
**NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 8 NOVEMBER 2023
REPORTS TO COUNCIL – GENERAL MANAGER**

1. TOMINGLEY GOLD OPERATIONS (TGO) – COMMUNITY FUND PANEL

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.4.3 Develop and build partnerships with State and Federal Governments, industry and community organisations to foster development and delivery of community services and emerging business sectors

Executive Summary

This report is presented to Council to approve the recommendations from the Tomingley Gold Operations (TGO) Community Fund Panel for distribution of the Voluntary Planning Agreement funds.

Report

The Voluntary Planning Agreement (VPA) with TGO is to provide Council with the following "community funds" as outlined in clause 4.1 of the Agreement –

\$53,750 per year until 31 December 2025 with 50% payable on 1st July and 50% payable on 1st January each year with a total of \$591,250 over the period.

The VPA also states in clause 4.3 "The Development Contributions paid pursuant to clause 4.1 may be pooled with other monies held by Council which have similar and relevant objectives, subject to the proponent (TGO) having the opportunity to lobby for certain expenditure of for the benefit of Tomingley residents and to object to expenditure which may not be in the proponent (TGO) view of community benefits".

The objective of the Community Fund is to satisfy the four elements of:

- Economic Development – directly contribute to the resilience and/or long-term economic growth of the community;
- Community Connectivity – promote community togetherness in a positive family focussed way;
- Education and Training – foster the education and up-skilling of members of the community;
- Community Infrastructure.

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1. TOMINGLEY GOLD OPERATIONS (TGO) – COMMUNITY FUND PANEL (Cont'd)

The TGO Community Fund awards funds twice per year with applications due in March and August, and the Panel conferring in April and September to review the applications. The Panel recommends to Council that the following project receives funding from the Community Fund:

- Narromine Community Kitchen Generocity Church – Purchase food for the Community Kitchen – \$3,000.
- Narromine Hospital Auxiliary – Medical Simulator and Associated Software - \$15,000.
- Narromine Jets RLFC and Narromine Gorillas RUFC – Commercial Dishwasher for Cale Oval Grandstand Kitchen - \$8,000.
- Trangie District Campdraft Association – Power, Lights and PA System at the Trangie Showground - \$15,000.
- Trangie Central School P&C Association – Playground Improvements – \$4,708.
- Western Rural Connect Inc. – Harvest Cut Out Ball New Years Eve Dinner Event - \$5,000.
- Narromine Community Skills – Venetian Carnival and Community Christmas Party – \$5,730.

Recommended projects are determined in accordance with the objectives and assessment criteria for the distribution of the Community Funds agreed to by Council and TGO.

Acknowledgement of the successful applicant will be in a joint letter from Council (signed by the Mayor) and the TGO (signed by the Mining Manager).

Financial Implications

VPA Funds of \$53,750 per annum are available, with at least \$26,875 for each half year distribution. The balance of the community VPA fund as at 30 June 2023 was \$156,000. There were 7 applications received comprising a total value of \$71,438.

Recommended financial contribution is \$56,438.

Legal and Regulatory Compliance

In accordance with section 377 of the Local Government Act 1993, Council must resolve to approve the allocation of funds for a donation.

Guidelines adopted by Council on 9 October 2013 for distribution of funds for Tomingley Gold Operations – Community Fund in accordance with the Voluntary Planning Agreement.

Risk Management Issues

Nil

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1. TOMINGLEY GOLD OPERATIONS (TGO) – COMMUNITY FUND PANEL (Cont'd)

Internal/External Consultation

TGO Community Fund Panel

Attachments

Nil

RECOMMENDATION

That Council approves the allocation of funds from the TGO Community Fund as follows:

- Narromine Community Kitchen Generocity Church – Purchase food for the Community Kitchen – \$3,000.
- Narromine Hospital Auxiliary – Medical Simulator and Associated Software - \$15,000.
- Narromine Jets RLFC and Narromine Gorillas RUFC – Commercial Dishwasher for Cale Oval Grandstand Kitchen - \$8,000.
- Trangie District Campdraft Association – Power, Lights and PA System at the Trangie Showground - \$15,000.
- Trangie Central School P&C Association – Playground Improvements – \$4,708.
- Western Rural Connect Inc. – Harvest Cut Out Ball New Years Eve Dinner Event - \$5,000.
- Narromine Community Skills – Venetian Carnival and Community Christmas Party – \$5,730.

