



## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**18 AUGUST 2020**

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE WITH AN OPTION OF ONLINE CONFERENCING PLATFORM ZOOM DUE TO COVID-19 REQUIREMENTS** on **Tuesday, 18 August 2020** commencing at **7.00PM**.

David Waddell  
**CHIEF EXECUTIVE OFFICER**

For apologies please contact Administration on 6393 8218.

## AGENDA

### EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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## **1 INTRODUCTION**

### **1.1 APOLOGIES AND LEAVE OF ABSENCE**

### **1.2 LIVESTREAMING AND RECORDING**

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being 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. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

### **1.3 OPENING PRAYER**

### **1.4 ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

### **1.5 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS**

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

## **RECOMMENDATION**

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

## **2 MAYORAL MINUTES**

Nil

### **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Orange City Council held on 11 August 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 11 August 2020.

#### **ATTACHMENTS**

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 11 August 2020

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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE AND VIA ONLINE CONFERENCING  
PLATFORM ZOOM

ON 11 AUGUST 2020

COMMENCING AT 7.00PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae (Zoom), Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Acting Manager Corporate Governance (Constantine), Manager Financial Services (Zoom), Executive Support Manager.

#### 1.1 APOLOGIES

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Nil

#### 1.2 LIVESTREAMING AND RECORDING

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The Mayor advised that the meeting was being livestreamed and recorded.

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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The Mayor conducted the Acknowledgment of Country.

#### 1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Cr McRae declared a Significant Pecuniary interested in Item 2.1 of the Infrastructure Policy Committee (Minutes of the City of Orange Traffic Committee Meeting 14 July 2020) as she is a business owner in the area noted in part 3.4 of this item.

## 2 MAYORAL MINUTES

Nil

Cr Romano acknowledged the passing of Mrs Kidd (the Mayors Mother) and Council held a minute's silence in her memory.

Cr Romano acknowledged the passing of Cr Mario Previtiera and Council held a minute's silence in his memory.

**RESOLVED - 20/223****Cr S Romano/Cr S Munro**

- 1 That the Chief Executive Officer organise a memorial for Cr Mario Previtiera and provide options to his family for a suitable location from:
  - Pinnacle Road Reserve
  - Gosling Creek
  - Bathurst Road Rest Stop (when constructed)
- 2 That the Chief Executive Officer provide a report back to Council with the options available and preferred location of the family.

## 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**RESOLVED - 20/224****Cr J Hamling/Cr S Munro**

That the Minutes of the Ordinary Meeting of Orange City Council held on 21 July 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 21 July 2020.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.10PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.20PM**

*\*\*Cr Romano left the meeting with the time being 8.21pm and did not return.\*\**

## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - 75TH ANNIVERSARIES OF THE ATOMIC BOMBINGS OF HIROSHIMA AND NAGASAKI

TRIM REFERENCE: 2020/929

**THIS ITEM WAS WITHDRAWN**

**5 GENERAL REPORTS****5.1 HEALTH AND INNOVATION PRECINCT MASTERPLAN ADOPTION**

TRIM REFERENCE: 2020/1064

**MOTION****Cr J Hamling/Cr J Whitton**

That Council resolves:

- 1 That the Health and Innovation Precinct Masterplan be adopted.
- 2 That Orange City Council continue to work with the NSW Government, agencies and stakeholders to realise the goals of Health and Innovation Precinct Masterplan.

**AMENDMENT****Cr S Nugent/Cr T Mileto**

That Council resolves:

- 1 That the Health and Innovation Precinct Masterplan be adopted with the addition of Master Planning Principle 7 – Green Space & Passive Recreation.
- 2 That Orange City Council continue to work with the NSW Government, agencies and stakeholders to realise the goals of Health and Innovation Precinct Masterplan.

**THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST**

For: Cr Nugent

Against: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Taylor, Cr Turner, Cr Whitton

Absent: Cr Romano

**THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED****RESOLVED - 20/237****Cr J Hamling/Cr J Whitton**

That Council resolves:

- 1 That the Health and Innovation Precinct Masterplan be adopted.
- 2 That Orange City Council continue to work with the NSW Government, agencies and stakeholders to realise the goals of Health and Innovation Precinct Masterplan.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Romano

Cr Taylor stated that the community should be reminded that the radiata pines are on the northern nine holes of the golf course not on Bloomfield gardens.

Cr Mileto asked if the radiata pines can be harvested and potentially used for construction.

Cr Kidd stated this can definitely be looked into.

Cr Nugent stated that submissions talked about the open space issue and that this would be looked at in future stages but does not say when.

*The Acting Director Corporate & Commercial Services stated that consultation would be part of future stages as they progress.*

**5.2 DEMOLITION OF PERRY OVAL AMENITIES BUILDING**

TRIM REFERENCE: 2020/1233

<b>MOTION</b>	<b>Cr R Turner/Cr S Munro</b>
That Council approve the demolition of the Perry Oval Amenities building.	
<b>AMENDMENT</b>	<b>Cr R Kidd/Cr G Taylor</b>
That this item be deferred until such time as Councillors are briefed and a site inspection undertaken.	
<b>THE AMENDMENT ON BEING PUT TO THE MEETING WAS CARRIED AND BECAME THE MOTION</b>	
For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Taylor, Cr Turner, Cr Whitton Against: Nil Absent: Cr Romano	
<b>THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED</b>	
<b>RESOLVED - 20/238</b>	<b>Cr R Kidd/Cr G Taylor</b>
That this item be deferred until such time as Councillors are briefed and a site inspection undertaken.	

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Taylor, Cr Turner, Cr Whitton  
Against: Nil  
Absent: Cr Romano

Cr Taylor requested the cost of commissioning the assessment reports of Cook Roe.  
*The Director Community, Recreation & Cultural Services stated that he will need to clarify however it would be in the order of \$1500-\$2000. There are 2 different reports addressing different aspects.*

Cr Taylor stated the intention was to restore Perry Oval for community use, that quotes from local tradies should be obtained for a replacement roof and that he cannot see where \$122,000 comes from.

Cr Duffy stated we should see what the tradies can do, that he is concerned about the money spent on the report and questions the whole process.

Cr Mileto stated he will support another look at it and questioned whether the repairs would satisfy the insurer. He congratulated Council on getting the reports to see what we have, giving clarity on the estimated costs.

Cr Whitton stated that it is already a Council asset which we are obligated and responsible to keep in a state of usability. This site would be ideal for farmers markets.

Cr Hamling stated that if the money is spent on the grounds it will be used, and once the ground is suitable then council should apply for grant funding.

*The Chief Executive Officer advised that project Perry Oval includes the Surface, Irrigation & Toilet Block in line with the Council resolution at budget time.*

*The Director Community, Recreation & Cultural Services stated that the ground is being used by many groups and agreed with the commentary on its condition. \$30,000 is being invested on irrigation of the ground and there is a demand for amenities.*

### **5.3 PROGRESS REPORT - OPERATIONAL PLAN 2019/2020 (DELIVERY PROGRAM YEAR 2) - QUARTER 4**

TRIM REFERENCE: 2020/1263

#### **RESOLVED - 20/239**

**Cr S Nugent/Cr S Munro**

That the Progress Report - Operational Plan 2019/2020 (Delivery Program Year 2) - Quarter 4 be acknowledged.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Romano

### **5.4 TOURISM AND EVENT MARKETING**

TRIM REFERENCE: 2020/1292

#### **RESOLVED - 20/240**

**Cr J Whitton/Cr S Nugent**

That the report by the Acting Director of Corporate and Commercial Services be acknowledged.

FOR: CR KIDD, CR DUFFY, CR HAMLING, CR MCRAE, CR MILETO, CR MUNRO, CR NUGENT, CR TAYLOR, CR TURNER, CR WHITTON

AGAINST: NIL

ABSENT: CR ROMANO

CR DUFFY ASKED IF THE \$100,000 FOR ORANGE 360 HAS BEEN APPROVED.

*THE CHIEF EXECUTIVE OFFICER STATED THAT THIS IS CURRENTLY ON EXHIBITION.*

## **6 CLOSED MEETING**

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

In response to a question from the Mayor, the Chief Executive Officer advised that no written submissions had been received relating to any item listed for consideration by the Closed Meeting of Council.

The Mayor extended an invitation to any member of the public present at the meeting to make a presentation to the Council as to whether the meeting should be closed for a particular item.

**RESOLVED - 20/241****Cr J Hamling/Cr S Munro**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

**6.1 2019/2020 Water/Sewerage Charges - 9-17 Edward Street Orange**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) the personal hardship of any resident or ratepayer.

**6.2 Lease Hangar X Orange Airport**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.59pm.

The Mayor declared the Ordinary Meeting of Council resumed at 9.20pm.

**7 RESOLUTIONS FROM CLOSED MEETING**

The Chief Executive Officer read out the following resolutions made in the Closed Meeting of Council.

**6.1 2019/2020 WATER/SEWERAGE CHARGES - 9-17 EDWARD STREET ORANGE**

TRIM REFERENCE: 2020/1199

**RESOLVED - 20/242****Cr J Whitton/Cr S Munro**

- 1 That the combined total water consumption charges over the 4 billing periods of \$4,905.98 be reduced by 40% to \$2,943.59, being a credit of \$1,962.39.
- 2 That the combined total sewerage charges over the 4 billing periods of \$18,981.02 be reduced to \$15,049.80 (the minimum charge applicable to the site), being a credit of \$3,931.22.
- 3 That the total interest charges of \$1,605.01 be written off.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Romano

**6.2 LEASE HANGAR X ORANGE AIRPORT**

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TRIM REFERENCE: 2020/1256

**RESOLVED - 20/243**

**Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 To enter into a lease of Hangar X for a term of 5 years plus 4, 5 year options.
- 2 That approval be granted for the use of the Council Seal on all relevant documents.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Romano

**THE MEETING CLOSED AT 9.22PM**

This is Page Number 12 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 11 August 2020.

**4 NOTICES OF MOTION/NOTICES OF RESCISSION**

Nil



## **5 GENERAL REPORTS**

### **5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES**

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TRIM REFERENCE: 2020/1456

AUTHOR: Nick Redmond, Acting Director Corporate and Commercial Services

#### **EXECUTIVE SUMMARY**

Council's Policy Committees (Planning and Development Committee, Employment and Economic Development Policy Committee, Infrastructure Policy Committee, Sport and Recreation Policy Committee, Environmental Sustainability Policy Committee, Finance Policy Committee and Services Policy Committee) have delegation to determine matters before those Committees, with the exception of items that impact on Council's Delivery Operational Plan.

This report provides minutes of the Policy Committees held since the last meeting. Resolutions made by the Committees are for noting, and Recommendations are presented for adoption or amendment by Council.

#### **LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.1 Collaborate - Provide representative, responsible and accountable community governance".

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY AND GOVERNANCE IMPLICATIONS**

Nil

#### **RECOMMENDATION**

- 1 That the resolutions made by the Planning and Development Committee at its meeting held on 11 August 2020 be noted.**
- 2 That the resolutions made by the Employment and Economic Development Policy Committee at its meeting held on 11 August 2020 be noted.**
- 3 That the resolutions made by the Infrastructure Policy Committee at its meeting held on 11 August 2020 be noted.**
- 4 That the resolutions made by the Finance Policy Committee at its meeting held on 11 August 2020 be noted.**
- 5 That the resolutions made by the Services Policy Committee at its meeting held on 11 August 2020 be noted.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION****Planning and Development Committee**

At the Planning and Development Committee meeting held on 11 August 2020, all resolutions were made under delegation, and the minutes are presented for noting.

**Employment and Economic Development Committee**

At the Employment and Economic Development Committee meeting held on 11 August 2020, all resolutions were made under delegation, and the minutes are presented for noting.

**Infrastructure Policy Committee**

At the Infrastructure Policy Committee meeting held on 11 August 2020, all resolutions were made under delegation, and the minutes are presented for noting.

**Finance Policy Committee**

At the Finance Policy Committee meeting held on 11 August 2020, all resolutions were made under delegation, and the minutes are presented for noting.

**Services Policy Committee**

At the Services Policy Committee meeting held on 11 August 2020, all resolutions were made under delegation, and the minutes are presented for noting.

**ATTACHMENTS**

- 1 PDC 11 August 2020 Minutes, 2020/1359 [↓](#)
- 2 EEDPC 11 August 2020 Minutes, 2020/1360 [↓](#)
- 3 IPC 11 August 2020 Minutes, 2020/1364 [↓](#)
- 4 FPC 11 August 2020 Minutes, 2020/1365 [↓](#)
- 5 SPC 11 August 2020 Minutes, 2020/1366 [↓](#)

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## ORANGE CITY COUNCIL

### MINUTES OF THE

## PLANNING AND DEVELOPMENT COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE AND VIA ONLINE CONFERENCING  
PLATFORM ZOOM

ON 11 AUGUST 2020

COMMENCING AT 7.10PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr R Turner (Chairperson), Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae (Zoom), Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr J Whitton  
Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond),  
Director Development Services, Director Community, Recreation and Cultural Services,  
Director Technical Services, Acting Manager Corporate Governance (Constantine), Manager  
Financial Services (Zoom), Executive Support Manager.

#### APOLOGIES AND LEAVE OF ABSENCE

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Nil

#### 1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Nil

### 2 GENERAL REPORTS

#### 2.1 ITEM APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

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TRIM REFERENCE: 2020/1287

##### RESOLVED - 20/225

Cr J Whitton/Cr S Munro

That Council resolves to acknowledge the information provided in the report by the  
Manager Development Assessments on Items Approved Under the Delegated Authority of  
Council.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor,  
Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

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## 2.2 DEVELOPMENT APPLICATION DA 155/2020(1) - 7 WILLIAM MAKER DRIVE

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TRIM REFERENCE: 2020/1208

Cr Nugent asked if sediment control provisions are adequate for the site.  
*The Director of Development Services advised that Staff and the Environmental Health and Building Officers have been actively enforcing sediment control for the past 18 months.*

**RESOLVED - 20/226**

**Cr K Duffy/Cr J Whitton**

That Council consents to development application DA155/2020(1) for Subdivision (13 lot residential and drainage reserve), Demolition (outbuilding and tree removal), Earthworks and Category 1 Remediation Works at Lot 1 DP 366693, 7 William Maker Drive, Orange pursuant to the conditions of consent in the attached Notice of Determination.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

## 2.3 ELECTRONIC LODGEMENT OF PLANNING APPLICATIONS ON THE NSW PLANNING PORTAL

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TRIM REFERENCE: 2020/1209

Cr Duffy asked if the new system will make Development Application determinations quicker.  
*The Director Development Services advised that digital plans will assist in the process and that other Councils who have implemented the process have found some reduction in the average assessment time.*

**RESOLVED - 20/227**

**Cr S Nugent/Cr S Munro**

That the information contained in the report by the Manager Development Assessments on ePlanning – Electronic lodgement of planning applications on the NSW Planning Portal be acknowledged.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**2.4 DEVELOPMENT APPLICATION DA 41/2020(1) - 72 HILL STREET**

TRIM REFERENCE: 2020/1245

**RECOMMENDATION**

**Cr K Duffy/Cr S Nugent**

That Council confirms the previous decision made in relation to DA 41/2020(1) for Hotel or Motel Accommodation (conversion of manager's residence to guest room) at Lot 100 DP 1103216 - 72 Hill Street, Orange, as per the previously issued Notice of Determination (attached).

**AMENDMENT**

**Cr K Duffy/Cr J Hamling**

That Council determines DA 41/2020(1) for Hotel or Motel Accommodation (conversion of manager's residence to guest room) at Lot 100 DP 1103216 - 72 Hill Street, Orange, as per the previously issued Notice of Determination (attached) minus Condition 4.

**ON BEING PUT THE AMENDEMENT WAS PASSED AND BECAME THE MOTION**

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**RESOLVED - 20/228**

**Cr K Duffy/Cr J Hamling**

That Council determines DA 41/2020(1) for Hotel or Motel Accommodation (conversion of manager's residence to guest room) at Lot 100 DP 1103216 - 72 Hill Street, Orange, as per the previously issued Notice of Determination (attached) minus Condition 4 requiring parking contributions.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**2.5 DEVELOPMENT APPLICATION DA 210/2020(1) - 80 SUMMER STREET**

TRIM REFERENCE: 2020/1266

Cr Duffy applauded the win/win situation of this application for the developers, staff and councillors.

**RESOLVED - 20/229**

**Cr S Nugent/Cr K Duffy**

That Council consents to development application DA 210/2020(1) for Recreation Facility (indoor) (change of use) at Lot 2 DP 1181850 - 80 Summer Street, Orange pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**THE MEETING CLOSED AT 7.27PM**

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## ORANGE CITY COUNCIL

MINUTES OF THE  
**EMPLOYMENT AND ECONOMIC DEVELOPMENT POLICY  
COMMITTEE**

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE AND VIA ONLINE CONFERENCING  
PLATFORM ZOOM

ON 11 AUGUST 2020

COMMENCING AT 7.28PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr T Mileto (Chairperson), Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae (Zoom), Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton  
Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond),  
Director Development Services, Director Community, Recreation and Cultural Services,  
Director Technical Services, Acting Manager Corporate Governance (Constantine), Manager  
Financial Services (Zoom), Executive Support Manager.

#### APOLOGIES AND LEAVE OF ABSENCE

Nil

#### 1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Nil

### 2 COMMITTEE MINUTES

#### 2.1 MINUTES OF THE ECONOMIC DEVELOPMENT COMMUNITY COMMITTEE HELD 15 JULY 2020

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TRIM REFERENCE: 2020/1236

#### RESOLVED - 20/230

Cr R Kidd/Cr S Romano

- 1 That Council acknowledge the reports presented to the Economic Development Community Committee at its meeting held on 15 July 2020.
- 2 That the minutes of the Economic Development Community Committee be adopted.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor,  
Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

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### **3 GENERAL REPORTS**

#### **3.1 UPDATED SPENDMAPP DATA FOR THE COVID-19 RESTRICTED PERIOD**

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TRIM REFERENCE: 2020/1262

**RESOLVED - 20/231**

**Cr R Kidd/Cr S Nugent**

That Councillors acknowledge the report on the Updated Spendmapp Data for the COVID-19 Restricted Period.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

Cr Kidd thanked staff for the report on Spendmapp Data and noted this is the way we keep track of how things are going in the retail sector.

**THE MEETING CLOSED AT 7.30PM**

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## ORANGE CITY COUNCIL

MINUTES OF THE

### INFRASTRUCTURE POLICY COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE AND VIA ONLINE CONFERENCING  
PLATFORM ZOOM

ON 11 AUGUST 2020

COMMENCING AT 7.30PM

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## 1 INTRODUCTION

### ATTENDANCE

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Cr J Whitton (Chairperson), Cr R Kidd (Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae (Zoom), Cr T Mileto, Cr S Munro, Cr S Nugent, Cr S Romano (Deputy Mayor), Cr G Taylor, Cr R Turner Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Acting Manager Corporate Governance (Constantine), Manager Financial Services (Zoom), Executive Support Manager.

### APOLOGIES AND LEAVE OF ABSENCE

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Nil

### 1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Cr McRae declared a Significant Pecuniary Interest in item 2.1 as she is a business owner in the area noted in point 3.4 of this item.

## 2 COMMITTEE MINUTES

### 2.1 MINUTES OF THE CITY OF ORANGE TRAFFIC COMMITTEE MEETING - 14 JULY 2020

TRIM REFERENCE: 2020/1205

*Cr McRae declared a Significant Pecuniary Interest in this item as she is a business owner in the area noted in point 3.4, left the meeting with the time being 7.31pm and did not participate in discussion or voting on this item.*

#### RESOLVED - 20/232

Cr S Romano/Cr R Turner

That Council resolves:

- 1 To acknowledge the reports presented to the City of Orange Traffic Committee at its meeting of 14 July 2020.
- 2 Recommendations 3.1, 3.2, 3.4 and 3.5 from the minutes of the City of Orange Traffic Committee meeting of 14 July 2020 being:
  - 3.1 That the 2020 Altitude event be approved subject to the attached conditions of consent;
  - 3.2 That Council erects the new bus zone signs;
  - 3.4 That Council implement the DPI on street parking strategy as attached to this report with the addition of a bus stop in Anson Street near DPI and with the addition of signage within bus zones allowing taxis to stop for 1 minute;
  - 3.5 That Council installs BB centre lines along Lister Drive.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr McRae

*\*\*Cr McRae returned to the meeting with the time being 7.35pm\*\**

## 3 GENERAL REPORTS

### 3.1 CURRENT WORKS

TRIM REFERENCE: 2020/1250

#### RESOLVED - 20/233

Cr J Hamling/Cr S Munro

That Council resolves to note the report on Current Works.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

Cr Kidd advised that there has been recent media coverage of water spilling over the lake Canobolas wall and that this water does not go into Orange's catchment as it is part of Cabonne. Cr Kidd advised he will be participating in a story with ABC to explain where Orange's water storage is.

Cr Taylor asked if there was a plan for long term additional storage.

*The Director Technical Services stated that we do have a Plan the Integrated Water Cycle Management plan or IWCM which is up for renewal and community consultation will take place, once the State releases their new modelling. Council will be updated with information on the secure yield and demand as well as assessing solutions.*

Cr Hamling asked if the projected housing increase was taken into account when the plan was done.

*The Director Technical Services stated yes it looks at projected growth, and historically Orange has experienced a steady growth of around 250 to 300 housing lots per year.*

Cr Kidd stated that dams are currently being reviewed in particular Wyangala, and the movements in pipelines, and asked if this was part of the IWCM.

*The Director Technical Services stated no it was not part of the IWCM but part of separate reports which we contributed to by the Central JO and DPIE Water on Regional Water Security.*

Cr McRae stated there was a motion resolved in February regarding municipal waste water and asked where that was up to.

*The Director Technical Services advised the recycling of municipal waste water will be looked at in detail in the new IWCM.*

Cr Kidd stated he has advised the Minister that Orange would like to pilot a micro effluent re-use facility.

Cr Turner asked where the Blackmans Swamp storm water harvesting scheme was up to.

*The Director Technical Services advised stage 2 is currently being developed with a number of steps including compulsory land acquisition, design, community consultation, review of environmental factors and approvals with a view to completion of preliminary items by December 2020 and construction works in 2021.*

## **MATTER ARISING**

Cr Turner requested a report be provided to Council on the figures for Stormwater Harvesting from subdivisions.

Cr Nugent asked if there was any plan to install footpaths on Dalton Street in the vicinity of Dudley Private Hospital after he was approached by a member of the community with concerns about pedestrian access in the area.

*The Director Technical Services stated that this can be considered.*

*The Chief Executive Officer stated that Council will receive a full list of projects.*

Cr Duffy thanked staff for the prompt attention given to potholes on Ophir Road.

Cr Hamling stated at the last Council Meeting the issue of Ploughmans Lane funding was raised and asked if Council has the money.

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*The Director Technical Services stated yes it has been committed, however we do not yet have the funding deed.*

Cr Whitton congratulated the Director Technical Services, the Chief Executive Officer and Staff on the work started and completed during the COVID period and congratulated the staff and Councillors for keeping the city viable with projects during this time.

Cr Hamling asked where the Mt Canobolas Mountain Bike track was up to after he was told by the State Member it was in Council's hands.

*The Chief Executive Officer advised that the track requires approval which is the first step.*

Cr Kidd asked does this have to be done with Cabonne Council.

*The Chief Executive Officer advised it will be collaboration with the land owners, state and Cabonne Council.*

Cr Romano requested if the matter of a chair lift was raised with the Minister.

Cr Kidd stated that once the Environmental Impact Study (EIS) is complete this can occur.

Cr Hamling asked where the Cricket Centre and Sporting Precinct where up to.

*The Director Community, Recreation & Cultural Services stated that the cricket centre was in front of schedule for completion at the end of September. He can organise a walk through with Councillors with it aiming to be operational by the end of October 2020.*

*The Director Community, Recreation & Cultural Services stated that the Sporting Precinct has 4 real components, funding from the state, timing of less than 2 years to complete the project under the agreement, finalising the end of lease arrangements for the ex-services club, preparing and submitting the DA to Council with its own separate areas of clearing the site, civil works, athletics track and main sporting areas. Council has entered into an arrangement with the public works advisory. Supporting information is currently being prepared for the development application with the first DA to come before council in the next couple of months.*

Cr Munro asked if Councillors could be shown through the proposed sporting precinct site.

*The Director Community, Recreation & Cultural Services advised that he would be happy to show Councillors through at any time.*

Cr Kidd stated that the radiata pines on the site were planted by the golf club to define the fairways and are not part of the Bloomfield grounds that have native shrubs and trees.

**THE MEETING CLOSED AT 8.05PM**

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## **ORANGE CITY COUNCIL**

MINUTES OF THE

### **FINANCE POLICY COMMITTEE**

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE AND VIA ONLINE CONFERENCING  
PLATFORM ZOOM

ON 11 AUGUST 2020

COMMENCING AT 8.05PM

---

## **1 INTRODUCTION**

### **ATTENDANCE**

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Cr J Whitton (Chairperson), Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae (Zoom), Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner,

Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Acting Manager Corporate Governance (Constantine), Manager Financial Services (Zoom), Executive Support Manager.

### **APOLOGIES AND LEAVE OF ABSENCE**

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Nil

### **1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS**

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Nil

## 2 GENERAL REPORTS

### 2.1 REQUEST FOR FINANCIAL ASSISTANCE - POST EXHIBITION - DUNTRYLEAGUE GOLF CLUB

TRIM REFERENCE: 2020/1131

#### RESOLVED - 20/234

Cr S Romano/Cr S Munro

That Council support the request for Financial Assistance from Duntryleague Golf Club to:

- 1 To support the diversion of stormwater from Woodward Street into Duntryleague;
- 2 That funding of \$3,500 for the infrastructure and wages in addition to the Development Application Fees (\$230) and Road Opening Permit Fees (\$437.50) for the Duntryleague Golf Club Storm Water diversion be funded from Road Maintenance Fund;
- 3 That subject to the approval of a Development Application, Council:
  - I. Undertake all survey work;
  - II. Gift three x 600mm diameter storm water pipes;
  - III. Reimburse Development Application fees;
  - IV. Waive all Road Opening Permit fees; and
  - V. Assist with the lodgement and approval of the RMS Road Occupancy License together with the Works Authorisation Deed as a contribution/works in kind.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Cr McRae

Absent: Nil

Cr McRae stated she had raised concerns regarding Councils liability and warranty for Council or Council Staff during any works process.

*The Acting Director Corporate & Commercial Services stated that Council will not be undertaking any works, will create a deed of release and also have insurance and public liability insurance.*

Cr Nugent stated that the diversion of some of the storm water may also have some benefits in water infrastructure for the city.

*The Director Technical Services advised the catchment to be detoured amounts to 4 hectares, the total catchment of the city is 3000 hectares, therefore only 0.1% of the total impervious area is proposed to be detoured. Any additional overflow from the dam will return to the catchment. The diversion also takes some pressure from the existing system and allows existing pipes to hold more capacity.*

Cr Mileto asked what the wages component comprise of as this sets a precedent.

Cr Kidd stated that this does not set a precedent but in fact Council has invested in a number of facilities such as toilet blocks at Waratahs and Kinross which could also be considered for profit organisation.

*The Director Technical Services advised that the total cost includes the value for the pipes and installation costs, no-one is getting paid as such, but it totals the in-kind value all up.*

Cr McRae stated that this information is conflicting and asked if Council is doing the works.

*The Director Technical Services stated that Council will install the pipes on our footpath but not undertake any dam works.*

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**2.2 REQUEST FOR FINANCIAL ASSISTANCE - BANJO PATERSON FESTIVAL - NATIONAL BUSH POETRY CHAMPIONSHIPS - 18 TO 20 FEBRUARY 2020**

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TRIM REFERENCE: 2020/1265

**RESOLVED - 20/235****Cr S Nugent/Cr R Turner**

That Council resolves that funding of \$12,000 be made from the Quick Response Event Sponsorship Funding Program to Rotary Club of Orange Inc. (Banjo Paterson Festival – National Bush Poetry Championships 2020).

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

Cr Duffy asked if the event did not go ahead would the organisation keep the money.

*The Chief Executive Officer advised no, the funds will be returned if it does not go ahead.*

**THE MEETING CLOSED AT 8.17PM**

## **ORANGE CITY COUNCIL**

MINUTES OF THE

### **SERVICES POLICY COMMITTEE**

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE AND VIA ONLINE CONFERENCING  
PLATFORM ZOOM

ON 11 AUGUST 2020

COMMENCING AT 8.18PM

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## **1 INTRODUCTION**

### **ATTENDANCE**

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Cr S Munro (Chairperson), Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy Cr J Hamling, Cr J McRae (Zoom), Cr T Mileto, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Acting Manager Corporate Governance (Constantine), Manager Financial Services (Zoom), Executive Support Manager.

### **APOLOGIES AND LEAVE OF ABSENCE**

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Nil

### **1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS**

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Nil

## 2 COMMITTEE MINUTES

### 2.1 MINUTES OF THE NAIDOC COMMITTEE MEETING HELD ON 9 JULY 2020

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TRIM REFERENCE: 2020/1251

**RESOLVED - 20/236****Cr J Whitton/Cr J Hamling**

- 1 That Council acknowledge the reports presented to the NAIDOC Week Community Committee at its meeting held on 9 July 2020.
- 2 That the remainder of the minutes of the NAIDOC Week Community Committee at its meeting held on 9 July 2020 be adopted.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

Cr Nugent stated that the Orange Naidoc Week has been moved to coincide with the national dates of 8-15 November 2020 which will be the first time is has been run at the same time. The challenge will be what events and what format can be used.

**QUESTION TAKEN ON NOTICE****Cr S Nugent**

Cr Nugent requested that Council's Event Management Team assist the Naidoc committee by providing support and guidance relating to upcoming events and the COVID-19 requirements.

**THE MEETING CLOSED AT 8.20PM**

**5.2 STATEMENT OF INVESTMENTS - JULY 2020**

TRIM REFERENCE: 2020/1355

AUTHOR: Julie Murray, Financial Accountant

**EXECUTIVE SUMMARY**

The purpose of this report is to provide a statement of Council's investments held as at 31 July 2020.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.2 Collaborate - Ensure financial stability and support efficient ongoing operation".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council resolves:

- 1 To note the Statement of Investments as at 31 July 2020.**
- 2 To adopt the certification of the Responsible Accounting Officer.**

**FURTHER CONSIDERATIONS**

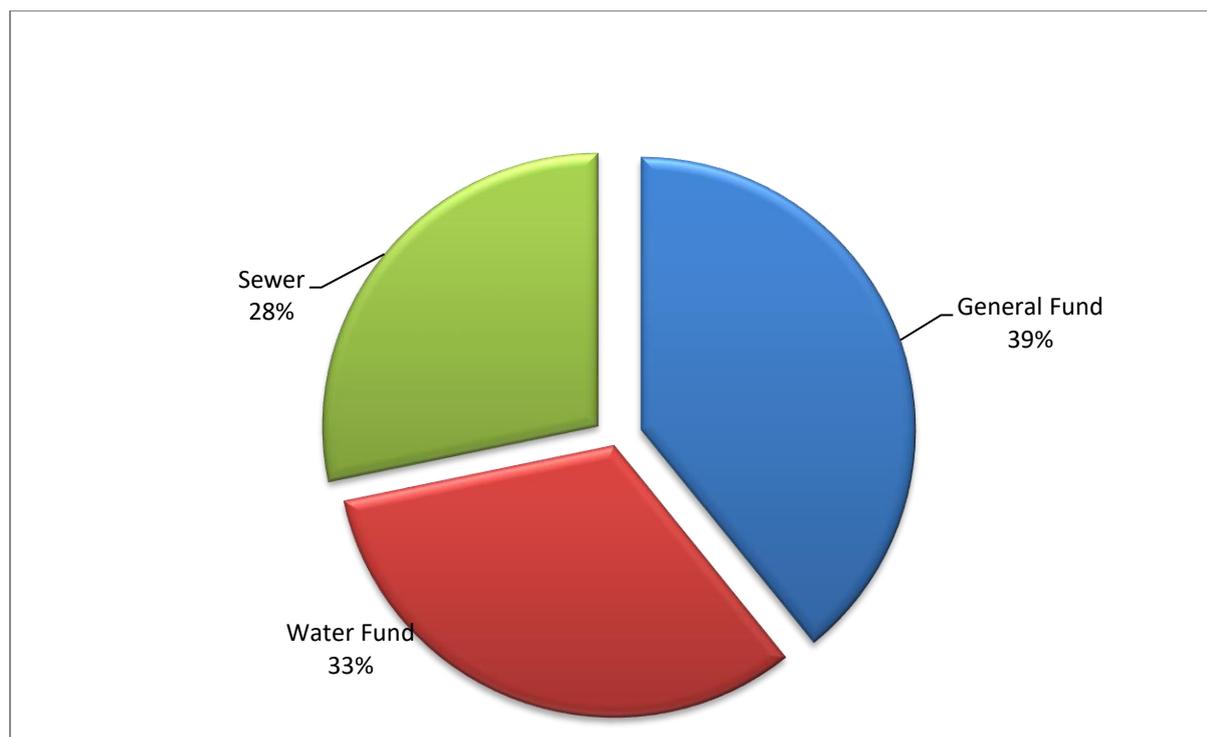
Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

Section 212(1) of the Local Government (General) Regulation 2005 requires that a written report be presented each month at an Ordinary Meeting of the Council detailing all money that Council has invested under Section 625 of the Local Government Act 1993.

As at 31 July 2020, the investments held by Council in each fund is shown below:

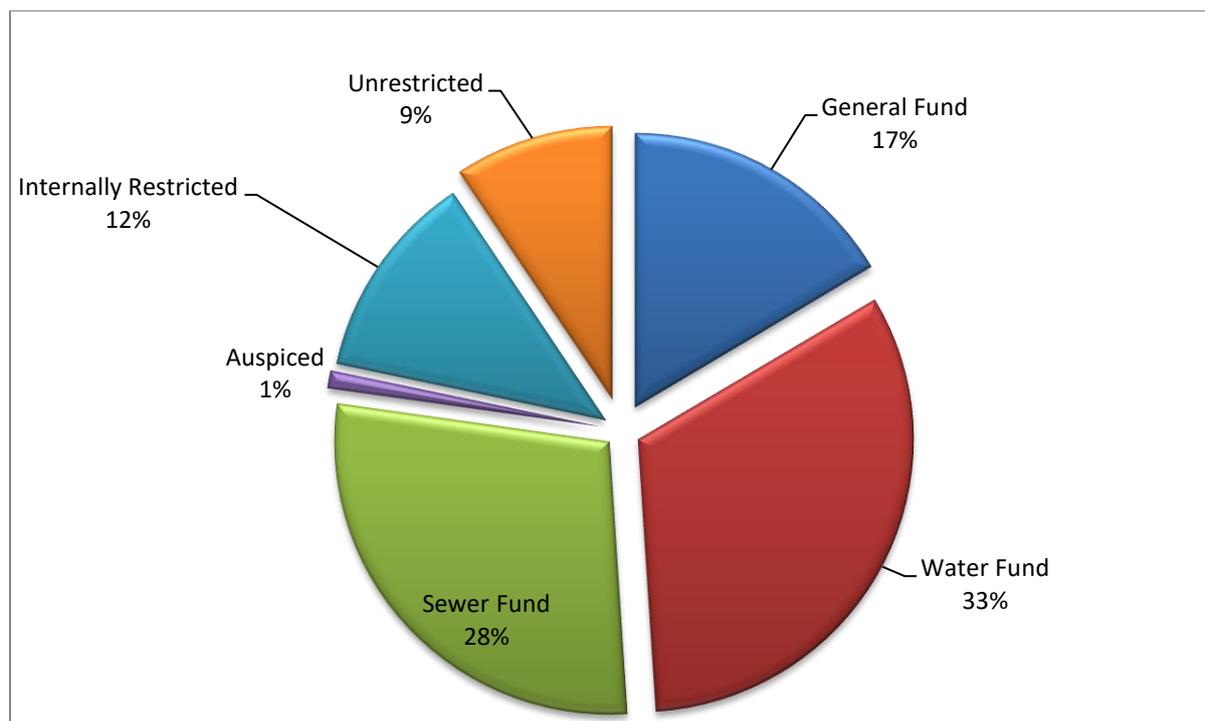
	<b>31/07/2020</b>	<b>30/06/2020</b>
General Fund	69,739,640.53	69,249,826.66
Water Fund	57,860,451.54	60,892,280.89
Sewer Fund	50,308,439.29	52,948,375.58
<b>Total Funds</b>	<b>177,908,531.36</b>	<b>183,090,483.13</b>



A reconciliation of Council's investment portfolio provides a summary of the purposes for which Council's investments are being held. The summary is as follows:

	31/07/2020	30/06/2020
<b>Externally Restricted</b>		
- General Fund	29,242,915.50	29,048,626.27
- Water Fund	57,860,451.54	60,892,280.89
- Sewer Fund	50,308,439.29	52,948,375.58
- Auspiced	1,906,880.24	1,702,428.42
<b>Internally Restricted</b>	21,911,638.65	21,481,818.40
<b>Unrestricted</b>	16,678,206.14	17,016,953.57
<b>Total Funds</b>	<b>\$177,908,531.36</b>	<b>\$183,090,483.13</b>

The unrestricted cash position movements during the month are normal as projects commence and income is received. Movements may also arise following processing of income received between funds or into restricted assets to appropriately allocate for the purposes Council has determined. The change in the restrictions during July are in part from the conclusion of the 2020 financial year and the utilisation of restricted assets for the funding of capital projects. Council's cash flow is monitored on a daily basis and some investments have been redeemed rather than rolled over to support operational requirements.



### Portfolio Advice

Council utilises the services of an independent investment advisor in maintaining its portfolio of investments. Council's current investment advisor is Imperium Markets, an independent asset consultant that works with wholesale investors to develop, implement and manage their investment portfolio. Imperium Markets is a leading provider of independent investment consulting services to a broad range of institutional investors including government agencies, superannuation funds and not-for-profit organisations.

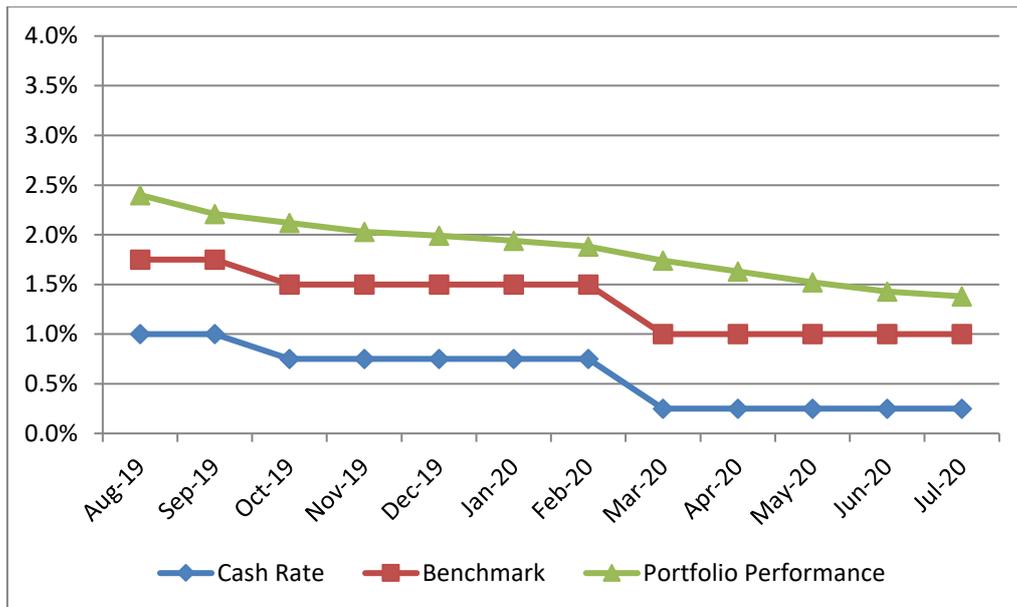
Imperium Markets major services provided to Council include:

- Quarterly portfolio summary reports
- Advice on investment opportunities, in particular Floating Rate Note products
- Advice on policy construction
- Year-end market values for Floating Note Rate products held by Council.

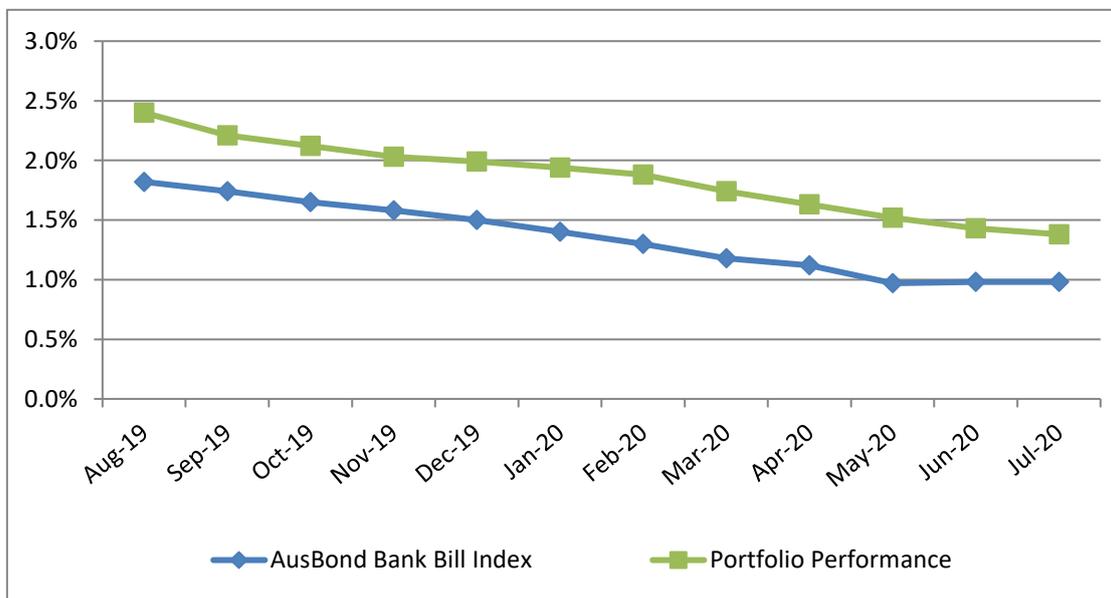
### Portfolio Performance

Council's current Long Term Financial Plan establishes the benchmark for Council's interest on investments at "75 basis points above the current cash rate". The cash rate as at 31 July 2020 remained at 0.25 per cent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 1.38 per cent which continues to exceed Council's benchmark i.e. the cash rate of 0.25 per cent plus 0.75 per cent (or 75 basis points).

5.2 Statement of Investments - July 2020



Council has also utilised the AusBond Bank Bill Index to provide a further benchmark focused towards long term investments. As at 31 July 2020, the AusBond rate was 0.98 per cent. The weighted average interest rate of Council’s investment portfolio at the same reporting date was 1.38 per cent.



Council’s Investment Policy establishes limits in relation to the maturity terms of Council’s investments as well as the credit ratings of the institutions with whom Council can invest.

The following tables provide a dissection of Council’s investment portfolio as required by the Policy. The Policy identifies the maximum amount that can be held in a variety of investment products or with institutions based on their respective credit ratings.

## 5.2 Statement of Investments - July 2020

Table 1 shows the percentage held by Council (holdings) and the additional amount that Council could hold (capacity) for each term to maturity allocation in accordance with limits established by Council's Policy.

Table 1: Maturity – Term Limits

<b>Term to Maturity Allocation</b>	<b>Maximum</b>	<b>Holding</b>	<b>Remaining Capacity</b>
0 - 3 Months	100.00%	22.40%	77.60%
3 - 12 Months	100.00%	45.06%	54.94%
1 - 2 Years	70.00%	19.89%	50.11%
2 - 5 Years	50.00%	12.65%	37.35%
5+ Years	25.00%	0.00%	25.00%

Table 2 shows the total amount held, and the weighted average interest rate (or return on investment), by credit rating. The credit rating is an independent opinion of the capability and willingness of a financial institution to repay its debts, or in other words, the providers' financial strength or creditworthiness. The rating is typically calculated as the likelihood of a failure occurring over a given period, with the higher rating (AAA) being superior due to having a lower chance of default. However, it is generally accepted that this lower risk will be accompanied by a lower return on investment.

Table 2 demonstrates that Council receives a lower return for its A rated and above investments than for those with ratings of B or less. The level of money held in the bank accounts has been added to the table to illustrate the ability of Council to cover the operational liabilities that typically occur (for example payroll, materials and contracts, utilities).

Table 2: Credit Rating Limits

<b>Credit Rating</b>	<b>Maximum</b>	<b>Holding</b>	<b>Remaining Capacity</b>	<b>Value</b>	<b>Return on Investment</b>
Bank Accounts	100.00%	8.26%	91.74%	\$14,691,761.55	0.25%
AAA	100.00%	0.00%	100.00%	N/A	N/A
AA	100.00%	31.90%	68.10%	\$56,756,160.00	1.38%
A	60.00%	30.58%	29.42%	\$54,400,000.00	1.31%
BBB & NR	40.00%	29.26%	10.74%	\$52,060,609.81	1.56%
Below BBB	0.00%	0.00%	0.00%	N/A	N/A

## Certification by Responsible Accounting Officer

I, Jason Cooke, hereby certify that all investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.



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### **5.3 UPDATE ON OUTSTANDING RESOLUTIONS OF COUNCIL INCLUDING QUESTIONS TAKEN ON NOTICE AND NOTICES OF MOTIONS.**

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TRIM REFERENCE: 2020/1272

AUTHOR: Janessa Constantine, Acting Manager Corporate Governance

#### **EXECUTIVE SUMMARY**

Council previously received separate reports for Questions Taken on Notice, progress of Councillor Notices of Motions, and outstanding Council Resolutions. A list of updates on each of these are now provided together. Only matters requiring action to be taken are noted in this report including outstanding items from the start of the Council term. After completion, these items will be removed from this listing, however will be available for administrative purposes.

#### **LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1 Collaborate - Provide representative, responsible and accountable community governance”.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY AND GOVERNANCE IMPLICATIONS**

Nil

#### **RECOMMENDATION**

**That the information provided in the report by the Acting Manager Corporate Governance on Outstanding and Completed Notices of Motion, Questions of Notice and Matters arising be acknowledged.**

#### **FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

#### **SUPPORTING INFORMATION**

Attached is a listing of tasks requiring action or follow up by Council staff from the commencement of the Council term. This list identifies progress on decisions of Council, including Councillor Notices of Motion and Questions Taken on Notice. Upon completion, items will be noted as such and removed after production to Council.

#### **ATTACHMENTS**

- 1 Working Document - Outstanding Resolutions for Council Meetings, 2019/2006 [↓](#)
- 2 Completed Resolutions from Council Meetings (including Questions Taken on Notice etc) - Summary, 2019/937 [↓](#)

OUTSTANDING QUESTIONS TAKEN ON NOTICE/MATTERS ARISING FROM COUNCIL MEETINGS

Date of Meeting	Meeting	Questions on Notice/Matters Arising	Action Taken	To be completed
21-Jul-20	CCL	<b>QUESTION TAKEN ON NOTICE</b> Cr Nugent asked if Council made application in the Stronger Communities Fund.	Information to be provided.	
21-Jul-20	CCL	<b>QUESTION TAKEN ON NOTICE</b> Cr Mileto asked if a timeframe could be provided with regard to LED lights for Jack Brabham Park at Bernie Stedman Field.	Lights are not included in forward plans as yet.	
21-Jul-20	CCL	<b>QUESTION TAKEN ON NOTICE</b> Cr Hamling asked if the \$200,000 can be matched by another body such as Destination NSW and if local contractors could be involved.	Council seeking grant funding.	
21-Jul-20	CCL	<b>MATTER ARISING</b> Cr Whitton asked that a news article on Orange being in the top 5% of First Home Buyers be provided to Councillors.	Acting Director Corporate & Commercial Services to circulate.	
7-Jul-20	CCL	<b>MATTER ARISING</b> Cr Nugent asked a question in regard to an easement line across the site and whether a grove of gum trees was still on the site. The meeting was advised that staff would investigate.	The trees have been maintained in the DA consent.	
7-Jul-20	IPC	Cr Romano raised the issue of missing street signs on Peisley Street between Casey Street and Matthews Avenue.	Passed onto Works to order and action.	
7-Jul-20	IPC	Cr Mileto raised the issue of dangerous driving near the intersection of Gardiner Road and Hill Street and requested that traffic counting devices be installed. The Director Technical Services advised that the devices could be installed.	Blackspot application for 2021/22 being prepared now.	
7-Jul-20	IPC	Cr Previterra raised the issue of congestion in south Lords Place near the Essential Energy depot during drop off at the Anson Street Public School.	Discussions between the school and Essential Energy to facilitate this has begun.	
7-Jul-20	FPC	<b>MATTER ARISING</b> Cr Kidd requested that the original resolution when the expo first went to Council be reviewed in relation to the intention for seed funding rather than ongoing support.	Information to be provided.	
16-Jun-20	CCL	<b>MATTER ARISING</b> Cr Duffy requested a cost estimate of a CBD mall from in Anson Street from Summer Street to Kite Street.	Information to be provided.	

16-Jun-20	CCL	<b>MATTER ARISING</b> Cr Kidd requested a report on the vacant number of empty shops in the CBD. The CEO advised that retail consultant Peter Leyshon would come to Orange to give a session to Councillors on retail trends.	15% - Leyshon briefing Council on 18 August. Effectively, "retail" vacancies are 7%-8% (when considering proposals in DAs, type of business, etc).	
16-Jun-20	CCL	<b>MATTER ARISING</b> Cr Nugent requested that water bird monitoring data from Spring Creek Reservoir be included in report.	Water-bird monitoring data is being sourced from the Orange Field Naturalist & Conservation Society Inc. This information will be provided to the author of the report on recreational use of this facility.	
16-Jun-20	CCL	<b>MATTER ARISING</b> Cr Nugent request a report be presented on how Council best implement access to the wetlands while protecting the ecological value and water quality issues at the wetland.	Seeking further clarification.	
2-Jun-20	ESPC	<b>MATTER ARISING</b> The Mayor requested that information be provided to the media on Council's progress in regard to solar energy.	Report to ESCC on 14 <sup>th</sup> August.	
2-Jun-20	CCL	<b>MATTER ARISING</b> Cr Munro requested that staff report on how Councillors conduct themselves regarding Social Media and maybe get training on how they conduct themselves in regards to comments. Cr Kidd advised that all Councillors can access training of their choice.	Social Media policy is within the Code of Conduct.	
19-May-20	CCL	<b>MATTER ARISING</b> Cr Munro requested that the Chief Executive Officer follow up on where the extra parking at the Orange Health Services is up to.	Country club parking complete. "Golf club parking not built."	
4-Feb-20	CCL	Cr McRae requested Councillors be provided with a briefing on the supply agreements with Cadia.	Currently being prepared.	
4-Feb-20	CCL	Cr Duffy requested that a question he raised at the meeting of 14 January 2020 be addressed regarding water security and whether land purchased on the Macquarie River is available to our Council as a water licence and sought information to be circulated to Councillors as to the details of that licence and the basis for purchasing the land.	This matter to be followed up.	
8-Nov-19	IPC	<b>QUESTION TAKEN ON NOTICE</b> Cr Romano requested information be provided on the availability of dedicated Councillor parking spaces at the Civic Centre.	Options being investigated as part of Old Williams project.	

