Information in carrying out the Project, the Organisation agrees not to do anything which, if done by the Council, would be a breach of an Australian Privacy Principle.

13. Confidentiality

The Parties agree not to disclose each other's confidential information without prior written consent unless required or authorised by law.

14. Insurance

The Organisation agrees to maintain adequate insurance for the duration of this Agreement and provide the Council with proof when requested.

15. Indemnities

15.1 The Organisation indemnifies the Council, its officers, employees and contractors against any claim, loss or damage arising in connection with the Project.

15.2 The Organisation's obligation to indemnify the Council will reduce proportionally to the extent any act or omission involving fault on the part of the Council contributed to the claim, loss or damage.



FUNDING AGREEMENT - Electric Vehicle Charging Station Program**16. Dispute resolution**

- 16.1 The Parties agree not to initiate legal proceedings in relation to a dispute unless they have tried and failed to resolve the dispute by negotiation.
- 16.2 The Parties agree to continue to perform their respective obligations under this Agreement where a dispute exists.
- 16.3 The procedure for dispute resolution does not apply to action relating to termination or urgent litigation.

17. Termination for default

The Council may terminate this Agreement by notice where it reasonably believes the Organisation:

- (a) has breached this Agreement; or
- (b) has provided false or misleading statements in their application for the Funding; or
- (c) has become bankrupt or insolvent, entered into a scheme of arrangement with creditors, or come under any form of external administration.

18. Cancellation for convenience

- 18.1 The Council may cancel this Agreement by notice, due to
- (a) change in government policy; or
 - (b) a change in the Control of the Organisation, which the Council believes will negatively affect the Organisation's ability to comply with this Agreement.
- 18.2 The Organisation agrees on receipt of a notice of cancellation under clause 18.1 to:
- (a) stop the performance of the Organisation's obligations as specified in the notice; and
 - (b) take all available steps to minimise loss resulting from that cancellation.
- 18.3 In the event of cancellation under clause 18.1, the Council will be liable only to:
- (a) pay any part of the Funding due and owing to the Organisation under this Agreement at the date of the notice; and
 - (b) reimburse any reasonable expenses the Organisation unavoidably incurs that relate directly to the cancellation and are not covered by 18.3(a).
- 18.4 The Council's liability to pay any amount under this clause is subject to:
- (a) the Organisation's compliance with this Agreement; and
 - (b) the total amount of the Funding.
- 18.5 The Organisation will not be entitled to compensation for loss of prospective profits or benefits that would have been conferred on the Organisation.

19. Survival

FUNDING AGREEMENT - Electric Vehicle Charging Station Program

Clauses 10, 12, 13, 15, 19 and 20 survive termination, cancellation or expiry of this Agreement.

20. Definitions

In this Agreement, unless the contrary appears:

- **Agreement** means the Funding Details, Supplementary Terms (if any), the Council General Funding Conditions and any other document referenced or incorporated in the Funding Details.
- **Australian Privacy Principle** has the same meaning as in the *Privacy Act 1988*.
- **Change in the Control** means any change in any person(s) who directly exercise effective control over the Organisation.
- **Council** means the Blayney Shire Council as represented by the Council entity specified in the Agreement and includes, where relevant, its officers, employees, contractors and agents.
- **Council General Funding Conditions** means this document.
- **Council Purposes** does not include commercialisation or the provision of the Material to a third party for its commercial use.
- **Completion Date** means the date or event specified in the Agreement.
- **Existing Material** means Material developed independently of this Agreement that is incorporated in or supplied as part of Reporting Material.
- **Funding** means the money, or any part of it, payable by the Council to the Organisation as specified in the Agreement.
- **Organisation** means the legal entity specified in the Agreement and includes, where relevant, its officers, employees, contractors and agents.
- **Intellectual Property Rights** means all copyright, patents, registered and unregistered trademarks (including service marks), registered designs, and other rights resulting from intellectual activity (other than moral rights under the *Copyright Act 1968*).
- **Material** includes documents, equipment, software (including source code and object code versions), goods, information and data stored by any means including all copies and extracts of them.
- **Party** means the Organisation or the Council.
- **Personal Information** has the same meaning as in the *Privacy Act 1988*.
- **Project** means the activities described in the Funding Details.
- **Project Material** means any Material, other than Reporting Material, created or developed by the Organisation as a result of the Project.
- **Reporting Material** means all Material which the Organisation is required to provide to the Council for reporting purposes as specified in the Funding Details.



16) MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE HELD 29 JULY 2020

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 4. Community, Sport, Heritage and Culture

File No: GO.ME.1

Recommendation:

That Council;

1. Undertake a staged upgrading of access doors at CentrePoint;
 - a. Stage 1 – The two primary entrance doors
 - b. Stage 2 – All other main paths of travel
2. Consider the Access Committee's suggested inclusions and prioritised projects regarding the Active Movement Strategy, including;
 - a. Adelaide Street and Burns Street intersection (condition and grades of footpath crossing)
 - b. Adelaide Street and Water Street intersection (condition and grades of footpath crossing)
 - c. Adelaide Street and Church Street intersection, (condition and grades of footpath crossing)
 - d. Blayney 14A – Stillingfleet St; Adelaide St to Osman St
 - e. Blayney 14B – Stillingfleet St & Queen St; Osman St to Lee Hostel & KGO
3. Purchase an additional aquatic wheel chair for CentrePoint.
4. Notes the Blayney Shire Access Committee endorsement of the annual report to 30 June 2020 of the Blayney Shire Disability Inclusion Action Plan.
5. Note Jenny McMahon and Iris Dorsett have been endorsed as Access Committee representatives on the KGO major upgrade reference group.

MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE
MEETING HELD ON WEDNESDAY 29 JULY 2020
AT THE BLAYNEY SHIRE COMMUNITY CENTRE

Meeting commenced at 6.02pm.

PRESENT

Councillor Bruce Reynolds (chair), Allison Farr, Greg Hooper, Iris Dorsett, Jenny McMahon, Shane Oates, Tom Williams, Mark Dicker (Director Planning and Environmental Services (DPES)).

APOLOGIES

Councillor Scott Denton

CONFIRMATION OF PREVIOUS MINUTES

The minutes of the previous meeting held on 27 February 2020 were confirmed to be a true and accurate record of that meeting (noting 1 correction; Shane Oates was an apology and not present).

(Iris Dorsett / Tom Williams)

The committee were advised Council did not endorse the recommendation from the Committee's 27 February 2020 meeting regarding defibrillators as it was considered outside the charter of the Committee.

DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MEETING**CentrePoint – Concrete footpath, lighting and doors**

The committee were advised the footpath is completed and lighting options need to be investigated.

The committee were advised that a quote has obtained, advising each set of sliding doors would be approximately \$15k, plus an additional \$5k per door would be needed for electrical and other associated works, taking the total to \$20k per door set. Given the significant amount of use minimal warranty would be offered on the doors.

RECOMMENDED;

Access Committee recommends Council undertake a staged upgrading of access doors at CentrePoint;

1. Stage 1 – The two primary entrance doors
2. Stage 2 – All other main paths of travel

(Allison Farr / Jenny McMahon)

2018 audit of accessible car parking across the Blayney Shire

The committee were advised this matter is with Council's Infrastructure Services for action. Council currently has over 38 projects to be delivered in the next 2 years. There is a significant amount of work in designing and costing the audit and due to the current workload it is unknown when this matter will be completed.

Transport Services for Social Support

DPES sought confirmation regarding content of letter to be sent to Hon Paul Toole.

ACTION;

DPES to now send letter to Hon Paul Toole.

Multipurpose Covered Arena

The committee were advised this project is completed, including accessible compliant provisions.

Blayney Library

The proposed plans for the Blayney library upgrades had been provided to the committee for comment.

Committee provides the following comments for consideration;

- All door openings should be as wide as possible (not the minimum 850mm), in particular; front door, hallway doors and toilet doors),
- Unisex toilet door can swing outwards.

ACTION;

DPES to communicate the Committee's comments to the project manager for consideration.

6.33pm, Councillor Bruce Reynolds (chair) had to unexpectedly leave the meeting. Meeting continued with DPES as chair.

Footpaths - Active Movement Strategy Program – 2019/20 to 2029/30

The committee were provided the Active Movement Strategy at the previous meeting. DPES noted, no comments had been received from the committee. The committee discussed previously raised matters and reaffirmed the following priorities for inclusion;

1. Adelaide Street and Burns Street intersection (condition and grades of footpath crossing)
2. Adelaide Street and Water Street intersection (condition and grades of footpath crossing)
3. Adelaide Street and Church Street intersection, (condition and grades of footpath crossing)

Specific items which are identified in the plan which could be brought forward, is mainly the connection to Lee Hostel and KGO from the footpath in Adelaide Street;

4. Blayney 14A – Stillingfleet St; Adelaide St to Osman St
5. Blayney 14B – Stillingfleet St & Queen St; Osman St to Lee Hostel & KGO

RECOMMENDED;

That Council consider the Access Committee's suggested inclusions and prioritised projects regarding the Active Movement Strategy.