2. CODE OF CONDUCT STATISTICS REPORT

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report provides Council with the statutory annual report on the Code of Conduct complaints received by Council for the period 1 September 2022 to 31 August 2023.

Report

Under the Model Code of Conduct Procedures, the Complaints Coordinator must, within three months of the end of September each year, report on a range of complaints statistics to Council and to the Office of Local Government.

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2. CODE OF CONDUCT STATISTICS REPORT (Cont'd)

This information provides an important accountability mechanism to local communities and also provides the Office of Local Government the means to evaluate Council's implementation of the Model Code framework and whether the framework is achieving its policy objectives. The Office of Local Government publishes this data.

Part 11 of the Procedures for the Administration of the Model Code of Conduct sets out the statistics that are to be reported.

Below is Council's Code of Conduct Complaints Report for the above reporting period.

Total number of code of conduct complaints made about Councillors and the General Manager under the code of conduct in the year to September (the reporting period)	1
Number of code of conduct complaints referred to a conduct reviewer during the reporting period	0
Number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints	0
Number of code of conduct complaints investigated by a conduct reviewer during the reporting period	0
Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period	No Action
Number of matters reviewed by the OLG during the reporting period and, without identifying particular matters, the outcomes of the reviews	0
Total cost of dealing with code of conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs	Nil

Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specified or permitted under the Procedures for the Administration of the Model Code of Conduct.

Financial Implications

Nil

Legal and Regulatory Compliance

Model Code of Conduct
Procedures for the Administration of the Model Code of Conduct

Risk Management Issues

The Model Code of Conduct sets the minimum requirements of conduct for Council Officials in carrying out their functions. Council officials have a statutory duty to act honestly and exercise a reasonable degree of care and diligence; and act in a way that enhances public confidence in the integrity of local government.

2. CODE OF CONDUCT STATISTICS REPORT (Cont'd)

Internal/External Consultation

Nil

Attachments

Nil

RECOMMENDATION

That the Code of Conduct Statistics Report for 1 September 2022 to 31 August 2023 be noted.

3. CROWN ROAD ADJOINING LOT 39 DP 755121 AND LOT 11 DP 755125

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.3 Ensure Council's assets are monitored and well managed

Executive Summary

This report provides Council with the information regarding the potential transfer of the portion of unformed roadway adjoining Lot 39 DP 755121 and Lot 11 DP 755125 from Department of Planning Crown Lands to Council.

Report

Council considered the road closure and acquisition of the unformed road alongside the quarry owned and operated by Council on Lot 39 DP 755121 and subsequently resolved: -

1. That Council apply to NSW Department of Industry – Crown Lands to close the portion of unformed roadway adjoining Lots 39 DP 755121 and Lot 11 DP 755125 and purchase this portion.
2. Enter into a licence agreement with NSW Department of Industry – Crown Lands for the occupation of the Crown Road, to be terminated once the road closure and purchase application is finalised.

Resolution No 2018/250

3. CROWN ROAD ADJOINING LOT 39 DP 755121 AND LOT 11 DP 755125 (Cont'd)



Diagram of subject area

Applications were prepared and submitted to the NSW Department of Industry. Follow up was made with the Department and in 2021 the Department advised that the application had not yet been assigned to a case officer and may not commence for several years.

Recently, discussions were held with Crown Lands staff to progress the matter. Crown Lands have confirmed that a case officer is yet to be assigned. Moving forward, and to progress the matter, Council may request to transfer the management of this portion of road from the Crown to Council. Upon transfer, Council may then wish to close the road and vest it in Council. The transfer process then formalises Council's occupation over the subject area.

Financial Implications

Road closure, survey and plan compilation costs, NSW Land Registry Services lodgement fees.

Legal and Regulatory Compliance

Roads Act 1993 and Roads Regulation 2008
Local Government Act 1993 – Section 377. Council cannot delegate the purchase of any land or other property.

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3. CROWN ROAD ADJOINING LOT 39 DP 755121 AND LOT 11 DP 755125 (Cont'd)

Risk Management Issues

Council should formalise its occupation over the unformed roadway adjoining Lot 39 DP 755121.

Internal/External Consultation

Consultation with Crown Lands

Attachments

- Report to Council 10 October 2018 (**Attachment No. 1**)

RECOMMENDATION

1. That in order for formalise the occupation over unformed road adjoining Lot 39 DP 755121 and Lot 11 DP 755125, Council requests transfer of the management from Department of Planning and Environment – Crown Lands to Narromine Shire Council.
2. That upon transfer, Council closes the unformed road and vests it in Council.