**COUNCIL MEETING**

**18 AUGUST 2020**

Attachment 1 Working Document - Outstanding Resolutions for Council Meetings

17-Sep-19	CCL	<p><b>MATTER ARISING</b> Cr Duffy requested a report be brought to Council identifying the mechanisms available to address suitable locations in Orange for development of social housing.</p>	<p>Research into this matter underway as part of Local Housing Strategy (LHS) to consider options that take into account environmental and socio-economic factors. LHS on exhibition June 2020.</p>	
6-Aug-19	PDC	<p>Cr Duffy requested a report be provided to Council regarding 62 Byng Street and Highland Heritage on the differences in Court determined DA costs versus original costs as well as the costs incurred from hearing the matters in Court.</p>	<p>Scheduled for Council Meeting of 17 December 2019.</p>	
4-Jun-19	EEDPC	<p><b>QUESTIONS TAKEN ON NOTICE</b> Cr Kidd requested an update on the current status of relationships and activities with the Sister Cities and also on any visits planned in the future.</p>	<p>Updates on the Sister Cities, including visits planned, were included in the Sisters Cities Community Committee meeting on 25 July 2019. As there was no quorum at that meeting, these updates could not go up to Council via the Employment and Economic Development Policy Committee. Preliminary discussions on these requested updates and a review of Sister Cities has begun ahead of a full report to Council.</p>	
5-Mar-19	ESPC	<p><b>MATTER ARISING</b> Cr Nugent requested a report be brought back to Council on examples of how other Councils protect trees and in particular the use of tree bonds.</p>	<p>Information to be provided.</p>	

## OUTSTANDING RESOLUTIONS FROM COUNCIL MEETINGS

Date of Meeting	Meeting	Resolution	Action Taken	To be completed
21-Jul-20	CCL	<b>5.8 LOCAL STRATEGIC PLANNING STATEMENT 2020</b> <b>TRIM REFERENCE: 2020/1200</b> <b>RESOLVED - 20/222 Cr S Romano/Cr S Munro</b> That Council acknowledge the attached draft Local Strategic Planning Statement (LSPS) and resolve to place the LSPS on public exhibition for a period of 28 days.	The Local Strategic Planning Statement is currently on exhibition. Exhibition closes on Monday, 24 August 2020.	
21-Jul-20	CCL	<b>4.1 NOTICE OF MOTION</b> <b>TRIM REFERENCE: 2020/1130</b> <b>RESOLVED - 20/214 Cr S Nugent/Cr R Kidd</b> That Council prepare a report outlining: 1 Current use of single use plastic across all Council operations; 2 Available alternatives to single use plastic items currently in use in Council operations and Council run or sponsored events; 3 Achievable timeframes to phase out single use plastic in Council operations and Council run or sponsored events where alternatives are available; and 4 Achievable timeframes for developing a Single Use Plastics Policy that addresses the reduction of single use plastics in Council operations and events, supports the 2025 National Packaging targets, and identifies suitable alternatives, including timeframes for implementation.	Ongoing – Relevant council staff have met and have started planning the project to gather data to be able to prepare the report.	
7-Jul-20	CCL	<b>6.1 AIRPORT SERVICES EXPANSION</b> <b>TRIM REFERENCE: 2020/1065</b> <b>RESOLVED - 20/210 Cr K Duffy/Cr S Munro</b> That Council finalise the agreement to expand services at the Orange Airport as per the conclusion of this report.	To be finalised.	
7-Jul-20	CCL	<b>5.4 THE SPRINGS; AN ABORIGINAL AND NON-ABORIGINAL FRINGE CAMP LOCATED IN SOUTH ORANGE - CONSERVATION MANAGEMENT PLANS AND FUTURE DIRECTIONS FOR THE SITE - REPORT FOLLOWING PUBLIC EXHIBITION PERIOD</b> <b>TRIM REFERENCE: 2020/1076</b> <b>RESOLVED - 20/208 Cr S Nugent/Cr T Mileto</b> 1 That the Archaeological Assessment and Heritage Study, Conservation	Noted - Council working with OLALC to develop Plan. Council to Conduct further research on the Rifle Range and Tip area. Funding to be sought for a study to be developed.	

Date of Meeting	Meeting	Resolution	Action Taken	To be completed
		<p>Management Plan and the Heritage Landscape Plan be adopted by Council.</p> <p>2 That a more focussed multiyear action list be developed in consultation with OLALC and Council as funding and resources permit.</p> <p>3 That further consultation, investigation and history be developed on the Rifle Range and Tip area, which may form a Heritage Study/ Conservation Management Plan.</p>		
7-Jul-20	PDC	<p><b>2.3 DEVELOPMENT APPLICATION DA 120/2020(1) - 52-54 BATHURST ROAD, AND 25 AND 27 EYLES STREET (TACO BELL)</b>  <b>TRIM REFERENCE: 2020/1005</b>  <b>RESOLVED - 20/193 Cr J Whitton/Cr S Munro</b></p> <p>That Council consents to Development Application DA 120/2020(1) for Takeaway Food and Drink Premises and Signage at Lot 507 DP 712206, and Lots 3 and 4 DP 37362 – 52 54 Bathurst Road, Orange, and 25 and 27 Eyles Street, Orange pursuant to the conditions of consent in the attached Notice of Approval with the additional condition of no parking line marking on the driveway to the property south of the development in Eyles Street.</p>	Determination issued on 14 July 2020.	
7-Jul-20	PDC	<p><b>2.2 DEVELOPMENT APPLICATION DA 234/2018(1) - 129-133 SALE STREET (CALDWELL HOUSE)</b>  <b>TRIM REFERENCE: 2020/294</b>  <b>RESOLVED - 20/192 Cr S Nugent/Cr T Mileto</b></p> <p><b>With respect to development application DA 234/2018(1) for Demolition of a Heritage Item (all buildings, structures and vegetation to be removed) and Category 1 Remediation (asbestos removal) at Lot 2 DP 1230592 - 129-133 Sale Street, Orange it is recommended that Council:</b></p> <p>1 Note the contents of the planning report and the recommendations therein.</p> <p>2 Accept the terms of the draft notice of determination.</p> <p>3 Direct Council staff to obtain the concurrence of either the applicant or the Minister as required by Section 4.33 of the Environmental Planning and Assessment Act.</p> <p>4 That Council delegate the authority to determine Development Application DA 234/208(1) to the Chief Executive Officer subject to the receipt of concurrence from the Crown.</p>	Council wrote to the applicant on 13 July 2020 requesting concurrence with the draft Notice of Determination. To date there has not been a response from the applicant.	

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Attachment 1 Working Document - Outstanding Resolutions for Council Meetings

Date of Meeting	Meeting	Resolution	Action Taken	To be completed
7-Jul-20	FPC	<p><b>2.2 REQUEST FOR FINANCIAL ASSISTANCE - SUSTAINABLE LIVING EXPO - 25 OCTOBER 2020</b>  <b>TRIM REFERENCE: 2020/1008</b>  <b>RESOLVED - 20/201 Cr S Nugent/Cr S Munro</b>                      That Council resolves:                      That funding of \$7,000 be made from the Event Sponsorship Funding Program to Rotary Club of Orange Inc. (Sustainable Living Expo 2020).</p>	Funding to be provided.	
16-Jun-20	CCL	<p><b>6.4 INITIATIVES TO SUPPORT CBD BUSINESSES</b>  <b>TRIM REFERENCE: 2020/932</b>  <b>RESOLVED - 20/183 Cr S Nugent/Cr S Munro</b>                      That Council resolves:                      1 That the report by the Acting Chief Executive Officer be acknowledged.                      2 That a business support program be developed as part of the OC Future City Project.</p>	Program to be developed.	
2-Jun-20	PDC	<p><b>2.4 HERITAGE STUDY REVIEW</b>  <b>TRIM REFERENCE: 2020/819</b>  <b>RESOLVED - 20/149 Cr S Nugent/Cr R Kidd</b>                      That the Draft Heritage Study Review May 2020 prepared by David Scobie Architects and Adaptive Architects be placed on public exhibition for a period of 40 days.</p>	The Heritage Study Review has been publicly exhibited. Exhibition closed on Friday, 31 July 2020.	
2-Jun-20	PDC	<p><b>2.2 PLANNING PROPOSAL TO AMEND ORANGE LOCAL ENVIRONMENTAL PLAN 2011 - REZONING OF 185 LEEDS PARADE</b>  <b>TRIM REFERENCE: 2020/750</b>  <b>RESOLVED - 20/147 Cr J Whitton/Cr S Munro</b>                      1 That Council resolve to support the planning proposal, enabling the matter to be progressed through to the Gateway process; with staff to forward the matter to the Department of Planning, Industry and Environment for assessment.                      2 That the matter then proceed in accordance with any requirements or conditions of a Gateway Determination before being returned to Council once the public and agency consultations have been concluded.                      3 That Council require the site to be subject to a Development Control Plan in the form of a masterplan that addresses:</p>	The planning proposal (now LEP Amendment 27) has received a Gateway Determination and is currently on public exhibition. Exhibition closes on Monday, 24 August 2020.	

Date of Meeting	Meeting	Resolution	Action Taken	To be completed
		<ul style="list-style-type: none"> <li>• Urban design outcomes with respect to the presentation of the site to the frontages of Leeds Parade and the Northern Distributor Road.</li> <li>• Measures to address potential acoustic impacts emanating from the site.</li> <li>• Pedestrian and cyclist linkages and permeation of and through the site.</li> <li>• Size, height and number limits on the extent of pylon signs, as well as appropriate and preferred locations for such signs.</li> </ul> <p>4 That the proponent be advised of the need to prepare a masterplan addressing the above matters, to enable future development of the site to proceed in an orderly manner.</p>		
2-Jun-20	CCL	<p><b>6.3 HEALTH INFRASTRUCTURE AGREEMENT</b>  <b>TRIM REFERENCE: 2020/781</b>  <b>RESOLVED - 20/165 Cr J Whitton/Cr M Previterra</b></p> <p>That Council resolves:</p> <p>1 To offer to Health Infrastructure the arrangements outlined in the conclusion of this report.</p> <p>2 That authority be granted to the CEO to finalise negotiations.</p> <p>3 That authority be granted for the use of the Council Seal on any documentation if required.</p>	To be finalised.	
2-Jun-20	CCL	<p><b>5.7 CITY ENTRANCE SIGN CONCEPTUAL DESIGN</b>  <b>TRIM REFERENCE: 2020/814</b>  <b>RESOLVED - 20/161 Cr R Kidd/Cr S Munro</b></p> <p>That a report be brought back to Council on entrance signage at the intersection of the Northern Distributor Road and Mitchell Highway on the eastern approach including detail on size, ambience and cost implications and that the design include an acknowledgement to the Wiradjuri people as the traditional owners of this land and the inclusion of flags.</p>	Costing circulated. Report to Council 1 September 2020.	

**COUNCIL MEETING**

**18 AUGUST 2020**

Attachment 1 Working Document - Outstanding Resolutions for Council Meetings

Date of Meeting	Meeting	Resolution	Action Taken	To be completed
19-May-20	CCL	<p><b>6.1 EOI - LOAN BORROWINGS CONFIDENTIAL</b>  <b>TRIM REFERENCE: 2020/709</b>  <b>RESOLVED - 20/143 Cr S Munro/Cr R Turner</b>                      That Council resolves:</p> <ol style="list-style-type: none"> <li>1 That the loan funds be drawn from the National Australia Bank repaid in semi-annual instalments over 10 years.</li> <li>2 That should the National Australia Bank be unable to furnish our request, the loan funds are drawn from NSW Treasury (T-Corp) to be repaid over ten years in quarterly instalments.</li> <li>3 That an application be submitted under the NSW State Government's – Low Cost Loan Initiative – Round three, for an interest rate subsidy.</li> <li>4 That the Chief Executive Officer be authorised to execute relevant documents.</li> <li>5 That approval be granted for use of the Council Seal on all relevant documents if required.</li> <li>6 That necessary advice be supplied to the NSW Government on Council's borrowings.</li> </ol>	Waiting on information from Planning NSW.	
7-Apr-20	CCL	<p><b>6.1 LEASE HANGAR T ORANGE AIRPORT</b>  <b>TRIM REFERENCE: 2020/482</b>  <b>RESOLVED - 20/107 Cr K Duffy/Cr S Munro</b>                      That Council resolves:</p> <ol style="list-style-type: none"> <li>1 To enter into a five year lease with four options of five years of Hangar Site T at Orange Airport with Orange Helicopters Pty Ltd commencing 7 April 2020.</li> <li>2 That permission be granted to use the Council seal on all necessary documentation.</li> </ol>	Waiting on lease to be signed by lessee.	
7-Apr-20	CCL	<p><b>2.3 MAYORAL MINUTE - INSURANCE FOR VOLUNTARY ORGANISATIONS</b>  <b>TRIM REFERENCE: 2020/507</b>  <b>RESOLVED - 20/098 Cr K Duffy/Cr S Nugent</b>                      That Council investigate the possibilities to lighten the financial burden of insurance for community groups that organise local events for community benefit either through fundraising or providing entertainment.</p>	Progressing.	

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Attachment 1 Working Document - Outstanding Resolutions for Council Meetings

Date of Meeting	Meeting	Resolution	Action Taken	To be completed
7-Apr-20	CCL	<p><b>2.2 MAYORAL MINUTE - MAYORAL CENTROC AND CNSW JOINT ORGANISATION BOARD REPORT</b>  <b>TRIM REFERENCE: 2020/502</b>  <b>RESOLVED - 20/097 Cr R Turner/Cr S Nugent</b>                      That the Mayoral Report from the Board meetings for Centroc and the Central NSW Joint Organisation Meeting held 27 February 2020 in Grenfell be noted; and                      1 Council receive a report on its Sister City relationships with a view to fostering closer links to communities in western Sydney; and                      2 Council provide advice to the JO on its position with regard to climate change and advice on programming being undertaken with a view to this being showcased.</p>	<p>1 - Progressing                      2 - JO notified.</p>	
17-Mar-20	CCL	<p><b>6.4 TENDER FOR CONSTRUCTION OF ORANGE REGIONAL GALLERY EXTENSION</b>  <b>TRIM REFERENCE: 2020/462</b>  <b>RESOLVED - 20/094 Cr J Hamling/Cr J McRae</b>                      That Council resolves:                      1 That Council declines to accept any tender for the Construction of the Orange Regional Gallery Extension F3020-8 as all tender submissions exceeded the available funds for this component of the project.                      2 That Council not call fresh tenders as it may delay the project and impact upon the current funding milestones, possibly putting funding at risk.                      3 That Council enters into negotiations with the two highest tender submissions being Renascent Regional Pty Ltd and North Construction and Building Pty Ltd with a view to revising the project scope and to identify innovative solutions and cost savings to deliver the project.                      4 That Council explores additional funding that may be able to address any shortfall in the construction of the Orange Regional Gallery Extension.</p>	<p>Report to Council 18 August 2020.</p>	

Date of Meeting	Meeting	Resolution	Action Taken	To be completed
17-Mar-20	CCL	<p><b>5.13 NAMING - CRICKET CENTRE OF EXCELLENCE</b>  <b>TRIM REFERENCE: 2020/464</b>  <b>RESOLVED - 20/088 Cr J Whitton/Cr J Hamling</b>                      That Council resolve:</p> <ol style="list-style-type: none"> <li>1 That Council name the Cricket Centre of Excellence at Wade Park the Carl Sharpe Cricket Centre; and</li> <li>2 That within the foyer of the Cricket Centre Orange, cricketers or administrators who have significantly contributed to this country or the region in cricket, will be documented through a photo portrait and text of their achievements.</li> </ol>	<p>Resolution noted. Work commencing to collate information for display of foyer of Cricket Centre.</p>	
17-Mar-20	CCL	<p><b>5.9 LEASE OF WENTWORTH PARK RESERVE TRUST</b>  <b>TRIM REFERENCE: 2020/424</b>  <b>RESOLVED - 20/084 Cr R Turner/Cr S Munro</b>                      1 That Council resolve to agree to allow the surrender of the current lease of the Wentworth Park Reserve Trust to Wentworth Golf Club Ltd and simultaneously enter into a 21 year lease of the Wentworth Park Reserve Trust with Orange Ex-Services Club Limited on terms and conditions acceptable to Council.                      2 That approval be granted for the use of the Council Seal on any necessary documentation if required.</p>	<p>Draft surrender documents developed and the matter is progressing.</p>	
17-Mar-20	CCL	<p><b>5.5 TOWAC EQUINE PRECINCT - CONTRIBUTIONS PLAN AND DEVELOPMENT CONTROL PLAN</b>  <b>TRIM REFERENCE: 2020/418</b>  <b>RESOLVED - 20/081 Cr K Duffy/Cr S Romano</b>                      That Council resolves to:</p> <ol style="list-style-type: none"> <li>1 Endorse and adopt the contributions plan in relation to the Towac Equine Precinct subject to the Minister of Planning authorising a variation to the contributions cap.</li> <li>2 Endorse and adopt the draft Development Control Plan provisions, to be known as chapter 6A of Orange DCP 2004.</li> <li>3 Subject to the above, Council endorse the making of Orange Local Environmental Plan 2011 – Amendment 17 to establish the Towac Equine precinct and instruct staff to pursue finalisation of this matter with the Department of Planning, Industry and Environment.</li> </ol>	<p>With applicant.</p>	

Date of Meeting	Meeting	Resolution	Action Taken	To be completed
17-Mar-20	CCL	<p><b>5.4 LOCAL HOUSING STRATEGY</b>  <b>TRIM REFERENCE: 2020/46</b>  <b>RESOLVED - 20/080 Cr S Nugent/Cr R Turner</b>                      That Council resolves to:</p> <ol style="list-style-type: none"> <li>1 Note the Local Housing Strategy research report and Departmental guidelines.</li> <li>2 To place the research phase material and departmental guidelines on exhibition for a period of 28 days seeking preliminary community feedback.</li> <li>3 Prepare and present a draft strategy to Council for consideration before formal exhibition.</li> <li>4 That the draft strategy be intended to address the housing needs of Orange residents through to 2036 including, but not limited to, all socioeconomic groups, age brackets and levels of mobility and independence.</li> </ol>	<p>Stages 1 and 2 complete. Public exhibition commenced.</p>	
3-Mar-20	CCL	<p><b>2.1 MAYORAL MINUTE - MARGARET STREET RAIL CROSSING</b>  <b>TRIM REFERENCE: 2020/332</b>  <b>RESOLVED - 20/052 Cr R Kidd/Cr S Munro</b>                      That Council investigate the need to open the Margaret Street rail crossing permanently.</p>	<p>Investigation underway. Application is in to open March Street.</p>	
3-Mar-20	CCL	<p><b>RESOLVED - 20/019 Cr J Hamling/Cr G Taylor</b>                      Cr Hamling put a motion that a shelter at Brendon Sturgeon Oval be named after Harry Greenhalgh who lost his life in a tragic water skiing accident. Harry was a member of the Bloomfield Junior Rugby League Club.</p>	<p>Project still being completed.</p>	
4-Feb-20	CCL	<p><b>4.3 NOTICE OF MOTION - DEVELOPMENT OF CLIMATE CHANGE STRATEGIC POLICY</b>  <b>TRIM REFERENCE: 2020/105</b>  <b>RESOLVED - 20/031 Cr S Nugent/Cr J Hamling</b>                      That Council develop a strategic policy on Council’s future response to climate change including mitigation, adaption and risk management issues.</p>	<p>Currently developing this policy which will require extensive consultation and investigation.</p>	
3-Dec-19	SRPC	<p><b>2.1 BMX TRACK - ANZAC PARK</b> <b>2019/1431</b>  <b>RESOLVED - 19/545 Cr S Nugent/Cr M Previtera</b>                      That Council resolves to:</p> <ol style="list-style-type: none"> <li>1 Note the amended Master Plan for Anzac Park.</li> <li>2 Demolish the existing BMX Track and level the residual soil to enable use as a green space.</li> </ol>	<p>Acknowledged. DA being prepared for open space and quotations obtained for demolition of track. Report to Council September 2020.</p>	

**COUNCIL MEETING****18 AUGUST 2020**

## Attachment 1 Working Document - Outstanding Resolutions for Council Meetings

Date of Meeting	Meeting	Resolution	Action Taken	To be completed
22-Oct-19	CCL	<b>6.1 ASPHALT PLANT ORANGE 2019/1947</b> <b>RESOLVED - 19/504 Cr K Duffy/Cr S Munro</b> 1 That the report by the Manager of Corporate and Community Relations be acknowledged. 2 That Council continues to support the establishment of an asphalt plant in Orange when opportunities arise. 3 That discussion take place between the Chief Executive Officer, Director Technical Services, Cr R Kidd and Cr J Whitton.	Meeting to be scheduled. Also meeting Downer this week and Boral have shown renewed interest in submitting a DA for a plant at Shadforth's.	

**COMPLETED**

**REGISTER – QUESTIONS ON NOTICE & MATTERS ARISING**

**As at August 2020**

Date of Meeting	Meeting	QUESTIONS ON NOTICE/MATTERS ARISING	Action Taken/Comment	STATUS
21 July 2020	CCL	MATTER ARISING Cr Kidd advised a letter had been sent from the Federal Member to the Federal Minister for Agriculture asking for support for the Australian National Field Days and requested a copy of the letter be circulated to Councillors.	Letter emailed to Councillors on 22 July 2020.	
21 July 2020	CCL	QUESTION TAKEN ON NOTICE Cr Duffy stated an accommodation provider advised him the turnover from April 2020 was \$14,000 compared to \$190,000 in April 2019 and asked what other organisations Council contributes towards tourism funding.	Report to Council 4 August.	
21 July 2020	CCL	QUESTION TAKEN ON NOTICE Cr Nugent advised it was a good initiative and asked if there was a possibility that the saved funds can be rolled back into the revolving energy fund to assist other projects. The CEO stated it was not part of the revolving energy fund, and Councillors will be provided with further information.	Dave Waddell advises the following: The Revolving Energy Fund was set up by Council several years ago using seed funding from a failed wind project.  It is a self-funding fund if that makes sense, not a place for new funds to be put without Council resolution.	
21 July 2020	CCL	QUESTION TAKEN ON NOTICE Cr Duffy asked if the lighting could be coloured in Summer Street.	A number of coloured LED lights were trialled and found not to be as reliable.	
21 July 2020	CCL	MATTER ARISING Cr Mileto commended Newcrest on providing sanitizing stations across the local sporting fields and requested Council write to Newcrest and commended the organisation on this great initiative.	Letter sent.	
7 July 2020	FPC	MATTER ARISING Cr Taylor advised that a number of churches had been undertaking renovation work including the retaining wall renovation at St Josephs and the new roof at Holy Trinity. Cr Kidd advised he would write to the churches on behalf of Council congratulating them on the work undertaken.	Letters have been sent.	
7 July 2020	CCL	MATTER ARISING That the Chief Executive Officer arrange a suitable time for the Councillor Policy Review Committee to meet	Councillor Policy Review Committee meeting was scheduled for 3 August 2020, however postponed to a date to be set.	

**COUNCIL MEETING**

**18 AUGUST 2020**

Attachment 2 Completed Resolutions from Council Meetings (including Questions Taken on Notice etc) - Summary

Date of Meeting	Meeting	QUESTIONS ON NOTICE/MATTERS ARISING	Action Taken/Comment	STATUS
7 July 2020	IPC	MATTER ARISING Cr Taylor raised the issue of parking and signage in middle of Dalton Street near the new DPI site. The matter will be referred to the City of Orange Traffic Committee to best determine how the centre street parking can be managed.	Report went to City of Orange Traffic Committee meeting held on 11 August 2020 recommending to not use for centre parking. Minutes will be presented to Council 1 September 2020.	
16 June 2020	CCL	MATTER ARISING Cr Duffy asked when could the Policy Review Committee meet. The CEO advised that a response would be forthcoming.	The Committee meeting was set for 3 August 2020 however was postponed.	
16 June 2020	CCL	MATTER ARISING Cr Turner requested that congratulations be passed on to Wayne Davis, Manager Waste Services and Technical Support, regarding the Resource Recovery Centre and how tidy it is looking.	Complete.	
16 June 2020	CCL	MATTER ARISING Cr Hamling asked where the Mountain Bike Park proposal was up to.	The Mayor advised that the matter had been raised at a recent meeting with the Minister for Energy and Environment, Matt Keane, and there would be a follow up meeting with representatives of the National Parks and Wildlife Service to put Orange's case.	
16 June 2020	CCL	MATTER ARISING Cr Duffy asked when a section of Icely Road would be repaired.	The Director of Technical Services advised it would be considered under the repair budget but was not in the plans for a renewal.	
2 June 2020	CCL	MATTER ARISING Cr Taylor raised an issue relating to parking.	It was advised that a number of matters were due to proceed to the City of Orange Traffic Committee.	
2 June 2020	IPC	RESOLVED - 20/151 Cr J Hamling/Cr S Nugent That Council resolves to allow the Farmers Markets to return to the Naylor Pavilion from 13 June 2020 subject to following current COVID19 restrictions.	Noted.	
2 June 2020	FPC	MATTER ARISING Cr Mileto asked to be provided with details of a previous loan agreement with the Club (Duntryleague).	Email to Councillors 12 June - Duntryleague has repaid their \$110,000.00 loan in full as at 13 November 2019. COMPLETE.	
19 May 2020	CCL	Cr Nugent requested a site visit of The Springs be held for all Councillors.	Visit occurred Tuesday 7 July 2020.	
19 May 2020	CCL	In response to queries from Cr Hamling on the 1 June opening of regional NSW for travel again, Director Technical Services undertook to obtain an update from Qantas on its proposal to fly to Orange.	Obtaining update from Qantas.	

**COUNCIL MEETING**

**18 AUGUST 2020**

Attachment 2 Completed Resolutions from Council Meetings (including Questions Taken on Notice etc) - Summary

Date of Meeting	Meeting	QUESTIONS ON NOTICE/MATTERS ARISING	Action Taken/Comment	STATUS
12-May-20	IPC	<b>MATTER ARISING</b> Cr Munro requested a report be brought back to Council on the number of apprentices currently employed by Council and whether the number could be increased.	Report to be provided to 16 June 2020 meeting.	
12-May-20	SRPC	<b>MATTER ARISING</b> Councillor Duffy requested a list be circulated to Councillors on the steps required to be taken by Council in order to remove the BMX track.	Steps involve a DA then contracted soil removal.	
3-Mar-20	CCL	<b>MATTER ARISING</b> Cr Duffy requested Council be provided an update on the overhead bridge on Cecil Road.	Weight limits imposed by John Holland with School Bus exemptions. Bridge is a rail asset and renewal not likely to be known until new rail operator is known.	
4-Feb-20	IPC	Cr Taylor requested the traffic committee consider an extension of parking times on Sale and Prince Street from 1 to 2 hours given the number of elderly persons that use the area.	Parking strategy complete for times around DPIE building. Will also continue to monitor demand.	
4 Feb 2020	IPC	Cr Whitton requested the traffic committee consider safety issues at the intersection of March Street and Lords Place.	Report went to City of Orange Traffic Committee meeting held on 18 June 2020. It was resolved to monitor crash history at the intersection.	
4-Feb-20	CCL	<b>6.1 AIRPORT SERVICE EXPANSION</b> <b>TRIM REFERENCE: 2020/55</b> <b>RESOLVED - 20/038 Cr K Duffy/Cr S Munro</b> That Council finalise the agreement to expand services at the Orange Airport.	Further report went to Council 7 July 2020.	
3 December 2019	IPC	Cr Taylor asked that sewer flows in Nathan Street being investigated and a permanent solution identified as it was occurring approximately every three months and was a significant issue for residents.	Some sections reconstructed and root intrusions removed. Completed in December 2019.	
3 December 2019	SPC	<b>MATTER ARISING</b> Cr Duffy requested a report on the Historical Society and where old photographs are up to and has Council identified storage areas for them.	20,000 key images copied. Accessible storage for digitised images currently being finalised. Draft budget has \$20,000 p.a.	
1 October 2019	CCL	<b>MATTER ARISING</b> Cr Mileto requested that information be provided to Councillors on Council's liability for damage from street trees.	Information provided to Manager for distribution to Councillors.	
2 July 2019	IPC	<b>QUESTIONS TAKEN ON NOTICE</b> Cr Taylor requested information be provided regarding the ability to dredge or de-silt the city's water supply dams and re-visit the use of Lucknow mine water as an emergency water supply.	Information provided.	

**COMPLETED  
REGISTER – RESOLUTIONS & NOTICES OF MOTION**

Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
21 July 2020	CCL	<b>5.6 COVID 19 ORANGE 360 RESPONSE</b> <b>TRIM REFERENCE: 2020/1151</b> <b>RESOLVED - 20/220 Cr S Munro/Cr R Turner</b> That council exhibit for 28 days the intention to increase funding by \$100,000 to TDO Ltd trading as Orange 360 for the purposes of COVID rebound initiatives and marketing.	Placed on exhibition. Closed 24 August 2020.	
21 July 2020	CCL	<b>5.4 BLAYNEY CABONNE ORANGE (BCO) ALLIANCE</b> <b>TRIM REFERENCE: 2020/1122</b> <b>RESOLVED - 20/218 Cr R Turner/Cr S Nugent</b> That Council approve the Mayor and Chief Executive Officer to sign the BCO Alliance Memorandum of Understanding at a formal event to be held in September 2020 at a date to be organised.	Date to be set for function and signing.	
21 July 2020	CCL	<b>5.3 GRANT FUNDING AND PROJECT PRIORITIES</b> <b>TRIM REFERENCE: 2020/928</b> <b>RESOLVED - 20/217 Cr K Duffy/Cr J Whitton</b> That Council note this report and note the grant submissions recently put forward to the State and Federal Governments and endorse the suggested project priority list.		
7 July 2020	SPC	<b>2.1 MINUTES OF THE NAIDOC COMMITTEE MEETING HELD ON 5 MARCH 2020</b> <b>TRIM REFERENCE: 2020/1084</b> <b>RESOLVED - 20/203 Cr J Hamling/Cr S Romano</b> 1 That Council acknowledge the reports presented to the NAIDOC Week Community Committee at its meeting held on 5 March 2020. 2 That the remainder of the minutes of the NAIDOC Week Community Committee at its meeting held on 5 March 2020 be adopted.	Noted and Actions Complete.	

**COUNCIL MEETING**

**18 AUGUST 2020**

Attachment 2 Completed Resolutions from Council Meetings (including Questions Taken on Notice etc) - Summary

Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
7 July 2020	IPC	<p><b>2.3 MINUTES OF THE CITY OF ORANGE TRAFFIC COMMITTEE MEETING - 18 JUNE 2020</b>  <b>TRIM REFERENCE: 2020/1015</b>  <b>RESOLVED - 20/197 Cr J Hamling/Cr R Kidd</b>                      That Council resolves:                      1 To acknowledge the reports presented to the City of Orange Traffic Committee at its meeting of 18 June 2020.                      2 Recommendations 3.1, 3.2, 3.4 and 3.6 to 3.8 from the minutes of the City of Orange Traffic Committee meeting of 18 June 2020 being:                      3.1 That Council approves the 2020 NAIDOC march subject to the attached Conditions of Consent;                      3.2 That Council installs “No Stopping” signs at the corner of Breen Street and Wentworth Lane as per Figure 1 of this report;                      3.4 That Council extends the existing one hour parking 11m south as shown in Annexure A of this report;                      3.6 That Council adopts the lines and signs within Annexure A of this report;                      3.7 That Council adopts the lines and signs shown within Annexure A of this report;                      3.8 That Council notes the body of this report and staff continues to monitor the crash history at the intersection.</p>	<p>Arrangements made for signs and lines to be installed and conditional approval sent for march.</p>	
7 July 2020	IPC	<p><b>2.2 MINUTES OF THE CITY OF ORANGE TRAFFIC COMMITTEE EXTRAORDINARY MEETING - 12 MARCH 2020</b>  <b>TRIM REFERENCE 2020/1077</b>  <b>RESOLVED - 20/196 Cr R Kidd/Cr S Munro</b>                      1. That Council resolves to acknowledge the report presented to the City of Orange Traffic Committee at its meeting of 12 March 2020.                      2. Recommendation 2.1 from the minutes of the City of Orange Traffic Committee meeting of 12 March 2020 being ‘That Council approves the 2020 – 2021 Orange Cycle Club races subject to the attached conditions of consent’.</p>	<p>Conditional approval sent.</p>	
7 July 2020	IPC	<p><b>2.1 MINUTES OF THE CITY OF ORANGE TRAFFIC COMMITTEE EXTRAORDINARY MEETING - 5 FEBRUARY 2020</b>  <b>TRIM REFERENCE 2020/1014</b>  <b>RESOLVED - 20/195 Cr J Hamling/Cr S Munro</b>                      That Council resolves to acknowledge the report presented to the City of Orange Traffic Committee at its meeting of 5 February 2020.</p>	<p>Conditional approval sent.</p>	

**COUNCIL MEETING****18 AUGUST 2020**

## Attachment 2 Completed Resolutions from Council Meetings (including Questions Taken on Notice etc) - Summary

Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
7 July 2020	EEDPC	<p><b>2.1 MINUTES OF THE ECONOMIC DEVELOPMENT COMMUNITY COMMITTEE HELD 10 JUNE 2020</b>  <b>TRIM REFERENCE: 2020/1035</b>  <b>RESOLVED 20/194 Cr S Nugent/Cr K Duffy</b></p> <p>1 That Council acknowledge the reports presented to the Economic Development Community Committee at its meeting held on 10 June 2020.  2 That the minutes of the Economic Development Community Committee be adopted with the inclusion of Amanda Spalding as being in attendance at the meeting.</p>	Noted.	
7 July 2020	ESPC	<p><b>2.1 MINUTES OF THE COMPANION ANIMALS COMMUNITY COMMITTEE OF 10 FEBRUARY 2020</b>  <b>TRIM REFERENCE: 2020/945</b>  <b>RESOLVED - 20/199 Cr S Nugent/Cr S Munro</b></p> <p>1 That Council acknowledge the reports presented to the Companion Animals Community Committee at its meeting held on 10 February 2020.  2 That the minutes of the Companion Animals Community Committee at its meeting held on 10 February 2020 be adopted.</p>	Noted.	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
7 July 2020	FPC	<p><b>2.1 REQUESTS FOR FINANCIAL ASSISTANCE - QUARTER 1 OF 2020/2021 - SMALL DONATIONS PROGRAM</b>  <b>TRIM REFERENCE: 2020/989</b>  <b>RESOLVED - 20/200 Cr R Turner/Cr S Nugent</b>                      The Council resolves:</p> <ol style="list-style-type: none"> <li>1 That a donation of \$2,000.00 be made from the Small Donations Program to The Shepherd Centre (Talk Together Connection).</li> <li>2 That a donation of \$2,000.00 be made from the Small Donations Program to Fusion Central West NSW (Fusion Community Centre (Youth and Community Activities and Programs)).</li> <li>3 That the intention to donate an extra \$2,250.00 from the Small Donations Program to Fusion Central West NSW (Fusion Community Centre (Youth and Community Activities and Programs)) be placed on exhibition for 28 days.</li> <li>4 That a donation of \$2,000.00 be made from the Small Donations Program to Lifeline Central West (Support for Lifeline Services).</li> <li>5 That the intention to donate an extra \$2,250.00 from the Small Donations Program to Lifeline Central West (Support for Lifeline Services) be placed on exhibition for 28 days.</li> <li>6 That a donation of \$2,000.00 be made from the Small Donations Program to Spring Hill Activities Group (Spring Hill Honour Wall).</li> <li>7 That a donation of \$2,000.00 be made from the Small Donations Program to Cerebral Palsy Alliance (Purchase of Equipment (therapeutic, physiotherapy and occupational therapy)).</li> <li>8 That a donation of \$2,000.00 be made from the Small Donations Program to Teach Learn Grow (Rural Program (extra assistance for school students in Glenroi community)).</li> <li>9 That a donation of \$1,500.00 be made from the Small Donations Program to Canobolas Highland Pipe Band (Community Service (public band performances)).</li> <li>10 That a donation of \$2,000.00 be made from the Small Donations Program to City of Orange Brass Band (Community Service (public band performances - offset impact of recent renovations and restricted fund-raising opportunities)).</li> </ol>	E-mails to applicants on 13 July 2020. Payment requests to Creditors on 13 July 2020. EFT will be processed on 15 July 2020.	

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Attachment 2 Completed Resolutions from Council Meetings (including Questions Taken on Notice etc) - Summary

Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
7 July 2020	FPC	<p><b>2.3 REQUEST FOR FINANCIAL ASSISTANCE - POST EXHIBITION - ORANGE UNITING CHURCH</b>  <b>TRIM REFERENCE: 2020/1078</b>  <b>RESOLVED - 20/202 Cr S Munro/Cr K Duffy</b>                      That Council allocate funding of \$27,000 to Orange Uniting Church for the purpose of lighting the church spire.</p>	E-mail to applicant on 13 July 2020. Payment request to Creditors on 13 July 2020. EFT will be processed on 15 July 2020.	
7 July 2020	CCL	<p><b>6.2 TENDER FOR DEPOT ADMINISTRATION BUILDING</b>  <b>TRIM REFERENCE: 2020/1102</b>  <b>RESOLVED - 20/211 Cr S Munro/Cr J Hamling</b>  <b>That Council resolves to:</b>                      1 Authorise the Chief Executive Officer, or his nominee, to enter into a standard contract with Saran NSW Pty Ltd for the Construction of the Orange City Council Depot Administration Building for the amount of \$866,507.24 plus GST;                      2 Grant permission to the Chief Executive Officer or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.</p>	Contracts executed.	
7 July 2020	CCL	<p><b>5.3 CLASSIFICATION OF LAND - DRAINAGE RESERVE CONNEMARA DRIVE</b>  <b>TRIM REFERENCE: 2020/1040</b>  <b>RESOLVED - 20/207 Cr S Nugent/Cr M Previtara</b>                      1 That Lots 316 and 317 DP 1264617 Connemara Drive Orange be classified as Operational Land pursuant to the Local Government Act 1993.                      2 That authority be granted to affix the Council Seal on all necessary documentation.</p>	Land register noted.	
7 July 2020	CCL	<p><b>5.2 STRATEGIC POLICY REVIEW</b>  <b>TRIM REFERENCE: 2020/1056</b>  <b>RESOLVED - 20/206 Cr R Turner/Cr J Hamling</b>  <b>That Council resolves to:</b>                      1 Place the following policy on public exhibition for a period of 28 days:                      • ST029 – Donations and Grants                      2 That the policy be referred to the Councillor Policy Review Committee for comment.</p>	Placed on public exhibition. Closes 7 August 2020.	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
7 July 2020	CCL	<p><b>5.1 COUNCILLOR AND MAYORAL REMUNERATION</b>  <b>TRIM REFERENCE: 2020/1069</b>  <b>RESOLVED - 20/205 Cr K Duffy/Cr S Munro</b>                      That Council resolves that the Councillor allowance be set at \$24,320 and the Mayoral Allowance be set at \$60,080 for 2020/21 being the maximum for Regional Centre Councils as determined by the Local Government Remuneration Tribunal on 10 June 2020.</p>	Complete.	
16 June 2020	CCL	<p><b>6.3 VISY RECYCLING AND JR RICHARDS &amp; SONS PROPOSED RECYCLABLES SUPPLY AGREEMENT</b>  <b>TRIM REFERENCE: 2020/914</b>  <b>RESOLVED - 20/182 Cr J McRae/Cr S Nugent</b>                      That Council resolves to:                      1 Delegates to the CEO and Mayor to approve by application of the Council Seal to vary the existing domestic waste and recycling contract between Orange City Council and JR &amp; EG Richards Pty Ltd to pay for increased recycling processing costs by Visy Recycling up to \$45.00 (plus GST) per tonne indexed by the CPI for a two year contract term commencing 1 July 2020 to 30 June 2022; and                      2 That Council relinquishes the existing Refund Sharing Agreement with Visy Recycling under the NSW Container Deposit Scheme and formally advises the Environment Protection Authority of the termination date, being 30 June 2020.</p>	Deed of Variation to Contract organised following Council meeting resolution on 16/6/2020 to accept additional \$45/tonne processing cost for recyclables by Visy & EPA advised of relinquishment of CDS Refund Sharing Agreement with Visy.	
16 June 2020	CCL	<p><b>6.2 ACQUISITION OF EASEMENT - STAGE 4 SOUTHERN FEEDER ROAD - LOT 44 DP788920</b>  <b>TRIM REFERENCE: 2020/837</b>  <b>RESOLVED - 20/181 Cr J Hamling/Cr K Duffy</b>                      1 That Council acquire an easement approximately 605 m2 over Lot 44 DP 788920 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.                      2 That the Chief Executive Officer be authorised to finalise the acquisition.                      3 That permission be granted for the use of the Council Seal on any document if required.</p>	Easement will be registered following construction.	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
16 June 2020	CCL	<p><b>6.1 ACQUISITION OF EASEMENT - SPRING CREEK/ICELY ROAD PIPELINE - LOT 111 DP 736116</b>  <b>TRIM REFERENCE: 2020/834</b>  <b>RESOLVED - 20/180 Cr S Munro/Cr K Duffy</b>                      1 That Council acquire as easement approximately 0.1176 ha over Lot 111 DP 736116 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.                      2 That the Chief Executive Officer be authorised to finalise the acquisition.                      3 That permission be granted for the use of the Council Seal on any document if required.</p>	Works have been undertaken.	
16 June 2020	CCL	<p><b>5.5 ORANGE REGIONAL GALLERY EXTENSION</b>  <b>TRIM REFERENCE: 2020/933</b>  <b>RESOLVED - 20/178 Cr S Nugent/Cr J Hamling</b>                      That Council adopt the Fundraising Strategy as detailed in this report.</p>	Adopted.	
16 June 2020	CCL	<p><b>5.4 SYNTHETIC TURF WITHIN ROAD VERGES</b> <b>2020/85</b>  <b>TRIM REFERENCE: 2020/855</b>  <b>RESOLVED - 20/177 Cr R Turner/Cr K Duffy</b>                      That Council resolves to:                      1 Not allow the installation of synthetic turf on road reserves.                      2 Require hydro seeding of the road verge in front of new dwellings if turf watering is unable to be maintained under current water restrictions.</p>	Advice passed onto relevant staff. COMPLETE.	
16 June 2020	CCL	<p><b>4.2 NOTICE OF MOTION - ROWING ON SPRING CREEK RESERVOIR - ORANGE COMMUNITY ROWING CLUB</b>  <b>TRIM REFERENCE: 2020/879</b>  <b>RESOLVED - 20/172 Cr R Kidd/Cr R Turner</b>                      That Orange City Council review and report on the feasibility of allowing organised, and supervised rowing on Spring Creek Reservoir to be called “Orange Community Rowing Club” and that Mr Joe Donnelly be invited to be the person to be in discussion with Kinross Wolaroi School in conjunction with Council.</p>	Letter sent - Mayor and CEO met with representative and group established to investigate.	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
16 June 2020	CCL	<p><b>4.1 RESCISSION MOTION - REMOVAL OF NO-FISHING SIGN, PLOUGHMANS CREEK WETLANDS</b>  <b>TRIM REFERENCE: 2020/907</b>  <b>RESCISSION MOTION Cr S Nugent/Cr J McRae</b>                      That Council rescind the following resolution of the Council Meeting of 2 June 2020:                      4.1 Notice of Motion - Removal of No Fishing Sign, Ploughmans Creek Wetlands                      TRIM Reference: 2020/850                      RESOLVED - 20/154 Cr M Previtiera/Cr S Romano                      That Council remove the recently installed No Fishing Sign at Ploughmans Creek Wetlands and once again allow fishing at the wetlands.</p> <p>THE RESCISSION MOTION ON BEING PUT TO THE MEETING WAS LOST</p>	COMPLETE.	
2 June 2020	FPC	<p><b>2.2 REQUEST FOR FINANCIAL ASSISTANCE - DUNTRYLEAGUE GOLF CLUB</b>  <b>TRIM REFERENCE: 2020/849</b>  <b>RESOLVED - 20/153 Cr S Munro/Cr R Turner</b>                      That Council resolves:                      1 To support the diversion of stormwater from Woodward Road into Dundryleague;                      2 That funding of \$3,500 for the infrastructure and wages in addition to the Development Application Fees (\$230) and Road Opening Permit Fees (\$437.50) for the Dundryleague Golf Club Storm Water diversion be funded from Road Maintenance Fund.                      3 That subject to the approval of a Development Application, Council:                      I. Undertake all survey work;                      II. Gift three x 600mm diameter storm water pipes;                      III. Reimburse Development Application fees;                      IV. Waive all Road Opening Permit fees; and                      V. Assist with the lodgement and approval of the RMS Road Occupancy License together with the Works Authorisation Deed as a contribution/works in kind.                      4 To place the proposed allocation of funds to Dundryleague Golf Club on public exhibition for a minimum of 28 days (in accordance with section 356 of the Local Government Act 1993).</p>	On public exhibition until 10 July 2020.	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
2 June 2020	FPC	<p><b>2.1 REQUEST FOR FINANCIAL ASSISTANCE - LIFELINE CENTRAL WEST</b>  <b>TRIM REFERENCE: 2020/815</b>  <b>RESOLVED - 20/152 Cr R Kidd/Cr R Turner</b>                      That Council resolves:                      1 That a donation of \$15,709.89 be made from the Small Donations Program to Lifeline Central West (increased services to the vulnerable in the community due to COVID 19).                      2 That Council's intention to donate \$15,709.89 to Lifeline Central West be placed on public exhibition for 28 days.                      3 That Council's Chief Executive Officer be given delegation to finalise determination for the Donation to Lifeline Central West post exhibition.                      4 That Lifeline be invited to do a presentation to Council to include how Council can assist to support further adequate resource funding for Lifeline across the State.</p>	<p>E-mail to applicant on 2 June 2019. 28-day exhibition effected. Donation approved by CEO on 1 July 2020. Payment details to Creditors on 1 July 2020. EFT, effective in 2019/2020 financial year, paid on 8 July 2020.</p> <p>Alex Ferguson from Lifeline Central West addressed Council at its meeting on 7 July 2020.</p>	
2 June 2020	PDC	<p><b>2.3 DEVELOPMENT APPLICATION DA 54/2020(1) - 153-157 PEISLEY STREET, ORANGE</b>  <b>2020/815</b>  <b>RESOLVED - 20/148 Cr S Nugent/Cr J Hamling</b>                      That Council consents to development application DA 54/2020(1) for Recreation Facility (indoor) (change of use) at Lot 2 DP 535024 - 153-157 Peisley Street, Orange pursuant to the conditions of consent in the attached Notice of Approval.</p>	<p>Determination issued 4 June 2020.                      COMPLETE.</p>	
2 June 2020	CCL	<p><b>6.8 TENDER FOR CONSTRUCTION OF SOUTHERN FEEDER ROAD STAGE 3</b>  <b>TRIM REFERENCE: 2020/832</b>  <b>RESOLVED - 20/170 Cr S Munro/Cr T Mileto</b>                      1 That Council enters into a contract with Hamcon Civil Pty Ltd (MAAS) to construct Stage 3 of the Southern Feeder Road (Tender F2993) based on their initial tendered Lump Sum of \$6,854,830 less identified savings of \$189,500.                      2 That the common seal of Council be authorized for use on all relevant documents associated with this contract.</p>	<p>Tender awarded to Hamcon (MAAS) - Leewood to Highway - contract awarded.                      Soft start late September.</p>	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
2 June 2020	CCL	<p><b>6.7 ACQUISITION OF EASEMENT - STAGE 4 SOUTHERN FEEDER ROAD - LOT 193 DP 756899</b>  <b>TRIM REFERENCE: 2020/836</b>  <b>RESOLVED - 20/169 Cr S Munro/Cr M Previtara</b>                      That Council resolves:                      1 That Council acquire as easement approximately 441.1 m2 over Lot 193 DP 756899 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.                      2 That the Chief Executive Officer be authorised to finalise the acquisition.                      3 That permission be granted for the use of the Council Seal on any document if required.</p>	<p>Documentation signed and works may commence. Easement to be registered following works which are not expected to commence until the beginning of 2021.</p>	
2 June 2020	CCL	<p><b>6.6 ACQUISITION OF EASEMENT - SPRING CREEK/ICELY ROAD PIPELINE - LOT 2 DP 577491</b>  <b>TRIM REFERENCE: 2020/835</b>  <b>RESOLVED - 20/168 Cr J Hamling/Cr S Munro</b>                      That Council resolves:                      1 That Council acquire as easement approximately 0.1154 ha over Lot 2 DP 577491 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.                      2 That the Chief Executive Officer be authorised to finalise the acquisition.                      3 That permission be granted for the use of the Council Seal on any document if required.</p>	<p>Approval to commence works obtained. Easement will be registered following completion of works which is expected in approximately September 2020.</p>	
2 June 2020	CCL	<p><b>6.5 ACQUISITION OF EASEMENT - SPRING CREEK/ICELY ROAD PIPELINE - LOT 1 DP 739045</b>  <b>TRIM REFERENCE: 2020/833</b>  <b>RESOLVED - 20/167 Cr J Hamling/Cr S Munro</b>                      That Council resolves:                      1 That Council acquire as easement approximately 0.0524 ha over Lot 1 DP 739045 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.                      2 That the Chief Executive Officer be authorised to finalise the acquisition.                      3 That permission be granted for the use of the Council Seal on any document if required.</p>	<p>Approval to commence works obtained. Easement will be registered following completion of works which is expected in approximately September 2020.</p>	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
2 June 2020	CCL	<p><b>6.4 ACQUISITION OF EASEMENTS - SPRING CREEK/ICELY ROAD PIPELINE - LOT 51 DP1132549</b>  <b>TRIM REFERENCE: 2020/831</b>  <b>RESOLVED - 20/166 Cr K Duffy/Cr S Munro</b>                      That Council resolves:                      1 That Council acquire as easement approximately 0.1012 ha over Lot 51 DP 1132549 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.                      2 That the Chief Executive Officer be authorised to finalise the acquisition.                      3 That permission be granted for the use of the Council Seal on any document if required.</p>	<p>Approval to commence works obtained. Easement will be registered following completion of works which is expected in approximately September 2020.</p>	
2 June 2020	CCL	<p><b>6.2 ACQUISITION OF LAND - FOOTPATH ALONG NORTHERN DISTRIBUTOR ROAD</b>  <b>TRIM REFERENCE: 2020/763</b>  <b>RESOLVED - 20/164 Cr K Duffy/Cr S Munro</b>                      That Council resolves:                      1 To acquire approximately 1,645m2 of part Lot 52 DP835576 for the construction of a footpath along the Northern Distributor Road.                      2 That upon acquisition, the land be classified as Operational.                      3 To delegate to the Chief Executive Officer such authority as may be necessary or convenient to give effect to this resolution, including without limitation the affixing of the Seal of the Council on any document if required.</p>	<p>Property owners advised. Documentation in the process of being finalised.</p>	
2 June 2020	CCL	<p><b>6.1 TENDERS FOR THE UPGRADE OF FOREST ROAD FROM BLOOMFIELD HOSPITAL TO CADIA ROAD</b>  <b>TRIM REFERENCE: 2020/704</b>  <b>RESOLVED - 20/163 Cr K Duffy/Cr S Munro</b>                      That Council resolves to:                      1 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with Hynash Constructions Pty Ltd for the upgrade of Forest Road from Bloomfield Hospital to Cadia Road for the amount of \$1,289,393.23 plus GST;                      2 Grant permission to the Chief Executive Officer or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.</p>	<p>Contracts executed 6 July 2020.</p>	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
2 June 2020	CCL	<p><b>5.6 LEASE 73A HILL STREET TO ORANGE REGIONAL CONSERVATORIUM INC</b>  <b>TRIM REFERENCE: 2020/812</b>  <b>RESOLVED - 20/160 Cr S Munro/Cr J McRae</b>                      That Council resolves:                      1 To enter into a 3 year lease with one 3 year option with the Orange Regional Conservatorium Inc.                      2 That permission be granted to use the Council seal on all necessary documentation.</p>	Lease drafted.	
2 June 2020	CCL	<p><b>5.5 LEASE RIAWENA OVAL TO ORANGE DISTRICT CRICKET ASSOCIATION</b>  <b>TRIM REFERENCE: 2020/810</b>  <b>RESOLVED - 20/159 Cr J Hamling/Cr K Duffy</b>                      That Council resolves:                      1 To enter into a 5 year lease with four 5 year options with the Orange District Cricket Association of Riawena Oval.                      2 That permission be granted to use the Council seal on all necessary documentation.</p>	Lease drafted.	
2 June 2020	CCL	<p><b>5.4 ROAD CLOSURE APPLICATION - PART THE ESCORT WAY</b>  <b>TRIM REFERENCE: 2020/776</b>  <b>RESOLVED - 20/158 Cr J Whitton/Cr S Munro</b>                      That Council resolves to:                      1 Advertise the proposed road closure in accordance with the requirements of the Crown Land Management Act.                      2 That Council's Chief Executive Officer be given delegation to finalise determination for road closure for part The Escort Way, Orange post exhibition.                      3 Proceed to sell that part of the road closed to the owner of 474 The Escort Way, Orange.                      4 Grant approval for the use of the Council Seal on any necessary documentation.</p>	Process commenced with notice to authorities and adjoining owners.	
2 June 2020	CCL	<p><b>5.3 OC FUTURE CITY</b>  <b>TRIM REFERENCE: 2020/655</b>  <b>RESOLVED - 20/157 Cr K Duffy/Cr J Hamling</b>                      That the OC FutureCity Planning and Design Framework/Strategy and associated documents be placed on exhibition for 40 days.</p>	Placed on exhibition	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
2 June 2020	CCL	<b>5.1 MURRAY DARLING ASSOCIATION MEMBERSHIP TRIM REFERENCE: 2020/754</b> <b>RESOLVED - 20/155 Cr R Turner/Cr J McRae</b> That Orange City Council do not pay for membership in the Murray Darling Association.	No action required.	
2 June 2020	CCL	<b>4.1 NOTICE OF MOTION - REMOVAL OF NO FISHING SIGN, PLOUGHMANS CREEK WETLANDS TRIM REFERENCE: 2020/850</b> <b>RESOLVED - 20/154 Cr M Previtiera/Cr S Romano</b> That Council remove the recently installed No Fishing Sign at Ploughmans Creek Wetlands and once again allow fishing at the wetlands.	Completed	
19-May-20	CCL	<b>5.5 THE SPRINGS; AN ABORIGINAL AND NON-ABORIGINAL FRINGE CAMP LOCATED IN SOUTH ORANGE - CONSERVATION MANAGEMENT PLANS AND FUTURE DIRECTIONS FOR THE SITE. 2020/703</b> <b>RESOLVED - 20/140 Cr K Duffy/Cr S Nugent</b> That Council resolves that The Springs; an Aboriginal and non-Aboriginal Fringe Camp located in South Orange – Conservation Management Plans and Future Directions for the site be placed on public exhibition for community comment.	Placed on exhibition. Ends 22 June 2020.	
19-May-20	CCL	<b>5.4 HEALTH AND INNOVATION PRECINCT 2019/2235</b> <b>RESOLVED - 20/139 Cr S Munro/Cr S Nugent</b> That the draft Health and Innovation Precinct Masterplan be exhibited for 28 days.	Placed on exhibition closing 26 June 2020. Report will be presented back to Council.	
12-May-20	CCL	<b>6.2 LAND ACQUISITION - DEMOLITION TRIM REFERENCE: 2020/723</b> <b>RESOLVED - 20/147 Cr S Nugent/Cr J Hamling</b> That Council resolves: 1 To enter into a Deed of Settlement for the purchase the property 12 Maxwell Avenue Orange. 2 To on-sell the property with any surplus funds following payment of all outstanding costs refunded to the registered proprietor. 3 That the Chief Executive Officer have the authority to negotiate the terms of the Deed of Settlement. 4 That the land be classified as Operational upon acquisition.	Demolition contractors engaged.	