(Jenny McMahon / Greg Hooper)

National Australia Bank

The committee were advised there is currently pre development application advice being sought on a new accessible ramp to this building.

Committee agreed it would be best to let the pre DA play out and not proceed to write to the owner as previously resolved.

BUSINESS ADVISED

CentrePoint Aquatic Wheelchair

The committee discussed the aquatic wheel chair provided as part of the Major Upgrades.

DPES advised the pool pod chair was provided as part of the package.

The committee discussed other alternative options.

ACTION;

DPES to seek quotes for aquatic wheel chairs which provides further back support and circulate to the committee for comment.

RECOMMENDED;

That Council purchase an additional aquatic wheel chair for CentrePoint.

(Jenny McMahon / Allison Farr)

Disability Inclusion Action Plan (DIAP)

The committee was provided with a copy of the DIAP annual report to 30 June 2020. General discussion was had.

RECOMMENDED;

That Council notes the Blayney Shire Access Committee endorsement of the annual report to 30 June 2020 of the Blayney Shire Disability Inclusion Action Plan.

(Iris Dorsett / Tom Williams)

LATE ITEM

King George Oval major upgrade reference group

The committee were advised with Council successfully obtaining grant funding to upgrade amenities at King George Oval, Council is seeking to put together a reference group for input regarding the proposed major upgrade. Council is seeking the Access Committee nominate 2 representatives.

Committee discussed the matter and proceeded to endorse; Jenny McMahon and Iris Dorsett as representatives on the KGO major upgrade reference group.

RECOMMENDED;

Council note Jenny McMahon and Iris Dorsett have been endorsed as Access Committee representatives on the KGO major upgrade reference group.

(Allison Farr / Greg Hooper)

FUTURE AGENDA ITEMS

Nil.

FUTURE MEETING DATES

TBA.

MEETING CLOSE

The meeting closed at 6:52pm.

17) DRAFT BLAYNEY SETTLEMENT STRATEGY 2020**Department:** Planning and Environmental Services**Author:** Manager Planning**CSP Link:** 5. The Natural Environment**File No:** LP.TE.1**Recommendation:**

That Council:

1. Endorse the Draft Blayney Shire Settlement Strategy 2020 as attached to this report for public exhibition
2. Exhibit the Draft Blayney Shire Settlement Strategy 2020 in accordance with the Draft Community Participation Plan and Community Engagement Strategy described in the report
3. Authorise the General Manager to approve minor amendments and changes to the Draft Blayney Shire Settlement Strategy 2020, prior to exhibition commencing.

Reason for Report:

To obtain Council endorsement of the Draft Blayney Shire Settlement Strategy 2020 to enable public exhibition.

Report:

At the April 2020 meeting, Council resolved to defer the Draft Blayney Shire Settlement Strategy 2020 (DBSS) from going out on public exhibition (**Resolution No 2004/014**). Subsequently, the DBSS has been altered slightly to include 2 new strategic options. Multiple formatting updates have also been undertaken.

Introduction

The DBSS investigates and identifies housing needs and opportunities to assist the Blayney Shire meet the projected demands to 2036.

Background

Council's current Settlement Strategy was adopted in 2011 with an approved addendum in January 2012.

Elton Consulting has undertaken a review of the existing Blayney Settlement Strategy in order to achieve the following:

- Produce a Settlement Strategy into a succinct and legible document which can be readily understood and applied by the Blayney Shire community, Blayney Shire Councillors and staff, and other key stakeholders such as State Government Departments and Agencies.
- Review and update the accuracy and relevance of the contextual information regarding the wider Blayney Shire and each individual

village covered by the Settlement Strategy. This includes issues such as existing zoning, settlement pattern and historic population.

- Review and update the opportunities and constraints of the wider Blayney Shire and each individual village covered by the Settlement Strategy.
- Review and update the demographic data and projected future population growth for the wider Blayney Shire and each village covered by the Settlement Strategy.
- Revise the proposed future land use arrangements with regard to the foregoing information.
- Align the Settlement Strategy with the Central West and Orana Regional Plan 2036.
- Align the Settlement Strategy with the DPIE Local Housing Strategy Guideline 2018.