4. EXTRAORDINARY COUNCIL MEETING

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is presented to Council to consider holding an Extraordinary Council Meeting to present the audited 2022/2023 Financial Statements.

In accordance with Section 416(1) of the Local Government Act, Council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year (i.e., 31 October 2023). Council may from time to time apply to the Department for an extension of that period.

Council made application to the Department for an extension this year which was subsequently approved.

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4. EXTRAORDINARY COUNCIL MEETING (Cont'd)

Council is awaiting the Auditor's report on the General-Purpose Financial Report and a Report on the Conduct of the Audit. This is due to be presented to the Audit Risk and Improvement Committee on 10 November 2023, prior to being presented to Council.

Section 418 (1) of the Local Government Act provides that Council must fix a date for the meeting at which it proposes to present its audited financial reports together with the auditor's reports, to the public, and it must give public notice of this date. It must be at least 7 days after the date on which the notice is given. Where an extension is granted under section 416, the meeting must be held on or before 5 December.

It is therefore recommended that Council holds an Extraordinary Council Meeting on Monday 27 November 2023 in order to satisfy the statutory timeframes above.

Financial Implications

Costs incurred in holding an Extraordinary Council Meeting.

Legal and Regulatory Compliance

Sections 416 and 418 of the Local Government Act 1993

Risk Management Issues

Compliance with legislative provisions

Internal/External Consultation

External Auditors

Attachments

- Nil

RECOMMENDATION

That an Extraordinary Council Meeting be held on 27 November 2023, commencing at 5.30 pm, to present the audited financial reports.

Jane Redden
General Manager

**NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 10 OCTOBER 2018
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1. ROAD CLOSURE AND ACQUISITION

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.4 Ensure Council's property assets are monitored and well managed

Executive Summary

This report is presented to Council to consider making an application to the Crown to close and purchase a portion of roadway adjacent to Council's quarry.

Report

Council is the owner of Lot 39 DP 755121 and operates a quarry within the lot; in addition to having an agreement for quarry operations with the adjoining owner of Lot 11 DP 755125.



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1. ROAD CLOSURE AND ACQUISITION (Cont'd)

Over time the quarry has been extended into the portion of Crown Road between Lots 39 and 11. This portion of the roadway is unformed and has never been used as a roadway. In order to formalise Council's use of this section of the roadway for its continued quarry operations (approximately 1.423 ha), Council will need to apply to the Crown to close the relevant portion and subsequently purchase this area.

In the meantime, Council will need to enter into a licence agreement with Crown Lands for authorised occupation of the roadway. Once the road purchase application has been processed and finalised by Crown Lands, the Crown Land licence agreement will be terminated.

Agreement to the proposed road closure and purchase has been provided by the adjoining neighbour. There are no other land owners whose properties are affected by the closure, given this portion of land has never functioned as a roadway and has been operated as a portion of Council's quarry for many years.

Financial Implications

Crown Road Licence Application fee \$438.00

Road purchase application fee \$650.75

Purchase processing fee \$301.40

Plan compilation fee \$342.50

NSW Land Registry Services lodgement fees +/- \$590.00

Purchase price of land – based on land value of the applicant's adjoining land – estimated to be \$2,700

Possible survey costs if Department of Industry determines that the boundary is not easy to define due to encroachment - +/- \$2,000

Legal and Regulatory Compliance

Roads Act 1993 and Roads Regulation 2008

Local Government Act 1993 – Section 377. Council cannot delegate the purchase of any land or other property.

Risk Management Issues

Minimum processing time for a successful road purchase application is 10 – 11 months. This estimate relates to applications which have no complex issues or unforeseeable administrative delays. Processing time is from the date of application commencement and not the date of application receipt.

Internal/External Consultation

Consultation with Crown Lands

Attachments

Nil

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1. ROAD CLOSURE AND ACQUISITION (Cont'd)

RECOMMENDATION

1. That Council apply to NSW Department of Industry – Crown Lands to close the portion of unformed roadway adjoining Lots 39 DP 755121 and Lot 11 DP 755125 and purchase this portion.
2. Enter into a licence agreement with NSW Department of Industry – Crown Lands for the occupation of the Crown Road, to be terminated once the road closure and purchase application is finalised.