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Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
12-May-20	CCL	<p><b>6.1 REQUEST FOR FINANCIAL ASSISTANCE - ORANGE UNITING CHURCH</b>  <b>TRIM REFERENCE: 2020/695</b>  <b>RESOLVED - 20/146 Cr S Munro/Cr R Turner</b>                      That Council resolves:                      1 That funding of \$27,000 for Lighting to the Anson Street Uniting Church be funded from the FutureCity Project fund.                      2 To place the proposed allocation of funds to Orange Uniting Church on public exhibition for a minimum of 28 days (in accordance with section 356 of the Local Government Act 1993).</p>	<p>Public exhibition closed on 12 June 2020.</p> <p>Council reconsidered this request for financial assistance at its FPC 7 July 2020 meeting.</p> <p>E-mail to applicant on 13 July 2020. Payment request to Creditors on 13 July 2020. EFT will be processed on 15 July 2020.</p>	
7-Apr-20	CCL	<p><b>2.4 MAYORAL MINUTE - MOULDER PARK NETBALL COURTS</b>  <b>TRIM REFERENCE: 2020/508</b>  <b>RESOLVED - 20/099 Cr S Nugent/Cr K Duffy</b>                      That Orange City Council investigate the possibility of developing a “playmat” (with roads, crossings, stop signs etc.) at the old Moulder Park netball courts.</p>	<p>Investigation underway.</p>	
17-Mar-20	CCL	<p><b>4.2 NOTICE OF MOTION - AGED AND DISABLED</b>  <b>TRIM REFERENCE: 2020/477</b>  <b>RESOLVED - 20/076 Cr S Romano/Cr S Nugent</b>                      That \$5,000 be considered in Council’s 2020/2021 Delivery Operational Plan for the update of Council’s mobility map and that this be conducted together with the Future City Project.</p>	<p>Approved as part of the 2020/2021 budget.</p>	
4-Feb-20	CCL	<p><b>5.4 DESILTING OF SPRING CREEK DAM</b>  <b>TRIM REFERENCE: 2020/126</b>  <b>RESOLVED - 20/035 Cr K Duffy/Cr J Hamling</b>                      That; if a commercial case can be identified for approximately 150,000 m3 of silt, then Council seek approvals and plan for desilting of Spring Creek Dam.</p>	<p>Dam needs to be empty to be viable and no industry interest to date. Complete until next drought.</p>	
4-Feb-20	SRPC	<p><b>6.3 SALE 3 TRAPPIT PLACE ORANGE</b>  <b>TRIM REFERENCE: 2020/113</b>  <b>RESOLVED - 20/040 Cr R Turner/Cr S Munro</b>                      That Council resolves:                      1 That Council sell 3 Trappit Place Orange for the sum of \$508,050 inclusive of GST.                      2 That the proceeds be applied to the Land Development Reserve.                      3 That permission be granted for the use of the Council Seal on any relevant documentation.</p>	<p>Option to purchase prepared and sent to purchaser. Extension of time of 3 months for exchange provided given Covid 19 position.</p>	

Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
4-Feb-20	CCL	<p><b>6.2 ACQUISITION OF LAND - CRITICAL WATER INFRASTRUCTURE RESOLVED - 20/039 Cr K Duffy/Cr S Nugent</b>                      That Council resolves:</p> <p>1 To acquire by compulsory acquisition the land being Lot 101 DP 857925 and known as 280 to 284 Phillip Street Orange (the Land) in accordance with the powers set out in Chapter 8, Part 1 of the Local Government Act 1993 for the purpose of carrying out its functions as described in this report.</p> <p>2 To the making of an application to the Minister seeking approval of the Minister to Council giving a Proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 with respect of the Land.</p> <p>3 To the making of an application to the Minister requesting the Minister recommend to the Governor that approval be granted for the acquisition of the Land by publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991.</p> <p>4 To affix the Common Seal of Council to any contract, agreement, document or other instrument as required in connection with the compulsory acquisition process for the Land including an agreement under section 30 of the Land Acquisition (Just Terms Compensation) Act 1991.</p> <p>6 That the Chief Executive Officer be delegated authority to negotiate the terms of any contract, agreement, document or other instrument as required in connection with the compulsory acquisition process for the Land as set out in this report and to execute any such contract, agreement, document or other instrument that does not require the affixing of the Common Seal of Council.</p> <p>7 To classify the land being acquired as operational for the purposes of the Local Government Act 1993(section 31).</p> <p>8 That Council proceed with the necessary application to the Minister for Local Government and the Minister for Finance to approve a shorter negotiation period pursuant to S10A of the Land Acquisition (Just Terms) Act 1991 (NSW).</p> <p>9 That Council proceed with an application to reduce the notice period pursuant to s13 of Land Acquisition (Just Terms) Act 1991 (NSW) to a period of 30 days.</p>	<p>Application currently waiting Minister's approval. Approval now provided. Acquisition advertised and now waiting on submission period to expire with is 90 days.</p>	

**COUNCIL MEETING**

**18 AUGUST 2020**

Attachment 2 Completed Resolutions from Council Meetings (including Questions Taken on Notice etc) - Summary

Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
17 December 2019	CCL	<p><b>6.2 TENDER FOR CONSTRUCTION OF SOUTHERN FEEDER ROAD STAGE 3 TRIM REFERENCE: 2019/2493</b>  <b>RESOLVED - 19/619 Cr J Hamling/Cr K Duffy</b>                      1 That Council declines to accept any tender for the Construction of the Southern Feeder Road Stage 3 – F2993, as a result of all tender submissions exceeding the available funds for this component of the project.                      2 That Council not call fresh tenders as it may delay the project and impact upon the current funding milestones, possibly putting funding at risk.                      3 That Council enters into negotiations with BOST Civil Pty Ltd, Hamcon Civil Pty Ltd (MAAS) and Haslin Constructions Pty Ltd with a view to revising the project scope and to identify possible innovative solutions and cost savings to deliver the Southern Feeder Road Stage 3.                      4 That Council explores additional funding that may be able to address any shortfall in the construction of the Southern Feeder Road Stage 3.</p>	Tender awarded to Hamcon (MAAS) Funding included in 2020/2021 budget.	
3-Dec-19	SRPC	<p><b>3.1 SPORTING PRECINCT TRIM REFERENCE: 2019/2646</b>  <b>RESOLVED - 19/594 Cr J Hamling/Cr S Munro</b>                      That Council resolves:                      1 That should the land currently utilised by Orange Ex-Services Club under a lease agreement for the operation of the Bloomfield Golf Course become available, that this site is the preferred site for the construction of the \$25 million Sporting Precinct;                      2 That should the land currently utilised by Orange Ex-Services Club under a lease agreement for the operation of the Bloomfield Golf Course not be available, that Council confirms the Northern Distributor Site as the preferred location for the Sporting Precinct; and                      3 That Council seek any approvals necessary to progress the development of the preferred site.</p>	Project underway. Funding secure.	
7-Nov-19	CCL	<p><b>4.2 NOTICE OF MOTION - MITCHELL HIGHWAY PUBLIC RESERVE REZONING 2019/2222</b>  <b>RESOLVED - 19/511 Cr K Duffy/Cr G Taylor</b>                      That Council:                      1 Seek rezoning of Lot 196 DP 1007290 from Public Reserve to Operational Land;                      2 Seek Mitchell Highway (Molong Road) Access on Lot 196 DP 1007290.</p>	Reclassification will be included in the next appropriate LEP amendment.	

**COUNCIL MEETING****18 AUGUST 2020**

## Attachment 2 Completed Resolutions from Council Meetings (including Questions Taken on Notice etc) - Summary

Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
7-Nov-19	SRPC	<b>4.2 NOTICE OF MOTION - BUSINESS RATES</b> <b>TRIM REFERENCE: 2019/2383</b> <b>RESOLVED - 19/557 Cr J McRae/Cr S Nugent</b> That a report be brought to Council on the levers available to Council to support Orange CBD businesses.	Report submitted to the closed Council meeting on 16 June 2020.	

Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
1-Oct-19	CCL	<p><b>5.6 ORANGE LEP AMENDMENT 17 - POST EXHIBITION REPORT</b>  <b>TRIM REFERENCE: 2019/1511</b>  <b>RESOLVED - 19/412 Cr G Taylor/Cr J Whitton</b></p> <p>1 That Council note the contents of this report and the submissions received from both the public and government agencies.</p> <p>2 That Council advise the proponents of in-principle support for the LEP amendment subject to:</p> <p>I. The matter being deferred to allow the preparation, exhibition and adoption of a contributions plan in relation to the horse and rider underpass and separation fencing.</p> <p>II. The conceptual master plan being amended to provide separation fencing from the underpass to the Ring Road Arc in the west and the intersection of James Road and Pinnacle Road in the east.</p> <p>3 That Council resolve to prepare an amendment to the Development Contributions Plan so as to ensure that the financial costs associated with the horse and rider underpass and associated separation fencing be at full cost to developers within the proposed Equine Precinct area.</p> <p>4 That when prepared the Development Contributions Plan be placed on public exhibition for 28 days.</p> <p>5 That the draft DCP provisions be amended as follows:</p> <p>I. The minimum setback for stables in section 6.13.4 be changed to 20m, other than for secondary road frontages which is to be changed to 10m.</p> <p>II. The minimum stables setback in section 6.13.4 be required to include a 5m wide landscaped area along the boundary comprising trees that mature to between 4 – 8 metres planted densely and protected from grazing during establishment.</p> <p>III. The maximum stocking rate for horses in section 6.13.3 be changed to 1 horse per 4,000m<sup>2</sup></p> <p>IV. The minimum paddock size for each horse in section 6.13.6 be changed to 3,000m<sup>2</sup></p> <p>6 That upon successful completion of the contributions plan, DCP and concept plan amendments the matter be reported back to Council for finalisation.</p>	With applicant.	

**COUNCIL MEETING****18 AUGUST 2020**

## Attachment 2 Completed Resolutions from Council Meetings (including Questions Taken on Notice etc) - Summary

Date of Meeting	Meeting	Resolution	Action Taken/Comment	STATUS
1-Oct-19	CCL	<b>4.2 NOTICE OF MOTION - AQUATIC CENTRE ADMISSION - HEALTH RELATED PASS</b> <b>TRIM REFERENCE: 2019/2038</b> <b>RESOLVED - 19/499 Cr R Kidd/Cr S Nugent</b> That Orange City Council investigate a support program to accommodate disadvantaged persons that need to access the Aquatic Centre for health and rehabilitation purposes.	Program implemented 7 August 2020.	
20-Aug-19	CCL	<b>4.1 NOTICE OF MOTION - AWNING - MAX HAZELTON AERO CENTRE</b> <b>TRIM REFERENCE 2019/608</b> <b>RESOLVED - 19/219 Cr S Romano/Cr M Previtiera</b> That Council resolves to approve: 1 the provision of assistance to the Orange Aero Club by applying for the DA and constructing an airside awning to the Max Hazelton Aero Centre patient transfer room.	Awning completed.	



**5.4 COMMUNITY COMMITTEE - COUNCILLOR MEMBERSHIP AND CHARTERS**

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RECORD NUMBER: 2020/1415

AUTHOR: Janessa Constantine, Acting Manager Corporate Governance

**EXECUTIVE SUMMARY**

With the postponement of the Council election until September 2021, Councillors representation on Community Committees has been extended. This report seeks to review Councillor representation on Community Committees and/or the alteration of Charters until such time as a new Council is elected.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1 Collaborate - Provide representative, responsible and accountable community governance”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Community Committee Councillor representatives are required in accordance with each of the charters.

**RECOMMENDATION**

- 1 That Councillors nominate for vacant positions on each of the Community Committees.**
- 2 That Council updates the requirements of Councillor representation on each Community Committee where a vacant position was not filled.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

With the postponement of the Council election until September 2021, Councillors representation on Community Committees has been extended. This report seeks to review Councillor representation on Community Committees and the alteration of Charters until such time as a new Council is elected.

In addition Cr McRae has resigned as a member of:

- Spring Hill Community Committee (Chair Cr Mileto)
- Tidy Towns Community Committee (Chair Cr Duffy)
- Environmental Sustainability Community Committee (Chair Cr Nugent)
- Airport Community Committee (Chair Cr Romano)

**5.4 Community Committee - Councillor Membership and Charters**

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The late Cr Previterra was a member of:

- Clifton Grove Community Committee (Chair Cr McRae)
- Economic Development Community Committee (Chair Cr Mileto)
- Environmental Sustainability Community Committee (Chair Cr Nugent)
- Lucknow Community Committee (Chair Cr Mileto)
- Parks, Trees & Waterway Community Committee (Chair Cr Kidd)

The attached listing shows which Community Committee members and charters are affected and require an additional Councillor or changes to the charter.

Each of the Community Committee charters are also attached for reference and updating as required.

**ATTACHMENTS**

- 1 Community Committee - Representative Requirements August 2020, D20/48211 [↓](#)
- 2 Charter - Airport Community Committee - 2017, 2017/2256 [↓](#)
- 3 Charter - Clifton Grove Community Committee - 2017, 2017/2266 [↓](#)
- 4 Charter - Economic Development Community Committee - 2017, 2017/2277 [↓](#)
- 5 Charter - Lucknow Community Committee - 2017, 2017/2275 [↓](#)
- 6 Charter - Parks, Trees and Waterways Community Committee - 2017, 2017/2263 [↓](#)
- 7 Charter - Spring Hill Community Committee - 2017, 2017/2284 [↓](#)
- 8 Charter - Tidy Towns Community Committees - 2017, 2017/2255 [↓](#)
- 9 Charter - Environmental Sustainability Community Committee - 2017, 2017/2276 [↓](#)

<b>COMMITTEE</b>	<b>CHAIRPERSON</b>	<b>COUNCILLOR MEMBERS</b>	<b>COUNCILLOR REQUIREMENT</b>	<b>COUNCILLOR REQUIREMENT FOR QUORUM</b>	<b>COUNCILLOR REQUIREMENT</b>
Spring Hill Community Committee	Cr Mileto	Cr Munro, Cr McRae	2 Councillors 1 of whom is the Chairperson	1 Councillor	1 Councillor required OR Charter amended to 1
Tidy Towns Community Committee	Cr Duffy	Cr Munro, Cr McRae	2 Councillors 1 of whom is the Chairperson	1 Councillor	1 Councillor required OR Charter amended to 1
Environmental Sustainability Community Committee	Cr Nugent	Cr McRae, Cr Previtara	4 Councillors 1 of whom is the Chairperson	1 Councillor	2 Councillors required OR Charter amended to 2
Airport Community Committee	Cr Romano	Cr Mileto, Cr Munro, Cr McRae	4 Councillors 1 of whom is the Chairperson	1 Councillor	1 Councillor required OR Charter amended to 3
Clifton Grove Community Committee	Cr McRae	Cr Previtara	2 Councillors 1 of whom is the Chairperson	1 Councillor	1 Councillor required OR Charter amended to 1
Economic Development Community Committee	Cr Mileto	Cr Kidd, Cr Whitton, Cr Previtara	3 Councillors 1 of whom is the Chairperson	1 Councillor	1 Councillor required OR Charter amended to 2
Lucknow Community Committee	Cr Mileto	Cr Previtara	2 Councillors 1 of whom is the Chairperson	1 Councillor	1 Councillor required OR Charter amended to 1
Parks, Trees & Waterways Community Committee	Cr Kidd	Cr Nugent, Cr Previtara	2 Councillors 1 of whom is the Chairperson	1 Councillor	1 Councillor required OR Charter amended to 1



# AIRPORT COMMUNITY COMMITTEE

2017/2256

F171

**PURPOSE**

To advise Council and make recommendations in relation to the development of the Orange Airport.

The Committee does not have a role in the operational function of Council. This is the responsibility of the General Manager and staff. Equally, where Council has adopted a Strategic Policy or Strategic Planning document, the Committee must observe the Council position as set out in that policy, plan or document.

**REPORTS TO**

Infrastructure Policy Committee

**TERM**

The Airport Community Committee shall dissolve at the General Election of Orange City Council. Council may dissolve the Committee at any time by resolution of Council.

**MEMBERSHIP**

Four Councillors (one of whom shall be Chairperson, as elected by Council)

Up to ten airport users/representatives with an aviation interest

General Manager (or nominee)

Non-voting Committee Clerk

Council staff as required (non-voting)

**QUORUM**

Majority of community members and at least one Councillor.

**MEETING FREQUENCY**

As required, with specific meeting dates and times to be determined by the Committee.

**VOTING**

Each member of the Committee is entitled to one vote only. In the equality of votes, the matter is to be referred to Council for determination.

**REPORTS AND RECORDING**

Matters to be considered by the Committee must be included in the agenda for the meeting, and must be provided in writing to the Committee Clerk at least 10 days before the meeting. Formal minutes of meetings of the Committee will be produced in accordance with Council's Code of Meeting Practice. The Committee may make recommendations to Council, via the Infrastructure Policy Committee. Council may adopt, amend or decline any recommendation.

# AIRPORT

## COMMUNITY COMMITTEE CHARTER

### VACANCIES

Vacancies may arise during the term of the Committee. If a vacancy does occur, the Committee may invite an individual to join the Committee, or seek expressions of interest to fill the vacancy.

### COMMITTEE CLERK

The General Manager will provide a Committee Clerk who will be the representative of the General Manager, and will exercise the functions of the General Manager so far as they are relevant to the Committee and its Chairperson.

### RELEVANT POLICIES/DOCUMENTS

Orange City Council Code of Conduct

Orange City Council Code of Meeting Practice

Orange Community Strategic Plan

Orange Delivery/Operational Plan

Asset Management Plan Strategy and Plans

Drug and Alcohol Management Plan (Orange Airport)

(Copies are available on Council's website at [www.orange.nsw.gov.au](http://www.orange.nsw.gov.au) or from the Committee Clerk)



# CLIFTON GROVE COMMUNITY COMMITTEE

2017/2266

F177

**PURPOSE**

To advise Council and make recommendations in relation to Clifton Grove.

The Committee does not have a role in the operational function of Council. This is the responsibility of the General Manager and staff. Equally, where Council has adopted a Strategic Policy or Strategic Planning document, the Committee must observe the Council position as set out in that policy, plan or document.

**REPORTS TO**

Services Policy Committee

**TERM**

The Clifton Grove Community Committee shall dissolve at the General Election of Orange City Council. Council may dissolve the Committee at any time by resolution of Council.

**MEMBERSHIP**

Two Councillors (one of whom shall be Chairperson, as elected by Council)

Up to six community representatives

General Manager (or nominee)

Non-voting Committee Clerk

Council staff as required (non-voting)

**QUORUM**

Majority of community members and at least one Councillor.

**MEETING FREQUENCY**

Six monthly, with specific meeting dates and times to be determined by the Committee.

**VOTING**

Each member of the Committee is entitled to one vote only. In the equality of votes, the matter is to be referred to Council for determination.

**REPORTS AND RECORDING**

Matters to be considered by the Committee must be included in the agenda for the meeting, and must be provided in writing to the Committee Clerk at least 10 days before the meeting. Formal minutes of meetings of the Committee will be produced in accordance with Council's Code of Meeting Practice. The Committee may make recommendations to Council, via the Services Policy Committee. Council may adopt, amend or decline any recommendation.

**VACANCIES**

Vacancies may arise during the term of the Committee. If a vacancy does occur, the Committee may invite an individual to join the Committee, or seek expressions of interest to fill the vacancy.

# CLIFTON GROVE COMMUNITY COMMITTEE CHARTER

## COMMITTEE CLERK

The General Manager will provide a Committee Clerk who will be the representative of the General Manager, and will exercise the functions of the General Manager so far as they are relevant to the Committee and its Chairperson.

## RELEVANT POLICIES/DOCUMENTS

Orange City Council Code of Conduct  
Orange City Council Code of Meeting Practice  
Orange Community Strategic Plan  
Delivery/Operational Plan  
Asset Management Plan Strategy and Plans

Copies of these and other documents are available on Council's website at [www.orange.nsw.gov.au](http://www.orange.nsw.gov.au) or from the Committee Clerk.



# ECONOMIC DEVELOPMENT COMMUNITY COMMITTEE

2017/2277

F1508

## PURPOSE

To advise Council and make recommendations in relation to the implementation of economic development strategies contained within Council's Delivery/Operational Plan.

The Committee does not have a role in the operational function of Council. This is the responsibility of the General Manager and staff. Equally, where Council has adopted a Strategic Policy or Strategic Planning document, the Committee must observe the Council position as set out in that policy, plan or document.

## REPORTS TO

Employment and Economic Development Policy Committee

## TERM

The Economic Development Community Committee shall dissolve at the General Election of Orange City Council. Council may dissolve the Committee at any time by resolution of Council.

## MEMBERSHIP

Three Councillors (one of whom shall be Chairperson, as elected by Council)  
General Manager (or nominee)  
Non-voting Committee Clerk  
Council staff as required (non-voting)

## Community Representatives

Up to 16 community members with a particular interest in economic development and/or experience in:

- Health
- Tourism
- Education
- Manufacturing/Engineering
- Agribusiness
- Mining
- Small business
- Property development/sales

## Other Representatives

- Federal Member for Calare (not included for quorum purposes)
- State Member for Orange (not included for quorum purposes)
- Representative of the Orange Business Chamber
- Representative of the Business Enterprise Centre
- Representative of the NSW Department of Industry (or equivalent)

# ECONOMIC DEVELOPMENT COMMUNITY COMMITTEE CHARTER

## QUORUM

Majority of community members and at least one Councillor.

## MEETING FREQUENCY

Every second month, with specific meeting dates and times to be determined by the Committee.

## VOTING

Each member of the Committee is entitled to one vote only. In the equality of votes, the matter is to be referred to Council for determination.

## REPORTS AND RECORDING

Matters to be considered by the Committee must be included in the agenda for the meeting, and must be provided in writing to the Committee Clerk at least 10 days before the meeting. Formal minutes of meetings of the Committee will be produced in accordance with Council's Code of Meeting Practice. The Committee may make recommendations to Council, via the Employment and Economic Development Policy Committee. Council may adopt, amend or decline any recommendation.

## VACANCIES

Vacancies may arise during the term of the Committee. If a vacancy does occur, the Committee may invite an individual to join the Committee, or seek expressions of interest to fill the vacancy.

## COMMITTEE CLERK

The General Manager will provide a Committee Clerk who will be the representative of the General Manager, and will exercise the functions of the General Manager so far as they are relevant to the Committee and its Chairperson.

## RELEVANT POLICIES/DOCUMENTS

Orange City Council Code of Conduct  
Orange City Council Code of Meeting Practice  
Orange Community Strategic Plan  
Delivery/Operational Plan  
Asset Management Plan Strategy and Plans  
Statement of Business Ethics

Copies of these and other documents are available on Council's website at [www.orange.nsw.gov.au](http://www.orange.nsw.gov.au) or from the Committee Clerk.



# LUCKNOW COMMUNITY COMMITTEE

2017/2275

F176

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**PURPOSE**

To advise Council and make recommendations in relation to the Village of Lucknow.

The Committee does not have a role in the operational function of Council. This is the responsibility of the General Manager and staff. Equally, where Council has adopted a Strategic Policy or Strategic Planning document, the Committee must observe the Council position as set out in that policy, plan or document.

**REPORTS TO**

Services Policy Committee

**TERM**

The Lucknow Community Committee shall dissolve at the General Election of Orange City Council. Council may dissolve the Committee at any time by resolution of Council.

**MEMBERSHIP**

Two Councillors (one of whom shall be Chairperson, as elected by Council)  
Up to ten community representatives  
General Manager (or nominee)  
Non-voting Committee Clerk  
Council staff as required (non-voting)

**QUORUM**

Majority of community members and at least one Councillor.

**MEETING FREQUENCY**

Six monthly, with specific meeting dates and times to be determined by the Committee.

**VOTING**

Each member of the Committee is entitled to one vote only. In the equality of votes, the matter is to be referred to Council for determination.

**REPORTS AND RECORDING**

Matters to be considered by the Committee must be included in the agenda for the meeting, and must be provided in writing to the Committee Clerk at least 10 days before the meeting. Formal minutes of meetings of the Committee will be produced in accordance with Council's Code of Meeting Practice. The Committee may make recommendations to Council, via the Services Policy Committee. Council may adopt, amend or decline any recommendation.

# LUCKNOW

## COMMUNITY COMMITTEE CHARTER

### VACANCIES

Vacancies may arise during the term of the Committee. If a vacancy does occur, the Committee may invite an individual to join the Committee, or seek expressions of interest to fill the vacancy.

### COMMITTEE CLERK

The General Manager will provide a Committee Clerk who will be the representative of the General Manager, and will exercise the functions of the General Manager so far as they are relevant to the Committee and its Chairperson.

### RELEVANT POLICIES/DOCUMENTS

Orange City Council Code of Conduct  
Orange City Council Code of Meeting Practice  
Orange Community Strategic Plan  
Delivery/Operational Plan  
Asset Management Plan Strategy and Plans

Copies of these and other documents are available on Council's website at [www.orange.nsw.gov.au](http://www.orange.nsw.gov.au) or from the Committee Clerk.



# PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE

2017/2263

F1510

## PURPOSE

To advise Council and make recommendations in relation to:

- Community planning for parks and open spaces, including Cook Park and Orange Botanic Gardens
- Community planning for streetscapes
- Community planning for waterways and stormwater management programs and associated learning programs.

The Committee does not have a role in the operational function of Council. This is the responsibility of the General Manager and staff. Equally, where Council has adopted a Strategic Policy or Strategic Planning document, the Committee must observe the Council position as set out in that policy, plan or document.

## REPORTS TO

Environmental Sustainability Policy Committee

## TERM

The Parks, Trees and Waterways Community Committee shall dissolve at the General Election of Orange City Council. Council may dissolve the Committee at any time by resolution of Council.

## MEMBERSHIP

Two Councillors (one of whom shall be Chairperson, as elected by Council)

Up to ten community representatives

General Manager (or nominee)

Non-voting Committee Clerk

Council staff as required (non-voting)

## QUORUM

Majority of community members and at least one Councillor.

## MEET MEETING FREQUENCY

Quarterly, with specific dates and times to be determined by the Committee.

## VOTING

Each member of the Committee is entitled to one vote only. In the equality of votes, the matter is to be referred to Council for determination.

# PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE CHARTER

## REPORTS AND RECORDING

Matters to be considered by the Committee must be included in the agenda for the meeting, and must be provided in writing to the Committee Clerk at least 10 days before the meeting. Formal minutes of meetings of the Committee will be produced in accordance with Council's Code of Meeting Practice. The Committee may make recommendations to Council, via the Environmental Sustainability Policy Committee. Council may adopt, amend or decline any recommendation.

## VACANCIES

Vacancies may arise during the term of the Committee. If a vacancy does occur, the Committee may invite an individual to join the Committee, or seek expressions of interest to fill the vacancy.

## COMMITTEE CLERK

The General Manager will provide a Committee Clerk who will be the representative of the General Manager, and will exercise the functions of the General Manager so far as they are relevant to the Committee and its Chairperson.

## RELEVANT POLICIES/DOCUMENTS

Orange City Council Code of Conduct  
Orange City Council Code of Meeting Practice  
Orange Community Strategic Plan  
Delivery/Operational Plan  
Asset Management Plan Strategy and Plans  
Orange Outdoors Strategy  
Plans of Management for Community Land  
Public Open Space Asset Management Plan  
Master Plans; Orange Botanic Gardens, Cook Park, Street Tree, Gosling Creek Reserve Precinct, Lake Canobolas and Environs, Anzac Park, Moulder Park, Sir Jack Brabham Park and Wade Park  
Noxious Weeds Policy ST106  
Trees and Tree Roots ST074

Copies of these and other documents are available on Council's website at [www.orange.nsw.gov.au](http://www.orange.nsw.gov.au) or from the Committee Clerk.



# SPRING HILL COMMUNITY COMMITTEE

2017/2284

F175

**PURPOSE**

To advise Council and make recommendations in relation to the Village of Spring Hill.

The Committee does not have a role in the operational function of Council. This is the responsibility of the General Manager and staff. Equally, where Council has adopted a Strategic Policy or Strategic Planning document, the Committee must observe the Council position as set out in that policy, plan or document.

**REPORTS TO**

Services Policy Committee

**TERM**

The Spring Hill Community Committee shall dissolve at the General Election of Orange City Council. Council may dissolve the Committee at any time.

**MEMBERSHIP**

Two Councillors (one of whom shall be Chairperson, as elected by Council)

Up to 12 community representatives

General Manager (or nominee)

Non-voting Committee Clerk

Council staff as required (non-voting)

**QUORUM**

Majority of community members and at least one Councillor.

**MEETING FREQUENCY**

Quarterly, with additional meetings if required. Specific meeting dates and times to be determined by the Committee.

**VOTING**

Each member of the Committee is entitled to one vote only. In the equality of votes, the matter is to be referred to Council for determination.

**REPORTS AND RECORDING**

Matters to be considered by the Committee must be included in the agenda for the meeting, and must be provided in writing to the Committee Clerk at least 10 days before the meeting. Formal minutes of meetings of the Committee will be produced in accordance with Council's Code of Meeting Practice. The Committee may make recommendations to Council, via the Services Policy Committee. Council may adopt, amend or decline any recommendation.

# SPRING HILL

## COMMUNITY COMMITTEE CHARTER

### VACANCIES

Vacancies may arise during the term of the Committee. If a vacancy does occur, the Committee may invite an individual to join the Committee, or seek expressions of interest to fill the vacancy.

### COMMITTEE CLERK

The General Manager will provide a Committee Clerk who will be the representative of the General Manager, and will exercise the functions of the General Manager so far as they are relevant to the Committee and its Chairperson.

### RELEVANT POLICIES/DOCUMENTS

Orange City Council Code of Conduct  
Orange City Council Code of Meeting Practice  
Orange Community Strategic Plan  
Delivery/Operational Plan  
Asset Management Plan Strategy and Plans

Copies of these and other documents are available on Council's website at [www.orange.nsw.gov.au](http://www.orange.nsw.gov.au) or from the Committee Clerk.



# TIDY TOWNS COMMUNITY COMMITTEE

2017/2255

F168

## PURPOSE

To advise Council and make recommendations in relation to the management and development of the project initiatives, including detailed project submissions, to promote Orange as a Tidy Town within the parameters of Clean up Australia Day campaign/criteria.

The Committee does not have a role in the operational function of Council. This is the responsibility of the General Manager and staff. Equally, where Council has adopted a Strategic Policy or Strategic Planning document, the Committee must observe the Council position as set out in that policy, plan or document.

## REPORTS TO

Environmental Sustainability Policy Committee

## TERM

The Tidy Towns Community Committee shall dissolve at the General Election of Orange City Council. Council may dissolve the Committee at any time by resolution of Council.

## MEMBERSHIP

Three Councillors (one of whom shall be Chairperson, as elected by Council)  
Six community representatives  
General Manager (or nominee)  
Non-voting Committee Clerk  
Council staff as required (non-voting)

## QUORUM

Majority of community members and at least one Councillor.

## MEETING FREQUENCY

As required, with specific meeting dates and times to be determined by the Committee.

## VOTING

Each member of the Committee is entitled to one vote only. In the equality of votes, the matter is to be referred to Council for determination.

## REPORTS AND RECORDING

Matters to be considered by the Committee must be included in the agenda for the meeting, and must be provided in writing to the Committee Clerk at least 10 days before the meeting. Formal minutes of meetings of the Committee will be produced in accordance with Council's Code of Meeting Practice. The Committee may make recommendations to Council, via the Environmental Sustainability Policy Committee. Council may adopt, amend or decline any recommendation.

# TIDY TOWNS

## COMMUNITY COMMITTEE CHARTER

### VACANCIES

Vacancies may arise during the term of the Committee. If a vacancy does occur, the Committee may invite an individual to join the Committee, or seek expressions of interest to fill the vacancy.

### COMMITTEE CLERK

The General Manager will provide a Committee Clerk who will be the representative of the General Manager, and will exercise the functions of the General Manager so far as they are relevant to the Committee and its Chairperson.

### RELEVANT POLICIES/DOCUMENTS

Orange City Council Code of Conduct  
Orange City Council Code of Meeting Practice  
Orange Community Strategic Plan  
Delivery/Operational Plan  
Asset Management Plan Strategy and Plans

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# ENVIRONMENTAL SUSTAINABILITY COMMUNITY COMMITTEE

2017/2276

F158

## PURPOSE

To advise Council and make recommendations in relation to:

- Community planning for waste and natural resources management services and associated learning programs
- Assist Council with educational strategies that will promote responsible use and management of natural resources, including climate change initiatives
- Facilitate Council's participation in relational planning strategies which promote resource conservation and sustainable environmental management
- That the Environmental Sustainability Community Committee have input into strategic planning across Council's operations where relevant to an environmental issue.

The Committee does not have a role in the operational function of Council. This is the responsibility of the General Manager and staff. Equally, where Council has adopted a Strategic Policy or Strategic Planning document, the Committee must observe the Council position as set out in that policy, plan or document.

## REPORTS TO

Environmental Sustainability Policy Committee

## TERM

The Environmental Sustainability Community Committee shall dissolve at the General Election of Orange City Council. Council may dissolve the Committee at any time by resolution of Council.

## MEMBERSHIP

Four Councillors (one of whom shall be Chairperson, as elected by Council)

Up to 15 community representatives

General Manager (or nominee)

Non-voting Committee Clerk

Council staff as required (non-voting)

## QUORUM

Majority of community members and at least one Councillor.

## MEETING FREQUENCY

Bi-monthly, with specific meeting dates and times to be determined by the Committee.

## VOTING

Each member of the Committee is entitled to one vote only. In the equality of votes, the matter is to be referred to Council for determination.

# ENVIRONMENTAL SUSTAINABILITY COMMUNITY COMMITTEE CHARTER

## REPORTS AND RECORDING

Matters to be considered by the Committee must be included in the agenda for the meeting, and must be provided in writing to the Committee Clerk at least 10 days before the meeting. Formal minutes of meetings of the Committee will be produced in accordance with Council's Code of Meeting Practice. The Committee may make recommendations to Council, via the Environmental Sustainability Policy Committee. Council may adopt, amend or decline any recommendation.

## VACANCIES

Vacancies may arise during the term of the Committee. If a vacancy does occur, the Committee may invite an individual to join the Committee, or seek expressions of interest to fill the vacancy.

## COMMITTEE CLERK

The General Manager will provide a Committee Clerk who will be the representative of the General Manager, and will exercise the functions of the General Manager so far as they are relevant to the Committee and its Chairperson.

## RELEVANT POLICIES/DOCUMENTS

Orange City Council Code of Conduct  
Orange City Council Code of Meeting Practice  
Orange Community Strategic Plan  
Delivery/Operational Plan  
Asset Management Plan Strategy and Plans

Copies of these and other documents are available on Council's website at [www.orange.nsw.gov.au](http://www.orange.nsw.gov.au) or from the Committee Clerk.



**5.5 STRATEGIC POLICY REVIEW**

RECORD NUMBER: 2020/627

AUTHOR: Janessa Constantine, Acting Manager Corporate Governance

**EXECUTIVE SUMMARY**

This report presents policies which have been reviewed and are recommended for placement on public exhibition for a period of 28 days:

- ST138 – Related Parties
- ST106 – Priority Weeds
- ST046 – Liquid Trade Waste
- ST091 – Orange City Library – Community Use
- ST002 – Central West Libraries

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1 Collaborate - Provide representative, responsible and accountable community governance”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Council’s Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors and the broader community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council. Operational Policies are determined and implemented by the Chief Executive Officer, and relate to staff and the operations of the organisation.

## RECOMMENDATION

That Council resolves to:

- 1 Place the following policies on public exhibition for a period of 28 days:
  - ST138 – Related Parties
  - ST106 – Priority Weeds
  - ST046 – Liquid Trade Waste
  - ST091 – Orange City Library – Community Use
  - ST002 – Central West Libraries
- 2 That the policies be referred to the Councillor Policy Review Committee for comment.

## FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

## SUPPORTING INFORMATION

### Policies for Exhibition

The following policies have been reviewed and outlined below are changes/updates made to each policy. It is recommended these policies be placed on public exhibition for a period of 28 day to allow for Council and public review and submissions.

### ST138 – Related Parties

Reference	Update
General	<ul style="list-style-type: none"><li>• Formatting Updates</li><li>• Update to information contained in the Objectives, Applicability and General sections on the policy cover sheet.</li><li>• Removal of information in the 'general' section and placement Policy attachment.</li><li>• Update reference of General Manager to Chief Executive Officer.</li></ul>

### ST106 – Priority Weeds

Reference	Update
General	<ul style="list-style-type: none"><li>• Minor Formatting and typographical updates only.</li></ul>

### ST046 – Liquid Trade Waste

Reference	Update
General	<ul style="list-style-type: none"><li>• Formatting changes, update branding and logo.</li><li>• Amendment of Reference to Department of Primary Industries (DPI) to NSW Department of Planning, Industry and Environment.</li></ul>

**ST091 – Orange City Library – Community Use**

Reference	Update
General	<ul style="list-style-type: none"> <li>• Formatting and Typographical updates.</li> <li>• Updated to current processes.</li> </ul>

**ST002 – Central West Libraries**

Reference	Update
General	<ul style="list-style-type: none"> <li>• Change from previous Joint Agreement to Service Level Agreement between Orange City Council and participating Councils.</li> <li>• Updating of <i>Library Regulations</i> from 2010 to 2018.</li> </ul>

**ATTACHMENTS**

- 1 DRAFT - Strategic Policy - ST138 - Related Parties (August 2020), [D20/44506](#)
- 2 DRAFT - Strategic Policy - ST106 - Priority Weeds Policy (August 2020), [D20/47991](#)
- 3 DRAFT - Strategic Policy - ST046 - Liquid Trade Waste (August 2020), [D20/47961](#)
- 4 DRAFT - Strategic Policy - ST091 - Orange City Library - Community Use (August 2020), [D20/48012](#)
- 5 DRAFT - Strategic Policy - ST002 - Central West Libraries (August 2020), [D20/48066](#)



All policies can be reviewed or revoked by a resolution of Council, at any time.

## RELATED PARTIES

ST138

F22

### OBJECTIVES

The purpose of this policy is to:

- ensure Council complies with its obligations under Local Government Act 1993, Australian Accounting Standards and AASB 124 – Related Party Disclosures concerning disclosures required to be made by Key Management Personnel (KMP);
- provide guidance on determining what equates to Related Party Transactions, who are the Related Parties of Council and who are KMPs;
- provide responsibilities for recording and reporting on Related Party Transactions;
- ensure that Council's financial statements contain the disclosures necessary to draw attention to the possibility that Council's financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

### APPLICABILITY

This policy applies to those who have authority and responsibility for planning, directing and controlling the activities of Council and entities controlled by Council, including elected Councillors, the Chief Executive Officer, Directors, and close family members who can be expected to influence or be influenced by Key Management Personnel named in this policy.

### GENERAL

From July 2016, the Australian Accounting Board Standard – Related Parties Disclosures (AASB 124) applies to Councils in New South Wales.

Council is required to disclose Related Party Transactions and Relationships and Key Management Personnel compensation in the annual Financial Statements to comply with AASB 124.

### RELATED POLICIES/DOCUMENTS

Related Party Disclosure form (attached)

Local Government Act 1993

Australian Accounting Board Standard – Related Parties Disclosures AASB 124

Council's Code of Conduct



All policies can be reviewed or revoked by a resolution of Council, at any time.

**Responsible Area – Corporate and Commercial Services**

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	7 February 2017	17/037	5		
2			6		
3			7		
4			8		

All policies can be reviewed or revoked by resolution of Council, at any time.

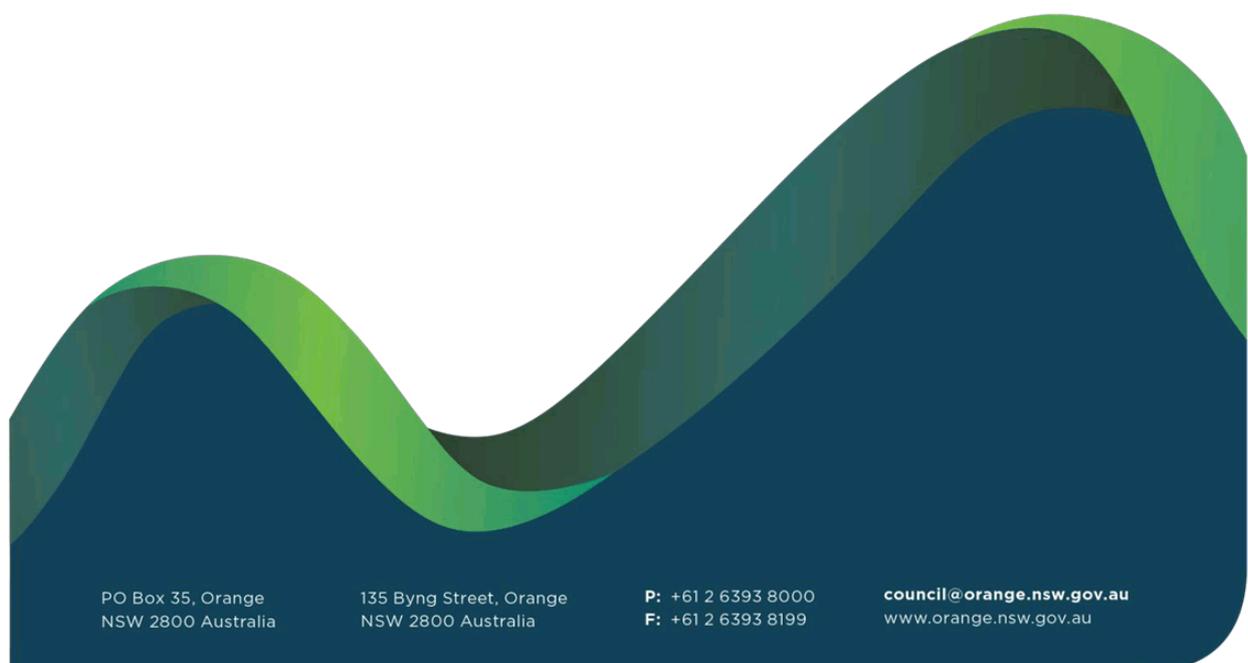
**SUMMARY OF AMENDMENTS**

Amendment Date	Section/Reference and Amendment
August 2020	<ul style="list-style-type: none"> <li>• Formatting Updates</li> <li>• Update to information contained in the Objectives, Applicability and General sections on the policy cover sheet.</li> <li>• Removal of information in the 'general' section and placement Policy attachment.</li> <li>• Update reference of General Manager to Chief Executive Officer.</li> </ul>
February 2017	New Strategic Policy



# Strategic Policy

## Related Parties



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NSW 2800 Australia

135 Byng Street, Orange  
NSW 2800 Australia

P: +61 2 6393 8000  
F: +61 2 6393 8199

[council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au)  
[www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)



All policies can be reviewed or revoked by a resolution of Council, at any time.

### **AASB 124 framework and requirements**

The Policy establishes that Related Parties and Key Management Personnel will be identified such that transactions between Council and Related Parties can be identified and where assessed as being required to be disclosed, be reported in the annual Financial Statements in accordance with AASB124.

AASB124 requires that Council must disclose the following financial information in its annual Financial Statements:

- disclosure of any Related Party relationships outlining the relationship with any Related Parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period
- Key Management Personnel (KMP) Compensation Disclosures

The disclosure of Related Parties information requirements under AASB124 are additional to those requirements under this Policy and do not supplant the responsibilities to declare conflicts of interest as identified in the Council's Code of Conduct.

In the preparation of the annual Financial Statements, an assessment of the materiality and significance of the Related Party Transactions will be made to determine the level of disclosure.

AASB124 identifies that the purpose of disclosing Related Parties is to assess where transactions or relationships could impact on the profit and loss of an entity. This may be because a Related Party may enter into transactions in a manner that other parties may not due to the relationship with the Council or Key Management Personnel. Alternatively, there may be a personal relationship between a Key Management Personnel and their relatives or other persons that could influence the transactions of the Council with another party.

Key Management Personnel are responsible for planning, directing and controlling the Council.

Key Management Personnel are required to identify Related Parties and Related Transactions that they expect will or do occur between those Related Parties and Council. Council will itself have Related Parties and Related Transactions which similarly need to be identified.