Specifically the scope of works sought analysis and consideration of;

- Residential expansion options for the Blayney Township,
- Residential expansion options for the Millthorpe village,
- Review of the Minimum Lot Size (MLS) for the R1 General Residential zone within the Blayney Township,
- Review of the MLS for existing allotments which are un-serviced in the RU5 village zones,
- Review of the MLS for un-serviced R5 Large Lot Residential zoned land,
- Review of existing village boundaries and investigation for village growth opportunities,
- Other issues as identified.

Community Engagement Strategy

Public exhibition is proposed to consist of;

1. Public exhibition for 42 days of the DBSS from Thursday 1 October 2020 until 5pm Thursday 12 November 2020.
Exhibition would commence the day public notice is given in Council's weekly column of the Blayney Chronicle.
2. DBSS placed on Council's website for the public exhibition period (hard copies can be provided at Council's Administration Office, however photocopying charges as per Council's 2020/21 Operational Plan Fees and Charges would apply).
3. A letter to all land owners' and immediate neighbours which the DBSS proposes to alter a planning control.
4. Emails sent to:
 - All professionals who have recently dealt with Planning and Environmental Services of Blayney Shire Council (approx. 60 addresses) advising of the DBSS public exhibition.

- The Blayney Shire Tourism, Town and Village Committee members advising of the DBSS public exhibition.
 - Contacts on the Council Connect e-newsletter (approx. 300 addresses) advising of the DBSS public exhibition.
5. Briefing sessions will be offered during the exhibition period, as follows;
- Wednesday, 14 October 2020: Millthorpe
 - Wednesday, 21 October 2020: Blayney (including Barry, Newbridge and Neville)
 - Monday, 26 October 2020: Mandurama (including Carcoar, Lyndhurst and Neville)
 - Wednesday, 28 October 2020: online session
6. Council staff will be available during office hours to answer questions via telephone during the public exhibition period. Individual appointments can be provided to any person or group upon request.

At this stage, it is proposed to present the final version of the Blayney Settlement Strategy to the December 2020 meeting, however this will be dependent upon the submissions (number of and complexity) received during the public exhibition period. If the December 2020 meeting is not achievable the final version will be presented to the February 2021 meeting.

It is important to note, following the public exhibition, if significant changes are proposed from the DBSS which was exhibited, the changes must only be considered minor, otherwise public exhibition will have to be undertaken again.

Risk/Policy/Legislation Considerations:

The scope of works and purpose of the Blayney Settlement Strategy Review outlined above set clear direction for the DBSS.

Over the past 2 years Council staff together with Elton Consulting have been undertaking the review of the 2012 Blayney Settlement Strategy. The number of constraints within the Blayney Shire is considered high and some of the proposals, in particular the activation of existing rural lot/s around the un-sewered villages are, from a land use planning perspective considered innovative and forward thinking.

The intent of the proposed changes, in particular in and around the un-sewered villages is to facilitate the growth of these communities in a sustainable and environmentally appropriate manner. The changes are also intended to facilitate quality development that does not create poor environmental and social outcomes, whilst also providing desirable and attractive villages to reside in.

It is not just Blayney Shire Council that sets the content of the Blayney Settlement Strategy. The NSW Department of Planning Industry and Environment must endorse the Blayney Settlement Strategy.

Changes identified in the final version of the Blayney Settlement Strategy would not be implemented in the Blayney Local Environmental Plan until a Planning Proposal is completed. This could be 12 to 18 months away.

Budget Implications:

Elton Consulting were engaged to undertake the Blayney Settlement Strategy.

External consultant expenditure has been allocated over the past Operational Plans with a final amount carried forward into 2020/21.

Council staff will be undertaking the community engagement during the public exhibition, coordinating the summary of submissions and drafting the final version of the Settlement Strategy. It is not proposed to engage additional resources to back fill day to day planning duties whilst the strategy is publically exhibited and finalised, subsequently Council and the community need to note there may be a short term impact on day to day planning duties including longer than usual processing times.

Council staff will be required to facilitate and resource any future Planning Proposal upon finalisation of the strategy.

Enclosures (following report)

Nil

Attachments (separate document)

1 Draft Blayney Shire Settlement

133 Pages