The Policy identifies the requirement to capture disclosures of Related Parties and Transactions between those Parties and Council and the need to collate the disclosures in a Register. The Register will be used to prepare the required components for inclusion in the annual Financial Statements.



All policies can be reviewed or revoked by a resolution of Council, at any time.

### **Related Parties Identification and Disclosure timetable**

Disclosures of Related Parties and Transactions will be required of Key Management Personnel at least twice annually.

The due dates for Disclosures will be 15 January and 15 June annually.

Key Management Personnel should provide updates on Related Parties and Transactions as issues arise by submitting an updated Related Parties Disclosure Form at times other than the two collection dates listed above if their situation changes.

The Council will also disclose any Related Parties and Related Transactions for inclusion in the Related Parties Disclosures register by 15 January and 15 June annually.

### **Related Parties Disclosure Register**

Information collected on the Related Parties Disclosure Form (attached) will be securely stored in Council's Related Parties Disclosure Register.

Access to the Related Parties Disclosure Register will be available only to those who may lawfully be granted access after consideration of matters of privacy and other legislative requirements.

The Related Parties Disclosures Register will be used as the basis for the information included in the annual Financial Statements to satisfy the Related Party reporting requirements.

The Manager Financial Services is responsible for the updating and maintenance of the Related Parties Disclosures Register.

### **Key Management Personnel (KMP)**

Key Management Personnel are identified as those persons having authority and responsibility, either directly or indirectly, for planning, directing and controlling the activities of the entity.

Orange City Council has identified as Key Management Personnel:

- Councillors
- Administrators
- Chief Executive Officer
- Directors



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### Compensation Disclosure requirements

KMP Compensation Disclosures require that information on all forms of paid, payable, or provided in exchange for services provided must be disclosed.

This information may include:

- *Short-term employee benefits* - such as:
  - wages, salaries and social security contributions
  - paid annual leave and paid sick leave
  - profit sharing and bonuses (if payable within twelve months of the end of the period)
  - non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees.
- *Post-employment benefits* such as:
  - pensions, other retirement benefits
  - post employment life insurance
  - post-employment medical care
- *Other long-term employee benefits*, including:
  - long-service leave or sabbatical leave
  - jubilee or other long-service benefits
  - long-term disability benefits
  - and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation
- *Termination benefits*.

### Close members of the family of KMP

The method for identifying the close family members and associated entities of KMP will be by KMP self-assessment with details to be submitted on the Related Parties Disclosure form.

KMP have an ongoing responsibility to advise Council immediately of any changes to Related Parties and associated Transactions.

Close family members of the KMP are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council, and include:

- that person's children
- that person's spouse/domestic partner
- children of that person's spouse/domestic partner
- dependants of that person or that person's spouse/domestic partner.

In addition to those family member identified above as close family members, a KMP may have other members of their extended family who they should identify as close family members if these family members could be expected to influence, or be influenced by, that person in their dealings with Council. This could include:

- that person's brothers and sisters
- that person's spouse/domestic partner's brothers and sisters
- aunts, uncles, and cousins of that person's or that person's spouse/domestic partner
- dependants of those person's or that person's spouse/domestic partner



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- that person's or that person's spouse/domestic partners', parents and grandparents.

It is the responsibility of KMP to assess and report all related parties that they know do, or expect are likely to, have transactions with Council.

## RELATED PARTIES AND RELATED PARTY RELATIONSHIPS

### Related Party

A Related Party is:

- a) a person who is a close family member of a KMP where that person has control or joint control of the reporting entity or has significant influence over, or could be influenced by any nominated person in the key management personnel.
- b) an entity related to the Council if the entity is the member of the same group of companies (e.g. parent company or one of its subsidiaries), is part of arrangements such as joint ventures or is an associate of the reporting entity, is a post employment benefit plan, is an entity controlled, jointly controlled or is significantly influenced by a person identified in (a), is an entity that a person identified in (a) is a key management personnel of, as a related party.

Entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. Entities may also include companies, trusts, partnerships, incorporated association or unincorporated groups or bodies and non-profit associations such as sporting clubs. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A KMP and the Council needs to consider what associated entities exist when compiling their Related Parties Disclosures form.

### Related Party Relationships

Related Party relationships are a normal feature of commerce and business.

A Related Party relationship could influence the normal business operations of Council even if Related Party Transactions do not occur.

The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties.

### Related Party Transactions

Related Party Transactions are the transfer of resources, services or obligations between Council and a related party. They are considered to be transactions whether or not a price is charged.

Such transactions may include:

- purchase or sale of goods (finished or unfinished)
- purchase or sale of property and other assets



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- rendering or receiving services
- leases
- transfers of research and development
- transfers under licence agreements
- transfers under finance arrangements (including loans and equity contributions in cash or in kind)
- provision of guarantees or collateral
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised)
- quotations and/or tenders
- commitments
- settlements of liabilities on behalf of Council or by Council on behalf of the related party.

Regard must also be given if transactions that are collectively or individually significant.

#### **ISSUES THAT WILL BE ASSESSED IN CONSIDERING RELATED PARTY TRANSACTIONS**

The Disclosure process will consider all transactions between Council and persons and entities the Council or KMPs have named as related parties.

Collations of the disclosures may be made in some circumstances. AASB 124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances, including commitments, in its annual Financial Statements. Generally, reporting will be made where a transaction has occurred between Council and a related party of Council where the transaction is material and/or significant in nature or size when considered individually or collectively.

For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality. In preparing the information for the annual Financial Statements, the Council will consider the information in the Related Parties Disclosures Register on the basis of materiality and significance.

#### **Ordinary citizen transactions**

Ordinary citizen transactions do not need to be disclosed on the basis of services being available to all citizens at the same fee or level of service. Examples include:

- paying rates and charges
- paying normal entry fee for use of the Council's swimming pool
- attending the theatre when tickets have been bought at prices other patrons would pay
- fines on normal terms and conditions

#### **DISCLOSURES**

AASB 124 provides that Council must disclose all material and significant Related Party Transactions in its annual Financial Statements by aggregate or general description and include the following detail:

- the nature of the Related Party Relationship, and
- relevant information about the transactions including:
  - the amount of the transaction;
  - the amount of outstanding balances, including commitments, and



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- their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
- details of any guarantee given or received;
- provision for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from Related Parties.

Generally, transactions with amounts receivable from and payable to KMP or their Related Parties which occur within normal employee, customer or supplier relationships and at arm's length and are not material or significant, shall be excluded from detailed disclosures, but they will be disclosed in the financial statements by general description.

Disclosures that Related Party Transactions were made on terms equivalent to an arm's length transaction can only be made if such terms can be substantiated.

#### **Review of this policy**

This policy will be reviewed annually but may also be reviewed if any of the following occur:

- corporate restructure that impacts on the KMPs,
- legislative, accounting standard or Local Government Code of Accounting Practice change that impacts on the application of the Policy, or
- other circumstances as determined from time to time by a resolution of Council



## Related Parties - Disclosure Form

NAME OF KEY MANAGEMENT PERSONNEL (KMP)
DATE

Name of related person or entity	Relationship of KMP with the person or entity	Nature of transaction(s)



All policies can be reviewed or revoked by a resolution of Council, at any time.

## PRIORITY WEEDS

ST106

F286

### OBJECTIVES

- To eradicate or control all priority weeds on Council-owned and public lands thereby setting an example to landholders.
- To determine the degree of priority weed infestation within the City by regular inspections of all lands and to determine a programme for the eradication or control of such priority weeds.
- To achieve the control and/or containment of priority weeds with the closest cooperation of the landholder in the first instance, otherwise by use of the legal power identified in the NSW Biosecurity Act 2015.
- To carry out the policy in close liaison with the Local Land Services and NSW Department of Primary Industry.
- To maintain a list of priority weeds as set out in the Central Tablelands Local land Service's Regional Strategic Weed Management Plan and to review such priority list every three years.
- To initiate and maintain adequate publicity, so that all landholders are aware of their responsibilities and legal obligations to manage priority weeds on their property.
- To raise public/community awareness of the detrimental effect priority weeds have on both our agriculture and environment.
- To maintain a high level of staff training, in co-operation with NSW Department of Primary Industry, so that appropriate methods of control can be applied by Council to its own lands, and proper advice can be given to landholders.

### APPLICABILITY

Council staff, contractors and land owners.

### GENERAL

Council will apply the following process:

- Issue a Notice of inspection to land holder
- Inspection report sent to land holder advising status of property
- If priority weeds are present the landholder will be asked to provide a verbal or written undertaking to control the weeds under Section 142 of the NSW Biosecurity Act of 2015
- If the weeds are not controlled by specified dates Council will issue a Biosecurity Direction to control the weeds under Section 123 of the NSW Biosecurity Act of 2015
- If the weeds are not controlled by the date specified in the direction the owner will be interviewed to find out why the weeds have not been controlled
- If a suitable reason is not given Council, or its agent, will enter the property and control the weeds and recover costs under Section 133 of the NSW Biosecurity Act of 2015.



All policies can be reviewed or revoked by a resolution of Council, at any time.

#### RELATED POLICIES/DOCUMENTS

Local Government Act 1993

NSW Biosecurity Act 2015

Central Tablelands Local Land Service's Regional Strategic Weed Management Plan

#### Responsible Area – Development Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2001	Operational	6	January 2009	09/453
2	January 2004		7	August 2014	14/955
3	January 2006		8	5 June 2018	18/254
4	January 2007		9		
5	January 2008				
All policies can be reviewed or revoked by resolution of Council, at any time.					

#### SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
August 2020	Minor Formatting and typographical updates only.
March 2018	Change of Policy name from Noxious Weeds to Priority Weeds Updated new Biosecurity Act and Central Tablelands Local Land Services Regional Strategic Weed Plan requirements
August 2014	Updated Department names and formatting.



All policies can be reviewed or revoked by a resolution of Council, at any time.

# LIQUID TRADE WASTE

ST046

F22

## OBJECTIVES

This policy provides an approval process for liquid trade wastes discharged into Council’s sewerage system. It has been developed to ensure the proper control of liquid trade waste discharges to the sewerage system and hence protection of public health, worker safety, the environment, and Council’s sewerage system. This policy also promotes waste minimisation and water conservation.

## APPLICABILITY

Any person wanting to discharge liquid trade waste to the sewerage system

## GENERAL

A person wanting to discharge liquid trade waste to the sewerage system must, under section 68 of the Local Government Act 1993, obtain the prior approval from Council. Discharging liquid trade waste without an approval is an offence under Section 626 of the Act.

The procedure for approval is governed by Chapter 7 of the Local Government Act 1993 and is subject to the Local Government (General) Regulation 2005.

Council has developed comprehensive procedures for the implementation of this Policy.

## RELATED POLICIES/DOCUMENTS

Procedures – Discharge of Liquid Trade Waste to the Sewerage System and associated documents.

### Responsible Area – Technical Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	June 2005	05/290/11	4	Dec 2014	15/084
2	March 2007	07/096/6	5	5 June 2018	18/254
3	January 2009	09/453	6		

## SUMMARY OF AMENDMENTS

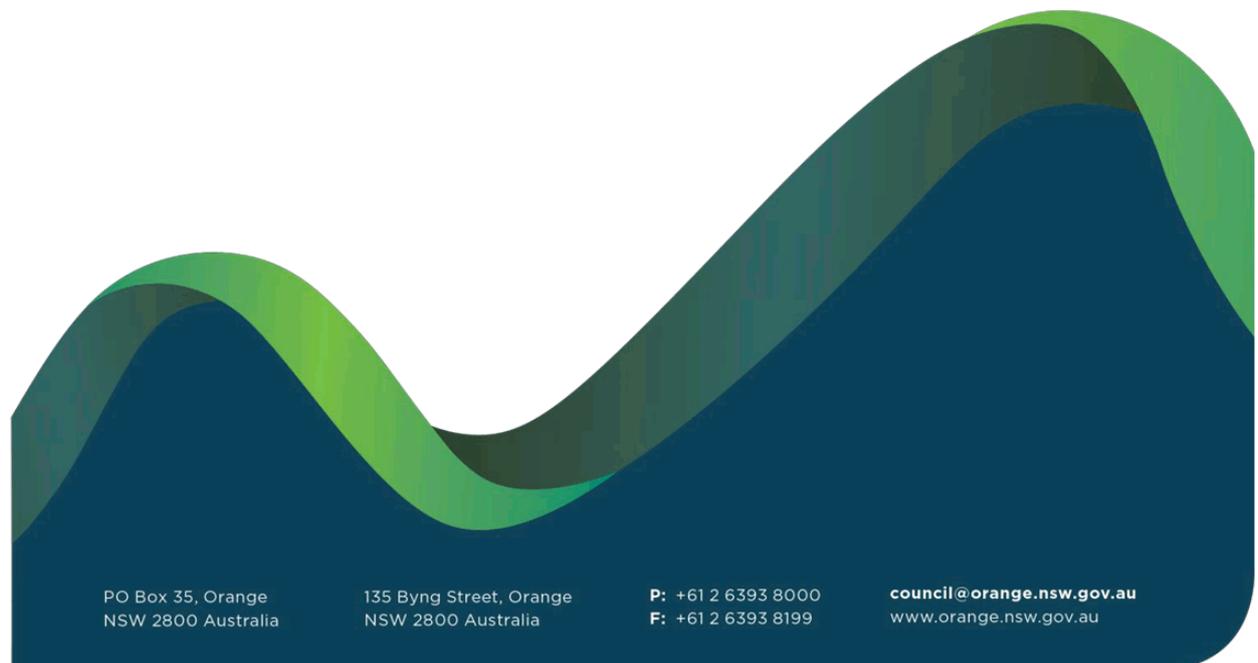
Amendment	Section/Reference and Amendment
August 2020	<ul style="list-style-type: none"> <li>Formatting changes, update branding and logo.</li> <li>Amendment of Reference to Department of Primary Industries (DPI) to NSW Department of Planning, Industry and Environment.</li> </ul>
March 2018	<ul style="list-style-type: none"> <li>Updating the name of the regulator</li> <li>Clarification on applicable clauses/sections as a result of this change</li> <li>Update to reference material (Australian Sewerage Quality Management Guidelines, July 2012)</li> <li>Inclusion of method codes to Table 2.1 Guideline Limits for acceptance of Liquid Trade Waste into Sewerage Systems</li> <li>Benzene limit reduced from 0.04 mg/L to &lt; 0.001 mg/L</li> <li>Additional clauses have been added to Appendix C.</li> </ul>
Dec 2014	Formatting changes, addition of documents to procedure. Amendment of Reference to Department of Environment, Climate Change and Water (DECCW) to Department of Primary Industries (DPI). Table 1.1 – Exemptions from obtaining approval – removed Community Hall (minimal hot food), Funeral parlour, Sandwich shop, Salad bar and coffee shop (no hot food prepared)



All policies can be reviewed or revoked by a resolution of Council, at any time.

# Strategic Policy

Discharge of Liquid Trade Waste to the Sewerage System



PO Box 35, Orange  
NSW 2800 Australia

135 Byng Street, Orange  
NSW 2800 Australia

P: +61 2 6393 8000  
F: +61 2 6393 8199

[council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au)  
[www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)



### PURPOSE OF POLICY

Sewerage systems are generally designed to cater for waste from domestic sources that are essentially of predictable strength and quality. Orange City Council (Council) may accept trade waste into its sewerage system as a service to businesses and industry.

Liquid trade wastes may exert greater demands on sewerage systems than domestic sewerage and, if uncontrolled, can pose serious problems to public health, worker safety, Council's sewerage system and the environment.

Impacts of poor liquid trade waste management include:

- Grease, oil, solid material, if not removed on-site, can cause blockages in the sewerage system and result in overflows of untreated sewage to the environment.
- Strong waste may cause odour problems and corrosion of sewer mains, pumping stations and sewage treatment facilities.

This policy is concerned with the approval process for liquid trade wastes discharged into Council's sewerage system and the levying of appropriate sewerage and liquid trade waste fees and charges. It has been developed to ensure the proper control of liquid trade waste discharges to the sewerage system and hence protection of public health, worker safety, the environment, and Council's sewerage system. This policy also promotes waste minimisation and water conservation.

This policy excludes management of waste from a sewage management facility, which is to be covered by a separate policy.

A person wanting to discharge liquid trade waste to the sewerage system must, under section 68 of the Local Government Act 1993, obtain the prior approval from Council. Discharging liquid trade waste without an approval is an offence under Section 626 of the Act.

The procedure for approval is governed by Chapter 7 of the Local Government Act 1993 and is subject to the Local Government (General) Regulation 2005.

Under clause 28 of the Local Government (General) Regulation 2005, a council must not grant an approval under section 68 of the Act to discharge trade waste (whether treated or not) into a sewer of the council unless the Secretary, NSW Department of Planning, Industry and Environment ('the department') or the Secretary's nominee has concurred with the approval.

Under section 90 (2) of the Local Government Act, the Secretary, NSW Department of Planning, Industry and Environment may give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice). The Director Water and Sewerage Regulation has been nominated to give concurrence to trade waste approvals.



## GLOSSARY

### **Assumed Concurrence**

Council may apply to the Secretary of the NSW Department of Planning, Industry and Environment ('the department') for authorisation to assume concurrence for Classification B or Classification S activities. If granted, Council will no longer need to forward such applications for concurrence.

### **Automatic Assumed Concurrence**

Councils have been authorised to assume concurrence for Classification A activities. Such applications may be approved by Council without forwarding the application for concurrence.

### **Biochemical Oxygen Demand (BOD<sub>5</sub>)**

The amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five days at 20°C. In practical terms, BOD<sub>5</sub> is a measure of biodegradable organic content of the waste.

### **Biosolids**

Primarily organic solid product produced by sewage processing. Until such solids are suitable for beneficial use, they are defined as wastewater solids or sewage sludge.

### **Bunding**

Secondary containment provided for storage areas, particularly for materials with the propensity to cause environmental damage.

### **Chemical Oxygen Demand (COD)**

A measure of oxygen required to oxidise organic and inorganic matter in wastewater by a strong chemical oxidant. Wastewaters containing high levels of readily oxidised compounds have a high COD.

### **Chemical Toilet**

A toilet in which wastes are deposited into a holding tank containing deodorizing or other chemicals. Wastes are stored and must be pumped out (and chemical recharged) periodically.

### **Commercial Kitchen/Caterer**

A premises that is typically a stand-alone operation that prepares food for consumption off site. These types of businesses typically cater to wedding functions, conferences, parties etc. This definition would not apply to a food processing factory supplying pre-prepared meals to an airline company or similar.

### **Concurrence**

Concurrence is required before a council may approve an application for the discharge of liquid trade waste to the sewerage system. It is a requirement under section 90(1) of the Local Government Act and clause 28 of the Local Government (General) Regulation 2005 that council obtain the written concurrence of the Secretary of the NSW Department of Planning, Industry and Environment (or the Secretary's nominee) prior to approving such waste to be discharged to the council's sewerage system. The Director Water and Sewerage Regulation has been nominated to give concurrence to such approvals.

**Contingency Plan**

A set of procedures for responding to an incident that will affect the quality of liquid trade waste discharged to the sewerage system. The plan also encompasses procedures to protect the environment from accidental and unauthorised discharges to the stormwater drainage system, and leaks and spillages from stored products and chemicals.

**Due Diligence Program**

A plan that identifies potential health and safety, environmental or other hazards (e.g. spills, accidents or leaks) and appropriate corrective actions aimed at minimising or preventing the hazards.

**Effluent**

The liquid discharged following a wastewater treatment process.

**Effluent Improvement Plan (EIP)**

The document required to be submitted by a discharger who is not meeting the acceptance limits for discharge waste quality set down in Council's approval conditions and/or liquid trade waste agreement. The document sets out how a discharger will meet the acceptance limits for the discharge of liquid trade waste to the sewerage system within a given timeframe.

**Heavy Metals**

Metals of high atomic weight which in high concentrations can exert a toxic effect and may accumulate in the environment and the food chain. Examples include mercury, chromium, cadmium, arsenic, nickel, lead and zinc.

**Housekeeping**

This is a general term, which covers all waste minimisation activities connected with the way in which operations within the premises are carried out.

**Industrial Discharges**

Industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes.

**Local Government Regulations**

Local Government (General) Regulation 2005 under the Local Government Act 1993.

**Liquid Trade Waste**

Liquid trade waste means all liquid waste other than sewage of a domestic nature.

**Mandatory Concurrence**

For the liquid waste in classification C, councils will need to obtain concurrence for each discharger. The Director Water and Sewerage Regulation provides concurrence on behalf of the Secretary, NSW Department of Planning, Industry and Environment.

**Methylene Blue Active Substances (MBAS)**

Anionic surfactants that are called MBAS as their presence and concentration is detected by measuring the colour change in a standard solution of methylene blue dye.

**Minimal Pre-treatment**

For the purpose of this policy includes sink strainers, dry basket arrestors, plaster arrestors and fixed and removable screens.

**National Framework for Wastewater Source Management**

Refer to section 3.2.

**NSW Framework for Regulation of Sewerage and Trade Waste**

Refer to section 3.1.

**Open Area**

An unroofed process, storage, washing or transport area potentially contaminated with rainwater and substances which may adversely affect the sewerage system or the environment.

**Pan**

For the purpose of this Policy, "pan" means any moveable receptacle kept in a closet and used for the reception of human waste.

**pH**

A measure of acidity or alkalinity of an aqueous solution, expressed as the logarithm of the reciprocal of the hydrogen (H+) activity in moles per litre at a given temperature; pH 7 is neutral, below 7 is acidic and above 7 is alkaline.

**Premises**

Has the same meaning as defined in the Local Government Act Dictionary and includes any of the following:

- a a building of any description or any part of it and the appurtenances to it;
- b land, whether built on or not;
- c a shed or other structure;
- d a tent;
- e a swimming pool;
- f a ship or vessel of any description (including a houseboat); or
- g a van.

**Prescribed Pre-treatment Equipment**

Standard non-complex equipment used for pre-treatment of liquid trade waste e.g. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit (refer to Table 7 of *Liquid Trade Waste Regulation Guidelines*, 2009).

**Primary Measurement Device**

A device such as a gauging pit, weir tank or flume installed in the liquid trade waste discharge line suitable for installation of instrumentation for flow measurement. In cases of commercial flows this can mean a removable section of pipe (in the fresh water supply to the trade waste area) and the installation of a check meter.

**Septage**

Material pumped out from a septic tank during de-sludging. The material contains partly decomposed scum, sludge and liquid.

**Septic Tank**

A wastewater treatment device that provides a preliminary form of treatment for wastewater, comprising sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge.

**Septic Tank Effluent**

The liquid discharged from a septic tank after treatment.

**Sewage Management Facility**

A human waste storage facility or a waste treatment device intended to process sewage and includes a drain connected to such a facility or device.

**Sewage of a Domestic Nature**

Includes human faecal matter and urine and liquid and wastewater associated with ordinary kitchen, laundry and ablution activities of a household, but excludes waste in or from a sewage management facility.

**Sewerage System**

The network of sewage collection, transportation, treatment and by-products (effluent and biosolids) management facilities.

**Sullage**

Domestic wastewater excluding toilet waste.

**Surfactants**

The key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex; the intensity of colour is proportional to concentration.

**Suspended Solids (SS)**

The insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter. Previously also referred to as non-filterable residue (NFR).

**Total Dissolved Solids (TDS)**

The total amount of dissolved material in the water.

**Waste Minimisation**

Procedures and processes implemented by industry and business to modify, change, alter or substitute work practices and products that will result in a reduction in the volume and/or strength of waste discharged to sewer.



### WHAT IS LIQUID TRADE WASTE?

For the purpose of this policy:

*Liquid trade waste means all liquid waste other than sewage of a domestic nature.*

Liquid trade waste discharges to the sewerage system *include* liquid wastes discharged from:

- business/commercial premises (e.g. beautician, florist, hairdresser, hotel, motel, restaurant, butcher, service station, supermarket, dentist);
- community/public premises (including craft club, school, college, university, hospital and nursing home);
- industrial premises;
- trade activities (e.g. mobile carpet cleaners);
- any commercial activities conducted at a residential premises;
- saleyards, racecourses and from stables and kennels not associated with domestic households; and
- septic tank waste, chemical toilet waste and established sites for the discharge of pan content from mobile homes/caravans to the sewerage system.

Liquid trade waste excludes:

- toilet, hand wash basin<sup>1</sup>, shower and bath wastes derived from all premises and activities mentioned above;
- wastewater from residential toilets, kitchens, bathrooms or laundries (i.e. domestic sewage);
- common use (non-residential) kitchen and laundry facilities in a caravan park; and
- residential swimming pool backwash.

While septic tank and pan waste are defined as trade waste, specific procedures need to be applied to their management as the waste is often transported from its source to the sewerage system. Accordingly, specific references to these wastes are provided in this policy where necessary.

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<sup>1</sup> Used for personal hygiene only



### OBJECTIVES OF POLICY

The objectives<sup>2</sup> of this policy are:

- to protect public health;
- to protect the health and safety of the Council employees;
- to protect the environment from the discharge of waste that may have a detrimental effect;
- to protect Council assets from damage;
- to assist Council to meet its statutory obligations;
- to provide an environmentally responsible liquid waste management service to the non-residential sector;
- to encourage waste minimisation and cleaner production in the commercial and industrial sectors;
- to promote water conservation, water recycling and biosolids re-use;
- to ensure compliance of liquid trade waste discharge with the approved conditions;
- to provide operational data on the volume and composition of industrial, and commercial effluent to assist in the operation of the sewerage system and the design of augmentations or new sewerage systems; and
- to ensure commercial provision of services and cost recovery through appropriate sewerage and liquid trade waste fees and charges.

### SCOPE OF PROCEDURE

This procedure comprises three parts:

- Part 1 specifies the circumstances in which a person is exempt from the necessity to obtain an approval to discharge liquid trade waste to the sewerage system;
- Part 2 specifies the criteria which Council will take into consideration in determining whether to give or refuse a liquid trade waste approval; and
- Part 3 specifies the framework for regulation of liquid trade waste, including the NSW framework for regulation of sewerage and trade waste aligned with the National Framework for Wastewater Source Management application procedures, liquid trade waste discharge categories, liquid trade waste agreements, monitoring of liquid trade waste discharges, liquid trade waste fees and charges, modification or revocation of approvals, prevention of wastewater and contaminated stormwater discharges from open areas.

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<sup>2</sup>The above objectives are consistent with the *National Framework for Wastewater Source Management* on page 22 of the *National Wastewater Source Management Guideline*, July 2008, Water Services Association of Australia (WSAA).



## PART 1 – APPROVAL EXEMPTIONS

Table 1.1 lists commercial business activities that the Secretary, NSW Department of Planning, Industry and Environment has consented to an exemption from the requirement to apply for Council's approval for liquid trade waste discharge to the sewerage system. Each such business must meet the standard requirements as specified below. An annual trade waste fee applies to each such discharger.

**Table 1.1 – Exemptions for Obtaining Approval of Liquid Trade Waste Discharge**

Process	Requirements
Beautician	Nil.
Bed and Breakfast (not more than 10 persons including proprietor)	Sink strainers in food preparation areas. Housekeeping practices (see note 4).
Day Care Centre (no hot food prepared)	Sink strainers in food preparation areas. Housekeeping practices (see note 4). Nappies are not to be flushed into the toilet.
Delicatessen (no hot food prepared)	Sink strainers in food preparation areas. Housekeeping practices (see note 4).
Dental technician (no X-ray)	Plaster arrestor required.
Doctor's surgery (plaster casts, no X-ray)	Plaster arrestor required.
Dog/cat groomer/salon	Floor waste basket & sink strainer required (see Note 3). Animal litter and any waste disposal products may not be discharged to sewer. No organophosphorus pesticides may be discharged to sewer.
Florist	Floor waste basket & sink strainer required. No herbicides/pesticides may be discharged to sewer.
Fruit and vegetable (retail)	Floor waste basket & sink strainer required (see note 3).
Hairdresser	Floor waste basket & sink strainer (where available).
Jewellery shop <i>Miniplater</i>  <i>Ultrasonic washing</i> <i>Precious stone cutting</i>	Miniplater vessel to contain no more than 1.5 L of precious metal solution Nil If: < 1000 L/d plaster arrestor required > 1000 L/d general purpose pit required



Table 1.1 (cont.) – Exemptions for Obtaining Approval of Liquid Trade Waste Discharge

Process	Requirements
Mixed business (minimal hot food)	Floor waste basket & sink strainer required (see note 3). Housekeeping practices (see note 4).
Mobile cleaning units <i>Carpet cleaning</i> <i>Garbage bin washing</i>	20 micron filtration system fitted to a mobile unit. Floor waste basket required. Discharge is via a grease arrestor (if available).
Motel (no hot food prepared and no laundry facility)	Floor waste basket & sink strainer required (see note 3). Housekeeping practices (see note 4).
Nutshop	Floor waste basket & sink strainer required (see note 3).
Optical service - retail	Solids settlement tank/pit required.
Petshop - retail	Floor waste basket & sink strainer required (see note 2).
Pizza reheating for home delivery	Housekeeping practices (see note 4).
Venetian blind cleaning	Nil (see note 2).

**Notes:**

- 1 Where “required” is used it means as required by Council.
- 2 If activity is conducted outdoors, the work area is to be roofed and bunded to prevent stormwater ingress into the sewerage system.
- 3 All drainage from floors in process areas is required to pass through a dry basket arrestor.
- 4 Food preparation activities need to comply with the housekeeping practices including:
  - a Floor must be swept before washing.
  - b Pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up.
  - c Use of food waste disposal units is not permitted.



## PART 2 - CRITERIA FOR APPROVAL TO DISCHARGE LIQUID TRADE WASTE INTO COUNCIL'S SEWERAGE SYSTEM

### 2.1 Factors for Consideration

Council's decision to accept liquid trade waste into the sewerage system is on the basis of a preventative risk management framework for managing risks to the sewerage system within an integrated water cycle management<sup>3</sup> context. It will be based on the discharge meeting Council's requirements<sup>4</sup>. When determining an application to discharge liquid trade waste into the sewerage system, Council will consider the following factors:

- The potential for the liquid trade waste discharge to impact on public health.
- The possible impacts the discharge may pose to the environment (land, water, air, noise, or nuisance factors).
- The potential impacts of the discharge on the health and safety of Council's employees.
- The possible impact of the discharge on Council's sewerage infrastructure or sewage treatment process.
- The capability of the sewerage system (both transportation and treatment components) to accept the quality and quantity of the proposed liquid trade waste discharge.
- The impact the liquid trade waste will have on the ability of the sewerage scheme to meet Department of Planning, Industry and Environment (DPIE) licence requirements.
- Compliance of the proposed liquid trade waste discharge with guideline limits in this policy<sup>5</sup>.
- The potential impacts of the discharge on the quality of, and management practices for, effluent and biosolids produced from the sewage treatment process.
- The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed safeguards if the pre-treatment system fails.

<sup>3</sup> *Integrated Water Cycle Management Guidelines for NSW Local Water Utilities, DWE, October 2004.*

<sup>4</sup> In considering the options for waste management to drive resource efficiency, the following order of preference set out on page six of the *National Wastewater Source Management Guidelines, July 2008*, WSAA will be adopted

- Avoidance
- Minimisation
- Re-use
- Recovery of energy
- Treatment
- Disposal

<sup>5</sup> The quality of trade waste from some low risk commercial activities in Classification A will exceed guideline limits in Council's trade waste policy. As a higher level of pre-treatment is not cost-effective, such waste is acceptable if the discharger installs and properly operates and maintains the required pre-treatment equipment (refer to Table 4 on page 181 and tables 7 to 9 of *Liquid Trade Waste Regulation Guidelines, 2009*). Similarly, septic and pan waste may exceed some guideline limits.



- Whether appropriate safeguards are proposed to avoid the discharge of other, non-approved wastes to the sewerage system.
- The adequacy of any chemical storage and handling facilities, and the proposed safeguards for preventing the discharge of chemicals to the sewerage system.
- Whether prohibited substances are proposed to be discharged.
- The potential for stormwater entering the sewerage system and adequacy of stormwater controls.
- Waste minimisation and water conservation programs.
- The adequacy of the proposed due diligence program and contingency plan, where required.

## 2.2 Discharge Quality

Council has guideline limits for the acceptance of discharges, as set out in Table 2.1. Where the guideline limits cannot be met, applicants are required to provide justification for exceeding the limits. Based on the type and the proposed contaminant levels, Council may refuse the application, or may approve it subject to an effluent improvement program, or other conditions, being implemented.

## 2.3 Prohibited Substances

Some substances are not suitable for discharge to the sewerage system. Table 2.2 sets out those substances that must not be discharged to the sewerage system. Council may not grant approval for the discharge of these substances into the sewerage system unless it is specifically approved under section 68 of the *Local Government Act 1993*.

## 2.4 Stormwater Discharges from Open Areas

Stormwater is a prohibited discharge under this policy. The ingress of stormwater into the sewerage system can cause operational problems to the system and result in sewer overflows, as the sewerage system does not have the capacity for such flows. Therefore, Council does not generally accept the discharge of stormwater to the sewerage system.

However, it is recognised that it may not always be possible and practical to prevent all stormwater entering into the sewerage system at some liquid trade waste premises. The discharge of limited quantities of first flush water from sealed areas will be considered where roofing cannot be provided because of safety or other important considerations. The discharge from unsealed areas is not permitted.

Before the stormwater will be considered for discharge to the sewerage system, the applicant must provide the following information:

- reasons why the area cannot be fully or partially roofed and bunded to exclude stormwater;
- the dimensions and a plan of the open area under consideration;
- whether the open area is sealed;



- the estimated volume of the stormwater discharge;
- information on rain gauging;
- where a first-flush system is proposed, details on how the stormwater will be diverted to the drainage system after the first flush is accepted (the first-flush to be limited to first 10 mm of storm run-off);
- measures proposed for diverting stormwater away from the liquid trade waste generating area; and
- report on other stormwater management options considered and why they are not feasible.

### 2.5 Food Waste Disposal Units

The use of food waste disposal units (also known as in-sinkerators, in-sink food waste disposers, or garbage grinders) is not permitted. Existing installations in hospitals and nursing homes may be permitted, provided that wastewater is discharged through an adequately sized grease arrester. If a hospital or nursing home kitchen is refurbished, the food waste disposal unit must be removed.

### 2.6 Devices that Macerate or Pulverise Waste

Macerators and any other similar devices that are used for the pulverising of solid waste are not authorised to connect to Council's sewerage system. Solid waste includes, but is not limited to, sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan and urine containers.

Therefore Council will not accept any discharges from such devices into its sewerage system.

### 2.7 Use of Additives in Pre-treatment Systems

Council does not allow solvents, enzymes, bio-additives, and odour control agents to be used in pre-treatment systems (except neutralising chemicals designated for the pre-treatment) except by specific written application and subsequent approval.

Table 2.1 - Guideline Limits<sup>6</sup> for Acceptance of Liquid Trade Wastes into Sewerage Systems

Parameter	Limits <sup>#</sup>	Analytical Method Reference <sup>#</sup>
<b>GENERAL ACCEPTANCE GUIDELINE LIMITS</b>		
Flow rate	The maximum daily and instantaneous rate of discharge (kL/h or L/s) is set on the available capacity of the sewer. Large dischargers are required to provide a balancing tank to even out the load on the sewage treatment works.	
BOD <sub>5</sub> and	Normally approved at 300 mg/L Concentration up to 600 mg/L and in some cases higher concentration for low mass loadings may be acceptable if the treatment works has sufficient capacity and odour will not be a problem.	5210B
Suspended solids	Normally approved at 300 mg/L. Concentrations up to 600 mg/L may be acceptable	2540D
COD	Normally, not to exceed BOD <sub>5</sub> by more than three times. This ratio is given as a guideline only to prevent the discharge of non-biodegradable waste.	
Total Dissolved Solids	Up to 4000 mg/L may be accepted. The acceptance limit may vary depending on an effluent disposal option and is subject to a mass load limit.	2510B
Temperature	Less than 38°C.	
pH	Within the range 7.0 to 9.0.	
Oil and grease	100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works, and 50 mg/L if the volume is greater than 10%.	USEPA16 64
Detergents	All industrial detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes.	
Colour	No visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewage flow.	
Radioactive substances	The discharge must comply with the Radiation Control Act 1990.	

<sup>6</sup> Refer to *Australian Sewage Quality Management Guidelines*, June 2012



Table 2.1 (cont.) - Guideline Limits<sup>7</sup> for Acceptance of Liquid Trade Wastes into Sewerage Systems

Parameter	Maximum concentration (mg/L)	Analytical Method Reference
<b>ACCEPTANCE GUIDELINE LIMITS FOR INORGANIC COMPOUNDS</b>		
Ammonia (as N)	50	4500-NH3-B
Boron	5	3120B
Bromine	5	DPD-colorimetric test kit
Chlorine	10	DPD-colorimetric test kit
Cyanide	1	4500-CN-G and E
Fluoride	20	4500-F-C
Nitrogen (total Kjeldahl)	100	4500-Norg B or C
Phosphorus (total)	20	4500P-I & 4500P-F
Sulphate (as SO <sub>4</sub> )	500	3120B
Sulphide (as S)	1	4500S2-C&D or E
Sulphite (as SO <sub>3</sub> )	15	4500BSO3B
<b>ACCEPTANCE GUIDELINE LIMITS FOR ORGANIC COMPOUNDS</b>		
Benzene	<0.001	6200
Toluene	0.5	6200
Ethyl benzene	1	6200
Xylene	1	6200
Formaldehyde	30	
Phenolic compounds (except pentachlorophenol)	5	6410B
Petroleum hydrocarbons (non-flammable <sup>8</sup> )	30	USEPA 8015B USEPA 8260B
Pesticides general (except organochlorine and organophosphorus) <sup>7</sup>	0.1	6410B
Polynuclear Aromatic Hydrocarbons (PAH's)	5	6410B & 6440

<sup>7</sup> Refer to *Australian Sewerage Quality Management Guidelines*, June 2012

<sup>8</sup> Refer to Table 2.2



Table 2.1 (cont.) -Guideline Limits<sup>9</sup> for Acceptance of Liquid Trade Wastes into Sewerage Systems

Parameter	Maximum concentration (mg/L)	Allowed daily mass limit (g/day)	Analytical Method Reference
<b>ACCEPTANCE GUIDELINE LIMITS FOR METALS</b>			
Aluminium	100	-	3120B
Arsenic	0.5	2	3114B
Cadmium	1	6	3120B
Chromium*	3	15	3120B
Cobalt	5	15	3120B
Copper	5	15	3120B
Iron	100	-	3120B
Lead	1	6	3120B
Manganese	10	30	3120B
Mercury	0.01	0.05	3120B
Molybdenum	5	30	3120B
Nickel	3	15	3120B
Selenium	1	15	3120B
Silver	2 <sup>#</sup>	6	3120B
Tin	5	15	3120B
Zinc	5	15	3120B
Total heavy metals (excluding aluminium, iron, and manganese)	Less than 30 mg/L and subject to total mass loading requirements		

\* Where hexavalent chromium ( $Cr^{6+}$ ) is present in the process water, pre-treatment will be required to reduce it to the trivalent state ( $Cr^{3+}$ ), prior to discharge into the sewer. Discharge of hexavalent chromium ( $Cr^{6+}$ ) from chromate compounds used as corrosion inhibitors in cooling towers is not permitted.

<sup>#</sup> This limit is applicable to large dischargers. The concentration of silver in photoprocessing waste where a balancing tank is provided is not to exceed 5 mg/L.

<sup>9</sup> Refer to *Australian Sewerage Quality Management Guidelines*, June 2012



Table 2.2 - Substances Prohibited from being Discharged into the Sewerage System

Organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances
Organophosphate pesticides and/or waste arising from the preparation of these substances
Any substances liable to produce noxious or poisonous vapours in the sewerage system
Organic solvents and mineral oil
Any flammable or explosive substances
Discharges from 'Bulk Fuel Depots'
Chromate from cooling towers
Natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions
Roof, rain, surface, seepage or groundwater, unless specifically permitted (clause 137A of the Local Government (General) Regulation 2005)
Solid matter
Any substance assessed as not suitable to be discharged into the sewerage system
Waste that contains pollutants at concentrations which inhibit the sewage treatment process – refer <i>Australian Sewage Quality Management Guidelines, June 2012, WSAA</i>
Any other substances listed in a relevant regulation



## PART 3 - FRAMEWORK FOR THE REGULATION OF LIQUID TRADE WASTE

### 3.1 The NSW Framework for Regulation of Sewerage and Trade Waste

Due to the *Tragedy of Commons*<sup>10</sup> in the use of common pool resources, sound regulation of sewerage and trade waste requires implementation of all the following integrated measures:

- 1 Preparation and implementation of a sound trade waste regulation policy, assessment of each trade waste application and determination of appropriate conditions of approval. The conditions must be consistent with Council's *Integrated Water Cycle Management Strategy* and demand management plan. In addition, execution of a liquid trade waste services agreement is required for large dischargers to assure compliance.
- 2 Preparation and implementation of a sound *Development Servicing Plan*<sup>11</sup>, with commercial sewerage developer charges to ensure new development pays a fair share of the cost of the required infrastructure.
- 3 Full cost recovery with appropriate sewer usage charges<sup>12</sup> and trade waste fees and charges<sup>13</sup> in order to provide the necessary pricing signals to dischargers. These charges must include non-compliance trade waste usage charges and non-compliance excess mass charges in order to provide the necessary incentives for dischargers to consistently comply with their conditions of approval.
- 4 Monitoring, mentoring and coaching of dischargers to achieve cleaner production and assist them to comply with their conditions of approval.
- 5 Enforcement, including appropriate use of penalty notices under section 222 of the *Protection of the Environment Operations Act 1997*. Orders may also be issued and penalties imposed for offences under sections 626, 627 and 628 of the *Local Government Act 1993*.
- 6 Disconnection of a trade waste service in the event of persistent failure to comply with Council's conditions of approval.

Together, the above six measures comprise the NSW framework for regulation of sewerage and trade waste. The framework involves a preventative risk management approach, which has been developed to address the use of common pool resources by providing economic incentives for dischargers to minimise their waste and to consistently comply with their conditions of approval.

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<sup>10</sup> In the absence of appropriate controls and measures (such as conditions of approval, a sewer usage charge, a trade waste usage charge, a non-compliance trade waste usage charge, excess mass charges, non-compliance excess mass charges and penalty notices), it would be in the economic interest of each trade waste discharger to minimize their efforts and expenditure on control and pre-treatment of their trade waste before discharging it to the sewerage system. In the past, failure to implement these measures has caused multi-million dollar damage to sewerage networks, pumping stations and treatment works (refer to examples shown on pages 30, 47, 48 of the *Liquid Trade Waste Regulation Guidelines, 2009*).

<sup>11</sup> In accordance with the *NSW Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2002*.

<sup>12</sup> In accordance with page 29 of the *NSW Water Supply, Sewerage and Trade Waste Pricing Guidelines, 2002*.

<sup>13</sup> In accordance with Appendices D and I of the *Liquid Trade Waste Regulation Guidelines, 2009*.



### 3.2 Alignment with the National Framework for Wastewater Source Management

The NSW framework for regulation of sewerage and trade waste is outlined in Section 3.1. The NSW framework is driven by the NSW Government's *Best Practice Management for Water Supply and Sewerage Guidelines, 2007* and is consistent with that in the *National Framework for Wastewater Source Management*<sup>14</sup>.

In particular, under the *Best Practice Management Guidelines* Council is required to achieve the following outcomes:

- 1 Prepare and implement a 30 year Integrated Water Cycle Management Strategy, demand management plan, pay-for-use water supply pricing and community and customer involvement (Elements 1, 6, 8).
- 2 Annual performance monitoring, including an annual triple bottom line (TBL) Performance Report and Action Plan to identify and address any areas of under-performance (Elements 5, 6, 9, 10, 11, 12).
- 3 Achieve full cost recovery for water supply, sewerage and trade waste services and apply an appropriate non-residential sewer usage charge (Elements 3, 8).
- 4 Prepare and implement a sound trade waste regulation policy and issue an appropriate approval to each trade waste discharger, including waste minimisation and cleaner production (Elements 1, 2, 3, 4, 7, 8).
- 5 Appropriate trade waste fees and charges (including incentives to comply with Council's approval conditions through non-compliance trade waste usage charges and non-compliance excess mass charges (Elements 3, 8)).
- 6 Trade waste services agreement for large dischargers to assure compliance (Elements 3, 8).
- 7 Appropriate training of Council's staff and monitoring, mentoring and coaching of trade waste dischargers (Elements 1, 4, 5, 7, 8).
- 8 Enforcement, including appropriate use of penalty notices and orders (Elements 3, 8).
- 9 Disconnection of a trade waste service in the event of persistent failure to comply with the Council's conditions of approval (Element 8).

<sup>14</sup>The following 12 elements of the *National Framework for Sewage Quality Management* are set out on page 18 of the *Australian Sewage Quality Management Guidelines, June 2012, WSAA*:

#### COMMITMENT

- 1 Commitment to wastewater source management

#### SYSTEM ANALYSIS AND MANAGEMENT

- 2 Assessment of the wastewater system
- 3 Preventative measures for wastewater input quality management
- 4 Operational procedures and process control
- 5 Verification of wastewater inputs quality
- 6 Management of incidents/complaints and emergencies

#### SUPPORTING REQUIREMENTS

- 7 Employee awareness and Training
- 8 Customer and stakeholder involvement and awareness
- 9 System validation and research and development
- 10 documentation and reporting

#### REVIEW

- 11 Evaluation and audit
- 12 Review and continual improvement



### 3.3 Application Procedures

To obtain Council's approval to discharge liquid trade waste to Council's sewerage system, a discharger must lodge an application in writing. Application forms are available from Council. If a person wishes to discharge liquid trade waste to the sewerage system but is not the owner of the premises, the person must obtain the owner's consent to the application.

The applicant must provide the following information:

- site owner's full name, address, contact telephone number;
- address of the business/industry where discharge to the sewerage system will occur;
- name of contact person for the premises and telephone contact for the business/industry;
- type of process/activity generating the liquid trade waste;
- normal hours of business operation;
- rate of discharge, including:
  - the average per day, maximum per day and per hour, and
  - hours of the day during which discharge will take place;
- characteristics of wastes, including:
  - nature of source, and
  - expected maximum and average concentrations of pollutants;

(Where sampling and testing are required to establish the quality of the liquid trade waste, the testing should be carried out in accordance with the procedures set out in the *Standard Methods for the Examination of Water and Wastewater* published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.)

- chemicals to be used – supply Safety Data Sheets;
- details of any proposed pre-treatment facilities, location and site plan. Details should include:
  - pre-treatment process details,
  - internal wastewater drainage,
  - pump size,
  - rising main size, length and profile,
  - system operational characteristics,
  - operational procedures,
  - provisions for sampling and flow measurement, where required; and
  - proposed connection point to the sewerage system;
- flow diagram and hydraulic profile of proposed liquid trade waste pre-treatment facilities;
- maintenance schedule for pre-treatment equipment, including contractors details;



- stormwater drainage plan;
- measures for prevention of stormwater ingress into the sewerage system;
- manifest showing the location, nature and chemical composition of all substances stored/used on site;
- justification for disposing of the waste into the sewerage system over other possible options (if any);
- methods of disposal for other wastes that are not to be discharged to the sewerage system;
- any relevant environmental impact assessments; and
- any additional details as requested by Council.

The following information needs to be provided in regard to the discharge of septic tank and pan waste to the sewerage system:

- identification of the pump out service provider;
- proposed method of discharge including plans and drawings if appropriate;
- details of any proposed facilities for a disposal point, location and site plan (if applicable). Details should include the proposed connection point to the sewerage system;
- security arrangements at the proposed site (if applicable);
- the provision of fresh water for the hosing down if needed;
- bunding and measures to prevent the ingress of stormwater at the proposed dump point, if applicable;
- the use of odour inhibitors or other chemicals, if any, and their dosage rates; and
- a statement that septic effluent will not be mixed with septage or grease trap pump out. Dedicated tankers will be used for each type of waste;

Council may, under section 68 of the Local Government Act, request an applicant to provide more information to enable it to determine the application.

### **3.4 Approval of Applications**

Where an application is approved, Council will notify the applicant as soon as practical of the approval and any conditions of the approval. The duration of the approval will be as stated in the approval. In cases where Council requires a large discharger to enter into a liquid trade waste services agreement (refer Section 3.9), Council will issue a deferred commencement approval under section 95 of the *Local Government Act* requesting the discharger to do so within the time specified in Council's letter. In such cases, the approval will not be operative until the agreement has been executed by the discharger.

An applicant may make a minor amendment or withdraw an application before it is approved by Council. An applicant may also apply to Council to renew or extend an approval, in accordance with section 107 of the *Local Government Act*.



If an application is refused, Council will notify the applicant of the grounds for refusal.

An approval to discharge liquid trade waste to Council's sewer is not transferable. A new application must be lodged and a new approval obtained if there is a change of the approval holder or the activity. Council must be notified of change of ownership and/or occupier in all cases, whether a new approval is required or not, to allow for updating of records.

### 3.5 Concurrence

If Council supports an application and has a notice stating that concurrence of the Secretary, NSW Department of Planning, Industry and Environment, can be assumed for the waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence in accordance with the requirements of section 90(1) of the *Local Government Act*. The Director Water and Sewerage Regulation provides concurrence on behalf of the Secretary, NSW Department of Planning, Industry and Environment.

Liquid trade waste discharges are divided into four (4) classifications for the purpose of the concurrence process. The four discharge classifications are:

- Concurrence Classification A – liquid trade waste discharges for which Council may automatically assume concurrence to the approval subject to certain requirements;
- Concurrence Classification B – liquid trade waste discharges to the sewerage system whereby Council may apply for assumed concurrence to the approval subject to certain requirements;
- Concurrence Classification S – the acceptance of septic tank and pan waste pump-out. Council may apply for authorisation to assume concurrence to the approval subject to certain conditions; and
- Concurrence Classification C – all other liquid trade waste discharges that do not fall within Concurrence Classification A, B or S, and therefore require Council to forward the application for concurrence.

Councils have already been given notice of assumed concurrence for the Concurrence Classification A liquid trade waste discharges. These are listed in Table 3.1 and Council will not need to seek concurrence for approval of trade waste applications for these activities.



Table 3.1 – Liquid trade waste dischargers with automatic assumed concurrence

Commercial retail food preparation activities	Other commercial activities
Bakery (retail)	Sandwich shop
Bed and Breakfast (< ten persons)	School canteen
Bistro	Supermarket (with butcher/delicatessen/ seafood/or charcoal chickens)
Boarding house/hostel kitchen	Take-away food outlet
Butcher shop (retail)	Animal wash (pound, stables, racecourse, kennels, mobile animal wash and veterinary with <i>no x-ray</i> )
Café/coffee shop/coffee lounge	Beautician
Canteen	Boiler blowdown
Cafeteria	Car detailing
Chicken/poultry shop (only fresh chickens/game sold)	Cooling tower
Chicken/poultry shop (retail BBQ/charcoal chicken)	Craft activities (making of clay pottery, ceramics, cutting and polishing of gemstones or making of jewellery at clubs, cottage industries)
Club (kitchen wastes)	Dental surgery/dental specialist
Commercial kitchen/caterer	Dental technician
Community hall/civic centre	Doctor's surgery and medical centre -plaster casts (no x-rays)
Day care centre	Florist
Delicatessen	Funeral parlour/morgue
Doughnut shops	Hairdressing (includes barbers)
Fast food outlets (McDonalds, KFC, Burger King, Pizza Hut, Red Rooster etc.)	Jewellery shop
Fish shop (retail – fresh and/or cooked)	Laboratory (pathology/analytical)
Food caravan	Laundry or Laundromat (coin operated)
Fruit and vegetable shop (retail)	Lawnmower repairs
Function centre	Mechanical repairs/workshop
Hotel	Mobile cleaning units
Ice cream parlour	Optical service
Juice bar	Pet shop (retail)
Mixed business	Photographic tray work/manual development
Motel	Plants retail (no nursery)
Nightclub	School (Primary and Secondary)
Nursing home kitchen	Stone working
Nut Shop	Swimming pool/spa/hydrotherapy



Patisserie	Vehicle (car) washing (by hand/wand, automatic car wash, external truck wash or under body/engine degrease only)
Pie shop	Venetian blind cleaning
Pizza shop	Veterinary /animal kennels with X-ray
Restaurant	Waterless minilab
Salad bar	

**Note**

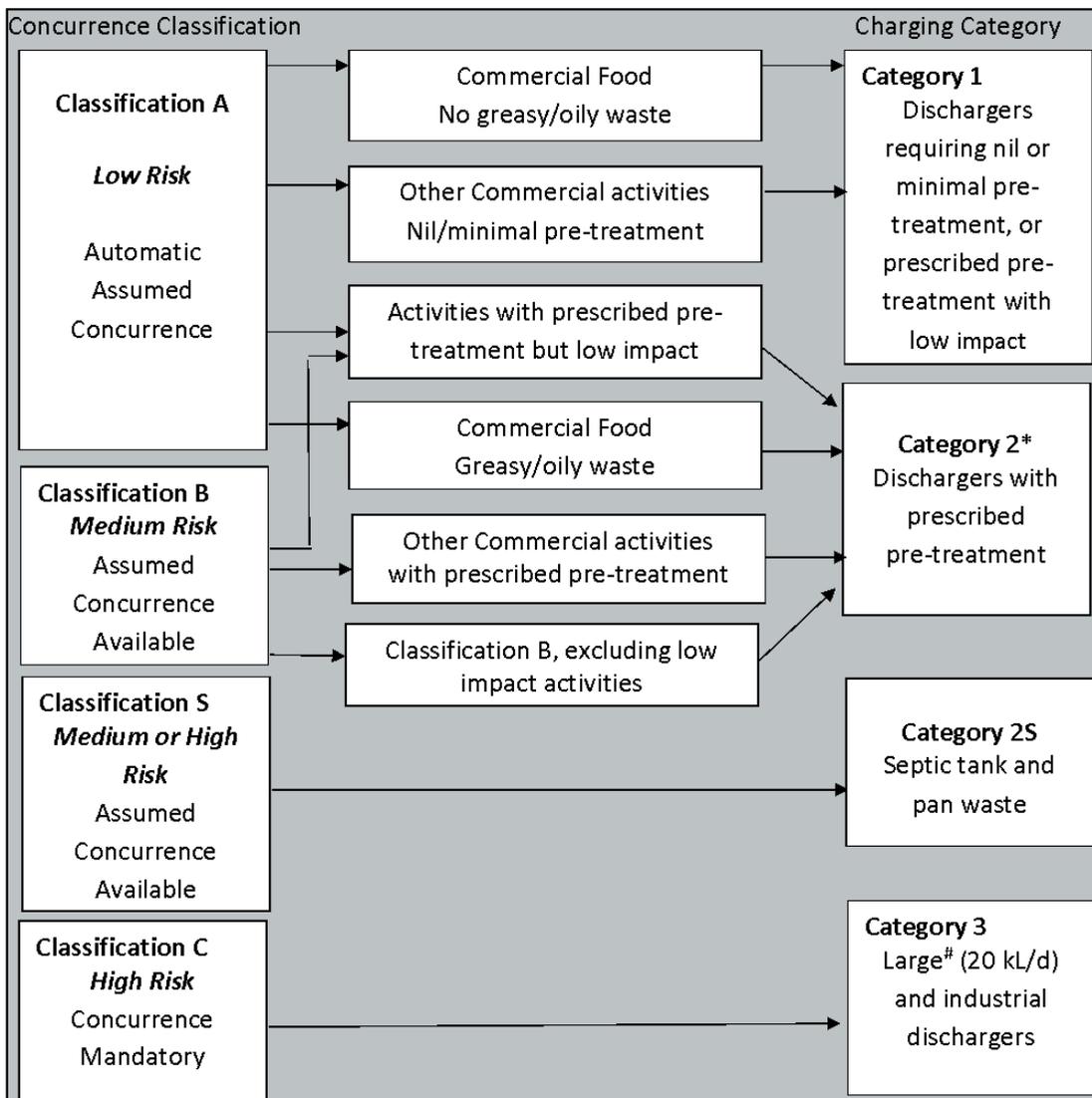
The volume of liquid trade waste must be less than 5 kL/day or 1000 kL/year, except in the case of commercial retail food preparation activities, where up to 16 kL/day is included in this category. If the waste discharged to sewer exceeds these volumes, the application must be treated as concurrence Classification B. Discharges over 20 kL/day must be treated as Classification C.



**3.6 Liquid Trade Waste Charging Categories**

Four classifications of liquid trade waste have been established for concurrence purposes, Classification A, B, S and C (refer section 3.3). For trade waste charging purposes liquid trade waste dischargers are divided into four charging categories, Category 1, 2, 2S and 3.

Figure 3.1 shows that Classification A dischargers fall into Charging Category 1 or Category 2. Classification B dischargers fall into Charging Category 2, except for a few dischargers with low impact on the sewerage system which fall into Category 1. Classification S dischargers fall into Charging Category 2S. Classification C dischargers fall into Charging Category 3.



**Figure 3.1 Liquid Trade Waste Concurrence Classifications and Charging Categories**

\* Also includes fish shop (fresh fish for retail).

# Except shopping complexes and institutions (hospital, educational facilities etc.). These will be charged as Category 2 in accordance with activities carried out on the premises.



### CATEGORY 1 DISCHARGER

Category 1 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring nil or only minimal pre-treatment equipment and whose effluent is well defined and of a relatively low risk to the sewerage system. Also included are Classification A or B activities with pre-scribed pre-treatment but low impact on the sewerage system.

Trade waste dischargers requiring nil or minimal pre-treatment include:

- **Classification A activities - Retail food outlets with no hot food prepared and/or no foods that generate an oily/greasy waste:** bakery (only hot bread baked on site), bistro (sandwiches, coffee only) café/coffee shop/coffee lounge, canteen, community hall (minimal food), day care centre, delicatessen, fruit and vegetable shop, hotel, ice cream parlour (take away only), juice bar, mixed business, motel, nightclub, nut shop, pizza cooking/reheating (no preparation or washing up on-site, pizza heated and sold for consumption off-site), potato peeling (small operation), sandwich shop/salad bar, takeaway food outlet.
- **Classification A activities - Other commercial activities:** animal wash, hairdressing/beautician, crafts < 1000 L/day, dental surgery (plaster casts, no x-ray unless digital), doctor's surgery (plaster casts, no x-ray discharge), medical centre (plaster casts, no x-ray unless digital), florist, funeral parlour, jewellery shop, mobile cleaning units, morgue, optical service (retail), pet shop, plants retail (no nursery), public swimming pool, photographic (tray work/manual development, venetian blind cleaning, veterinary (no x-ray discharge).
- **Classification A or B activities with prescribed pre-treatment but low impact on the sewerage system:** boiler blowdown, cooling tower, industrial boilers, laboratory (analytical/pathology/tertiary institution), primary and secondary school<sup>15</sup>, laundry, vehicle washing.

### CATEGORY 2 DISCHARGER

Category 2 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring a prescribed type of liquid trade waste pre-treatment equipment and whose effluent is well characterised.

Trade Waste dischargers with prescribed pre-treatment<sup>16</sup> include:

- **Classification A activities - Premises that prepare and/or serve hot food or foods that generate an oily/greasy waste:** bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards), bistro, boarding house/hostel kitchen, butcher, café/coffee shop/coffee lounge, cafeteria, canteen, fast food outlet, chicken/poultry shop, club, community hall<sup>17</sup>, commercial kitchen/caterer, nursing home, patisserie, supermarket, doughnut shop, fish shop (cooking on site), function centre, hotel, ice cream parlour, motel, nightclub, pizza cooking, restaurant, sandwich shop/ salad bar, takeaway food outlet.

<sup>15</sup> If significant hot food preparation is carried out, Category 2 charges may be levied by Council.

<sup>16</sup> Excludes low impact activities, listed under Category 1.

<sup>17</sup> If the type and size of kitchen fixtures installed enable catering for large functions.



- **Other commercial Classification A activities:** car detailing, craft activities > 1000 L/d, dental surgery with x-ray discharge, doctors surgery with x-ray discharge, lawnmower repairs, mechanical workshop, stone working, veterinary (with x-ray discharge), waterless mini-lab, fish shop (fresh fish for retail).
- **Classification B activities:** auto dismantler, bus/coach depot, construction equipment maintenance and cleaning, equipment hire, glass cutting, and grinding (not optical e.g. windscreens), graphic arts, hospital (with or without x-ray), medical centre (with x-ray discharge), optical services (at medical or educational facilities, workshops), oyster processing - shucking, panel beating, photographic lab, radiator repairer, screen printing, service station forecourt, shopping complex, water wash mini lab, x-ray radiologist.

#### CATEGORY 2S DISCHARGER

Category 2S liquid trade waste dischargers are those conducting an activity of transporting and/or discharging septic tank or pan content waste into the sewerage system.

Trade Waste dischargers include the following Classification S activities:

- **Classification S activities:** bus/rail coaches/caravan/motor home/caravan park waste dump points, pan waste, portable chemical toilet waste, septage, septic tank effluent.

#### CATEGORY 3 DISCHARGER

Category 3 liquid trade waste dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes (over 20 kL/d) of liquid trade waste to the sewerage system. Any Category 1 or 2 discharger whose volume exceeds 20 kL/d becomes a Category 3 discharger, except shopping complexes and institutions (e.g. hospitals, educational facilities, correctional facilities, etc.)

#### **Large trade waste dischargers and other Classification C activities include:**

- abattoir, bakery (wholesale), brewery, cooling towers, cosmetics / perfumes manufacture, dairy processing (milk / cheese / yoghurt / ice cream etc.), food processing (cereals / cannery / confectionary / edible oils / fats / essence flavours / fish / fruit juices / gelatine / honey / meat / pickles / smallgoods / vinegar / yeast manufacture etc.), fruit and vegetable processing, flour milling, glue manufacturer, egg processing, pet food processing, plant nursery (open areas), potato processing, poultry processing, saleyards, seafood processing, soft drink / cordial manufacture, starch manufacture, sugar distillery / refinery, tanker washing, tip leachate, transport depot / terminal, water treatment backwash, wholesale meat processing, wine / spirit manufacture.

#### **Dischargers of industrial waste include the following Classification C activities:**

- acid pickling, adhesive/latex manufacture, agricultural rural and veterinary drugs, anodising, bitumen and tar, bottle washing, cardboard and carton manufacture, carpet manufacture, caustic degreasing, chemical manufacture and repackaging, contaminated site treatment, cyanide hardening, detergent/soap manufacture, drum washing, electroplating, engine gearbox reconditioning, extrusion and moulding (plastic/metal), feather washing, fellmonger, felt manufacture, fertiliser manufacture, fibreglass manufacture, filter cleaning, foundry, galvanising, glass manufacturing, ink manufacture,



laboratories (excluding those in Category 2), liquid wastewater treatment facility (grease trap receipt depot and other pump out waste depot), metal finishing, metal processing (refining / rumbling / non-cyanide heat treatment / phosphating / photo engraving / printed circuit etching / sheet metal fabrication etc), mirrors manufacture, oil recycling (petrochemical) and refinery, paint stripping, paint manufacture, paper manufacture, pharmaceutical manufacture, plaster manufacture, powder coating, printing (newspaper, lithographic etc.), sandblasting, slipway, timber processing (joinery and furniture / plywood / hardwood), textile manufacture (wool dyeing / spinning / scouring), truck washing (internal), waxes and polishes.

#### **Phasing in of charges**

Upon reviews of charges, any large increases in trade waste fees and charges may be phased in over a period of up to three (3) years.

#### **3.7 Liquid Trade Waste Fees and Charges**

Council provides sewerage and liquid trade waste services on a commercial basis, with cost recovery through sewerage and liquid trade waste fees and charges. Council's proposed fees and charges are advertised annually for public comment in its draft Delivery / Operational Plan. In addition to the trade waste fees and charges described below, Council may elect to include any trade waste charges shown in Appendix I of the *Liquid Trade Waste Regulation Guidelines, 2009*.

Liquid trade waste discharged to the sewerage system from industrial, commercial or other non-residential customers can impose significant costs on sewage transport and treatment facilities. To recover these costs and to ensure removal of existing significant cross-subsidies from residential customers, in addition to an appropriate two-part tariff with an appropriate sewer usage charge/kL for non-residential sewerage, appropriate fees and charges are levied for liquid trade waste.

Council's liquid trade waste fees and charges shall include:

- An application fee
- Annual trade waste fee
- Re-inspection fee
- Trade waste usage charge
- Non-compliance trade waste usage charge
- Septic tank and pan waste disposal charge
- Excess mass charges
- Non-compliance excess mass charge and pH charge
- Non-compliance penalty



Details on any fees and charges for any given financial year billing period are provided as an addendum to this Policy, executed by inserting a copy of the relevant pages of the current Orange City Council Delivery / Operational Plan into Appendix D. For the situation when a pollutant charge is not specified in the Delivery / Operational Plan, the default values that shall be used are found in the *Liquid Trade Waste Regulation Guidelines, 2009*.

A summary of the charges that may be applied to the various charging categories is shown in Table 3.2.

All dischargers of liquid trade waste to Council's sewerage system should be aware that they are subject to prosecution and imposition of fines under the *Local Government Act 1993* and the *Protection of the Environment (Operations) Act 1997* and Regulations. In addition to fines, Council may recover costs of damages and fines incurred by Council as a result of an illegal liquid trade waste discharge (refer section 3.7.7)

#### **3.7.1 Application Fee**

The application fee recovers the cost of administration and technical services provided by Council in processing applications for approval to discharge liquid trade waste to the sewerage system. The application fee shall be allocated on the basis of the category into which the discharger is classified and reflects the complexity of processing the application.

#### **3.7.2 Annual Trade Waste Fee**

The purpose of this fee is to recover cost incurred by Council for administration and the scheduled inspections each year to ensure a liquid trade waste discharger's ongoing compliance with the conditions of their approval.

As part of an inspection, Council or its agents may undertake monitoring of the liquid trade waste discharges from a premises or business. Such monitoring may include but is not limited to, flow measurement and the sampling of the liquid trade waste. Where more than one instance of such monitoring is undertaken by Council, or its agents, in a financial year, the cost involved may be recovered from the discharger.

Annual liquid trade waste fees are determined on the basis of the category of the discharger and are proportionate to the complexity of their inspection and administration requirements. Annual trade waste fees will be set by Council. Where the discharger is required to pay for monitoring this will be charged on the basis of full cost recovery.

In view of the adverse impact wastes with a high concentration of oil and grease have on Council's sewerage transportation system; Council will carry out inspections of commercial premises preparing hot food up to 4 times per annum. The cost of these inspections is included in the annual trade waste fee.



Table 3.2 - Summary of Trade Waste Fees and Charges that may be Applied

CHARGING CATEGORY	APPLICATION FEE	ANNUAL NON-RESIDENTIAL SEWERAGE BILL WITH APPROPRIATE	ANNUAL TRADE WASTE FEE	RE-INSPECTION FEE (WHERE REQUIRED)	TRADE WASTE USAGE CHARGE/kl	NON-COMPLIANCE TRADE WASTE USAGE CHARGES/kl	SEPTIC WASTE DISPOSAL CHARGE	EXCESS MASS CHARGES/KG	NON-COMPLIANCE EXCESS MASS AND pH CHARGES/ kl (IF REQUIRED)	NON-COMPLIANCE PENALTY (IF REQUIRED)
1	YES <sup>18</sup>	YES	YES	YES	NO	YES <sup>19</sup>	NO	NO	NO	YES
2	YES	YES	YES	YES	YES	YES <sup>17</sup>	NO	NO	NO	YES
2S	YES	YES <sup>20</sup>	YES	YES <sup>18</sup>	NO	NO	YES	NO	NO	YES
3	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES

### 3.7.3 Re-inspection fee

Where non-compliance with the conditions of an approval has been detected and the discharger is required to address these issues, Council may undertake re-inspections to confirm that remedial action has been satisfactorily implemented. Council may impose a fee for each re-inspection. The re-inspection fee will be set annually by Council on the basis of full cost recovery. A re-inspection may include the monitoring of liquid trade waste discharges, the cost of which may be recovered from the discharger.

### 3.7.4 Trade waste usage charge

The trade waste usage charge is imposed to recover the additional cost of transporting and treating liquid trade waste from Category 2 dischargers. There are two usage charges. A low usage charge is used for customers who have installed and maintained **appropriate** pre-treatment facilities. A high usage charge is used for existing customers who have **not** installed and/or maintained **appropriate** pre-treatment facilities (non-compliance trade waste usage charge).

The Trade Waste Usage Charge (\$) = Q x UCTw

Where: Q = Volume (kl) of liquid trade waste discharged to sewer.

UCTw = Trade waste usage charge

<sup>18</sup> Not applicable for dischargers exempted in Table 1.1

<sup>19</sup> A non-compliant trade waste usage charge is applied if a discharger fails to install the appropriate pre-treatment.

<sup>20</sup> Only applicable if the discharger has a dump point located at their premises which is connected to the sewerage system.



**3.7.5 Excess mass charges**

Excess mass charges will apply for liquid trade waste discharged in excess of the deemed concentrations in domestic sewage. Typical domestic sewage concentrations are shown in Table 3.3.

**Table 3.3 - Deemed Concentration of Substances in Domestic Sewage**

SUBSTANCE	CONCENTRATION
Biochemical Oxygen Demand (BOD <sub>5</sub> )	300 mg/L
Suspended Solids	300 mg/L
Total Oil and Grease	50 mg/L
Ammonia (as Nitrogen)	35 mg/L
Total Kjeldahl Nitrogen	50 mg/L
Total Phosphorus	10 mg/L
Total Dissolved Solids	1000 mg/L
Sulphate	50 mg/L <sup>21</sup>

Note: Substances not listed above are deemed not to be present in domestic sewerage.

$$\text{Liquid trade waste excess mass charge (\$)} = \frac{(S - D) \times Q \times U}{1,000} \quad (1)$$

Where: S = concentration (mg/L) of substance in sample.

D = concentration (mg/L) of substance deemed to be present in domestic sewage.

Q = volume (kL) of liquid trade waste discharged to the sewerage system.

U = charging rate (\$/kg) for discharge of substance to the sewerage system.

Charging rates (U) used in equation (1) are as shown in council’s annual delivery / operational plan.

With regard to BOD, equation (1) applies for BOD<sub>5</sub> up to 600 mg/L.

**Excess mass charges for BOD exceeding 600 mg/L**

If council approves the acceptance limits for BOD<sub>5</sub> higher than 600 mg/L, an exponential type equation will be used for calculation of the charging rate U<sub>e</sub> (\$/kg) as shown in equation (2). Equation (2) provides a strong incentive for dischargers to reduce the strength of waste.

In addition, equation (5) on page 32 will be used where the discharger has failed to meet their approved BOD limit on two (2) or more instances in a financial year.

U<sub>e</sub> is the excess mass charging rate for BOD (\$/kg).

$$U_e = 2C \times \frac{(\text{Actual BOD} - 300\text{mg/L})}{600\text{mg/L}} \times 1.05^{\frac{(\text{Actual BOD} - 600\text{mg/L})}{(600\text{mg/L})}} \quad (2)$$

Where C = the charging rate (\$/kg) for BOD<sub>5</sub> 600 mg/L.

<sup>21</sup> the concentration in the potable water supply is used if it is greater than 50 mg/L.



Actual BOD = the concentration of BOD<sub>5</sub> as measured in a sample

For example, if C = \$0.623/kg, equation (2) would result in the following excess mass charging rates:

\$0.623/kg for BOD<sub>5</sub> 600 mg/L

\$1.96/kg for BOD<sub>5</sub> 1200 mg/L

\$5.05/kg for BOD<sub>5</sub> 2400 mg/L

The excess mass charge for BOD is calculated using equation (1):

$$\text{Excess mass charge for BOD (\$)} = \frac{(S - D) \times Q \times U_e}{1,000}$$

### 3.7.6 Non-compliance charges

Where a discharge quality from a Category 3 discharger fails to comply with the approved concentration limits of substances specified in Council's approval conditions (or the acceptance criterion listed in Council's trade waste policy), Council incurs additional costs in accepting and treating that waste. Council may also face problems with the effluent and biosolids management.

In order to recover Council's costs for non-compliance charges, an additional charge may be applied.

#### *Category 1 and 2 Dischargers*

If the discharger has not installed or maintained appropriate pre-treatment equipment, a trade waste usage charge will be applied for the relevant billing period as per Council's current delivery / operational plan.

#### *Category 3 Discharger*

##### **Non-compliance pH charge**

Equation (3) is used for waste with pH being outside the approved range. This equation provides an incentive for dischargers to apply appropriate pH correction so their waste remains within the approved pH limits. Council may require industrial and large dischargers to install and permanently maintain a pH chart recorder or data logger as control of pH is critical to minimising odour and corrosion problems in the sewerage system.

Charging rate for pH where it is outside the approved range for the discharger =

$$K \times (\text{actual pH} - \text{approved pH})^{\#} \times 2^{\text{(actual pH} - \text{approved pH})^{\#}} \quad (3)$$

<sup>#</sup> absolute value to be used.

For example, if K = pH coefficient = 0.346 (this is adjusted in accordance with changes in the CPI).



Example: a council has approved the pH range 8.0 to 9.0 for a large discharger generating high strength trade waste in order to prevent corrosion and odour problems in the sewerage system.

Case 1: pH measured 7.0

Charging rate (\$/kL) =  $0.346 \times [7 - 8] \times 2^{[7-8]} = \$0.69/\text{kL}$

Case 2: pH measured 11.0

Charging rate (\$/kL) =  $0.346 \times [11-9] \times 2^{[11-9]} = \$2.77/\text{kL}$

**Non-compliance excess mass charges**

Where a discharge quality fails to comply with the approved concentration limits of substances specified in Council’s approval conditions (or the acceptance criterion listed in Council’s trade waste policy), council incurs additional costs in accepting and treating that waste. Council may also face problems with the effluent and biosolids management.

In order to recover council’s costs, equation (4) shall apply for non-compliance excess mass charges, except for BOD where equation (5) shall apply.

$$\text{Non-compliance excess mass charges (\$)} = \frac{(S - A) \times Q \times 2U}{1,000} + \frac{(S - D) \times Q \times U}{1,000} \quad (4)$$

Where:

S = concentration (mg/L) of substance in sample.

A = approved maximum concentration (mg/L) of pollutant as specified in Council’s approval (or liquid trade waste policy).

Q = volume (kL) of liquid trade waste discharged for the period of non-compliance.

U = excess mass charging rate (\$/kg) for discharge of pollutant to sewerage system, as shown in council’s annual delivery / operational plan.

D = concentration (mg/l) of substance deemed to be present in domestic sewage.

**Non-compliance excess mass charges for BOD**

If a discharger has failed to meet the approved maximum concentration of BOD on two or more instances in a financial year, the non-compliance excess mass charging rate for BOD  $U_n$  will be levied on the basis of equation (5):

$U_n$  is the BOD non-compliance excess mass charging rate.

$$U_n = 2C \times \frac{(A - 300 \text{ mg/L})}{600 \text{ mg/L}} \times 1.05^{\frac{(A - 800 \text{ mg/L})}{600 \text{ mg/L}}} + 4C \times \frac{(Actual\ BOD - A)}{600 \text{ mg/L}} \times 1.05^{\frac{(Actual\ BOD - A)}{600 \text{ mg/L}}} \quad (5)$$

For example, if C = \$0.623/kg, BOD<sub>5</sub> actual (measured) level is 2400 mg/L and the approved maximum concentration of BOD (a) is 1000 mg/L, equation (5) would result in a non-compliance excess mass charging rate of \$8.02/kg.

Non-compliance excess mass charge for BOD is calculated using equation (1):

$$\text{Non-compliance excess mass charge (\$)} = \frac{(S - D) \times Q \times U_n}{1,000}$$



The non-compliance excess mass charges shown above are in lieu of the excess mass charges in section 3.7.5.

**Note: The non-compliance excess mass charges shown above for Category 3 dischargers are in lieu of the excess mass charges in section 3.7.5**

Council will continue applying the above non-compliance excess mass charge until the quality of discharge complies with Council's approved quality (or the trade waste policy) limits, within the time frame determined by Council for remedying the problem. If the discharger fails to rectify the problem within this time frame, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system and may also be required to pay a 'non-compliance penalty' as indicated in the following section.

**3.7.7 Non-compliance penalty**

The non-compliance penalty covers instances where Council may seek compensation for its costs relating to legal action, damage to infrastructure, incurred fines and other matters resulting from illegal, prohibited or unapproved liquid trade waste discharged to the sewerage system. Refer also to section 3.10.

**3.7.8 The Discharge of Stormwater to the Sewerage System**

The discharge of stormwater, surface, seepage or groundwater to the sewerage system is prohibited under clause 137A of the Local Government (General) Regulation and this policy. As indicated under section 2.4, the acceptance of first flush stormwater runoff may be permitted. A charge will be applied as per Council's current Delivery / Operational Plan to Category 3 dischargers in accordance with the non-compliant trade waste usage charge, if approval to accept the above waters is granted. Excess mass charges will also be applied in accordance with section 3.7.5.

**3.7.9 Septic and pan waste disposal charge**

A tankered waste charge is imposed to recover the cost of accepting and treating waste waters. It includes septic, pan waste and wastes from chemical toilets.

Septic tank and pan waste disposal charge (\$) =  $Q \times S$

Where: Q = Volume (kL) of waste discharged to sewer.

S = Charging rate in \$/kL for septic tank effluent, septage or chemical toilet waste as indicated in Council's annual Delivery / Operational Plan.

**3.7.10 Responsibility for payment of fees and charges**

Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage and liquid trade waste services provided by Council. This includes property owners of caravan parks etc., if a dump point located at their premises is connected to the sewerage system. Where another party (lessee) leases the premises, any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.



Council will charge a septic tank and pan waste disposal charge for services it provides to transporters of septic tank and pan waste tankered and discharged to the sewerage system.

### **3.8 Monitoring**

Council will carry out inspections of all liquid trade waste dischargers and their treatment facilities at least once a year. Inspections of commercial premises preparing hot food will be carried out up to four times per year (refer section 3.7.2). Inspection of the large and industrial dischargers will be carried out as specified in approval conditions.

The Applicant may be required to monitor the liquid trade waste discharge as a condition of an approval or agreement. They may also be required to pay for any sampling and testing of liquid trade waste undertaken by Council.

For this purpose, an inspection/sampling point, where the waste can be inspected and sampled, will be specified in the approval and/or agreement. This point will normally be located after the pre-treatment facility. The discharger may need to install a suitable method of flow measurement.

Council may require the discharger to:

- install a permanent primary measurement device;
- measure the volume and flow rate using the permanently installed flow measurement system (such as a flow metering system); or
- install a flow measurement device on a temporary basis and obtain enough data to determine a basis for assessing the flow rate and volume; and
- provide a system that allows obtaining a flow weighted composite sample.

Testing of samples is to be undertaken by a NATA-registered or other laboratory recognised by NOW to ensure reliable and accurate results. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics.

### **3.9 Liquid trade waste approvals and services agreements**

All liquid trade waste dischargers will need to receive a liquid trade waste discharge approval from Council prior to discharging liquid trade waste into the sewerage system. The Approval contains conditions of discharge that the discharger is required to meet. Approvals shall be issued to the liquid trade waste discharger.



In addition to its approval under the *Local Government Act*, Council may require certain dischargers, including those who wish to discharge liquid trade waste in large volumes (discharge 20 kL/day) or industrial waste (Concurrence Classification C type dischargers) into its sewerage system to execute a liquid trade waste services agreement with Council (refer to Appendix B). The agreement will set out the conditions associated with the discharge and execution of the agreement will be a condition of the approval issued by Council (refer Section 3.4). The conditions will be binding on the applicant and the Council. The agreement will be for a period of up to 5 years. No discharge is to be made to Council's sewerage system until an agreement or an interim agreement has been executed.

Provision can be made in the agreement for (in addition to Council's approval conditions):

- additional conditions for discharge of liquid trade waste;
- cancellation of the agreement and/or order to cease the discharge if the discharger is found to be in breach of the agreement or liquid trade waste approval or, in the opinion of Council, the waste is adversely affecting the sewerage system or the environment;
- entry by Council officers to inspect the liquid trade waste collection, treatment, monitoring and disposal systems;
- the applicant to notify Council in advance of any changes that may affect the quality and quantity of the liquid trade waste; and
- the amount of bond/security to be lodged with Council prior to discharging to the sewerage system.

### **3.10 Enforcement of approvals and agreements**

Any person who fails to obtain Council's approval to discharge liquid trade waste to the sewerage system, or fails to comply with the conditions of the approval, may be liable to a penalty as provided under the *Local Government Act 1993* (sections 626 to 628 and 634 to 639). In addition, these offences are prescribed as penalty notice offences under the Act and Council may issue a penalty notice (i.e. on the spot fine) to such a discharger.

Furthermore, sections 628 and 634 to 639 list other offences related to water, sewerage and stormwater drainage.

Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of approval is an under section 120(1) of the *Protection of the Environment Operations Act 1997*. In addition, under section 222 of this Act, Council may issue a penalty notice (i.e. an on-the-spot fine) to such a discharger.



Any person who fails to comply with the terms or conditions of a liquid trade waste agreement (i.e. there is a breach of the agreement) will be required to indemnify the Council against any resulting claims, losses or expenses in accordance with section 8 of the agreement. Suspensions may also apply and may include a notice to cease the discharge.

### 3.11 Modification and revocation of approvals

Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system in any of the following circumstances:

- if the approval was obtained by fraud, misinterpretation or concealment of facts;
- for any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the Council not to have granted the approval;
- for failure to comply with a requirement made by or under the *Local Government Act 1993* relating to a condition of approval; and
- for failure to comply with a condition of the approval.

### 3.12 Prevention of waste of water

Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of the *Local Government Act 1993* and its Regulation to waste or misuse water.

Dilution of liquid trade waste with water from any non-process source including Council's water supply, bore water, groundwater and/or stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

### 3.13 Effluent improvement plans

Where the existing liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an 'effluent improvement plan' setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions. Such actions may include more intensive monitoring, improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.

### 3.14 Due diligence programs and contingency plans

For *Concurrence Classification A*, a discharger does not need to submit either a due diligence program or a contingency plan.

A discharger may be required to submit a due diligence program and a contingency plan for *Concurrence Classification B* or *Classification S* where it is considered that the discharge may pose a potential threat to the sewerage system. If required a due diligence program and contingency plan must be submitted to Council within six (6) months and three (3) months respectively of receiving a liquid trade waste approval.



For Concurrence *Classification C*, a discharger must provide a due diligence program and contingency plan to Council within six (6) months and three (3) months respectively of receiving a liquid trade waste approval.

It should be noted that:

- i) If the discharger has an accredited environmental management system (EMS) in place, a due diligence program and contingency plan will not be required. However, proof of accreditation must be provided to Council with the application. The EMS may not include all necessary provisions in regard to trade waste. In such cases, Council may require that a suitable due diligence program and contingency plan be developed and submitted to Council.
- ii) Where Council considers there is potential risk to the sewerage system from a discharge, it may request a due diligence program and contingency plan be submitted prior to commencing the discharge.

### **3.15 Standard pre-treatment equipment**

The prescribed pre-treatment equipment for Classification "A" and Classification "B" dischargers shall be in accordance with the *Liquid Trade Waste Management Guidelines, 2009*. Pre-treatment, in addition to that described by the guidelines may be required by Council.

The pre-treatment methods required by Classification "C" dischargers shall be researched and proposed by the discharger such that discharge limits, as stated in the Approval and/or Agreement, are able to be satisfied. Discharges from these customers must also satisfy any relevant requirements in the *Liquid Trade Waste Management Guidelines, 2009*.



## APPENDIX A - REQUIREMENTS AND INFORMATION PERTAINING TO A REQUEST FOR EXCEPTION

The NSW Department of Planning, Industry and Environment provides the opportunity for consideration of exceptional circumstances concerning standard pre-treatment requirements for **existing premises only**. It is acknowledged that there may be some instances where installation of pre-treatment equipment is not feasible or reasonable for the existing premises.

### A1 Requirements For An Exception Request

The following requirements are to apply where an exception is sought from installing prescribed standard pre-treatment equipment in existing premises:

A letter from the applicant requesting an exception and on what grounds.

A letter from a hydraulic consultant, plumber or the company that provides the pre-treatment equipment stating that the pre-treatment installation is not feasible and the reason(s) why.

A report from Council's inspecting officer on the feasibility of installing pre-treatment equipment. Inspection to be signed off by a senior Council officer.

An assessment by Council that the sewerage system has the capacity to accept the proposed untreated waste load and/or the modifications, alterations or undersized pre-treatment equipment will not adversely impact on the sewage treatment process, by product management and the environment.

Details of the proposed frequency of cleaning and nominated licensed contractor.

A site plan.

### A2 Information Relating To Exceptions

The application for exception will be forwarded to the NSW Department of Planning, Industry and Environment for consideration and consent.

Any exception granted only applies to the nominated existing applicant and is not transferable.

In the event the business is sold (new documentation supporting an exception may apply) or renovation/refurbishments are carried out then Council will review the situation.

Further detail on exceptions is provided in Section 3.8 of the *Liquid Trade Waste Regulation Guidelines, 2009*.



**APPENDIX B - SAMPLE LIQUID TRADE WASTE SERVICES AGREEMENT**



**LIQUID TRADE WASTE SERVICES AGREEMENT**

**between**

**ORANGE CITY COUNCIL**

**and**

**XXXX**



## LIQUID TRADE WASTE SERVICES AGREEMENT

## BETWEEN

1 ORANGE CITY COUNCIL

## AND

2 \_\_\_\_\_

## Recitals

- A The Council is the owner and operator of a sewerage system within the Orange City Council Local Government Area.
- B The Applicant has made application to the Council to discharge liquid trade wastes into the Council's sewerage system.
- C The application has been approved by the Council on certain conditions ("The Approval"), including the condition that the Council and the Applicant enter into this Agreement.
- D The Secretary of NSW Department of Planning, Industry and Environment has concurred in the approval in accordance with clause 28 of the *Local Government (General) Regulation 2005*.
- E The approval does not operate this Agreement has been executed by both parties.
- F The parties enter this Agreement in consideration of the mutual promises contained herein.

## Operative Part

## 1 Definitions and Interpretation

1.1 *In this Agreement, unless the context otherwise requires:*

"Act" means the Local Government Act 1993 (NSW).

"Annexure" the annexure to this agreement.

"Annual Delivery/Operational Plan" means the annual Delivery/Operational Plan of the Council, as adopted by the Council from time to time.

"Applicant" means the entity named as such in the Annexure.

"Approval" means the approval described in Recital "C".

"Council" means the Council named as such in the Annexure.

"Liquid Trade Waste Services" means the making available by the Council of its sewerage system for connection to the Premises, for the purpose of discharge by the Applicant of its liquid trade waste.

"Premises" means the premises described in the Annexure.



**1.2 Unless the context otherwise requires:**

- a A reference to this Agreement is a reference to this Agreement, including the Annexure, as amended from time to time in accordance with its terms.
- b A reference to the discharge of liquid trade waste means the discharge of liquid trade waste by the Applicant from the Premises to the Council's sewerage system.
- c A reference to any legislation is a reference to such legislation as amended from time to time.
- d Where the Applicant is comprised of more than one person, each obligation of the Applicant will bind those persons jointly and severally and will be enforceable against them jointly and severally.

**2 Liquid trade waste services**

The Council will provide the Liquid Trade Waste Services to the Applicant on the terms of this Agreement.

**3 Additional conditions for Discharge of liquid trade waste**

- 3.1 The applicant may discharge liquid trade waste to the Council's Sewerage system in accordance with the Approval and subject to this Agreement.
- 3.2 The Applicant must comply with all applicable Acts, regulations, by laws, proclamations and orders and with any lawful direction or order given by or for the Council or any other competent authority.
- 3.3 The Applicant must not discharge liquid trade waste contrary to this Agreement or Approval or in any manner which may have an adverse effect on any person or property (including the sewerage system and the ecological system in the waters, land or area receiving sewage treatment works effluent or biosolids), or which may cause the Council to be in breach of any applicable Act, regulation, by law, proclamation or order or of any lawful direction given by or for any competent authority.
- 3.4 The Applicant must at its own cost monitor its discharges in accordance with the requirements set out in the Approval and must maintain records of such monitoring for inspection by the Council for the period specified in the Approval.
- 3.5 Council will carry out routine sampling and testing of the waste stream.
- 3.6 Where any flow-metering device is installed, the Applicant must at its own cost cause the device to be calibrated at least annually by a person or company approved by the Council. The Applicant must obtain a calibration certificate and provide a copy of the certificate to the Council within one month of receiving it.
- 3.7 If the Applicant is required to cease discharging liquid trade waste for any period, then the Applicant must cease discharging such waste for the period specified.



- 3.8 Where the Applicant ceases to discharge waste in the circumstances prescribed in clause 3.7, the Council may, at its discretion, elect to refund part of the annual trade waste fee payable by the Applicant on a pro rata basis, calculated according to the period of suspension.
- 3.9 If this Agreement is terminated the Applicant must immediately cease to discharge liquid trade waste.

#### **4 Fees and Charges**

- 4.1 In accordance with the section 560 of the *Local Government Act*, Council will levy all water supply, sewerage and liquid trade waste fees and charges on the owner of the property.
- 4.2 In consideration of provision of the Liquid Trade Waste Services, the fees and charges specified in the Council's Annual Delivery / Operational Plan and notified by the Council to the owner and the Applicant must be paid to Council, including fees for sampling and testing by the Council in accordance with the Approval.
- 4.3 Fees and charges payable will include both a non-residential sewerage charges and a trade waste fees and charges.
- 4.4 All monies payable to the Council within the time specified in the notice of charge.

#### **5 Term**

- 5.1 This Agreement will commence from the date it is signed on behalf of the Council, and will continue until the Applicants Approval is revoked or the Applicant permanently ceases to discharge liquid trade waste pursuant to the Approval, whichever is the earlier. Upon such revocation or permanent cessation of the approved activity this Agreement shall automatically terminate by the operation of this clause.
- 5.2 Termination of this Agreement is without prejudice to any accrued rights or obligations of either Party.

#### **6 Powers of the Council**

- 6.1 The Council may enter the Premises at a reasonable hour in the daytime or at any hour during which business is in progress or is usually carried on at the Premises for the purpose of conducting any inspection, examination, testing, monitoring or sampling to determine whether the Applicant is complying with the conditions of this Agreement.
- 6.2 The Applicant acknowledges that the Council has statutory powers available to it under the *Local Government Act 1993* and other Acts to issue orders and directions to the Applicant in relation to the discharge of liquid trade waste. The Applicant undertakes to comply with each such order or direction that may be notified by the Council to the Applicant within the time specified for compliance in that order or direction.
- 6.3 The Applicant releases the Council from any liability to the Applicant for any loss or damage due to the disruption of the Applicant's business arising out of the exercise of Council's rights pursuant to this clause.



## **7 Information supplied by the applicant**

- 7.1 The Applicant warrants that all information in its application for approval is true, complete and accurate to the best of its knowledge.
- 7.2 The Applicant must immediately notify the Council in writing of any error or omission in that information or any change to the information of which the Applicant becomes aware.
- 7.3 The Applicant must not provide any false or misleading information to the Council.

## **8 Indemnity**

- 8.1 The Applicant indemnifies the Council from and against any claims, losses or expense (including legal costs on a solicitor and client basis) which the Council pays, suffers, incurs or is liable for as a result of:
  - a) any unlawful, negligent, reckless or deliberately wrongful act or omission of the Applicant or its personnel or agents in connection with the discharge of liquid trade waste, including (without limitation) such acts or omissions which cause damage to property, personal injury or death; and
  - b) a breach of this Agreement by the Applicant.
- 8.2 The Applicant's liability to indemnify the Council shall be reduced proportionally to the extent that any unlawful, negligent, reckless or deliberately wrongful act or omission of the Council caused or contributed to the liability or loss.

## **9 Insurance**

The Applicant must effect and maintain for the term of this Agreement a public risk policy of insurance in the minimum of the sum specified in the Annexure and must, upon request by the Council, produce evidence of such insurance to the Council.

## **10 Bond**

- 10.1 The Applicant must pay to the Council a bond in the sum specified in the Annexure.
- 10.2 The Council may at any time and without prior notice to the Applicant have recourse to the bond for the recovery of any sum due and owing by the Applicant to the Council.
- 10.3 Where the Applicant fails to cease discharging liquid trade waste as prescribed in clause 3.7, the Council may require the applicant to forfeit 50% of the bond.
- 10.4 The Council must return the bond to the Applicant, less any amount deducted by the Council under this clause, upon termination of this Agreement.

## **11 No Assignment**

The Applicant must not assign or otherwise transfer its rights and/or obligations under this Agreement.



## 12 Notices

12.1 A notice under this Agreement must be:

- a) in writing, directed to the representative of the other party as specified in the Annexure; and
- b) forwarded to the address, facsimile number or the email address of that representative as specified in the Annexure or the address last notified by the intended recipient to the sender.

12.2 A notice under this Agreement will be deemed to be served:

- a) in the case of delivery in person - when delivered to the recipient's address for service and a signature received as evidence of delivery;
- b) in the case of delivery by post-within three business days of posting;
- c) in the case of delivery by facsimile - at the time of despatch if the sender receives a transmission report which confirms that the facsimile was sent in its entirety to the facsimile number of the recipient; and
- d) in the case of delivery by email, on receipt of confirmation by the sender that the recipient has received the email.

12.3 Notwithstanding the preceding clause 12.2, if delivery or receipt of a communication is on a day that is not a business day in the place to which the communication is sent or is later than 5 pm (local time in that place) it will be deemed to have been duly given or made at 9 am (local time at that place) on the next business day in that place.

## 13 Variation

13.1 If the Applicant's Approval to discharge liquid trade waste from the Premises is varied, this Agreement shall be deemed to be varied in accordance with the variation made to that approval or to the fees, by operation of this clause.

13.2 In addition to automatic variation under clause 13.1, this Agreement may be varied by written agreement of the parties, provided that a variation to this Agreement that is inconsistent with:

- a) the Approval, including rights granted under, and conditions attached to, the Approval;
- b) any applicable legislation; or
- c) Council's Annual Delivery Operational Plan in respect of applicable fees and charges, shall have no force or effect.

## 14 Severability

If any part of this Agreement is prohibited, void, voidable, illegal or unenforceable, then that part is severed from this Agreement but without affecting the continued operation, so far as is possible, of the remainder of this Agreement.

**15 Applicable law**

- 15.1 This Agreement is governed by, and must be construed in accordance with, the laws in force in the State of New South Wales.
- 15.2 Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in the State of New South Wales and the courts of appeal there from.

**16 Rights cumulative**

The rights and remedies provided under this Agreement are in addition to, and not exclusive of, any other rights or remedies provided by law.



**Executed as an agreement**

**Execution by the General Manager on behalf of Orange City Council:**

-----  
General Manager

-----  
Date

-----  
Signature of witness

-----  
Name of witness

**Executed by the Applicant (corporate entity):**

The COMMON SEAL of ----- )  
----- PTY LIMITED )  
was affixed this ----- day of )  
----- 20----- in the )  
presence of: )

----- )  
Name of Director ) [signature of Director]

----- )  
Name of Director/Secretary ) [signature of Director/Secretary]

**Executed by the Applicant (individual):**

Signed by: ----- )  
[name of Applicant] ) [signature of Applicant]

This ----- day of ----- 20---- )  
in the presence of: )  
----- )  
[print name of witness] ) [signature of witness]



**ANNEXURE TO AGREEMENT**

**A THE COUNCIL**

- 1 FULL NAME OF COUNCIL \_\_\_\_\_
- 2 ABN: \_\_\_\_\_
- 3 ADDRESS \_\_\_\_\_  
\_\_\_\_\_
- 4 TELEPHONE \_\_\_\_\_
- 5 EMERGENCY CONTACT \_\_\_\_\_
- 6 TELEPHONE \_\_\_\_\_

**B THE APPLICANT**

- 1 FULL NAME OF APPLICANT \_\_\_\_\_
- 2 ABN: \_\_\_\_\_
- 3 BUSINESS OR TRADING NAME \_\_\_\_\_
- 4 ADDRESS \_\_\_\_\_  
\_\_\_\_\_
- 5 TELEPHONE \_\_\_\_\_
- 6 EMERGENCY CONTACT \_\_\_\_\_
- TELEPHONE \_\_\_\_\_

**C THE PREMISES**

- 1 LOT & DP NUMBER: Lot(s) \_\_\_\_\_ DP \_\_\_\_\_
- 2 LOCATION \_\_\_\_\_  
\_\_\_\_\_
- 3 DESCRIPTION \_\_\_\_\_
- 4 NATURE OF BUSINESS \_\_\_\_\_

**D TERM OF THE SERVICE CONTRACT**

- 1 COMMENCEMENT DATE: \_\_\_\_\_
- 2 DURATION: \_\_\_\_\_



**E NOTICES**

**APPLICANT'S REPRESENTATIVE:** \_\_\_\_\_

**POSTAL ADDRESS:** \_\_\_\_\_

**FACSIMILE:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**COUNCIL'S REPRESENTATIVE:** \_\_\_\_\_

**POSTAL ADDRESS:** \_\_\_\_\_

**FACSIMILE:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**F PUBLIC LIABILITY INSURANCE**

Minimum cover: \$

Council is to be supplied with an insurance certificate of currency before the contract is signed.

**G BOND**

\$



## APPENDIX C – PROVISIONS IN THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 IN REGARD TO ACCEPTANCE OF LIQUID TRADE WASTE INTO THE SEWERAGE SYSTEM

### LOCAL GOVERNMENT (GENERAL) REGULATION 2005

#### Clause 25 – Matters to accompany applications relating to discharge into sewers

An application for approval to discharge trade waste into a sewer under the control of a Council or that connects with such a sewer must be accompanied by the information required by Table 1 to the Liquid Trade Waste Management Guidelines.

#### Clause 28 – Approval to discharge waste into sewers: concurrence required

A council must not grant approval under section 68 of the Act to discharge trade waste (whether treated or not) into a sewer of the council unless the Director-General<sup>22</sup> of the Department of Trade and Investment, Regional Infrastructure and Services (or the Director-General's nominee) has concurred with the approval.

**Note:** Section 90(2) of the Act permits any person or authority whose concurrence is required before an approval can be granted to give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

#### Clause 32 - Disposal of trade waste

- (1) An approval to dispose of trade waste into a sewer of the council is subject to such conditions (if any) as the council specifies in the approval.
- (2) In imposing any such conditions, the council is to have regard to the matter set out in table 5 to the Liquid Trade Waste Management Guidelines.

#### Clause 159 – Prevention of waste and misuse of water

The owner, occupier or manager of premises to which water is supplied by the council must:

- (a) prevent waste of water by taking prompt action to repair leaking taps, pipes or fitting located on the premises; and
- (b) take and other action that is reasonable to prevent waste and misuse of water.

#### Clause 137A Substances prohibited from being discharged into public sewers

- (1) For the purposes of [section 638](#) of [the Act](#) (Discharge of prohibited matter into sewer or drain), roof, rain, surface, seepage or ground water is prescribed as prohibited matter.

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<sup>22</sup> In accordance with the Government Sector Employment Act 2013, this is the Secretary of the NSW Department of Planning, Industry and Environment.



- (2) This clause does not apply in relation to:
- (a) a discharge that is specifically approved under [section 68 of the Act](#);
  - (b) a discharge into a public drain or a gutter of a council; or
  - (c) a discharge in an area of operations within the meaning of the [Sydney Water Act 1994](#) or the [Hunter Water Act 1991](#).

#### Clause 143 Inspection of pipes and drains and measurement of water and sewage

- (1) The council may, at any reasonable time:
- (a) inspect any service pipe connected to a water main;
  - (b) inspect any drain connected to a sewer main;
  - (c) install meters or other devices for measuring the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises;
  - (d) measure the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises; and
  - (e) inspect any pre-treatment devices connected to the council's sewerage system.
- (2) The occupier of the relevant premises must provide to the council such information as it requires to enable it to estimate the quantity of water actually supplied to, or the quality and quantity of sewage actually discharged from, the premises.
- (3) In this clause, "**pre-treatment device**" means any device used to reduce or eliminate contaminants in trade waste, or to alter the waste's nature, before it is discharged into a sewer.

#### SCHEDULE 12 – Penalty notice offences

Column 1	Column 2
Offence under <a href="#">Local Government Act 1993</a>	Penalty
<a href="#">Section 626</a> (3) - carry out without prior approval of council an activity specified in item 4 of Part C (Management of waste) of the Table to <a href="#">section 68</a>	\$330
<a href="#">Section 627</a> (3) - having obtained the council's approval to the carrying out of an activity specified in item 4 of Part C (Management of waste) of the Table to <a href="#">section 68</a> , carry out the activity otherwise than in accordance with the terms of that approval	\$330



**APPENDIX D – INSERT OF LIQUID TRADE WASTE FEES AND CHARGES EXTRACTED FROM THE CURRENT ORANGE CITY COUNCIL DELIVERY / OPERATIONAL PLAN**

This policy is considered incomplete without the details of formulas and current fees and charges for liquid trade waste as adopted by Orange City Council. The relevant page(s) from the current Orange City Council Delivery / Operational Plan should be inserted into this section, and substituted at the beginning of each new financial year.

If there is no abovementioned insert in this Appendix, please request the information from Orange City Council Customer Service.



All policies can be reviewed or revoked by a resolution of Council, at any time.

# ORANGE CITY LIBRARY – COMMUNITY USE

ST091

F22

## OBJECTIVES

To formalise the use of the Orange City Library by individuals and community groups for events and programs that are not developed as partnerships with the Library, or do not form part of Council's *Community Strategic Plan*.

## APPLICABILITY

This policy applies to other departments of Orange City Council, community groups, not-for-profit organisations, or government departments/agencies.

## GENERAL

Orange City Library, a member of Central West Libraries, is widely recognised as an encompassing, safe and accessible community space. The Library offers a wide and diverse range of programs and activities to meet the strategies outlined in Council's *Community Strategic Plan*. Many of these are developed co-operatively with key stakeholders.

Occasionally the Library receives requests by community groups and agencies to use the library's public spaces for event launches, presentations etc. which are independent of the Library's operations. This policy provides guidance in deliberation as to what is suitable.

Intending users must meet the following criteria

- Be a department of Orange City Council, a community group, a not-for-profit organisation or a government department/agency.
- Make the request to the Manager, Central West Libraries with adequate lead time. This may entail lead periods of at least twelve months.
- The staging and development of the venture must not interfere with normal public use of the Library, and the time and duration of the event is mutually agreed upon by both the Library and the user.
- The conditions of use will be negotiated between the Library and the user. The user is responsible for:
  - Set up and break down
  - Equipment hire and operation
  - Catering



All policies can be reviewed or revoked by a resolution of Council, at any time.

- Any staff costs incurred
- Any additional cleaning
- Any damages
- All publicity pertaining to such occasions maintains the integrity of the Library and is developed in partnership with the Library, and approved by the Manager Central West Libraries or their delegate.
- The nature of the project reflects and adds value to the Library’s programs and activities as detailed in the *Community Strategic Plan*.
- No admission fee is to be charged and an invitation to attend must be extended to all members of the community.
- A launch of books and other resources will be permitted when: they have local content or are by a local author; relate to the library’s collection strengths; or are produced by Orange City Council.
- The use must comply with all Library policies and procedures.

**Responsible Area – Community, Recreation and Cultural Services**

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2009	09/453	6		
2			7		
3			8		
4			9		
5					
All policies can be reviewed or revoked by resolution of Council, at any time.					

**SUMMARY OF AMENDMENTS**

Amendment Date	Section/Reference and Amendment
August 2020	Formatting and Typographical updates. Updated to current processes.



All policies can be reviewed or revoked by a resolution of Council, at any time.

## CENTRAL WEST LIBRARIES

ST002

F22

### OBJECTIVES

Central West Libraries is a regional library service constituted under Section 12 of the *Library Act 1939* (NSW). Services are delivered to the Local Government areas of Orange, Blayney, Cabonne, Cowra and Forbes through a service level agreement between Orange City Council and the participating Councils (Blayney, Cabonne, Cowra and Forbes).

Central West Libraries provides a free, accessible and high quality service for the information and recreational needs of our communities.

### APPLICABILITY

This policy applies to all residents of Blayney, Cabonne, Cowra, Forbes and Orange Councils and all users of Central West Libraries.

### GENERAL

Public libraries in NSW operate under the *Library Act 1939*, the *Library Regulation 2018* and the *Local Government Act 1993*.

Central West Libraries is a regional library service constituted under Section 12 of the *Library Act 1939* (NSW). Services are delivered to the Local Government areas of Orange, Blayney, Cabonne, Cowra and Forbes through a service level agreement between Orange City Council and the participating Councils (Blayney, Cabonne, Cowra and Forbes).

As prescribed in the *Library Act*:

- 1 Residents and ratepayers of all participating Councils are entitled to free membership.
- 2 Any person (whether or not a member of the Library) is entitled free of charge to access any library material of the library and any information forming part of the information service of the Library (other than information excepted from free access by guidelines issued by the Council) for use on the Library premises.
- 3 Any person who is a member of the Library is entitled to borrow free of charge from the Library for use away from the Library premises any library material of the Library which has been classified by the librarian of the Library as being of literary, informative or educational value or as being fiction.
- 4 No charge is to be made for the delivery to a member of the Library of any library material or information that the member is entitled to borrow free of charge if the member for reasons of ill health or disability cannot reasonably be expected to attend the Library in person.
- 5 Any person who is a member of the Library is entitled to be provided free of charge with basic reference services (being any service classified by guidelines issued by the Council as a basic reference service), including assistance in locating information and sources of information.
- 6 Proper use of and behaviour in the Library is prescribed in the *Library Regulation 2018*.



All policies can be reviewed or revoked by a resolution of Council, at any time.

**RELATED POLICIES/DOCUMENTS**

- Operational Policy – OP136 - Central West Libraries Donations
- Operational Policy – OP036 - Central West Libraries Children’s Policy
- Operational Policy – OP037 - Central West Libraries Client Code of Conduct
- Operational Policy – OP038 - Central West Libraries Exclusion
- Operational Policy – OP039 - Central West Libraries Internet Public Use
- Operational Policy – OP040 - Central West Libraries Tutoring in the Library
- Strategic Policy – ST145 - Central West Libraries Membership and Loans

**Responsible Area – Community, Recreation and Cultural Services**

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	21 July 2015	15/292	6		
2	5 June 2018	18/254	7		
3			8		
4			9		
5					
All policies can be reviewed or revoked by resolution of Council, at any time.					

**SUMMARY OF AMENDMENTS**

Amendment Date	Section/Reference and Amendment
August 2020	<ul style="list-style-type: none"> <li>• Change from previous Joint Agreement to Service Level Agreement between Orange City Council and participating Councils.</li> <li>• Updating of <i>Library Regulations</i> from 2010 to 2018.</li> </ul>
March 2018	Formatting Updates. Addition of reference to the Tutoring in the Library Policy.
June 2015	New Policy.

**5.6 CODE OF CONDUCT COMPLAINT REPORTING**

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RECORD NUMBER: 2020/1301

AUTHOR: Nick Redmond, Acting Director Corporate and Commercial Services

**EXECUTIVE SUMMARY**

At the Council Meeting held in 6 February 2018, Council resolved to receive quarterly reports on the status of complaints made against Councillors and the Chief Executive Officer under Council's Code of Conduct.

This report provides an update on the current status of complaints from 1 April 2020 to 30 June 2020.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "1.1 Live - Engage with the community to ensure recreation opportunities and facilities meet changing needs".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Part 11 of the Procedures for the Code of Conduct set out the information that is to be reported to Council and the Office of Local Government within 3 months of 30 September each year. Council reported to the Office on 29 November 2019 for the period 1 September 2018 - 31 August 2019.

Other information is not included given the requirements of Part 12 of the Procedures, which require information about complaints and the management and investigation of complaints is to be treated as confidential and not disclosed publicly.

**RECOMMENDATION**

**That the report on Code of Conduct Complaint Reporting be acknowledged.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

This report provides statistics on Code of Conduct complaints against Councillors and the Chief Executive Officer, from 1 April 2020 to 30 June 2020.

## 5.6 Code of Conduct Complaint Reporting

Required information	Current period
Total number of Code of Conduct complaints made about Councillors and the Chief Executive Officer under the Code of Conduct since 1 April 2020	Nil
Number of Code of Conduct complaints referred to a Conduct Reviewer	Nil
Number of Code of Conduct complaints finalised by a Conduct Reviewer at the Preliminary Assessment stage and the outcome of those complaints	Nil
Number of Code of Conduct complaints investigated by a Conduct Reviewer	Nil
Number of Code of Conduct complaints investigated by a Conduct Review Committee	Nil
Without identifying particular matters, the outcome of Code of Conduct complaints investigated by a Conduct Reviewer or Conduct Review Committee under the Procedures	Nil
Number of matters reviewed by the Office of Local Government, and without identifying particular matters, the outcome of the reviews	Nil
The total cost of dealing with Code of Conduct complaints made about Councillors and the Chief Executive Officer in the year from 1 April to 30 June 2020, including staff costs.	Nil

**5.7 PROJECT ACTIVITIES AUGUST 2020**

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RECORD NUMBER: 2020/1206

AUTHOR: David Waddell, Chief Executive Officer

**EXECUTIVE SUMMARY**

This report responds to feedback from Councillors seeking information on an ongoing basis about the numerous projects staff are working on.

The Executive has brought together the total project list for the 2020-2023 years in a consolidated form to assist with resourcing and to understand the sequence required to deliver our ambitious capital budget for the year.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “10.1 Preserve - Engage with the community to ensure plans for growth and development are respectful of our heritage”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That the report on Capital Projects by the Chief Executive Officer be noted.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

The attached table shows the overall project database of current and planned projects within the next 3-4 years. The table will be progressively updated on a quarterly basis to inform Council and the Community.

**ATTACHMENTS**

- 1 Projects Overview - August 2020, D20/47592 [↓](#)
- 2 Works Overview - August 2020, D20/47591 [↓](#)



## MAJOR PROJECTS OVERVIEW 2020/2021

Community Strategic Plan / LIVE - a healthy, safe, inclusive and vibrant community / PRESERVE - balancing the natural and built environment / PROSPER - a smart, innovative and resilient economy / COLLABORATE - leadership and partnership

Community Strategic Plan	Division	Main Project	Sub Project	Detail of Works	Status
LIVE	CORP	LAKE CANOBOLAS SCOUT CAMP	Ablutions block	Demolish and rebuild	C
LIVE	CRAC	JACK BRABHAM	Jack Brabham Forest Amenities	Construction of new amenities on Forest Road	F
LIVE	CRAC	ANZAC PARK	BMX Demolition	Demolition of BMX Track	B, T & P
LIVE	CRAC	BOTANIC GARDENS	Church	Fixing Pavers	B & C
LIVE	CRAC	BOTANIC GARDENS	Adventure Playground	Rhino being re fibre glassed and repainted.	B & C
LIVE	CORP	LAKE CANOBOLAS SCOUT CAMP	existing buildings	Renovate	C
PRESERVE	CRAC	ORANGE REGIONAL SPORTING PRECINCT	Detailed Survey	RFQ, works commenced	B & C
LIVE	DEVEL	POUND	Report to Council	Fitout tender	IP
PRESERVE	CORP/ TECH	PROPERTY REVIEW		Briefing then to Council	P
LIVE	CRAC	ROBERTSON PARK	Sir Neville Howse Memorial	Relocation of Sir Neville Howse	IP & B
LIVE	CRAC	ELEPHANT PARK	Elephant Park Amenities	Renovation	C, B & T
LIVE	CRAC	ENTRANCES TO THE CITY	Signs	Report to Council	IP
LIVE	CRAC	GLENROI	Glenroi Toilet Block Demolition	Demolition of Glenroi Amenities Block - No DA required	B & C
PRESERVE	CRAC	ORANGE REGIONAL SPORTING PRECINCT	Geotechnical Investigation	RFQ awarded, works commence Tuesday 21/7/20	B & C
PRESERVE	CRAC	ORANGE REGIONAL SPORTING PRECINCT	Contamination	RFQ, works commenced	B & C
LIVE	CRAC	PERRY OVAL	Demo/Refurb Amenities	Demolition or refurbishment of amenities - 2nd opinion	P & B
LIVE	CRAC	ROBERTSON PARK	Cenotaph Tiles	Tiles being replaced, cleaning of tiles and lights being replaced where required.	B & C
LIVE	CRAC	SHOWGROUND	Showground Fencing	Replace Arena Fencing and Leeds parade Fencing	B & C
LIVE	CRAC	PERRY OVAL	Irrigation of Field	Installation of irrigation - last 1993	P & B
LIVE	CRAC	ANZAC PARK	Extension of Netball Courts	Design of additional courts and flood plan management DA Required?	P
LIVE	CRAC	BOTANIC GARDENS	Adventure Playground	Area to be upgraded and repainted	B & T
LIVE	CRAC	JACK BRABHAM	Jack Brabham renovation Huntly road	Renovation of existing facilities with addition of new awning	B & C
LIVE	CRAC	ROBERTSON PARK	Bins/Chairs	Repaint bins and chairs	IP & B
LIVE	CRAC	ROBERTSON PARK	Whitney Fountain	Report prepared to assess viability, then fix	B & C
LIVE	TECH	SPRING CREEK DAM TO ICELY RD PIPELINE		Pipeline complete, testing underway, pumps & pressure vessels	C
LIVE	CRAC	WADE PARK	Wade Park Cricket Centre of Excellence	Building indoor cricket centre	B & C
LIVE	CRAC	WADE PARK	Painting Grandstand	Painting of Grand Stand - Anton	B & C
LIVE	CRAC	WADE PARK	Seating Grandstand	Installation of new grand stand seating	B & C
LIVE	TECH	WILLIAM MAKER DR/HILL ST ROUNDABOUT		Realign intersection with roundabout on NDR	C
LIVE	CRAC	ELEPHANT PARK	Awning	Installation of awning - Runners Club	C, B & T
LIVE	CRAC	MOUNTAIN BIKE TRAIL	REF, Design and Tender	Undertake Investigations – REF and Design Component	IP & B
LIVE	DEVEL	POUND	Fitout	Possibly engage Building services to assist in fitout	C
LIVE	CRAC	WADE PARK	Future Grandstand	DA Lodgement	H
LIVE	TECH/DEVEL	WILLIAMS SHED TEMPORARY CARPARK	Temporary Carpark	Seal - corner of Peisley St & March Street	B & P
	TECH/DEVEL	DOUBLE STOREY CARPARK	Planning	planning stage by December 2020	P
LIVE	CRAC	FOOTPATH LIGHTING (Safer Communities)	Tender and Construction	Design and construction of footpath lighting and standalone lights at various locations within Orange. Parks include Elephant Park, Edye Park, Glenroi Oval, Margaret Stevenson Park and the footpath from Myora Place to Algona Crescent.	B & T
PRESERVE	TECH	FOREST ROAD UPGRADE (HOSPITAL TO CADIA RD)		Cadia intersection complete. Contract awarded and commenced	C
PRESERVE	CRAC	LUCKNOW WINDING SHED & LIGHTING	Rebuild	Reconstruction of shed RFQ being developed	IP & B
LIVE	CRAC	MOULDER PARK	Painting of old Netball Courts		P & B
LIVE	CRAC	MOULDER PARK	Building - Fire Compliance	Report to be prepared determining building compliance	P
LIVE	TECH	RENEWABLE ENERGY PROJECT	Solar on Council facilities		P + B
LIVE	TECH	SOUTHERN LIGHTS		Standard LED's installed, sensor LED's to be installed	C
PROSPER	TECH	WHITEWAY LIGHTING (under-awning)		Under construction	

Status	
P	Planning
IP	In Progress
C	Under Construction
T	Tendered
B	Identified in Budget
H	On Hold
F	Finished



Community Strategic Plan	Division	Main Project	Sub Project	Detail of Works	Status
LIVE	TECH	AIRPORT UPGRADE		WIFI complete/large screen ordered/underawning & carparking in design and procurement	C
PRESERVE	CRAC	BOTANIC GARDENS	Dam Wall	Blue Stone retaining wall to be reconstructed. - Concrete retaining wall, bluestone façade	B & T
LIVE	TECH	NEW DEPOT BUILDING		Contract awarded, detail design & DA in progress	IP
PRESERVE	TECH	SOUTHERN FEEDER ROAD	STAGE 3	Leewood to Highway - Contract Awarded	C
LIVE	CORP	LAKE CANOBOLAS SCOUT CAMP	Accommodation Blocks	4 new	P
LIVE	CRAC	MOULDER PARK	Bridges	Bridging to be constructed/replaced	P & B
PRESERVE PROSPER	ALL	UPGRADE CBD (FUTURE CITY)		Spend \$5M	P + B
COLLABORATE	CRAC	VILLAGE CAPITAL GRANTS	Lucknow	Directed by communities	B
COLLABORATE	CRAC	VILLAGE CAPITAL GRANTS	Clifton Grove	Directed by communities	B
COLLABORATE	CRAC	VILLAGE CAPITAL GRANTS	Spring Hill	Directed by communities	B
LIVE PROSPER	CRAC	GALLERY	Tender and Construction	Extension of current building	B & T
PRESERVE	TECH	BLACKMANS SWAMP STORM WATER HARVESTING	Stage 2	Design, REF & community consultation in progress	P
LIVE	CORP	LAKE CANOBOLAS SCOUT CAMP	Multipurpose Building	New Build	P
LIVE	CORP	LAKE CANOBOLAS SCOUT CAMP	Sporting facilities	flying fox, abseiling, high ropes course	P
PRESERVE	CRAC	ORANGE REGIONAL SPORTING PRECINCT	Overview	Construction of Main stadium and forecourt, grandstand athletics track, Bernie Stedman field (football), Cricket Training Facility, Recreation Park, Car parking areas, sporting fields for use by Cricket, Softball, Summer Football, Athletics, Rugby League, Touch Football and other sports and events	IP & B
LIVE	CRAC	CONSERVATORIUM & PLANETARIUM	Design and Construction	Construction of new Conservatorium and Planetarium	P & IP
LIVE	CRAC	JACK BRABHAM	Jack Brabham Canteen Renovation	Extension of existing canteen. Going out for design. Indicative cost estimate only.	P
LIVE	CRAC	GLENROI	Glenroi Master Plan	Implementation of Master Plan stage 1	IP & B
LIVE	CRAC	ANZAC PARK	Extension of Indoor Arena	Design	P
LIVE	CRAC	ANZAC PARK	Design	Design DA -2 additional courts and additional carparking	P
LIVE	CRAC	AQUATIC CENTRE	Aquatic Center Expansion Design	Small hydro pool, 2nd 25m indoor, flowrider, Gym, water park, repurpose dive tower pool.	Future Project
LIVE	CRAC	HOCKEY CENTRE	Carpark	Repatching -fill pot holes -complete fix not in budget	P
LIVE PROSPER	CRAC	ORANGE CIVIC THEATRE	Expansion of Theatre	Design	Future Project
PROSPER	TECH/DEVEL	ADVANCING HOUSING & INDUSTRIAL LAND PROJECTS	Saleyards		P
PROSPER	TECH/DEVEL	ADVANCING HOUSING & INDUSTRIAL LAND PROJECTS	Clergate Rd Industrial		P
PROSPER	TECH/DEVEL	ADVANCING HOUSING & INDUSTRIAL LAND PROJECTS	Shiralee		P
PRESERVE	CRAC	ORANGE REGIONAL SPORTING PRECINCT	SEE/DA	Tender Development, works to be undertaken Various (Trees, bulk earthworks, Athletics, Main Stadium)	B & T
LIVE	CRAC	PLAYGROUNDS	Various	New and refurbish playgrounds cost over 4 years	P & B
LIVE	CRAC	SHOWGROUND	Elf Centre – External	Garden Maintenance	Ongoing
COLLABORATE	CORP	SUMMITS/FORUMS		Business, Youth, Housing, Water	H
PRESERVE	CRAC	ORANGE REGIONAL SPORTING PRECINCT	Exservices		P
PRESERVE	CRAC	ORANGE REGIONAL SPORTING PRECINCT	Full Delivery		P
LIVE	CRAC	SHOWGROUND	Showground Amenities	Amenities	B & P
LIVE	CRAC	ENTRANCES TO THE CITY	Briefing		P
LIVE	ALL	LAKE CANOBOLAS MASTER PLAN		Awarded	P & C
PRESERVE	CRAC	ORANGE REGIONAL SPORTING PRECINCT	Approvals	RFQ awarded, works to be undertaken to obtain approval	P & B
	TECH	RENEWABLE ENERGY PROJECT	LED Replacement lighting	\$182,000 committed to funding LED swap out across all Council facilities	T



Attachment 2 Works Overview - August 2020

FOOTPATHS / ROADS / ETC - 2020 / 2021				
Category	Sub Category	Location		Status
FOOTPATH WORKS	DEVELOPMENT FUNDED	Garnet Street	Topaz to Sapphire	Complete
FOOTPATH WORKS	DEVELOPMENT FUNDED	Ruby Street	Garnet to Moonstone	Underway
FOOTPATH WORKS	DEVELOPMENT FUNDED	Opal	Diamond to Emerald	Planned
FOOTPATH WORKS	DEVELOPMENT FUNDED	Turquoise	Diamond to Moonstone	Planned
FOOTPATH WORKS	DEVELOPMENT FUNDED	Stevenson Way	William Maker Dr to 38 Stevenson Way	Planned
FOOTPATH WORKS	DEVELOPMENT FUNDED	Emmaville Street	51 Emmaville St to Stevenson Way	Planned
FOOTPATH WORKS	DEVELOPMENT FUNDED	Jasper	Turquoise to Moonstone	Planned
FOOTPATH WORKS	DEVELOPMENT FUNDED	Catania	Remaining	Planned
FOOTPATH WORKS	DEVELOPMENT FUNDED	Etna	Remaining	Planned
FOOTPATH WORKS	NEW	Dalton Street	Clinton to Burrendong	Planned
FOOTPATH WORKS	NEW	Autumn Street	Dalton to March	Complete
FOOTPATH WORKS	NEW	Anson Street	Gardiner to Chestnut	Planned
FOOTPATH WORKS	NEW	Anson Street	Gardiner to North End of Woranita Park	Planned
FOOTPATH WORKS	NEW	Spring Street	Bletchington to Dalton	Planned
FOOTPATH WORKS	NEW	Dalton Street	William to McLachlan	Planned
FOOTPATH WORKS	NEW	Prince Street	Woodward to Sampson	Planned
FOOTPATH WORKS	NEW	Peisley Street	Margaret to Phillip	Planned
FOOTPATH WORKS	NEW	Molong Road	Forbesto Murphy	Planned
FOOTPATH WORKS	NEW	William Street	March to Dalton	Planned
FOOTPATH WORKS	NEW	Gardiner Road	Peisley to Lords	Planned
FOOTPATH WORKS	NEW	Gardiner Road	Lords to Anson	Planned
FOOTPATH WORKS	NEW	Hill Street	Margaret to Roselawn	Planned
FOOTPATH WORKS	NEW	Various	Short linkages	Ongoing
FOOTPATH WORKS	RENEW	Hill Street	Prince to March	Planned
FOOTPATH WORKS	RENEW	March Street	Anson to Sale	Underway
FOOTPATH WORKS	RENEW	McLachlan Street	Little Warrendine to Caroline	Complete
FOOTPATH WORKS	RENEW	Peisley Street	Franklin to Gardiner	Planned
FOOTPATH WORKS	RENEW	Autumn Street	Dalton to March	Planned
FOOTPATH WORKS	RENEW	Anson Street	Prince to March	Complete
FOOTPATH WORKS	RENEW	Nile Street	March to Byng	Planned
FOOTPATH WORKS	RENEW	Nile Street	Summer to Byng	Planned
FOOTPATH WORKS	RENEW	Prince Street	Clinton to Sampson	Planned
FOOTPATH WORKS	RENEW	Localised Segments	Renewal of selected	Planned
KERB & GUTTER + DRAINAGE	DRAINAGE IMPROVEMENTS	Taxiway Echo Drainage		Planned
KERB & GUTTER + DRAINAGE	DRAINAGE IMPROVEMENTS	Jumbuck Place		Planned
KERB & GUTTER + DRAINAGE	DRAINAGE IMPROVEMENTS	Euchareena Tip		Planned
KERB & GUTTER + DRAINAGE	DRAINAGE IMPROVEMENTS	Narrambra		Planned
KERB & GUTTER + DRAINAGE	DRAINAGE IMPROVEMENTS	Kearneys Phillip Basin		Planned
KERB & GUTTER + DRAINAGE	PIPE RELINING	Drainage Rehab		Planned
ROAD SAFETY TREATMENTS	REFUGE	Valencia Drive Crossing		Complete
ROAD SAFETY TREATMENTS	KERB BLISTERS	Kearneys Drive & Matthews Ave		Planned
ROAD SAFETY TREATMENTS	KERB BLISTERS	Hill and Casey		Planned
ROAD SAFETY TREATMENTS	KERB BLISTERS	Anson and Margaret		Planned
ROAD SAFETY TREATMENTS	MODIFY CROSSING	Coronation Drive school crossing		Planned
ROAD SAFETY TREATMENTS	LINEMARKING	Byng and McLachlan		Planned
ROAD SAFETY TREATMENTS	LINEMARKING	Churchill and Edward		Planned
ROAD SAFETY TREATMENTS	LINEMARKING	Byng and William		Planned
ROAD SAFETY TREATMENTS	RECONSTRUCT INTERSECTION	Bleasley and Blunt Road intersection		Planned
ROAD SAFETY TREATMENTS	ROAD WIDENING	Phoenix Mine Road		Planned
ROAD SAFETY TREATMENTS	ROAD WIDENING	Cadia Road		Planned
ROAD SAFETY TREATMENTS	ROAD WIDENING AND SAFETY BARRIER	Ophir Road	After 1st crossing	Planned
ROAD SAFETY TREATMENTS	SAFETY BARRIER	Ophir Road	Between Phillip Street and Waste Facility	Planned
ROAD WORKS	HEAVY PATCHING (ASPHALT)	March and Nile		Complete
ROAD WORKS	HEAVY PATCHING (ASPHALT)	Green Lane	intersection with Coronation Dr	Planned
ROAD WORKS	HEAVY PATCHING (GRAVEL)	Forest Road	Buttle Road	Planned
ROAD WORKS	STABILISE PAVEMENT AND SEAL	Tynan Street	Forest Road to Anson Street	Planned
ROAD WORKS	STABILISE PAVEMENT AND SEAL	Icely Road Bridge	x 2 approaches	Planned
ROAD WORKS	STABILISE PAVEMENT AND SEAL	Icely Road	Filtration Plant Road to NDR	Planned
ROAD WORKS	STABILISE PAVEMENT AND SEAL	Icely Road	Park to Pailing	Planned
ROAD WORKS	STABILISE PAVEMENT AND SEAL	Ploughmans Lane	Escort to Cargo	Planned
ROAD WORKS	STABILISE AND ASPHALT	Dalton Street	Anson to Peisley	Planned
ROAD WORKS	STABILISE AND ASPHALT	Leewood Drive	Elsham + 170m to Hawthorne	Planned
ROAD WORKS	STABILISE AND ASPHALT	DPI Anson Street		Underway
ROAD WORKS	STABILISE AND ASPHALT	Prince Street	Anson to Hill	Planned
ROAD WORKS	ASPHALT MILL & FILL	Peisley Street	Franklin Rd to Gardiner Rd	Planned
ROAD WORKS	ASPHALT MILL & FILL	Scott Place	90° bend to first cul-de-sac	Planned
ROAD WORKS	ASPHALT MILL & FILL	Sale Street	Byng to March	Planned
ROAD WORKS	CONSTRUCTION	Wakeford Lone Pine	Icely to Bathurst Road	Planned
ROAD WORKS	CONSTRUCTION	Airport Passenger carpark expansion stg 2	Central Carpark	Planned
ROAD WORKS	CONSTRUCTION	Cnr March / Peisley	Old Williams building site	Planned
ROAD WORKS	CONSTRUCTION	Airport airside	Airside Parking	Planned
ROAD WORKS	CONSTRUCTION	Forest Road	Evergreen to Ginns +600	Planned
ROAD WORKS	IMPROVE DRAINAGE	Rossi Drive		Planned
ROAD WORKS	CRACK SEALING	Various		Planned
ROAD WORKS	CONCRETE	NDR & Burrendong Roundabout	new inner kerb ring	Planned
ROAD WORKS	RESEALS	Sieben Drive	Ella Place to Sieben Dr intersection	Planned
ROAD WORKS	RESEALS	Prince Street	Lords to Anson	Planned



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**5.8 MINUTES OF THE AUDIT AND RISK MANAGEMENT COMMITTEE MEETING OF 29 MAY 2020**

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RECORD NUMBER: 2020/904

AUTHOR: Shephard Shambira, Internal Auditor

**EXECUTIVE SUMMARY**

The Audit and Risk Management Committee (ARMC) held its quarterly meeting on 29 May 2020. A copy of the minutes of the ARMC meeting of 29 May 2020, and the related Agenda are attached.

The Committee had before it a progress report on the Council's risk management framework review project, a progress update on the internal audit programme, a report on progress with Council's process improvement initiatives and a quarterly report on compliance activities. The ARMC Charter and Internal Audit Activity Charter were also reviewed and the Committee has recommended that Council consider changing the Committee name to "Audit, Risk and Improvement Committee (ARIC) which is in line with the proposed legislative changes. It was also noted that the current Charters generally address most of the changes proposed by the new legislation. In line with standard practice, the Committee also reviewed progress updates on the ARMC Action List to assess progress in the resolution of issues previously raised by the Committee or through internal audit assessments.

The Committee also received a verbal report by the Auditor General on the status of Council's external audit process including an update on the impact of COVID-19 on the financial audit focus.

The Chief Executive Officer also presented a verbal update to the Committee outlining Council's initiatives and actions in response to the COVID-19 pandemic. The Committee commended Council efforts and achievements in re-aligning operations to mitigate risks arising from the pandemic.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.1 Collaborate - Provide representative, responsible and accountable community governance".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

The recommendations by the Audit and Risk Management Committee propose a change of name for the Committee to Audit, Risk and Improvement Committee and an endorsement of early adoption of proposed legislation aimed at strengthening Council's risk management and governance framework.

In order for the minutes and Charter to be adopted prior to the next Committee meeting, these minutes were moved into the Council meeting from the Finance Policy Committee Meeting of 1 September 2020.

**RECOMMENDATION**

- 1** That Council acknowledge the reports presented to the Audit and Risk Management Committee at its meeting held on 29 May 2020.
- 2** That Council determine recommendation 4.5 from the minutes of the Audit and Risk Management Committee meeting of 29 May 2020.
  - 4.5 (2)** *That the Committee be renamed the Audit, Risk and Improvement Committee (ARIC) in line with the proposed New Framework.*
  - 4.5 (3)** *That the Charter be confirmed subject to the following amendments*
    - a.** *update the Charter to replace the term General Manager with, Chief Executive Officer (CEO).*
    - b.** *section 5.5. of the Charter, delete the words “and executive sessions”.*
    - c.** *section 7.3(a) the third bullet point. Replace the words “rely on” with “refer to”; delete the words “based on external auditor’s management letter”;*
- 3** That the remainder of the minutes of the Audit and Risk Management Committee at its meeting held on 29 May 2020 be adopted.

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

A copy of the minutes of the meeting of 29 May 2020 and related Agenda are attached. A copy of the Draft Audit, Risk and Improvement Committee Charter is also attached for adoption.

**ATTACHMENTS**

- 1** ARMC 29 May 2020 Agenda, D20/32784 [↓](#)
- 2** ARMC 29 MAY 2020 Minutes, D20/48239 [↓](#)
- 3** DRAFT - Audit, Risk and Improvement Committee Charter, D20/45270 [↓](#)



## **AUDIT AND RISK MANAGEMENT COMMITTEE**

# **AGENDA**

**29 MAY 2020**

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **AUDIT AND RISK MANAGEMENT COMMITTEE MEETING** of **ORANGE CITY COUNCIL** will be held via the **ONLINE MEETING PLATFORM – ZOOM** on **Friday, 29 May 2020** commencing at **9:30AM**.

David Waddell  
CHIEF EXECUTIVE OFFICER

For apologies please contact Shephard Shambira on 02 6393 8048.

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

**AGENDA****EVACUATION PROCEDURE**

In the event of an emergency, the building may be evacuated. You will be required to vacate the building. The Committee Clerk will now identify the emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

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**1 INTRODUCTION****MEMBERS**

**Voting Members:** Mr P Burgett (Independent Chairperson), Mr B Gillooly AM (Independent Member), Cr R Kidd (Mayor), Cr J Whittton

**Non-Voting Members:** Chief Executive Officer, Acting Director Corporate and Commercial Services, Manager Financial Services, Internal Auditor

**Invited:** Audit Office (NSW)

**1.1 APOLOGIES AND LEAVE OF ABSENCE****1.2 ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

**1.3 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS**

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

**RECOMMENDATION**

It is recommended that Committee Members now disclose any conflicts of interest in matters under consideration by the Audit and Risk Management Committee at this meeting.

AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

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**2 PREVIOUS MINUTES**

**RECOMMENDATION**

That the Minutes of the Meeting of the Audit and Risk Management Committee held on 14 February 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Audit and Risk Management Committee meeting held on 14 February 2020.

**ATTACHMENTS**

- 1 Minutes of the Meeting of the Audit and Risk Management Committee held on 14 February 2020

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## ORANGE CITY COUNCIL

### MINUTES OF THE

## AUDIT AND RISK MANAGEMENT COMMITTEE

HELD IN THE COUNCILLORS WORKROOM, CIVIC CENTRE, BYNG STREET, ORANGE

ON 14 FEBRUARY 2020

COMMENCING AT 9:35AM

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### 1 INTRODUCTION

#### ATTENDANCE

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**Voting Members:** Mr P Burgett (Independent Chairperson), Mr B Gillooly AM (Independent Member), Cr R Kidd (Mayor), Cr J McRae

**Non-Voting Members:** Chief Executive Officer, Acting Director Corporate and Commercial Services, Manager Financial Services, Internal Auditor, Cr J Whitton

**Invited:** Audit Office (NSW) Mr Chris Harper via teleconference

#### 1.1 Apologies and Leave of Absence

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Nil

#### 1.2 Acknowledgement of Country

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#### 1.3 Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests

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Nil

### 2 PREVIOUS MINUTES

#### RECOMMENDATION

**Mr B Gillooly AM/Cr J McRae**

That the Minutes of the Meeting of the Audit and Risk Management Committee held on 25 October 2019 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Audit and Risk Management Committee meeting held on 25 October 2019.

## MINUTES OF AUDIT AND RISK MANAGEMENT COMMITTEE

14 FEBRUARY 2020

**3 GENERAL REPORTS****3.0 VERBAL UPDATE FROM THE AUDITOR GENERAL NSW**

VERBAL REPORT BY MR CHRIS HARPER – DIRECTOR FINANCIAL AUDIT: AUDIT OFFICE NSW

**RECOMMENDATION****Mr B Gillooly AM/Cr J McRae**

That the verbal report regarding progress with preparations for the Council's 2020 financial statements be noted.

*\*\*Mr Chris Harper left the meeting with the time being 9:45AM\*\**

*\*\*The Mayor Cr R Kidd joined the meeting with the time being 10:11AM\*\**

**3.1 PROPOSED INTERNAL AUDIT PROGRAMME - 2020 TO 2023**

TRIM REFERENCE: 2020/112

**RECOMMENDATION****Mr B Gillooly AM/Cr R Kidd**

- 1 That the proposed internal audit programme be approved.
- 2 That the paper on investments process be noted and that the Internal Auditor consider allocating time to a high level compliance review of controls in the investments process.
- 3 That the Committee confirm the work plan for the remainder of this financial year.
- 4 That the Internal Auditor be requested to redraft the remaining 3 years of the plan to programme in the unallocated hours and reflect changes in priorities proposed by the Committee.

**3.2 FRAUD AND CORRUPTION PREVENTION POLICY REVIEW**

TRIM REFERENCE: 2020/98

**RECOMMENDATION****Mr B Gillooly AM/Cr R Kidd**

- 1 That the report be acknowledged.
- 2 That feedback be provided to the Internal Auditor by 21 February 2020.

**MINUTES OF AUDIT AND RISK MANAGEMENT COMMITTEE****14 FEBRUARY 2020****3.3 PROCESS IMPROVEMENTS - 2019/20 FINANCIAL YEAR - UPDATE - SEPTEMBER 2019 TO JANUARY 2020**

TRIM REFERENCE: 2020/176

**RECOMMENDATION****Cr J McRae/Cr R Kidd**

That the update on process improvements be acknowledged.

**3.4 COMPLIANCE ACTIVITIES - 2019/20 FINANCIAL YEAR - UPDATE - SEPTEMBER 2019 TO DECEMBER 2019**

TRIM REFERENCE: 2020/177

**RECOMMENDATION****Mr B Gillooly AM/Cr J McRae**

That the update on compliance activities be acknowledged.

**3.5 ARMC ACTION LIST AS AT JANUARY 2020**

TRIM REFERENCE: 2020/99

**RECOMMENDATION****Mr B Gillooly AM/Cr R Kidd**

- 1 That the report by the Internal Auditor on ARMC Action List as at January 2020 be acknowledged.
- 2 That action items marked as completed (100%) be deleted from the ARMC Action List.
- 3 That an updated ARMC Action List be prepared and distributed to Committee members out of session within 21 days from the date of this meeting.
- 4 That the Committee noted that the ARMC Action List progress report appeared incomplete as at the date of the meeting.
- 5 That the Chief Executive Officer request the Information Services Manager to make a presentation to the next meeting outlining the Council's information technology strategy roadmap.

## MINUTES OF AUDIT AND RISK MANAGEMENT COMMITTEE

14 FEBRUARY 2020

**3.6 AUDIT AND RISK MANAGEMENT COMMITTEE ANNUAL REPORT FOR THE YEAR ENDED 31 DECEMBER 2019 (IN-CAMERA DISCUSSION)**

TRIM REFERENCE: 2020/185

**RECOMMENDATIONS****Mr B Gillooly AM/Cr R Kidd**

- 1 That the report by the ARMC Chair be acknowledged.
- 2 That Committee members' feedback on the report be submitted to the Committee Chair.
- 3 That the report be submitted to the next Council meeting.

**4 CLOSED MEETING**

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Audit and Risk Management Committee meeting closed to the press and public.

In response to a question from the Chairperson, the Chief Executive Officer advised that no written submissions had been received relating to any item listed for consideration by the Closed Meeting of Audit and Risk Management Committee.

The Chairperson extended an invitation to any member of the public present at the meeting to make a presentation to the Audit and Risk Management Committee as to whether the meeting should be closed for a particular item.

**RECOMMENDATION****Cr R Kidd/Mr B Gillooly AM**

That Audit and Risk Management Committee adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

**4.1 Internal Audit Review Report - Contaminated Land (Council Owned)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

The Chairperson declared the open meeting of the Committee adjourned for the conduct of the closed meeting at 11:35AM.

The Chairperson declared the open meeting of the Committee resumed at 12:10PM.

**MINUTES OF AUDIT AND RISK MANAGEMENT COMMITTEE**

**14 FEBRUARY 2020**

**5 RESOLUTIONS FROM CLOSED MEETING**

**4.1 INTERNAL AUDIT REVIEW REPORT - CONTAMINATED LAND (COUNCIL OWNED)**

TRIM REFERENCE: 2020/196

**RECOMMENDATION**

**Cr R Kidd/Mr B Gillooly AM**

That the report by the Internal Auditor regarding contaminated land and related management comments and action plans be acknowledged.

**THE MEETING CLOSED AT 12:12PM.**



AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

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**3 PRESENTATIONS**

**3.1 THE IMPACT OF COVID-19 - COUNCIL RISK MANAGEMENT FRAMEWORK**

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A Verbal Presentation by the Chief Executive Officer.

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

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**4 GENERAL REPORTS****4.1 RISK FRAMEWORK AND RISK REGISTER REVIEW PROJECT - UPDATE**

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RECORD NUMBER: 2020/774

AUTHOR: Linda McFadden, Divisional Administrative Officer - Corporate and Commercial Services

**EXECUTIVE SUMMARY**

Council's Enterprise Risk Register was first created in 2013. A need was identified to do a complete review of this risk register by engaging a consultant to completely review Councils risk framework as well as the risk register as well as to provide training and workshops on risk to management and supervisory staff.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.1 Collaborate - Provide representative, responsible and accountable community governance".

**FINANCIAL IMPLICATIONS**

It is considered that there was a financial risk in relation to this project as the Request for Quotation was sent out without a secured budget. The project was then on hold until the requisite money could be found.

Projects such as these should be listed in the subject year's Operational Plan with an aligned budget.

**POLICY AND GOVERNANCE IMPLICATIONS**

In order to ensure compliance across the organisation, the Risk Framework and Risk Register must be a reflection of Councils current risk appetite and a requirement for all users to be trained sufficiently in the requirements to facilitate not only compliance but also best practice usage of the register. While Council's Strategic Policy - ST056 - Enterprise Risk Management is updated regularly, the current-ness and use of the Register were not aligned, therefore adding to the need for external consultation.

**RECOMMENDATION**

**That the update report on the Risk Framework and Risk Register be acknowledged.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

A Request for Quotation was issued in October 2019. A consultant was appointed in February 2020.

**AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020****4.1 Risk Framework and Risk Register Review Project - Update**

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The project commenced in April 2020 and is expected to be completed by mid-June 2020. The project is outlined in the attachments, as is the time frame for project deliverables. To date, the following sections of the project have taken place or have been scheduled to take place:

1. Telephone conference with selected staff - Executive Leadership, Corporate Governance, Internal Audit, Financial Services, Human Resources and Information Technology - from 29 April 2020 to 5 May 2020
2. Liaised with Consultant on Scope of Works, which needs to be read in conjunction with Risk Framework Questions Answered by Orange City Council (both attached)
3. MS Team meeting with keys members of Procurement Committee on 13 May 2020
4. MS Team training for all Council Business Units on 18 and 19 May 2020
5. MS Team workshops for all Council Business Units from 20 May to 1 June 2020
6. One Training and one Workshop to be recorded for retention and ongoing use by Council
7. Project Plan is attached; this outlines the timing of further deliverables

**ATTACHMENTS**

- 1 Risk Framework and Risk Register Review project - Scope of the Works, D20/27708
- 2 Risk Framework Questions Answered By Orange City Council, D20/27847
- 3 Consultant's Project Plan - Risk Framework and Risk Register Review Project, D20/27874

**AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020**Attachment 1 Risk Framework and Risk Register Review project - Scope of the Works

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**• Scope of the Works**

Council has a risk management framework supported with policies and procedures and a comprehensive suite of operational risk registers and a corporate risks register. This framework has been in place for a period of time. However, in order to take the risk management culture to a new level, Council requires to refresh the risks register. It is contemplated that this process will require a refining of some risk treatment strategies descriptions and risk descriptions. The refined risk registers should also provide a better understanding of the status of risks which are subject to on-going risk treatment actions as opposed to those risks which can be evaluated as having a lower residual risk status as certain associated tasks are progressed.

Council currently operates its Risk Management Register and Framework through Pulse software. Knowledge of this system is preferred or the ability to rapidly require this knowledge is required. Remote access is available.

- Review and provide advice on Council's risk management framework generally
- Review and provide advice on Council's risks register
- Identify process improvements
- Advise Council in relation to its Procurement Risk Matrix
  - Develop a Risk Management Framework for Procurement
  
- The expected outcomes are that the consultant will facilitate the following:
  - Preparation of an updated corporate risks register.
  - Preparation of an updated procurement risk matrix.
  - Training of various teams across the council and update of the operational risks registers.
  - Prepare a training manual for all staff on how to properly update risks registers.
  - Provide recommendations on potential updates to existing policies and procedures.
- Provide staff training on:
  - How to identify risks generally and more specifically, emerging risks and ensure that they are properly recorded in the risk register at the earliest opportunity.
  - How to analyse and evaluate risks
  - How to determine risk treatment strategies
  - How to monitor and review risks
  - How to properly describe risks and related risk treatment strategies and tasks.

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Risk Framework Questions Answered By Orange City Council

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- **Why do you specifically want a Risk Management Matrix/Framework for Procurement? A good risk management framework will ensure that risks across all council functions are considered and the risk ratings tables apply to all activities.**

Agreed. Procurement is a key process and this was included to ensure that the process gets sufficient coverage during the review. Council is currently carrying out a comprehensive review of the procurement processes. So, a special focus on this function is desirable.

- **How important is using PULSE? We typically, use spreadsheets and Council's Risk Officer updates the systems. If your current risks statement are good and less than 150 risks, it may not be too much of a burden, If you have over 500 risks, then it will be cumbersome and costly.**

The Council uses PULSE to record risk registers and related tasks attached to identified risks. PULSE also enables automatic follow up and reporting on actions and routine procedures. The PULSE system categories risks in various ways. Reducing the number of risks to 150 or less is a possible outcome from this process, but Council requires a rationale to justify such a shift. The current risk registers are comprehensive and very detailed. Yet, the proposed review is expected to streamline these register and separate routine tasks and once off activities from key risks which Council ought to monitor on an on-going basis. Determining the optimum size of the risk register and the rationale for such proposed change is one of the main objectives of the proposed project. Council has already identified that there are some entries in the risk registers which are typically compliance tasks and as such better managed through a compliance module rather than being classified as risks. We do not expect that there will be any major difference in the volume of work, whether the risk register has 150 or 500 risk entries. Council already has a risk management framework in place and all that is required is to develop this further so that it moves to a higher level of maturity. Identifying value adding updates to the framework and training of users is one of the main outcomes expected from this process.

- **Do you want a Risk Appetite Statement as part of this project? If no formal risk appetite, we will still need to determine a criteria for accepting/rejecting different levels of risk.**

The Council has a well-developed risk management framework in place. This framework includes a risk appetite statement. Refer to Council policy framework on the following website link: <http://www.orange.nsw.gov.au/wp-content/uploads/2018/07/Enterprise-Risk-Management-and-Toolkit-ST056.pdf>

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Risk Framework Questions Answered By Orange City Council

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- **Do you have appropriate risk management resourcing during and post implementation? From experience, it would be great if we could work collaboratively with your Risk Officer and hand-over to them to maintain.**  
The Council has various resources available to support the risk management process. It is expected that the training process which is proposed under this project will embed an even stronger risk management culture to ensure that operational branches of Council take a more hands on role in managing risks and maintaining the risks management framework and related risk registers. Distributing responsibility over the risk registers and risk management framework to the operational branches will ensure that the available resources in the Governance area of Council are adequate.
- **Is the period referred to in the Quotation Details the period in which a selection decision will be made?**  
The proposed Date are in line with our requirements to complete the project by 30 November. This will need a review based on the consultant's proposal and Council's requirements.
- **Does Council have any known "black-out" periods in which it would not be possible or desirable for the works to be undertaken? Eg Due to the Christmas period or other organisational priorities.**  
Council will close down from 25 December 19-1 January 2020, no other block outs will apply.
- **Strategic policy titled Enterprise Risk Management - Is this document the risk management framework referred to in the RFQ?**  
The ERM Policy outlines our current risk management framework – this is what we require to be assessed and updated together with our pulse registers.
- **Could you confirm that the deliverable regarding Council's risk management framework is advice only and not an updated framework document?**  
Advice on the framework, update or in-consultation updating of the framework documentation and updating of the current register to reflect this updated framework.
- **Could you confirm that the deliverable regarding Council's procurement risk matrix is an updated procurement risk matrix and not the development of a "Risk Management Framework for Procurement"?** This would need some consultation with the Procurement team, however there is no current specific procurement framework – so development of such is required.
- **Could you give an indication of the number of teams for which training would be provided?** Administrators, Directors/Manager & General users.
- **Approximately how many operational risk registers currently exist?** There is 1 risk register, however it is used for corporate risks, project risks, Technical, WHS, Community and Development Risks. The Corporate Risk Register is where the majority of the work is required. We currently have 41 identified corporate Risks needing to review and making this more concise.

AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Risk Framework Questions Answered By Orange City Council

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- Is there an expected form or size of the training manual to be prepared? (If the purpose is to support proper updating of risk registers, we anticipate a manual could be a simple, concise tool – but wish to understand Council's expectations). A Manual would be required to general users to manage their risks individually with the governance team overseeing the framework. We have a current manual, which can be adapted.



**AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020**

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**4.2 INTERNAL AUDIT PROGRAMME - 2020 TO 2023 - STATUS REPORT AS AT MAY 2020**

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RECORD NUMBER: 2020/753

AUTHOR: Shephard Shambira, Internal Auditor

**EXECUTIVE SUMMARY**

The internal audit programme is prepared based on a number of considerations. The Chief Executive Officer and Directors are consulted to identify areas of interest where they may require internal audit input. This can be based on planned future changes to processes and procedures or other strategic changes to the Council's strategic objectives. The CEO and Directors may be aware of ongoing issues with some of the processes under their control, as such, they may require the comfort of an internal audit assessment of identified processes and or transactions.

The internal auditor also carries out an assessment of the Council risks registers and consults with the Governance Team and relevant managers.

The Internal Auditor consulted with the Chief Executive Officer and Council Directors to identify audit areas which the executive required to be included in the internal audit programme based on their requirements and future strategic plans. This process highlighted various topics which the Internal Auditor evaluated and proposed an outline of potential internal audit assessments which can be carried out to provide advice and assurance to the executive as required. These tasks and related work breakdown structure have been reviewed and approved by the Chief Executive Officer and Directors as representing a correct position regarding their requirements. The reviews on these topics will focus on addressing specific areas of concern to the executive in addition to any other internal audit evaluation as deemed appropriate at the time of audit.

A further list of tasks is also included on the internal audit programme based on an assessment of the Council's corporate risks register. The corporate risks register highlights Council's inherent risk, residual risk and a target risk rating based on the Council risk appetite. Tasks included on the proposed internal audit plan focused more on areas where there is an elevated residual risk. In other scenarios, a complex analysis of other background information was carried out to inform a judgement on the corporate risks with a low or negligible residual risk and a significantly elevated inherent risk rating.

The Council has engaged a consultant to review the risks register and related framework. It is expected that the internal audit programme will be updated to reflect the outcome of this review where appropriate.

The attached internal audit plan was approved by the Audit and Risk Management Committee at its meeting of February 2020 subject to a further update to be effected once the risk register review consultancy is finalised. At this stage it is expected that an updated plan will be submitted to the November 2020 meeting of the Committee.

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

**4.2 Internal Audit Programme - 2020 to 2023 - Status report as at May 2020**

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**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.1 Collaborate - Provide representative, responsible and accountable community governance".

**FINANCIAL IMPLICATIONS**

The Internal Audit function is included in the existing Governance budget votes. In some instances technical internal audit tasks may require outsourcing to specialist subject matter experts. This will be assessed on an ad hoc basis. The potential cost of such assessments cannot be determined at this stage as this will depend on unknown future variables.

**POLICY AND GOVERNANCE IMPLICATIONS**

Internal Audit assessments and resulting reports can recommend Governance/Policy changes or provide commentary and feedback on existing policies.

**RECOMMENDATION**

**That the report by the Internal Auditor on the proposed Internal Audit Programme as at April 2020 be acknowledged.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

The consultation with Directors and the Chief Executive Officer highlighted a number of topics. The Internal Auditor carried out a preliminary evaluation of the risk management framework around the identified areas in order to form an opinion on the potential for process improvement. The tasks suggested by the Directors have been included in the programme.

This preliminary internal audit assessment concluded that the existing assurance framework on the Council's investment portfolio is comprehensive and therefore, it is not likely that there will be any substantial opportunities for improvement to the process arising from an internal audit of the transactions and policy framework. A previous internal audit assessment noted that there is a robust framework in place based on Council policies and procedures and the Ministerial Guidelines. This framework includes a monthly evaluation of the portfolio status by the Council in relation to key investment mandate benchmarks and parameters. The investment portfolio is governed by a range of policies and procedures which include an investment mandate designed by an external consultant based on the existing regulatory framework. The lines of defence in place include an annual review by the Auditor General which is expected to provide assurance regarding key risk factors on the investment portfolio.

**AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020****4.2 Internal Audit Programme - 2020 to 2023 - Status report as at May 2020**

A copy of the details of advice provided to the Directors and the Chief Executive Officer regarding this recommendation is at [attachment 1](#). Subsequent to this process, the Committee requested that a high level assessment of the control systems around investment transactions be included in the internal audit plan. Therefore, this additional task is included in the updated internal audit plan.

Another audit area identified by Directors relates to the policy framework and governance considerations around Council policy formulation. The preliminary internal audit assessment indicated that there is potential for process improvement and efficiency gains which could be achieved through an internal audit of the policy making process and an evaluation of the existing policies. This task was therefore included in the proposed internal audit programme.

A detailed description of the process followed in setting the internal audit programme is at [attachment 3](#).

The proposed internal audit plan for the period 2020 to 2023 is at [attachment 4](#).

**2019/2020 Audit Plan Status as at May 2020**

The status of the internal audit programme tasks scheduled for the financial year ending June 2020 is depicted in the table below.

2019/2020 - Internal Audit program	Corporate risk register alignment				Status as at May 2020
	Corp risk register ID	Inherent risk rating	Residual risk rating	Within tolerance	
Contaminated lands policy implementation	10701	Severe	Major	No	Completed and report submitted to the Committee & CEO.
Council Vehicle Procurement Process review	3956	Major	Negligible	Yes	Work in progress. Task scheduled for completion by the end of 2020 financial year.
Corporate and Commercial Services Division Client Services Review (internal audit consultancy review)	Several governance risks				Preliminary review plan completed, but task now deferred pending appointment of Divisional Director.

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

## 4.2 Internal Audit Programme - 2020 to 2023 - Status report as at May 2020

3 Year Internal Audit Programme	All risks	Partly complete. The 3 year strategic internal audit programme will be further updated once the risks register project is finalised.
Ad hoc projects - to be advised by GM on an ad hoc basis to address emerging significant risks	All risks	On-going input on the risk register review project provided as required.

## ATTACHMENTS

- 1 Attachment 1 - Internal Audit Programme 2020-2023 - Memo to CEO on Investment Portfolio assurance framework, D19/70222
- 2 Attachment 2A - World Economic Forum Global Risks Report 2019, D20/4295
- 3 Attachment 3 - Internal Audit Programme 2020-2023 - Process for Developing Internal Audit Plan, D20/4296
- 4 Attachment 3A - Internal Audit Programme 2020-2023 - How the Plan was Developed, D20/4218
- 5 Attachment 4 - Proposed Internal Audit Programme 2020-2023, D20/27642

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 1 Attachment 1 - Internal Audit Programme 2020-2023 - Memo to CEO  
Investment Portfolio assurance framework

D19/70222

**MEMO TO** ACTING DIRECTOR CORPORATE & COMMERCIAL SERVICES

**FROM** INTERNAL AUDITOR

**DATE** 20 NOVEMBER 2019

**ON** PROPOSED INTERNAL AUDIT PROGRAMME – INVESTMENT PORTFOLIO  
F599

**Terms of reference**

In preparing a proposed internal audit programme for the period 2019 to 2023 the Internal Auditor consulted with the Directors and Chief Executive Officer. At a meeting with Directors it was suggested that the Council investment portfolio and related policy framework may be a possible item to be included in the proposed internal audit programme.

This memorandum seeks to provide insight on the assurance framework around the investment of council excess funds. The report recommends that an assessment of these processes under the current internal audit programme is probably not the most efficient way to allocate limited internal audit resources at this stage based on the perceived residual risk profile of the function.

**Key Risk Considerations**

The key risk event questions regarding the Council's investment portfolio mainly arise from the following:

1. Does the investment asset exist? This is a question as to whether an investment asset reported actually exists and whether related movements with respect to such assets actually occurred as reported.
2. Completeness of the list of investment assets reported. When a report on the investment portfolio is published, the list of investment assets listed should be complete and accurate.
3. Is the investment portfolio properly valued and transactions allocated to the appropriate accounts? Some investment assets can be valued in more than one way and the most appropriate valuation methodology should be used to determine the value of an asset.
4. Are the Council's rights and obligations properly safeguarded? The Council's ownership of investment assets should be properly established to ensure that there is no potential loss of an investment. It should be clearly verified that the council's claim to ownership of an investment is appropriately established.
5. Presentation and disclosure of investment assets in Council financial statements must be appropriate. Particular components of the investment portfolio should be properly measured and classified, and adequately described and disclosed as required under the relevant financial reporting standards."

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Attachment 1 - Internal Audit Programme 2020-2023 - Memo to CEO on  
Investment Portfolio assurance framework

**The Assurance Framework in place at Orange City Council**

1. The Council is required to comply with the Ministerial Investment Order. These guidelines determine the class of assets which Council is allowed to invest in. This limits the risk of default by restricting investment activities to conservative assets. This Ministerial direction acts as a broad investment policy in so far as it determines the types of assets allowable and limits for institutional exposure and limits on asset class exposure.

The risk of an investment asset failing can be due to one of the following factors:

- The counterparty with which council invests funds is distressed or unable to continue trading.
- The asset in which Council has invested is extinguished by market forces or other reasons. Some investment assets are not guaranteed or may be guaranteed by a weak security.
- Speculative assets such as futures, derivatives and shares by their nature fluctuate in value.
- An investment amount exceeding the deposit protection limit may become unrecoverable in the event of the counterparty going into distress. Deposit protection insurance cover per institution is limited to a certain amount. As such where it is possible to maintain a balance which is below the protected amount, there is comfort in knowing that in the event of the deposit taking institution failing, Council is protected by the deposit insurance scheme.
- Liquidity of an investment asset/portfolio can adversely impact Council's cashflow requirements. It should be possible to redeem an investment as required for cashflow management. Investment tenure and asset characteristics should be in line with cash flow requirements.

✓ *The Ministerial Investment Order and Council policy guidelines on how Council should invest its excess funds appear to mitigate the above risks to a great extent.*

2. The Council process for approval of investment transactions requires that only delegated officials can process and approve transactions. These delegation arrangements provide a level of assurance that investment transactions will be scrutinised and assessed by more than one official as determined by the Chief Executive Officer from time to time.
3. The Council Policy *ST042 – Investment of Council Funds*, and related procedures provide a detailed outline of how Council should manage its investment portfolio. This policy and related procedures provide assurance regarding the risk management framework required to safeguard Council investment portfolio. Council Policy *ST042* articulates the Council investment strategy.
4. The Council Investment Policy includes a requirement for Council to utilise the services of a third party professional investment advisor. This procedure provides an additional layer of assurance over the integrity of the Council investment portfolio.

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 1 Attachment 1 - Internal Audit Programme 2020-2023 - Memo to CEO on  
Investment Portfolio assurance framework

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5. The Auditor General NSW as Council's external auditor also carries out procedures to review transactions and processes around Council's investment portfolio. This process normally addresses the 5 key risk considerations identified above. Council's investment activities account for a substantial sum of money which is most likely to be deemed material to the activities of Council. Therefore, in accordance with auditing standards, it is reasonable to expect that the Auditor General NSW provides some reasonable assurance regarding the integrity of the Council investment portfolio and related processes.

**Limitations of existing assurance framework**

The assurance framework in place is limited to the extent that the external audit procedures are carried out once a year only. Should Council require assurance on a more regular basis, an audit of the investment portfolio may be carried out at other times during the financial year.

While the Council policy and procedures provide for the segregation of duties between staff who process and staff who approve investment transactions, it is likely that the process may be less effective due to different levels of technical knowledge regarding complexity and risk profile of investment instruments and trading counterparties.

**Recommendation**

In view of the foregoing, an internal audit of the Council's investment portfolio and related framework is not being proposed for inclusion in the 2019-2023 strategic internal audit programme. This view will be reconsidered if the risk environment changes. Management can trigger a request for internal audit input if there are any significant changes in the risk environment.

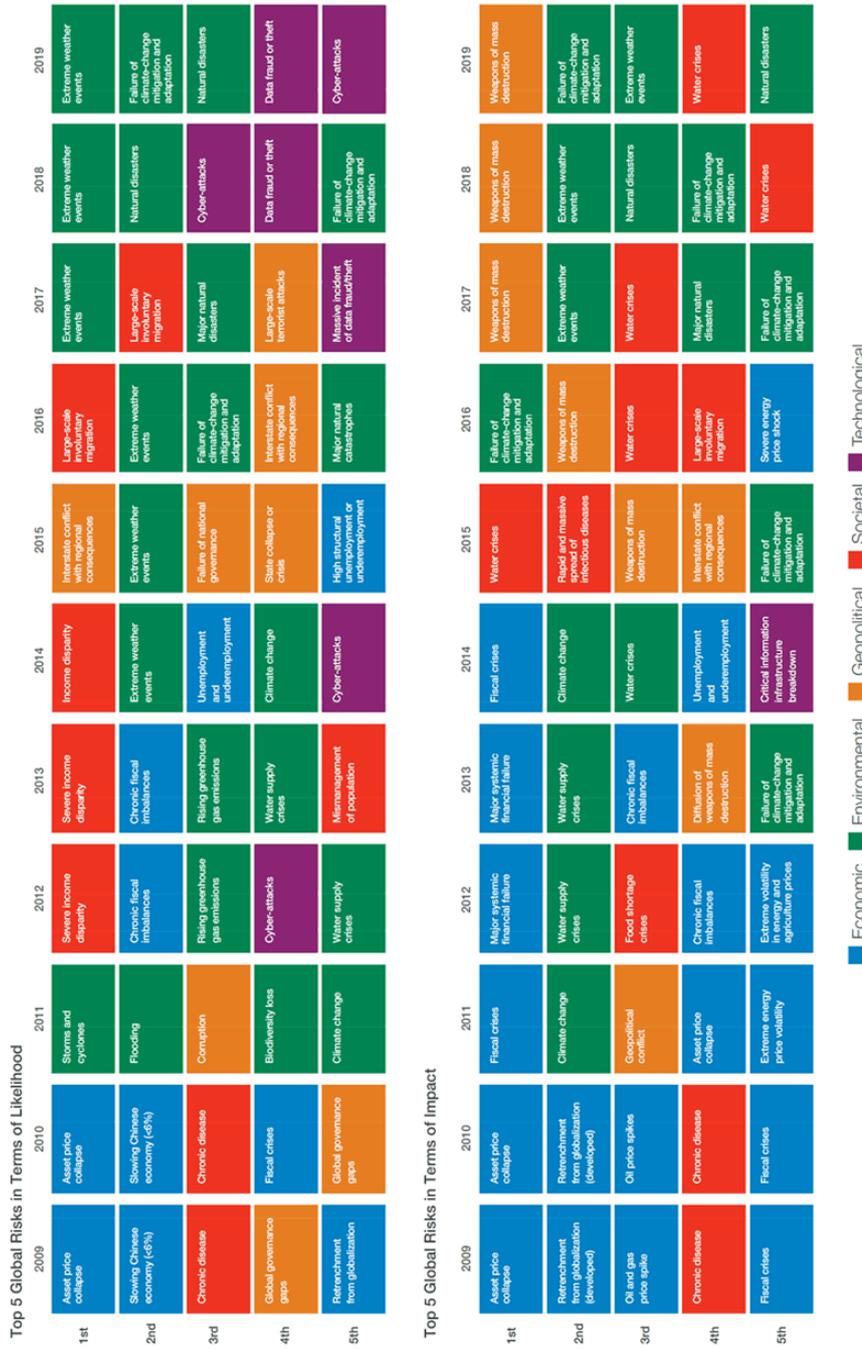
Shephard Shambira  
**INTERNAL AUDITOR**

AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2A - World Economic Forum Global Risks Report 2019

Figure IV: The Evolving Risks Landscape, 2009 – 2019



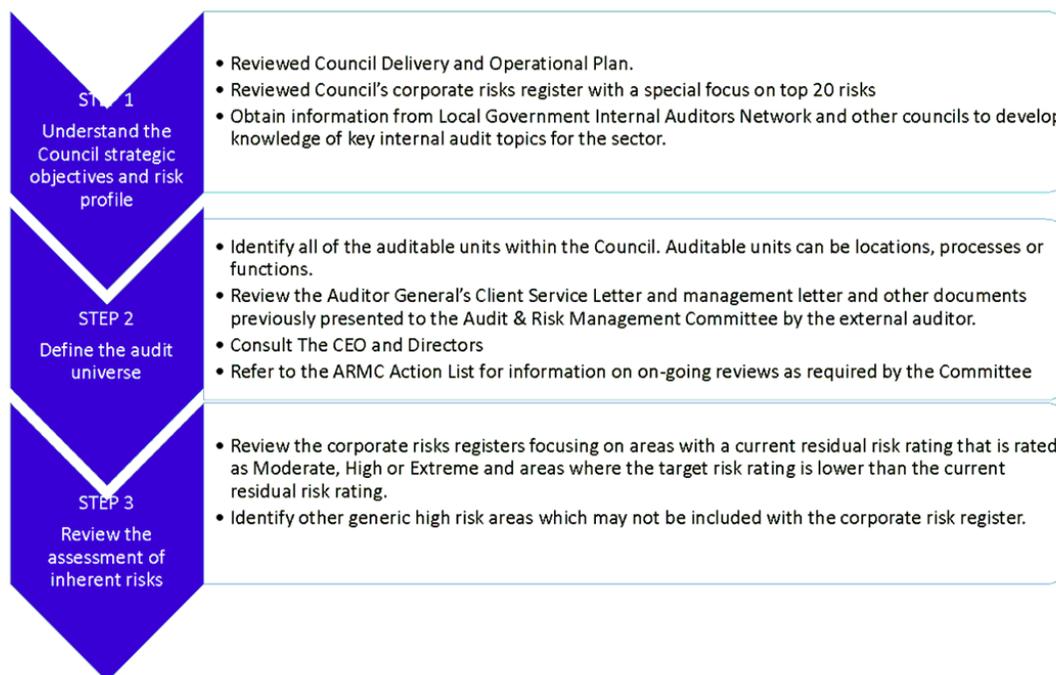
Source: World Economic Forum 2009–2019, Global Risks Reports.  
 Note: Global risks may not be strictly comparable across years, as definitions and the set of global risks have evolved with new issues emerging on the 10-year horizon. For example, cyberattacks, income disparity and unemployment entered the set of global risks in 2012. Some global risks were reclassified: water crises and rising income disparity were re-categorized first as societal risks and then as a trend in the 2015 and 2016 Global Risks Reports, respectively.

AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 3 Attachment 3 - Internal Audit Programme 2020-2023 - Process for Developing Internal Audit Plan

**Attachment 3: Detailed process for developing the internal audit programme**

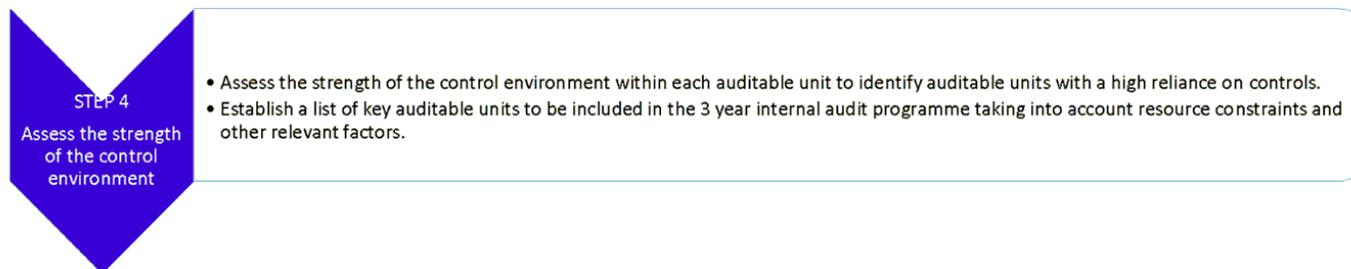


## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 3 Attachment 3 - Internal Audit Programme 2020-2023 - Process for Developing Internal Audit Plan

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Internal control is a process—effected by those charged with governance, management, and other personnel—designed to provide reasonable assurance about the achievement of the entity's objectives with regard to:

- ✓ reliability of financial reporting,
- ✓ effectiveness and efficiency of operations, and
- ✓ compliance with applicable laws and regulations.
- ✓ internal control over safeguarding of assets against unauthorized acquisition, use, or disposition may include controls relating to financial reporting and operations objectives.

Internal control consists of five interrelated components:

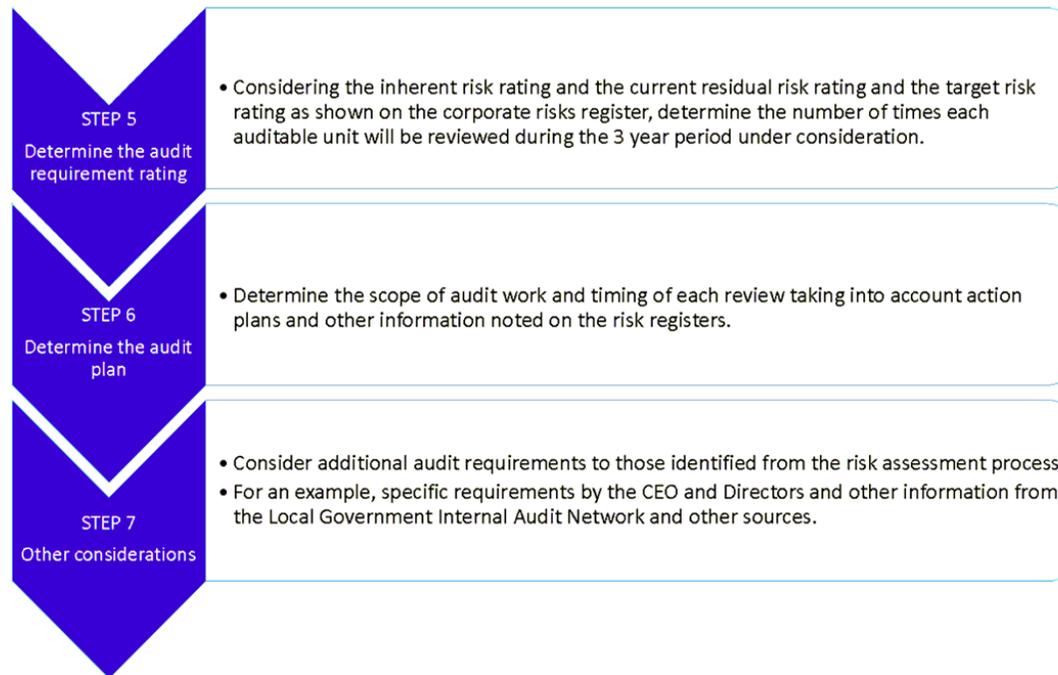
- 1) **Control environment** sets the tone of an organization, influencing the control consciousness of its people. It is the foundation for all other components of internal control, providing discipline and structure.
- 2) **Entity's risk assessment** is the entity's identification and analysis of relevant risks to achievement of its objectives, forming a basis for determining how the risks should be managed.
- 3) **Information and communication systems** support the identification, capture, and exchange of information in a form and time frame that enable people to carry out their responsibilities.
- 4) **Control activities** are the policies and procedures that help ensure that management directives are carried out.
- 5) **Monitoring** is a process that assesses the quality of internal control performance over time.

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 3 Attachment 3 - Internal Audit Programme 2020-2023 - Process for Developing Internal Audit Plan

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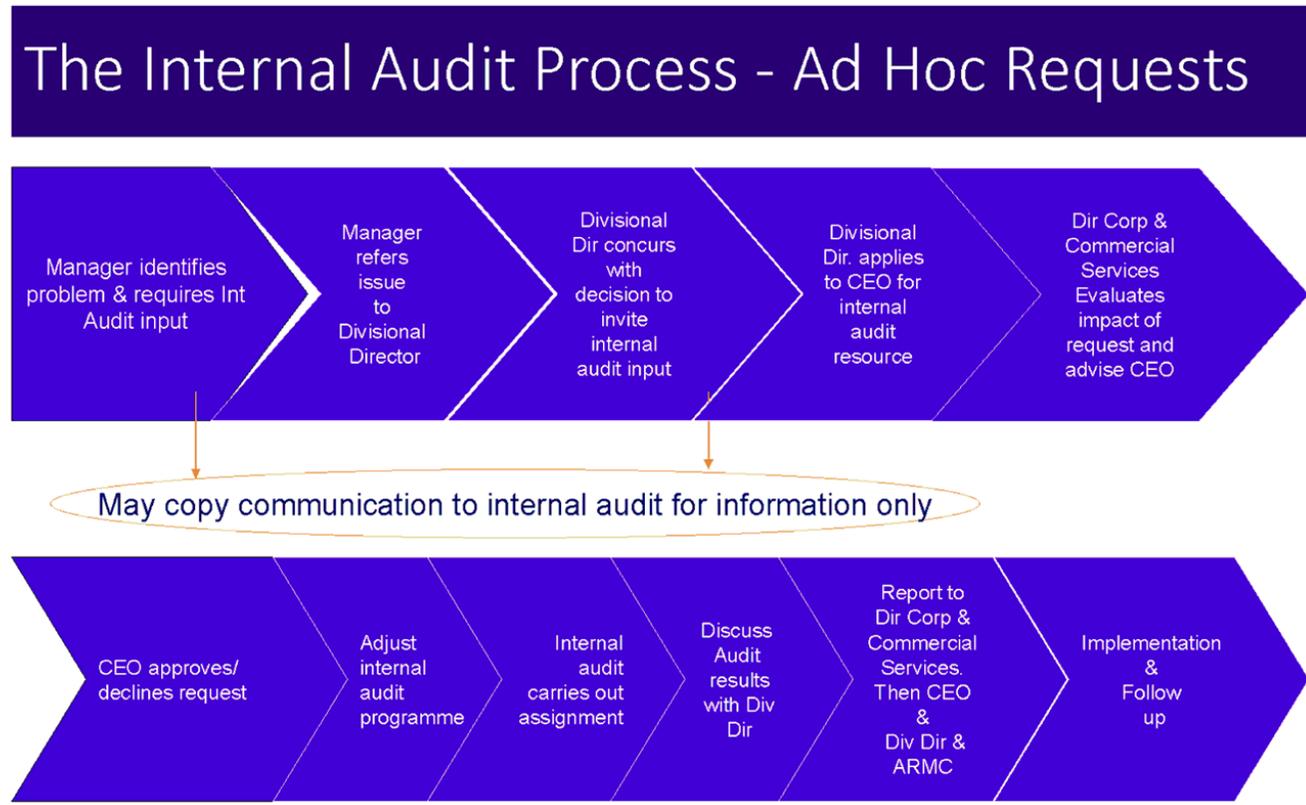


Submit draft internal audit programme for approval by the Directors, CEO and The Audit & Risk Management Committee.

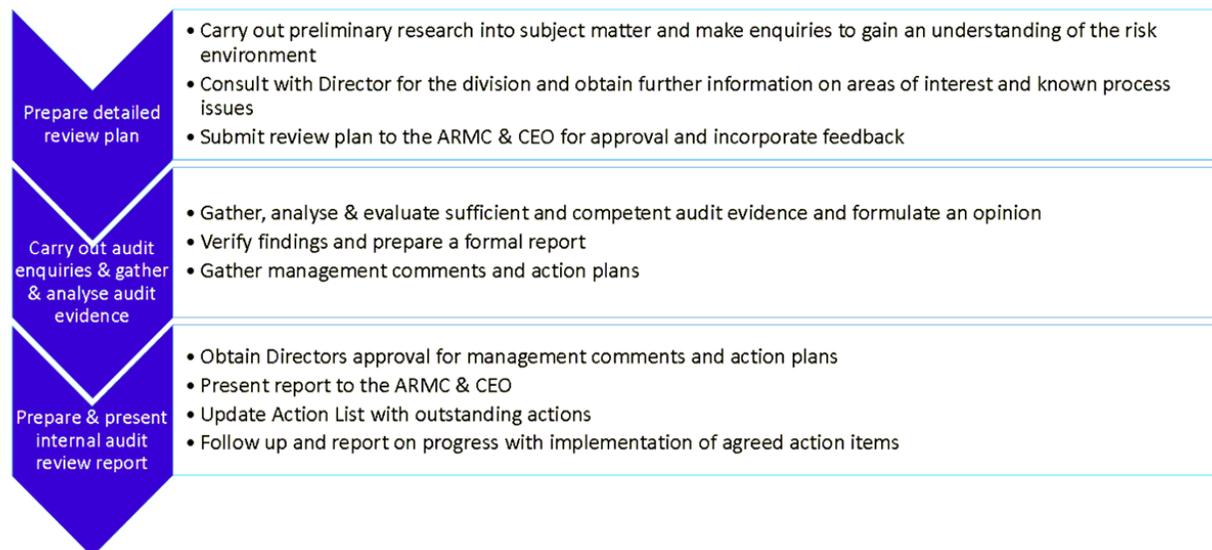
AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 3 Attachment 3 - Internal Audit Programme 2020-2023 - Process for Developing Internal Audit Plan



# Report of Findings and Recommendations



**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 4 Attachment 3A - Internal Audit Programme 2020-2023 - How the Plan was Developed

**Attachment 3A****The Internal Audit Function at Orange City Council****The role of internal audit**

The Institute of Internal Auditors – Australia (IIA) defines internal auditing as “an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.”

**The governance framework**

The Council’s internal audit function is governed by a management policy (The Internal Audit Activity Charter) approved by the Chief Executive Officer on advice from the Audit & Risk Management Committee (ARMC). This Charter is in line with a template recommended by the Office of Local Government and the Institute of Internal Auditors. The internal audit function reports to the Chief Executive Officer and the ARMC as provided by a Council Policy – The ARMC Charter.

**Internal audit scope of work**

The scope of work for the Council’s internal audit function is defined in the Internal Audit Activity Charter. The scope of work may include any of the following:

- Assessing the risk management framework and providing assurance regarding the Council’s enterprise-wide risk management processes.
- Provide assurance regarding systems of internal control
  - Over financial processes and transactions and/or
  - Information technology processes and procedures
- Operational auditing covering any other areas of Council besides financial services operations.
- An evaluation of the Council’s project management processes.
- Special purpose consultancy reviews and investigations as required by the Chief Executive Officer.

**Internal Audit Resources Available**

The Council’s internal audit function is shared between Orange City Council and Bathurst regional Council. The total time available to Orange City Council is 95 days. In addition, there are other internal audit activities which are carried out by management and external consultants as required and as determined by the Chief Executive Officer from time to time. For an example, the audit of Work health and Safety processes is often outsourced to various agencies as a routine process. The accreditation for various branches of Council such as Childcare services is also outsourced to regulatory and other agencies as part of the licensing requirements. The Council risk registers reflect aspects of the assurance map which highlights a range of other internal audit activities which are not necessarily carried out by the Internal Auditor.

## AUDIT AND RISK MANAGEMENT COMMITTEE

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Attachment 4 Attachment 3A - Internal Audit Programme 2020-2023 - How the Plan was Developed

Item Description	Grand Total #of days	#of days per Council
Working days per month	22	11
Working days per annum	264	132
sick/carers leave average say 1 day per month	12	6
training average 2 days per quarter	8	4
Annual & Long Service Leave	20	10
Xmas party & Workers Union Picnic day	2	1
ARMC support, including annual report etc. 2 days/quarter		8
ARMC & Management meetings average 2 days per quarter		8
Audit work days available per annum		95
An audit will take an average of 16 days to complete. Therefore it is estimated that 6 audits will be completed annually. The duration of an audit depends on the scope of coverage required by the CEO/ARMC.		

**How this audit plan was developed**

The proposed internal audit programme was developed following an assessment of the Council's corporate risks register informed with results of an assessment of various Council reports and documents, and general risk assessment reports from the industry. In addition, some tasks were identified based on consultations with the CEO and Directors regarding potential process changes and known process issues. The Auditor General's Client Service Engagement letter and management letters were also assessed as part of the process of gaining an understanding about the risk environment and related assurance services.

A detailed description of the process followed in preparing the strategic internal audit plan is at **attachment 3**.

A copy of the World Economic Forum Global Risks Report for 2019 is at **attachment 2A**. This report highlights internationally recognised risks which can also impact the Council's operations. Previous predictions on key global risk events have indicated that the World Economic Forum prediction is generally reliable.

The Internal Auditor considered issues identified in the current version of the corporate risks register in light of his experience working in the Local Government sector and at Orange City Council. Committee members should note that the current version of the corporate risks register requires to be updated to reflect better risk descriptions and residual risk ratings. In addition, certain aspects of the current version of the corporate risks register relate to ongoing tasks which should be re-classified as compliance tasks. A consultant will be assisting Council with resolving these issues and a clean corporate risks register will be presented to the Committee in due course.

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 4 Attachment 3A - Internal Audit Programme 2020-2023 - How the Plan was Developed

The Council's current version of the corporate risks register risk ratings are summarised in the table below.

	Inherent Risk Rating			Current Risk rating				
	Severe	Major	Moderate	Severe	Major	Moderate	Minor	Negligible
No. of risks	19	14	8	2	6	6	4	23

The corporate risks register risks with a residual rating of severe, major, moderate or minor, were deemed to be the top 18 corporate risks.

Out of the 19 risks rated as severe, 2 have a residual risk rating of severe and 4 are rated as major, 2 are rated as minor and the remaining 7 are rated as negligible.

Out of the 14 risks rated as having an inherent risk rating of major, 2 have a major residual risk rating; 2 are rated as minor and 1 is rated as moderate while the remaining 9 are rated as negligible.

One out of the 8 risks with an inherent risk rating of moderate has a residual risk rating of Moderate and the remaining 7 risks are rated as negligible.

**Ad hoc Tasks**

This internal audit programme provides for *ad hoc* unpredictable internal audit consultancy engagements which may be commissioned by the Chief Executive Officer from time to time to address emerging issues and risks which are not known at the time of preparing the 3 year programme.

**The assurance map**

The Council's corporate risks register and operational risks registers were prepared by the Manager Corporate Governance in consultation with management from across the whole Council. These risk registers identify all assurance activities of the Council; both internal and external, as they apply to each of the corporate risks. In recommending items for inclusion in the internal audit programme, the Internal Auditor formed a professional judgement regarding the adequacy and likely effectiveness of the assurance activities listed against each of the corporate risks. Potential assurance gaps and duplicate coverage areas informed the Internal Auditor's judgement on items included in the audit plan.

**The ARMC Action List**

For internal audit to be as effective as possible, its recommendations need to be implemented. The Audit & Risk Management Committee (ARMC) Action List is a report which submitted to each and every meeting of the Committee. This report shows the status of all internal audit recommendations pending implementation and related progress updates. Items listed on this report are deleted only after a report has been submitted to the Committee confirm that the matters raised have been fully resolved. The ARMC Action List also

**AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020**

Attachment 4 Attachment 3A - Internal Audit Programme 2020-2023 - How the Plan was Developed

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includes tasks requested by the ARMC and related progress updates on such tasks.

**The Reporting Framework**

At the commencement of each and every internal audit task on the approved internal audit programme, the Internal Auditor will circulate a detailed scoping document to members of the Committee for their input and information. Internal audit review reports will be submitted to the quarterly meetings of the ARMC. Each review report will include responses and comments from management regarding the audit observations and recommendations. The Directors of each division will generally sign off on any such recommendations to ensure that the action plans are aligned with all the relevant priorities. An annual report on activities of the Council ARMC and internal audit function will be prepared by the Committee Chair and submitted to the Council after being considered by the ARMC at its March meeting.

**Strategic Internal Audit Programme 2020 - 2023**

The proposed strategic internal audit plan for the period 2020 to 2023 is at attachment 4.

S Shambira  
**INTERNAL AUDITOR**



AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 5 Attachment 4 - Proposed Internal Audit Programme 2020-2023

Internal Auditor - Audit program						2019/20				2020/21				2021/22				2022/23					
Task	Indicative number of days	Corp risk register ID	Inherent risk rating	Residual risk rating	Within tolerance	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun		
						Contaminated lands policy implementation	14	10701	Severe	Major	No			14									
Policy Framework Review	14	Various governance risks								14													
Council Vehicle Procurement Process review	20	3956	Major	Negligible	Yes				20														
Corporate and Commercial Services Division Client Services Review (internal audit consultancy review)	10	Several governance risks						10															
Records system	16	Various technology & governance risks									16												
Information Technology Security	10	4130	Severe	Negligible	Yes									10									
Property/Land acquisition process	14	3956	Major	Negligible	Yes					14													
Property and Facilities Management project management process	20	Various governance & financial risks													20								
Climate change adaptation (Impact of climate change on Council)	14	5420	Moderate	Moderate	Yes																	14	
Work Health Safety compliance review	6	8377	Severe	Moderate	No													6					
Business Continuity Plans Review	14	4146	Severe	Severe	No											14							
Investment portfolio controls review	8	8073	Severe	Minor	Yes															8			
Ad hoc projects - to be advised by GM on an ad hoc basis to address emerging significant risks	8					As scheduled - assume 8 pa				As scheduled - assume 8 pa				As scheduled - assume 8 pa				As scheduled - assume 8 pa					
<b>TOTAL DAYS - Internal Auditor Audit Program (inc ad hoc days)</b>						52				52				52				56					
IA repeat reports /tasks						2019/20				2020/21				2021/22				2022/23					
Risk Management Committee - one meeting per quarter (2 hours) plus 1 day per quarter on risk matters						1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26
Compliance annual report - a random check of evidence of compliance over 2 days (reviewing report prepared by the Div Admin Officer)								2				2				2					2		
Divisional meetings - one per month for an hour						0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39	0.39
Divisional management meetings - one per week for an hour						1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54
						15				15				15				15					
<b>Grand Total #of days</b>						67				67				67				71					
<b>Remaining number of days to be allocated to tasks identified following updates to the</b>										28				42				32					







AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 5 Attachment 4 - Proposed Internal Audit Programme 2020-2023

Proposed Internal Audit Plan 2020 - 2023 Work Breakdown Structure		D20/27609
Task description	Est. # of days* **	Timing?
<b>Property/Land acquisition process</b>		
1(a) review compulsory land acquisition transactions for easements to identify controls over integrity of the process and test effectiveness of controls over the integrity of compulsory land acquisition transactions	14	July-Sept 2021
the audit review should consider negotiation process, land valuation approval process, application of unique requirements on unencumbered versus encumbered land		
evaluate the application of different valuation methodologies and related factors on unencumbered versus encumbered land		
1(b) review the procedural and policy framework around acquisition and holding of land for trading, operational purpose or for long term strategic purposes.		
establish whether the process includes an appropriate capital rationing evaluation		
establish whether there are predetermined investment hurdles in place to drive land investment decisions		
1(c) <b>Property and Facilities Management</b>	20	Oct-Dec 2021
Review the risk management framework around the following areas for Council's property management function and identify area for further assessment with a view to strengthen the risk management framework and operational efficiency.		
1) Property asset management - review framework supporting decisionmaking on acquisition and disposal		
2) Functional and economic performance of asset - review framework in place to inform council regarding the performance of property assets		
3) Maintenance and refurbishment implications - review framework in place to inform council decisions on maintenance and refurbishment of property owned by council		
4) Life cycle costing and cost benefit analysis - establish whether there is a policy and procedures in place regarding property lifecycle costing and cost benefit analysis.		
5) Energy conservation - assess whether there are opportunities for cost savings based on alternative and more efficient energy utilisation strategies. Utilise subject matter expertise from other Councils and Local Government Internal Auditors network, or a third party consultant.		
6) Lease and tenant management - evaluate risk management framework in place and determine whether there is a potential benefit in carrying out a comprehensive assessment of transactions.		

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 5 Attachment 4 - Proposed Internal Audit Programme 2020-2023

	7) Accounting and budgeting - review risk management framework in place and determine whether there are opportunities for improvement especially in view of results of internal audit enquiries based on points (2), (3) and (4) above.		
	8) Risk and insurance - review insurance policy document terms of insurance and consult with subject matter experts regarding opportunities for improvement to risk coverage		
	9) Rental reviews - review risk management framework and determine whether there is a potential benefit in carrying out more comprehensive enquiries regarding individual transactions. Materiality of the transaction will also be a significant factor in determining the extent of audit enquiries.		
	10) Review the allocation of responsibility across Council divisions in respect of the (9) areas identified above and form a view regarding appropriateness of the segregation of incompatible duties and operational efficiency.		
2	<b>Climate change adaptation (Impact of climate change on Council)</b>	14	April - June 2023
	Review effectiveness of controls identified in the risk register.		
	Risk register risk #5420 & #4951 references to a report by Echelon. Verify that all recommendations in this consultancy report have been implemented. Establish the status of identified future plans and provide appropriate commentary. Council record reference #IC14/13929		
3	<b>Policy Framework Review</b>	14	July - Sept 2020
	facilitate the review of Council's policy framework utilising an external consultant		
	Review policy framework against Office of Local Government Directory of Policy Advice		
	Evaluate Policy framework and identify opportunities for improvement		
4	<b>Council Vehicle Procurement Process review</b>	20	Jan - March 2020
	Review Council vehicle procurement procedures		
	Evaluate decisionmaking processes at each stage of the cycle:		
	plant acquisition decisions		
	plant operational decisions		
	Plant maintenance decisions		
	plant disposal decisions		
	consider implications of changing plant fleet to electric		
5	<b>project management process</b>	20	July - Sept 2022
	identify a sample of project management transactions for review		
	evaluate Council's project management processes based on the sample of transactions		
	identify opportunities for improvement to governance and efficiency systems.		
6	<b>Records system</b>	16	Jan - March 2021

AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 5 Attachment 4 - Proposed Internal Audit Programme 2020-2023

	review how this has been implemented		
	review processes around how Council records and utilises third party information such as videos		
	evaluate the circumstances around multiple files for individual properties; with a view to streamline process		
7	<b>Corporate and Commercial Services Division Client Services Review (internal audit consultancy review)</b>	10	Jan- March 2020
	evaluate the service delivery model for the Corporate and Commercial Services Division with a view to streamline processes and identify core services and recommend options for re-aligning services to internal and external customers requirements and expectations		
8	<b>Work Health and Safety</b>	6	Oct-Dec 2022
	Coordinate with the Council WHS Coordinator to identify and prepare scope of audit to be carried out by an external consultant		
	ensure that review process is aligned with Council requirements and facilitate establishment of an action plan where required.		
9	<b>Information Technology Security</b>	10	Jul-Sept 2021
	Facilitate an Information technology security risk assessment utilising an external consultant		
10	<b>Business Continuity Plans</b>	14	Apr-Jun 2022
	Review how the business continuity plans have been developed		
	Review the business continuity plan testing procedures, training and ongoing updating process		
	<b>Investment Portfolio</b>	8	
	high level compliance review of controls in the investments process.		
		166	*
	<p>*** The time available to Council is estimated to be 96 days per annum. The proposed strategic internal audit programme covers a 3.5 year period from January 2020 to July 2023</p>		
	<p>* The remainder of the internal audit time available will be allocated to tasks identified following completion of updates to the risks register</p>		



## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

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**4.3 PROCESS IMPROVEMENTS - 2019/2020 FINANCIAL YEAR - UPDATE - FEBRUARY 2020 TO MAY 2020**

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RECORD NUMBER: 2020/764

AUTHOR: Linda McFadden, Divisional Administrative Officer - Corporate and Commercial Services

**EXECUTIVE SUMMARY**

The purpose of this report is to record updates on process improvements for various Council areas. The process improvement tasks are drawn from best practice recommendations in the reports by the NSW Auditor General on local government.

Council seeks to continuously enhance its business processes and procedures in order to achieve the following:

- Increasing efficiency and effectiveness - i.e., improving the way we work to achieve set objectives. This can be through cost reduction, automation of some activities, introduction of better methods of processing etc.
- Ensuring that Council achieves value for money - i.e., ensuring that the return on a dollar spent is worthwhile.
- Ensuring that Council's risk management framework is strengthened - i.e. improving the way risks are identified, mitigated and monitored.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "1.3 Our City - Ensure a robust framework that supports the community's and Council's current and evolving activities, services and functions".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That the update on process improvements be acknowledged.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

Awaiting future direction when Council has a new Director Corporate and Commercial Services.

**AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020**4.3 Process Improvements - 2019/2020 Financial Year - Update - February 2020 to May 2020

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**ATTACHMENTS**

- 1 Process Improvements - Financial Services - Better Practice Recommendations from NSW Auditor General, D20/27610
- 2 Process Improvements - Governance and Internal Controls - Better Practice Recommendations from NSW Auditor General, D20/27625
- 3 Process Improvements - Information Technology - Better Practice Recommendations from NSW Auditor General, D20/27626
- 4 Process Improvements - Asset Management - Better Practice Recommendations from NSW Auditor General, D20/27627
- 5 Process Improvements - Major Event Sponsorship - Better Practice Recommendations from NSW Auditor General, D20/27628
- 6 Process Improvements - Development Assessment - Better Practice Recommendations from NSW Auditor General, D20/27629
- 7 Process Improvements - Waste Management - Better Practice Recommendations from NSW Auditor General, D20/27630
- 8 Process Improvements - Workforce Management - Better Practice Recommendations from NSW Auditor General, D20/27631

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Process Improvements - Financial Services - Better Practice Recommendations from NSW Auditor General

D20/27610

## PROCESS IMPROVEMENTS - BETTER PRACTICE RECOMMENDATIONS FROM NSW AUDITOR-GENERAL

FINANCIAL SERVICES		
Source document: <i>Report on Local Government 2019</i>		
Better Practice Recommendations by NSW Auditor General	Council Response	% complete
Have a project timetable to effectively plan resources, assign key tasks and set timeframes	Draft document completed – ready for distribution	80%
Prepare <i>pro forma</i> financial statements to enable early review of the format, adequacy of accounting policies and note disclosures, and declutter and remove unnecessary notes	Draft statements as 31 March 2020 prepared – still require further review	75%
Revisit the project plan regularly to identify and manage delays and key issues	Will be done as the end of financial year approaches	30%
Analyse budget variances and movements from prior year	Will be completed once March review is adopted by Council	
Organise and manage information requirements from internal and external parties, including valuation experts	Currently being performed	50%
Engage early and openly with the auditors	Ongoing	95%
Have a clear plan to ensure valuations are managed and documented appropriately. Conduct comprehensive revaluation of Infrastructure, property, plant and equipment (IPPE) by 30 June 2020, including review of the outcomes for quality and reasonableness and resolving any queries. Assess the fair value of IPPE not subject to a comprehensive revaluation by 30 June 2020	Currently being undertaken, preliminary revaluation has been received for Roads revaluation from external valuer, being assessed by Technical Services	50%
Reconcile key general ledger accounts to subsidiary ledgers and other information such as fixed asset registers	Completed	100%
Engage the audit, risk and improvement committee early to consider the financial statements, key accounting estimates and significant changes in accounting policies	Will be done as soon as practicable	
Assess the impact of new and revised accounting standards effective in the current and future years	Currently being reviewed for impact	50%
Document proposed action plan to resolve prior year audit issues	This has been considered, formal action plan being developed	20%

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Process Improvements - Financial Services - Better Practice Recommendations from NSW Auditor General

FINANCIAL SERVICES		
Source document: <i>Report on Local Government 2019</i>		
Better Practice Recommendations by NSW Auditor General	Council Response	% complete
Document key assumptions and judgements used for estimates and financial statement preparation	Will be done as part of the statement preparation process	20%
Assess the impact of material, complex and one-off significant transactions	Will be done as part of the statement preparation process	20%
Keep adequate financial records to support the financial statements	Currently being collated	20%

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Process Improvements - Governance and Internal Controls - Better Practice Recommendations from NSW Auditor General

D20/27625

## PROCESS IMPROVEMENTS - BETTER PRACTICE RECOMMENDATIONS FROM NSW AUDITOR-GENERAL

GOVERNANCE AND INTERNAL CONTROLS		
Source document: <i>Report on Local Government 2019</i>		
Better Practice Recommendations by NSW Auditor General	Council Response	% complete
Ensure that audit recommendations in our management letters are addressed in a timely manner. High risk issues need to be prioritised and repeat issues from prior years resolved	All recommendations are included in Action List for the Audit and Risk Management Committee and are addressed via updates on that list. They are deleted from that list when actioned.	100%
Have an audit, risk and improvement committee, which is a mandatory requirement by March 2021. Early adoption is encouraged	The Audit and Risk Management Committee will consider the change to its name to Audit, Risk and Improvement Committee. We currently do a substantial amount of the tasks with are expected under the new legislation.	75%^
Have an internal audit function to support a risk and compliance culture	The internal audit function was established in Council since 2009. Council does have a reasonably robust risk and compliance culture and we are continually looking at opportunities for continual improvement.	90%
Have a legislative compliance framework to capture and monitor compliance with key laws and regulations	Our Delegations register and Compliance Schedule are a key part of this requirement. Further work is being undertaken on better reporting on this.	75%
Continue improving their fraud control systems	Council has a strong policy and training framework for fraud and corruption prevent and continually looks for improvements.	90%
Have adequate processes and controls to ensure compliance with their gifts and benefits policy and the Model Code of Conduct	Council has a robust gifts and policy register and process (all gifts have to be registered), regular training and annual reminders. Regular training is undertaken on the Model Code of Conduct.	100%

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 3 Process Improvements - Information Technology - Better Practice Recommendations from NSW Auditor General

D20/27626

## PROCESS IMPROVEMENTS - BETTER PRACTICE RECOMMENDATIONS FROM NSW AUDITOR-GENERAL

INFORMATION TECHNOLOGY		
Source document: <i>Report on Local Government 2019</i>		
Better Practice Recommendations by NSW Auditor General	Council Response	% complete
Ensure key IT policies are formalised and regularly reviewed to ensure emerging risks are considered and policies are reflective of changes to the IT environment	IT Policies will be reviewed as part of the 2020/21 financial year.	0%
Ensure IT risks are identified and appropriately managed	Council is currently undergoing a review of risk and associated registers that will encompass the IT functions at OCC.	50%
Improve user access management processes to ensure that information systems are secure and that there are adequate controls for making changes to information systems	Council is currently undergoing a review of risk and associated registers that will encompass the IT functions at OCC.	80%
Implement at least the basic governance and internal controls to manage risks associated with cyber security	Council is currently undergoing a review of risk and associated registers that will encompass the IT functions at OCC.	75%

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 4 Process Improvements - Asset Management - Better Practice Recommendations from NSW Auditor General

D20/27627

## PROCESS IMPROVEMENTS - BETTER PRACTICE RECOMMENDATIONS FROM NSW AUDITOR-GENERAL

ASSET MANAGEMENT		
Source document: <i>Report on Local Government 2019</i>		
Better Practice Recommendations by NSW Auditor General	Council Response	% complete
Regularly update asset registers, reconcile their asset registers with asset management systems and have suitable controls in place to ensure the integrity of manual spreadsheets	Asset registers for Roads, Drainage, Water, Sewer and Buildings are updated regularly as part of the development of annual asset management plans. Parks and Open Space Assets have not been updated for a number of years as there are insufficient resources to do so.	90%
Start the asset valuation process earlier and ensure there is a clear plan to ensure valuations are managed and documented appropriately	The Roads and Drainage revaluation is well underway with Road condition data provided by a consultant. Verification of that data is underway. Consultation with finance has been undertaken focusing on required timeframes.	100%
Periodically reconcile asset registers to the Crown Land Information Database (CLID) and investigate any discrepancies in a timely manner	Council has recently completed a Land Negotiation Process reconciling Council and Crown Land in Councils register, which is now complete. Council is also planning to Produce a Plan of Management of Crown land with expressions of interest being sought shortly to assist Council with the process.	100%
Review the methodology and assumptions in how they account for landfill sites	Not undertaken. Will plan to do so over the next period.	0%

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 5 Process Improvements - Major Event Sponsorship - Better Practice Recommendations from NSW Auditor General

D20/27628

**PROCESS IMPROVEMENTS - BETTER PRACTICE RECOMMENDATIONS FROM NSW AUDITOR-GENERAL**

Although these relate to Destination NSW, are there any best practice principles that would benefit Orange City Council? Please comment against each better practice recommendation.

<b>MAJOR EVENT FUNDING</b>		
Source document: <i>Destination NSW's Support for Major Events - April 2020</i>		
<b>Better Practice Recommendations by NSW Auditor General</b>	<b>Council Response</b>	<b>% complete</b>
Improve the documentation of initial event assessment decisions by: <ul style="list-style-type: none"> <li>• providing more detailed guidance for staff on how to make assessments against DNSW's funding criteria</li> <li>• documenting the reasons for initial assessments against funding criteria in more detail</li> <li>• documenting Ministerial directions relating to funding events.</li> </ul>	Major event sponsorships are subject to a report to Council with a recommendation for levels of funding. A thorough assessment is part of the reporting process along with a justification for the recommendation.	100%
Consider using a streamlined approach to assess and evaluate major events that receive small amounts of funding.	Streamlined approach is in place for smaller levels of sponsorship. This was adopted by Council in April 2020.	100%
Improve the application of policies for managing staff independence risks by: <ul style="list-style-type: none"> <li>• clarifying conflict of interest declarations forms for staff;</li> <li>• clarifying the treatment of industry rates under its Gifts and Benefits policy</li> <li>• revising its Gifts and Benefits register to comply with the Public Service Commission's recommended minimum standards.</li> </ul>	All staff are aware of Gifts and Benefits policy and understand that they are to report all offers as well as gifts. The Manager of Governance will determine what is to happen with the gift or offer.	100%
Increase transparency by including more detail about the major events it funds and the outcomes of these events in its public reporting	Funding for major events is a Council decision and is put on public exhibition for 28 days. A condition of funding is a report back to Council on visitation and attendance which is in turn converted into a media release.	100%

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 6 Process Improvements - Development Assessment - Better Practice Recommendations from NSW Auditor General

D20/27629

## PROCESS IMPROVEMENTS - BETTER PRACTICE RECOMMENDATIONS FROM NSW AUDITOR-GENERAL

Although all but one of these relate to two specific councils, are there any best practice principles that would benefit Orange City Council? Please comment against each better practice recommendation.

DEVELOPMENT ASSESSMENT		
Source documents: <i>Development Assessment - Pre-lodgement and Lodgement in Camden Council and Randwick City Council - June 2019</i> and <i>NSW Planning &amp; Development - Development Assessment Best Practice Guide - March 2017</i>		
Better Practice Recommendations by NSW Auditor General	Council Response	% complete
Publish a development assessment policy or policies to assist applicants to better understand the Council's expectations and improve transparency.	<i>"Declaration of Planning and Development Assessment Procedures and Protocols"</i> D10/9509	100%
Hold pre-lodgement meetings for as many complex proposals as possible, to increase the likelihood that development applications are 'assessment ready' when received, and: make it easier for applicants to book meetings. Do more to promote the benefits of meetings for applicants with complex projects. Hold meetings sooner after requested by applicants and more quickly communicate outcomes to applicants.	Free Pre-Lodgement Meetings are provided. Section 4.5 of the <i>Declaration of Planning and Development Assessment Procedures and Protocols</i> advises applicants of this process. Meetings are held daily.	100%
Improve monitoring of the pre-lodgement and lodgement stages, including analysing the effect of pre-lodgement meetings on assessment readiness of applications, once enough have occurred to allow a valid analysis.	Pre-lodgement advice is recorded in HP Content Manager. Development Applications identify if a pre-lodgement meeting was undertaken for consideration at assessment stage.	100%
Improve development assessment data quality assurance practices.	Annual Return Data is reviewed, updated for accuracy and presented.	100%
Evaluate the costs and benefits of a clearing house process for development applications that fall outside the fast track processing stream.	Clearing House costs considered to outweigh benefits were external resources required, given that average assessment time is currently only 28 days.	100%
Improve its systems and approaches for development application retention, tracking, and monitoring	Tracking and monitoring of DAs is live and available online to the public. Weekly reviews of outstanding DA list undertaken. Councillors are also advised each week of the total number and value of applications currently outstanding. They are also advised of DA's approved, and received and also the total value of each, which provides a commitment to progress.	100%
Work with the Department of Planning and Environment to increase the	Scoping work has commenced of the implementation of E-Planning, which will	5%

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## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 6 Process Improvements - Development Assessment - Better Practice Recommendations from NSW Auditor General

DEVELOPMENT ASSESSMENT		
Source documents: <i>Development Assessment - Pre-lodgement and Lodgement in Camden Council and Randwick City Council - June 2019</i> and <i>NSW Planning &amp; Development - Development Assessment Best Practice Guide - March 2017</i>		
Better Practice Recommendations by NSW Auditor General	Council Response	% complete
functionality of its online lodgement system and integrate it with other systems.	be compulsory in regional Councils' in mid-2021.	
Use the Department of Planning and Environment's Development Assessment Best Process Map.	Processes identified in the Map are implemented as standard process. Target times recommended by Map are in excess of the average processing times achieved at Orange.	100%

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 7 Process Improvements - Waste Management - Better Practice Recommendations from NSW Auditor General

D20/27630

**PROCESS IMPROVEMENTS - BETTER PRACTICE SUGGESTIONS FROM NSW AUDITOR-GENERAL**

Although these relate to two specific councils, are there any best practice principles that would benefit Orange City Council? Please comment against each better practice recommendation.

<b>WASTE MANAGEMENT</b>		
Source document: <i>Domestic Waste Management in Campbelltown and Fairfield Councils - June 2019</i>		
<b>Better Practice Recommendations by NSW Auditor General</b>	<b>Council Response</b>	<b>% complete</b>
Better measure, monitor, and evaluate the effectiveness of their activities in improving residents waste-sorting habits, in order to make adjustments as needed.	Council has engaged Envirocom waste education specialists to undertake ongoing waste education and auditing procedures in accordance with an annual plan and this is reviewed & reported to Council on a monthly basis throughout the contract year.	100%
Ensure all new buildings have adequate and appropriate waste storage facilities, to make it easy for residents to sort their waste properly.	Assessed and accounted for during the Development and Construction Certificate Application and Approval process.	100%
Obtain more information on the costs of other viable options for waste collection, transportation, processing and disposal, in order to determine if there is a need to change existing arrangement.	Processes are assessed for adequacy during the pre-tender stage of awarding contracts for waste collection and processing. Current waste services are conditioned as part of a project approval and the technologies in place are fit for purpose and industry standard practice.	100%

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 8 Process Improvements - Workforce Management - Better Practice Recommendations from NSW Auditor General

D20/27631

**PROCESS IMPROVEMENTS - BETTER PRACTICE RECOMMENDATIONS FROM NSW AUDITOR-GENERAL**

Although these relate to three amalgamated councils, are there any best practice principles that would benefit Orange City Council? Please comment against each better practice recommendation.

<b>WORKFORCE MANAGEMENT</b>		
Source document: <i>Workforce Reform in Three Amalgamated Councils - May 2019</i>		
<b>Better Practice Recommendations by NSW Auditor General</b>	<b>Council Response</b>	<b>% complete</b>
Establish future service offerings and service levels and ensure that organisation structures are aligned with service levels and integrated ICT systems.	Council's organisation structure and service levels are reviewed from time to time including a review undertaken within twelve months of an Ordinary Election of Council. The Manager Information Technology is developing an IT Strategy.	
Report against target efficiency and savings outcomes associated with workforce reform and actively monitor progress against milestones.	Council has a Workforce Management Plan with an action plan that is reported quarterly to Council. In addition, there are a number of workforce measures which are benchmarked across other Councils such as turnover, sick leave taken, length of service, age profile, diversity and WHS.	
Base decision to engage in shared services on a sound needs analysis, a review of service delivery models and a strong business case, which clearly identifies the expected costs and benefits. This should align with councils' Delivery Program and Community Strategic Plan.	Council currently has no plans for a shared services model. However, we do provide services to CENTROC through the hosting of two staff and the Internal Auditor provides services to Bathurst Council.	
Collect baseline information, monitor and evaluate services that will be shared. They should also ensure that services perform to expectations.	Not applicable	
Ensure that the governance models they select to deliver shared services are fit for purpose. They should ensure clear roles, responsibilities, accountability and transparency of decisions.	Not applicable	
Build the capability of councillors and council staff in the areas of assessing and managing shared services, leading to better understanding of opportunities and management of risk.	Not applicable	

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

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**4.4 COMPLIANCE ACTIVITIES - 2019/20 FINANCIAL YEAR - UPDATE - JANUARY 2020 TO APRIL 2020**

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RECORD NUMBER: 2020/765

AUTHOR: Linda McFadden, Divisional Administrative Officer - Corporate and Commercial Services

**EXECUTIVE SUMMARY**

This report records the sighting of evidence that Council has completed its compliance activities. The compliance activities are sourced from the Office of Local Government's Calendar of Compliance and Reporting for the related financial year, required accreditations for subject staff and subject areas of Council and from Federal and NSW legislation and regulations.

Work is commencing on expanding this report to cover Council's whole compliance framework. This is expected to commence with the first meeting of the ARMC in the 2020/2021 financial year.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "1.3 Our City - Ensure a robust framework that supports the community's and Council's current and evolving activities, services and functions".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That the update on compliance activities be acknowledged.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

4.4 Compliance Activities - 2019/20 Financial Year - Update - January 2020 to April 2020

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## SUPPORTING INFORMATION

Compliance Reporting Area	No in Jan to Apr	No Completed	Comment
Finance	5	5	Satisfactory.
Governance	7	7	Satisfactory.
Companion Animals	8	8	Satisfactory.
Staff	2	2	Satisfactory.
Other	1	1	Satisfactory.
Contributions Plans	1	1	Satisfactory.

The complete Compliance Activities reports are sent monthly to the Executive Leadership Team.

**AUDIT AND RISK MANAGEMENT COMMITTEE**29 MAY 2020

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**4.5 AUDIT & RISK MANAGEMENT COMMITTEE CHARTER ANNUAL REVIEW**

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RECORD NUMBER: 2020/778

AUTHOR: Shephard Shambira, Internal Auditor

**EXECUTIVE SUMMARY**

The internal audit function for Council is part of a governance structure whereby the function operates in accordance with professional guidelines as set by the Institute of Internal Auditors and adopted by the Office of Local Government NSW (OLG). The internal audit function operates based on an internal audit activity charter which is consistent with a model proposed by the Office of Local Government. This charter is a management policy which is approved by the Chief Executive Officer with advice from the Audit and Risk Management Committee. The Audit and Risk Management Committee (ARMC) is appointed by Council and it operates under a charter which is approved by Council. The current ARMC Charter adopted by Orange City Council is consistent with the OLG template.

The OLG published a draft new Internal Audit and Risk Framework for Local Government in NSW and invited submissions during the 2019 calendar year. This process followed on to a change in the Local Government Act (NSW) 1993 which introduced significant changes to the regulation for Council audit and risk management functions. This amendment to legislation introduced a further requirement for Councils to focus more on process improvement. Some aspects of these changes to legislation have not yet been given Royal Assent. As such they are not yet effective. Some of the changes are to be amplified with OLG Regulations. The pending OLG Guidelines are expected to provide further information on the modalities of implementing the legislative changes.

The OLG recommends that Council which are able to adopt some of the proposed changes early are encouraged to do so. This report seeks to gather information about elements of the proposed changes which the Committee may wish to recommend for early adoption. This should most likely focus on any best practice approaches which can strengthen Council's governance framework.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.2 Collaborate - Ensure financial stability and support efficient ongoing operation".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

This report discusses opportunities to update Council policies on audit and risk management.

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

**4.5 Audit & Risk Management Committee Charter Annual Review**

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**RECOMMENDATION**

- 1 That the report be acknowledged.
- 2 That Committee members submit feedback on opportunities for early adoption of relevant aspects of the updated legislation.

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

The key provisions of the *Local Government Act (NSW) 1993* which relate to this report are contained in *Section 428A* which is reproduced below:

**Part 4A Internal audit****428A Audit, Risk and Improvement Committee**

- (1) A council must appoint an Audit, Risk and Improvement Committee.
- (2) The Committee must keep under review the following aspects of the council's operations:
  - (a) compliance,
  - (b) risk management,
  - (c) fraud control,
  - (d) financial management,
  - (e) governance,
  - (f) implementation of the strategic plan, delivery program and strategies,
  - (g) service reviews,
  - (h) collection of performance measurement data by the council,
  - (i) any other matters prescribed by the regulations.
- (3) The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.

**428B Joint internal audit arrangements**

A council may enter into an arrangement with another council, or a body prescribed by the regulations for the purposes of this section, to jointly appoint an Audit, Risk and Improvement Committee to exercise functions for more than one council or body.

**AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020****4.5 Audit & Risk Management Committee Charter Annual Review**

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The current position is that Orange City Council generally follows most of the recommended areas of responsibility for an Audit Risk and Improvement Committee (ARIC). The area of significant change is likely to be in respect of "service reviews". The current ARMC Action List identified a requirement for Council to submit a response to the Committee regarding any service review reports published by the Auditor General. While this is likely to cover the proposed legislative position, the extent of obligations expected by the OLG on this point is unclear. The depth and depth of responsibility can be wide and limitless. The extent of coverage expected for all other functions is also not yet clear.

This report seeks to gather views of Committee members on aspects of the above which may be appropriate for early adoption if not already in place.

**ATTACHMENTS**

- 1 Audit and Risk Management Committee - ARMC - Charter, D20/22640
- 2 Operational Policy - OP081 - Internal Audit Activity Policy and Charter, D15/36129



# AUDIT AND RISK MANAGEMENT COMMITTEE

## CHARTER

**AUDIT AND RISK MANAGEMENT COMMITTEE**

**29 MAY 2020**

Attachment 1 Audit and Risk Management Committee - ARMC - Charter

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**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 1 Audit and Risk Management Committee - ARMC - Charter

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**AUDIT AND RISK MANAGEMENT COMMITTEE CHARTER****1. Audit and Risk Management Committee Purpose**

The Audit and Risk Management Committee (ARMC) is an advisory Committee assisting the Council to fulfil its governance and oversight responsibilities.

The primary duties and responsibilities of the ARMC are to assist the Council to discharge its responsibilities relating to:

- 1.1 Financial reporting process
- 1.2 Business ethics, policies and practices
- 1.3 Management and internal controls
- 1.4 Monitoring the integrity of the Council's financial reporting practices and finance and accounting compliance
- 1.5 Reviewing internal controls, key corporate risks and financial audit related matters
- 1.6 Encouraging continuous improvement of Council's systems and practices
- 1.7 Adoption of the Internal Audit Plan
- 1.8 The Council's process for monitoring compliance with policies, laws and regulations and the Council code of conduct.

**2. Authority**

- 1.9 The ARMC is granted delegated authority by Council to carry out its duties and responsibilities as defined in this charter. The ARMC has delegated authority to approve investigations into any matters within its scope of responsibility. It is empowered to:

- 2.1.(a) Resolve any disagreements between management and the auditor regarding financial reporting (subject to confidentiality considerations).

- 2.1.(b) Pre-approve all auditing and non-audit services.

- 2.1.(c) After due consultation with the General Manager, retain independent counsel, accountants, or others to advise the committee or assist in the conduct of an investigation.

- 2.1.(d) Meet with Council management, external auditors, or outside counsel, as necessary.

- 2.1.(e) The Council acknowledges that professional independence and objectivity are key attributes of an efficient and effective ARMC. The Council and General Manager are therefore committed to uphold and guarantee the professional independence and objectivity of the ARMC.

**3. Composition**

- 3.1 All appointments to the ARMC shall be made by Council.

- 3.2 The ARMC will consist of:

**AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020**Attachment 1 Audit and Risk Management Committee - ARMC - Charter

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## 3.2.1 Core Members (voting)

- Mayor of the day (or a Councillor nominated by the Mayor as his representative)
- One Councillor
- Two independent external members (not member of Council and one to be Chairperson)

## 3.2.2 Members (non-voting)

- General Manager
- Internal Auditor
- Director responsible for corporate functions
- One alternate Councillor Delegate who will have voting rights in the absence of the other Councillor.

## 3.2.3 Invitees (non-voting)

- Representatives of the external auditor.
- Other officers of Council as requested by the ARMC and/or General Manager

3.3 In order to maintain independence, and to comply with the recommendations of the Office of Local Government, the ARMC shall elect one of the independent members as its chairperson.

3.4 The selection of independent members should be undertaken in a transparent and unbiased manner. This could include calling for expressions of interest from interested persons.

**4 Tenure**

4.1 The term of office for an ARMC member shall end on the earlier of:

- (a) the day on which the member resigns from the ARMC
- (b) in the case of a Councillor, the day on which the Councillor ceases to be a Councillor
- (c) two years in respect of the independent members or such other term as determined by Council.
- (d) the day on which the member's appointment is legally terminated by Council.
- (e) the day on which the member is incapacitated by law from holding such office.

4.2 Members are encouraged to serve multiple terms and to plan for an orderly rotation of members so that experienced members will always be serving. The ARMC should make recommendations to Council on membership.

4.3 In any event, the appointment of each member of the ARMC will be reviewed at the end of the first year and confirmed for the remaining period subject to satisfactory performance as determined by Council. A member may be eligible for re-appointment to the committee for a continuous period not exceeding eight (8) years.

4.4 In considering new independent members for the ARMC, selection shall be influenced by:

- (a) Industry standards for similar committees, particularly relating to the appointment of independents to ARMCs.

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 1 Audit and Risk Management Committee - ARMC - Charter

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- (b) Any guidelines issued by the NSW Government concerning Local Government ARMCs
    - (c) The attributes and experience of candidates who respond to Expressions of Interest advertisements for Independent Members.
  - 4.5 The independent members on the ARMC should be remunerated for attending Committee meetings. The remuneration shall be adopted by Council.
- 5 Meetings and Quorum**
  - 5.1 The committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
  - 5.2 A quorum shall not exist unless at least 3 voting members are present:
  - 5.3 Members of the ARMC are generally expected to attend each meeting, in person or via tele or video-conference with the approval of the Committee Chairperson.
  - 5.4 The ARMC will invite members of management, auditors or others to attend meetings and provide pertinent information, as necessary.
  - 5.5 The Committee will hold private meetings with auditors (see below) and executive sessions.
  - 5.6 A meeting agenda will be provided in advance to members, along with appropriate briefing materials.
  - 5.7 The Chairperson shall determine the agenda for the ARMC in conjunction with Council staff.
  - 5.8 Minutes will be prepared and distributed to the ARMC members and to the next Ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes, if appropriate.
  - 5.9 Meetings are to be rescheduled if there is not a quorum. The Council's Internal Auditor will minute proceedings of all meetings.
  - 5.10 The chairperson shall endeavour to conduct meetings on a "consensus basis" but formal voting on recommendations shall be required. Each member shall have one vote and a majority of those present shall be required to pass a recommendation. The chairperson shall have a casting vote. The meetings should operate as far as practicable in accordance with the Council's Code of Meeting Practice.
- 6 Confidentiality**
  - 6.1 The ARMC will ensure that Committee members comply with all relevant laws and Council's policies regarding confidentiality, privacy and reporting. Committee members shall treat all information received as part of the Committee as confidential and only disclose the content to third parties with the consent of other members of the Committee.
- 7 Responsibilities**
  - 7.1 The ARMC has no executive powers, except those expressly provided by Council.
  - 7.2 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and General Manager as defined by the Local Government Act 1993. The Council and General Manager shall ensure that reasonable resources are allocated to providing the ARMC with the information it needs to discharge its responsibilities.
  - 7.3 The responsibilities of the ARMC may be revised or expanded by Council from time to time. The Committee will carry out the following responsibilities:

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Audit and Risk Management Committee - ARMC - Charter

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7.3 (a) Financial Statements

- Review significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent professional and regulatory pronouncements, and understand their impact on the financial statements. The ARMC can add value for Councillors and the process by reviewing the audit objectives, timeline and process, settlement of identified issues and the independence of the external auditor. This would be done in consultation with the External Auditor, Internal Auditor and management
- Based on the audit objectives, review with management and the external auditors the results of the audit, timeline and process, settlement of identified issues and the independence of the external auditor. Review the process of the audit, identify unresolved issues.
- Review the audited annual financial statements and consider whether they are complete, consistent with information known to committee members, and reflect appropriate accounting principles. Without having conducted its own assessment the ARMC will need to rely on the work of Internal, External Auditor and management representations. Therefore any recommendation to Council would be based on the External Auditors Management Letter and made under a disclaimer that identifies things such as the audit process, access to records, auditor appears to be suitably qualified, had sufficient time to complete, items identified have been resolved to their satisfaction.
- As part of the External Auditors presentation and management representations, review with management and the external auditors all matters required to be communicated to the Committee under generally accepted auditing Standards.
- Understand how management develops interim financial information, and the nature and extent of internal and external auditor involvement.

7.3.(b) Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
- Review the impact of the risk management framework on its control environment and insurance arrangements, and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

7.3.(c) Internal Control

Consider the adequacy and effectiveness of the Council's internal control systems, incorporating the:

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

## Attachment 1 Audit and Risk Management Committee - ARMC - Charter

- Reliability and integrity of financial and operational information systems, including information technology security and control
- Effectiveness and efficiency of operations and
- Safeguarding assets
- Compliance with contracts, laws and regulations
- Governance framework
- Understand the scope of internal auditors' review of internal control over financial reporting and obtain reports on significant findings and recommendations, together with management's responses.

7.3.(d) Internal Audit

- Review and recommend approval of the Internal Audit Activity Charter, activities, and staffing, and organisational structure of the internal audit function; and any subsequent changes.
- Have final authority to review and approve the annual audit plan and all major changes to the plan.
- Ensure there are no unjustified restrictions or limitations to the activities of internal audit.
- Review the effectiveness of the internal audit function and objectives, including compliance with The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

7.3.(e) External Audit

- Establish that an appropriate process is in place to give assurance that the Council complies with the Local Government Act requirements for financial reporting and auditing.
- Review the external auditors' proposed audit scope and approach, including coordination of audit effort with internal audit.
- Review and confirm the independence of the external auditors by obtaining statements from the auditors on relationships between the auditors and the Council, including non-audit services, and discussing the relationships with the auditors.
- Review management's responses to the recommendations in the external auditor's management letter.
- On a regular basis, meet separately with the external auditors to discuss any matters that the Committee or auditors believe should be discussed privately.

7.3.(f) Compliance

- Review the effectiveness of the system for monitoring compliance with laws, regulations and contracts and the results of management's investigation and follow-up of any instances of noncompliance.
- Review the findings of any examinations by regulatory agencies, and any auditor observations.
- Review the process for communicating the code of conduct to Council personnel, and for monitoring compliance therewith.

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Audit and Risk Management Committee - ARMC - Charter

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- Liaise with the General Manager to obtain regular updates from management and Council legal counsel regarding compliance matters.

7.3.(g) Reporting Responsibilities

- Regularly report to the Council about committee activities, issues and related recommendations
- Provide an open avenue of communication between internal audit, the external auditors, and the Council.
- Report annually to the Council, describing the committee's compositions, responsibilities and how they were discharged, and any other information required by law, including non-audit services.
- Review any other reports the Council issues that relate to Committee responsibilities.

7.3.(h) Other Responsibilities

- Perform other activities related to this charter as requested by the Council.
- Institute and oversee special investigations as needed.
- Review and assess the adequacy of the ARMC Charter annually, requesting Council approval for proposed changes, and ensure appropriate disclosure as may be required by law or regulation.
- Confirm annually that all responsibilities outlined in this charter have been carried out.
- Evaluate the committee's and individual members' performance on a regular basis.

7.3.(i) Individual Responsibilities of Members

Members of the ARMC are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Orange City Council.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgement.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.
- Declare any conflicts of interest before participating in deliberations on the issue where the conflict of interest exists.
- Attend an induction meeting at which they receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

## AUDIT AND RISK MANAGEMENT COMMITTEE

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Attachment 1 Audit and Risk Management Committee - ARMC - Charter

## REVIEW

REVISION	DATE	RESOLUTION
Issue Date:	June 2009	ARMC Charter established 3/07/2009 resolution number 09/260
1	November 2011	Changes to document format/presentation only. No resolution.
2	September 2012	Change composition of committee. Resolution 12/345 of 20/09/2012
3	January 2013	Change composition of committee. Resolution 12/358 of 18/10/2012

Version control – Amendments in version 4 approved by Council on 7/10/14 resolution number 14/961  
(Version 4 reference number: TRIM D14/13319)

Clause reference number	Current clause	Nature of proposed changes
2		Correction to clause reference numbers.
3		Correction to clause reference numbers.
4		Correction to clause reference numbers.
4.3	<i>In any event, the appointment of each member of the ARMC will be reviewed at the end of the first year and confirmed for the remaining period subject to satisfactory performance as determined by Council. A member may be eligible for re-appointment to the committee for a continuous period not exceeding five (5) years.</i>	<i>Amend to eight (8) years from five (5) years for tenure</i>
4.4	<i>In considering new independent members for the ARMC, advice will be sought and regard will be given to:</i>	Clause replaced by the following: <i>In considering new independent members for the ARMC, selection shall be influenced by:</i>
4.4	<i>4.4(a) Recommendations from an accounting industry body, either CPA Australia or the Institute of Chartered Accountants Australia.</i>	Clause replaced by the following: <i>Industry standards for similar committees, particularly relating to the appointment of independents to ARMCs.</i>
4.4	<i>4.4(b) Recommendations from Charles Sturt University (CSU) (endeavouring to maintain one member of the ARMC as a CSU nominee)</i>	Clause replaced by the following: <i>Any guidelines issued by the NSW Government concerning Local Government ARMCs</i>
5.2		Minor re-wording.
5.6		Minor re-wording.

## AUDIT AND RISK MANAGEMENT COMMITTEE

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Attachment 1 Audit and Risk Management Committee - ARMC - Charter

**Version control – Amendments in version 5 approved by Council on 7/10/14 resolution number 14/961  
(Version 5 reference number: TRIM D14/27233)**

Clause reference number	Current clause	Nature of changes
4.4	<i>4.4(c) The existence of a nexus between the candidate and the Bathurst, Orange and Dubbo LGA.</i>	Clause replaced by the following: <i>The attributes and experience of candidates who respond to Expression of Interest advertisements for independent members.</i>
4.4	<i>4.4(d) The skills and experience of candidates who respond to Expression of Interest advertisements for independent members.</i>	Clause deleted.
4.4	<i>4.4(e) The Bathurst Regional Council, Orange City Council and Dubbo City Council share an Internal Auditor and also recognise the benefits of shared independent members of the ARMCs.</i>	Clause deleted.
5.3	<i>5.3 Members of the ARMC are expected to attend each meeting, in person or via tele or video-conference.</i>	Clause replaced by the following: 5.3 Members of the ARMC are generally expected to attend each meeting, in person or via tele or video-conference with the approval of the Committee Chairperson.

**Version control – Amendments in version 6  
(Version 6 reference number: TRIM D15/29881)**

Clause reference number	Current clause	Nature of changes
3.3	<i>...“Division of Local Government”</i>	Changed to Office of Local Government

**Version control – Amendments in version 7  
(Version 7 reference number: TRIM D18/13729 recommended for approval at ARMC meeting of 18 March 2018)**

Clause reference number	Current clause	Nature of changes
3.2.2	<i>Attendee (non-voting)</i>	<i>Members (non-voting)</i>
7.3.(e)	<i>In accordance with the provisions of s422 to 427 or the Local Government Act 1993, support the General Manager in reviewing the performance of the external auditors, and recommend to the General Manager final approval on the appointment or discharge of the auditors.</i>	Clause deleted as the appointment of the Auditor General of NSW as Council’s auditor is now mandatory.
7.3.(f)	<i>Review other sections of the annual report and related regulatory filings before release and consider the accuracy and completeness of the information.</i>	Clause deleted.

AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Operational Policy - OP081 - Internal Audit Activity Policy and Charter



**ORANGE CITY COUNCIL**

All policies can be reviewed or revoked by the General Manager, at any time.

**INTERNAL AUDIT ACTIVITY CHARTER**

OP081

F286

**OBJECTIVES**

- To provide a framework which compasses all aspects of accountability and transparency for the internal audit of financial, legislative and operational processes.
- To provide key result areas and performance standards for the internal audit process across all Council operations.

**APPLICABILITY**

To all staff who are involved in an operational function that is the subject of internal audit.

**GENERAL**

The Council as part of its membership of the Bathurst, Orange and Dubbo alliance, has agreed to resource share the internal audit process.

The Audit and Risk Management Committee Charter has been adopted by Council. The Audit and Risk Management Committee has been established as well as the members both voting and non-voting.

The Internal Audit Activity Charter is the accountability framework for each investigation undertaken.

**PROCEDURE**

As per attached and the yearly audit plan established by senior staff and the Internal Auditor.

**RELATED POLICIES/DOCUMENTS**

Code of Conduct

Responsible Area – Corporate and Commercial Services

Approved by General Manager, Garry Styles:

REVISION	DATE	REVISION	DATE
1	15 July 2010	3	21 September 2015
2	17 July 2012	4	

**SUMMARY OF AMENDMENTS**

DATE	AMENDMENT	DATE APPROVED BY GENERAL MANAGER
September 2015	New format, no significant amendments	21 September 2015

OPERATIONAL POLICY



# Internal Audit Activity Charter

**Internal Audit Activity Charter**

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## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

## Attachment 2 Operational Policy - OP081 - Internal Audit Activity Policy and Charter

**Internal Audit Activity Charter****1 Preamble**

- 1.1. This Charter is a formal statement of purpose, authority and responsibility for an internal auditing function within the Bathurst Regional Council, Orange City Council and Dubbo City Council, hereinafter called "the BOD Alliance".
- 1.2. It establishes Internal Audit within the BOD Alliance and recognises the importance of such an independent and objective service to the organisation.
- 1.3. It outlines the legal and operational framework under which Internal Audit will operate.
- 1.4. It authorises the Internal Auditor to deliver a broad range of internal audits across the BOD Alliance and, where approved, external bodies.

**2 Authority**

- 2.1. The BOD Alliance Audit and Risk Management Committees (ARMCs) and General Managers, by way of this charter, hereby authorise the Internal Auditor to deliver a comprehensive program of internal audit work in the form of reviews, previews, consultancy advice, evaluations, appraisals, policy recommendations, assessments and investigations of functions, processes, controls and governance frameworks in the context of the achievement of the Councils' objectives.
- 2.2. For this purpose, all members of Internal Audit are authorised to have full, free and unrestricted access to all functions, property, personnel, records, information, accounts, files, monies and other documentation, as necessary for the conduct of their work.

The General Managers and ARMCs undertake to support the Internal Auditor from time to time as necessary to achieve the objectives of this charter. Such assistance includes but is not limited to:

- 2.2.(a) Facilitating and approving procurement of specialised services from within or outside the organisation.
- 2.2.(b) Obtaining the necessary support of staff in departments being audited.
- 2.2.(c) Allocating any other resources as necessary to facilitate the achievement of audit objectives.
- 2.2.(d) Allowing the Internal Auditor full and free access to the ARMCs and to the General Managers

**3 Objectivity, Independence and Organisational Status**

- 3.1. Objectivity requires an unbiased mental attitude. As such, all Internal Audit staff shall perform internal audit engagements in such a manner that they have an honest belief in their work product and that no significant quality compromises are made. Further, it requires Internal Audit staff not to subordinate their judgment on internal audit matters to that of others.
- 3.2. To facilitate this approach, Internal Audit shall have independent status within BOD Alliance, and for this purpose shall be responsible directly through the Internal Auditor to the respective ARMCs and General Manager and administratively to the:
  - Director Corporate Services and Finance – Bathurst Regional Council
  - Director Corporate and Commercial Services - Orange City Council
  - Director Corporate Development - Dubbo City Council

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

## Attachment 2 Operational Policy - OP081 - Internal Audit Activity Policy and Charter

### Internal Audit Activity Charter

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- 3.3. Internal Audit shall be independent of the activities reviewed, and therefore shall not undertake any operating responsibilities outside internal audit work. Neither shall Internal Audit staff have any executive or managerial powers, authorities, functions or duties except those relating to the management of Internal Audit. Internal Audit staff and contractors shall report to the Internal Auditor any situations where they feel their objectivity may be impaired. Similarly, the Internal Auditor should report any such situations to the General Manager and to ARMC.
- 3.4. The work of Internal Audit does not relieve the staff of BOD Alliance from their accountability to discharge their responsibilities. All BOD Alliance staff are responsible for risk management and the operation and enhancement of internal control. This includes responsibility for implementing remedial action endorsed by management following an internal audit. *Internal Audit: A Guidance Paper October 2008 46*

#### 4 Goals and Scope of work

- 4.1. The mission of the internal auditing branch is to provide independent, objective assurance and consulting services designed to add value and improve the BOD Alliance's operations. It helps the BOD Alliance accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
- 4.2. The staff of the internal auditing branch will aim to establish whether the BOD Alliance's risk management framework, internal control systems and governance processes, as designed and represented by management, are adequate and operational in order to ensure the following:
- The risk management framework clearly identifies significant risks and that appropriate risk management strategies are in place and functional.
  - Integrity and reliability of significant financial, managerial, and operating information in supporting effective decision-making.
  - Activities of employees conform to Council policies, standards, procedures, and applicable laws and regulations.
  - Resources are acquired economically, used efficiently, and adequately protected.
  - Council's strategic objectives and programs as set out in the Integrated Planning and Reporting suite of documents are achieved; and that significant changes in the regulatory environment are promptly addressed.
  - Quality assurance and continuous improvement are embedded in the BOD Alliance's internal control process.
  - Special investigations as may be directed by the ARMC and or General Manager from time to time in line with the provisions of this charter.
- 4.3. The scope of work may include:
- 4.3.(a) **Assurance services** – objective examination of evidence for the purpose of providing an independent assessment on risk management, control, or governance processes for the organisation. Examples may include financial, performance, operational, compliance, system security, and due diligence engagements.

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

## Attachment 2 Operational Policy - OP081 - Internal Audit Activity Policy and Charter

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**Internal Audit Activity Charter**


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- 4.3.(b) **Consulting services** – advisory and related client service activities, the nature and scope of which are agreed with the client and which are intended to add value and improve an organisation's governance, risk management, and control processes without the internal auditor assuming management responsibility. Examples include counsel, advice, facilitation and training.

**5 Accountability and Reporting**

- 5.1. The Internal Auditor, in the discharge of his/her duties, shall be accountable to The General Manager and to the ARMC to:
- 5.1.(a) Provide annually an assessment on the adequacy and effectiveness of the BOD Alliance's processes for controlling its activities and managing its risks in the areas set forth under the goals and scope of work above.
  - 5.1.(b) Report significant issues related to the processes for controlling the activities of BOD Alliance and its affiliates, including potential improvements to those processes, and provide information concerning such issues through resolution.
  - 5.1.(c) Provide information periodically on the status and results of the annual audit plan and the sufficiency of department resources.
  - 5.1.(d) Coordinate with and provide oversight of other control and monitoring functions (risk management, compliance, security, legal, ethics, environmental, external audit).

**6 Key Result Areas**

The Internal Auditor and staff of the internal auditing branch have responsibility to:

- 6.1. Develop a flexible annual audit plan using appropriate risk-based methodology, including any risks or control concerns identified by management, and submit that plan to the ARMC for review and approval.
- 6.2. Implement the annual audit plan, as approved, including, and as appropriate, any special tasks or projects requested by management and the ARMC.
- 6.3. Maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of this Charter.
- 6.4. Establish a quality assurance program by which the Internal Auditor assures the operation of internal auditing activities.
- 6.5. Perform consulting services, beyond internal auditing's assurance services, to assist management in meeting its objectives. Examples may include facilitation, process design, training, and advisory services.
- 6.6. Evaluate and assess significant merging/consolidating functions and new or changing services, processes, operations, and control processes coincident with their development, implementation, and/or expansion.
- 6.7. Issue quarterly reports to the ARMC and management summarising results of audit activities.
- 6.8. Keep the ARMC informed of emerging trends and successful practices in internal auditing.
- 6.9. Provide a list of significant measurement goals and results to the ARMC.
- 6.10. Assist in the investigation of significant suspected fraudulent activities within the organization and notify management and the ARMC of the results.

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

## Attachment 2 Operational Policy - OP081 - Internal Audit Activity Policy and Charter

**Internal Audit Activity Charter**

- 6.11. Consider the scope of work of the external auditors and regulators, as appropriate, for the purpose of reducing duplication of effort and co-coordinating audit activity thereby providing optimal audit coverage to Council at a reasonable overall cost.
- 6.12. Ensure that the internal audit function operations comply with Standards and Code of Ethics issued by The Institute of Internal Auditors; The Auditing and Assurance Standards Board and where relevant; comply with The Statement on Information Systems Auditing Standards issued by the Information Systems and Control Association.
- 6.13. The Internal Auditor and staff of the internal auditing branch are not authorised to:
- 6.13.(a) Perform any operational duties for the BOD Alliance or its affiliates.
- 6.13.(b) Initiate or approve accounting transactions external to the internal auditing branch.
- 6.13.(c) Direct the activities of any organisation employee not employed by the internal auditing branch, except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist the internal auditors.

**7 Performance Standards**

The following attributes are expected of the internal auditing branch:

- Be skilled in dealing with people and in communicating audit issues effectively.
- Undertake appropriate continued professional development to maintain technical competence.
- Exercise due professional care in performing internal audit engagements.
- Manage instances of perceived or actual conflict of interests in line with the provisions of the Institute of Internal Auditors Standards and Code of Ethics.

**8 Review of the Internal Audit Charter**

- 8.1. The Internal Auditor shall annually review the Internal Audit Activity Charter in accordance with the Council's standard approach to updating operational policies to ensure it remains up-to-date and reflects the current scope of internal audit work. Any changes shall be presented to the ARMC before being sent to the General Manager for approval.

**REVISION**

VERSION	DATE OF APPROVAL BY THE GENERAL MANAGER	RESOLUTION
1	6 July 2010	Adopted by the ARMC meeting of 6 July 2010
2	17 July 2012	Charter reviewed at ARMC meeting but no amendments proposed.
3	21 September 2015	Adopted by the ARMC meeting of 4 September 2015

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

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**4.6 ARMC ACTION LIST AS AT MAY 2020**

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RECORD NUMBER: 2020/777

AUTHOR: Shephard Shambira, Internal Auditor

**EXECUTIVE SUMMARY**

The Audit and Risk Management Committee (ARMC) requested that a list of issues pending implementation be maintained and reported to the Committee at each meeting. The action list is divided into 3 sections:

- (i) A list of standing items which will be reported to the Committee on a regular basis with no end date. This part of the Action List has now been transferred to the Compliance module such that a report will only be submitted to the Committee where a scheduled task has not been completed as planned.
- (ii) Reports/tasks/updates requested by the Committee which will be deleted from the list once resolved
- (iii) Internal audit recommendations pending implementation. These will be deleted from the list after implementation.

This report shows the current Action List progress update as at May 2020 and a copy of the progress report which was distributed to members out of session following the February 2020 meeting.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "1.3 Our City - Ensure a robust framework that supports the community's and Council's current and evolving activities, services and functions".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

- 1 That the report by the Internal Auditor on ARMC Action List as at May 2020 be acknowledged.
- 2 That action items marked as completed (100%) be deleted from the ARMC Action List.

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020****4.6 ARMC Action List as at May 2020**

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**SUPPORTING INFORMATION**

The ARMC Action List shows the Committee's resolutions and actions taken. It highlights the issue, recommendation and officer responsible for the outstanding action and a brief progress update. There are two types of action items on the list: action items arising from requests from the Committee and action items arising from recommendations in Internal Audit reports. Target completion dates in respect of some items have been deferred. It is important to note that this deferral does not negatively impact on progress with completion of tasks under the approved internal audit program for Orange City Council.

Target completion dates are set by management based on their judgement on how long it will take to fully implement the agreed action plan. This decision depends on availability of resources and ranking the task with competing priorities.

Action items with a reference number starting with the number 1A1.\* have no end date. They relate to items on which the Committee requires on-going updates. Items with a reference number starting with 1A1.\* will not be deleted from the Action list. All other action items have an end date, and once the agreed action plan has been implemented, the item is deleted from the list. The responsible Council officials shown against each action item provide the progress updates stated under the comments column. The Detailed ARMC Action List is at [Attachment 1](#). [Attachment 2](#) shows a copy of the Action List progress update which was distributed to members out of session following the February 2020 meeting.

**ATTACHMENTS**

- 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020, D20/27832
- 2 Attachment 2 - ARMC Action List Out of Session Progress Update, D20/11696

AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

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## Quarterly Review - Audit and Risk ARMC Action List

Quarter 4 - February 2020 to May 2020

D20/27832

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

**1A: ARMC - Action List**

1A1: Action/Information/Reports requested by ARMC - standing requirements							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
1A1.7	17/03/2014	Divisional Administration Officer (Corporate and Commercial Services)	<p>Enterprise Risk Management (ERM) Module (Pulse) (March annually)</p> <p>(i) that a further update on progress with the ERM project including a copy of the corporate risks register be provided to the Committee.</p> <p>(ii) That future copies of the risk register provided to the Committee include a glossary of abbreviations to explain any acronyms used in the document.</p> <p>(iii) That the annual review provide independent assurance that the ERM framework is implemented at appropriate level and delivering performance enhancement.</p> <p>(iv) That the Committee be provided with independent assurance that risk mitigation strategies identified in the risk register are actually in place and working properly. (Restricted)</p>	<p>This action comes from March 2014, so it may now be out of date and the Committee could reconsider what this action is.</p> <p>The Risk Framework and Risk Register Review project has now started. The consultant has been given all the documentation that he has requested and the consultant has interviewed all Council's CEO, Directors (Community, Recreation and Cultural Services; Corporate and Commercial Services; Development Services; and Technical Services) and Managers in Corporate Governance, Internal Audit, Financial Services and Human Resources.</p> <p>The project will update our risk framework and ERM Toolkit, refresh/clean up our risk register, update user guides for the ERM risk register, provide training manuals and provide training for staff (by Microsoft Team, by Zoom or by GoToMeeting). This project will be completed in the current financial year (the consultant has provided a spreadsheet of deliverables for this project showing that the project will not go past 10 June 2020).</p>		80%	

**AUDIT AND RISK MANAGEMENT COMMITTEE**

**29 MAY 2020**

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

				A internal Corporate team (not just an individual) will be responsible for the overall risk framework and for the ERM risk register in Pulse and, from the start of the next financial year, the Committee will be given regular updates on how the risk framework is working throughout Council and the on ERM register.			
1A1.10	11/06/2014	Internal Auditor	<p>Charter - annual review of the ARMC Charter, including signing of updated copies by the General Manager &amp; ARMC Chair. (March annually)</p> <p>Current Tasks</p> <p>(i) Consider updating charter to include minimum CPE hours for Committee members</p> <p>(ii) Internal Audit Charter - Reflect Changes in Practice Framework</p> <p>Recommendation 3.1(a) – The internal audit charter should be enhanced to reflect changes to the “International Professional Practice Framework” Standard 1010.</p> <p>The mandatory nature of the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics, the Standards, and the Definition of Internal Auditing must be recognized in the Internal Audit Charter.</p> <p>RESPONSE</p>	The Office of Local Government has not yet published updated Internal Audit Guidelines based on the New Framework. It is expected that these new Guidelines are likely to be applicable with effect from 6 months after the Council elections.		30%	

AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

			<p>The Charter will be updated at the next scheduled review as per the ARMC Action List.</p> <p>(iii) Internal Audit Charter - Statement on Quality Assurance and Improvement Program</p> <p>Recommendation 3.1(d) - The Charter should include a statement regarding the Quality Assurance and Improvement Program</p> <p>RESPONSE</p> <p>Noted. The Charter will be updated with this information. (Restricted)</p>				
1A1.14	20/07/2018	Divisional Administration Officer (Corporate and Commercial Services)	<p>Auditor General's Performance Benchmarking Reports on the Local Government Industry - document relevant recommendations from Auditor General reports each year and then undertake a review of Council practices against these recommendations and prepare an action report (the ARMC to be updated with the results of such assessments as, and when, they are completed</p> <p>(Restricted)</p>	<p>This task will start on these reports:</p> <ul style="list-style-type: none"> <li>- Report on Local Government 2018</li> <li>- Report on Local Government 2019</li> <li>- Development Assessment Pre-Judgement and Lodgement 2019</li> <li>- NSW Planning &amp; Development - Development Assessment Best Practice Guide 2017</li> <li>- Domestic Waste Management in Campbelltown and Fairfield Councils 2019</li> <li>- Workforce Reform in Three Amalgamated 2019</li> </ul>		80%	

**AUDIT AND RISK MANAGEMENT COMMITTEE**

**29 MAY 2020**

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

				<p>- Council Reporting on Service Delivery 2017</p> <p>The actions from the Better Practice Guidance sections in the reports will be put into the Audit and Risk Module in Pulse. The actions will be sent to an identified responsible Director/Manager for comment and will be in regular reports to the Committee for Performance Improving.</p> <p>This will be set up for the first meeting in the next financial year (2020/2021). Council Reporting on Service Delivery 2017 was used for the draft operational plan for 2020/2021. It will be better used for the next Delivery Plan, which now will not be until 2022/2025. The current Delivery Plan has to run more year for operational plan 2021/22 because the local government election will now be held in September 2021.</p>			
1A1.15	20/07/2018	Manager Corporate Governance	Business Continuity Testing Events - that future business continuity testing events reports be circulated to the Committee highlighting any significant risk issues identified and related action plans (Restricted)	Ongoing		60%	

**1A2: Action/Information/Reports requested by ARMC - fixed completion date**

Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
1A2.4a1	12/03/2018	Director Development Services	Corporate Risks Register - Risk No 5421 - Mine Subsidence	The R W Corkery & Co Pty Ltd's "Lucknow Mines Study" continues to provide	31/03/2019	50%	

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A2: Action/Information/Reports requested by ARMC - fixed completion date							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>That a report be submitted to ARMC highlighting an assessment of the risks, related risk mitigation strategies and the status of scheduled tasks:</p> <p>* risk number 5421 - regarding legacy issues arising from mine subsidence including the risk of contamination of creeks and impact of re-zoning of land by Council.</p> <p>(September 2018)</p>	<p>guidance to the Planning and Engineering Teams as development occurs in the Village of Lucknow. This is combined with a requirement for all DAs in the Village to provide geotechnical reports. The Lucknow Scoping Study (Masterplanning) took into consideration R W Corkery &amp; Co Pty Ltd's study in guiding future development.</p>			
1A2.31	01/06/2019	Manager Information Technology	<p>Cyber security - Compliance with Signals Directorate standards - The Committee also noted the verbal report by the Audit Office regarding cyber security audits and results of a probity audit carried out on State agencies. The Acting Director Corporate &amp; Commercial Services' description of Council's current initiatives aimed at complying with the Signals Directorate standards on cyber security was commended, noting that a report on the project would be provided to a future meeting of the Committee.</p>	<p>Review of Council's maturity levels against the Essential 8 framework currently progressing. In regards to Patching Applications, Configure Microsoft Office macro settings, Patching Operating Systems, User Application Hardening, Restricting Administrative Privileges and Daily Backups, Council is at maturity level 2. Work has started on building the capacity to support Multi-Factor Authentication through O365 initiatives that are underway. The complex issue of Application Whitelisting will be assessed in July 2020 when Council undertakes a review of its core network.</p>	19/07/2019	75%	
1A2.32	30/08/2019	Manager Building Services	<p>1. That management review and assess the adequacy of the CCTV monitoring protocols over Council owned properties including the Civic Centre precinct.</p>	<p>Alarms Australia have completed the audit and IT now have a clear picture of the state of the equipment and a better idea about what sites should be prioritised (apart from</p>	31/12/2020	40%	

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A2: Action/Information/Reports requested by ARMC - fixed completion date							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>2. That management should consider updating the land and property register with a view to recording whether alarms or CCTV is in place and if not, include a risk assessment to support the status quo or determine if it is necessary to install an alarm system or CCTV on each of the properties listed.</p>	<p>the Depot which will have to be done at the build of the new centre). There have been a number of challenges getting a standard service agreement setup locally. Manger IT is working through this with Alarm Australia. The corporate governance team are currently reviewing the relevance of the policy.</p> <p>The Covid WFH challenges have created delays with progress.</p>			
1A2.33	30/08/2019	Assets/Infrastructure Systems Engineer	<p>1 That the Committee approve the removal of the audit of asset management planning processes from the approved internal audit programme.</p> <p>2 That a report be provided to be to the Committee outlining outcomes of the external consultant's assessment of Council's asset management planning processes.</p>	NAMAF completed in January 2020 and received a very favourable result. A report outlining the key outcomes and action plan will be submitted to the August 2020 meeting.	31/03/2020	80%	●
1A2.34	30/08/2019	Internal Auditor	2 That the Internal Audit Plan for 2019-20 be updated to reflect the changes agreed (Items 3.5 and 3.6 above) and the additional available capacity following the departure of Dubbo Regional Council from joint arrangements, to document how the	Draft programme with updates submitted to the February 2020 ARMC meeting.	01/10/2019	100%	●

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A2: Action/Information/Reports requested by ARMC - fixed completion date							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			time available to Council will be utilised. (Restricted)				
1A2.35	30/08/2019	Divisional Administration Officer (Corporate and Commercial Services)	That the process improvements list be reviewed and updated, deleting some items which do not directly relate to process improvement initiatives being implemented by management. (Restricted)	Completed and obsolete process improvement actions removed. Some, such as water management and waste management, are captured in State Government legislation requirements.	01/10/2019	100%	●
1A2.36	25/10/2019	Manager Financial Services	Pension concession rebate audit: That the Manager Financial Services be requested to provide an explanation to members out of session regarding the variance in the concession on water and sewer between the 2018 and 2019 financial years. (Restricted)	The amounts for 17/18 and 18/19 are consistent. What the committee saw was simply the 18/19 year on its own. The audit is done in October each year so for 18/19 it takes account for water of 3 quarters for the prior year (17/18) plus one quarter of current year (18/19) i.e. quarterly billing cycle. For sewer, it is billed annually at start of each financial year as part of raising rates so the 18/19 audit for sewer encompasses the annual bills for 18/19 and any new ratepayers who were raised after the audit date for the prior year (17/18), hence the small amount.	31/12/2019	100%	●
1A2.38	25/10/2019	Manager Corporate Governance	A New Risk Management and Internal Audit Framework for Local Councils - Discussion Paper: 1) That further feedback be provided to the Internal Auditor out of session, with the Internal Auditor distributing an updated submission document out of session to members. 2) That the updated document be submitted to the November 2019 Council meeting. 3)	Report approved by Council at its meeting of 3 December 2019. Subsequently submitted to the Office of Local Government on 18/12/2019 - Council record reference# D19/75957 and to LG NSW on 23/12/2019 - Council record reference# D19/76826.	16/12/2019	100%	●

## AUDIT AND RISK MANAGEMENT COMMITTEE

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Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A2: Action/Information/Reports requested by ARMC - fixed completion date							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			That a copy of this updated document be shared with Local Government NSW following adoption by Council. (Restricted)				
1A2.39	14/02/2020	Internal Auditor	Internal Audit Programme Status Report: (i) That the paper on investments process be noted and that the Internal Auditor consider allocating time to a high level compliance review of controls in the investments process. (ii) That the Internal Auditor be requested to redraft the remaining 3 years of the plan to programme in the unallocated hours and reflect changes in priorities proposed by the Committee.	A high level compliance review of controls in the investment process has now been added to the proposed 3 year internal audit plan. Changes proposed by the Committee have been effected. The remainder of updates to the plan will be effect once the risk register review consultancy project is finalised.	29/05/2020	65%	●
1A2.40	25/10/2019	Internal Auditor	Internal Audit Review Plan - Contaminated Land: That a confidential report on the findings be submitted to the next meeting. (Restricted)	Review completed and report submitted to the February 2020 meeting.	31/01/2020	100%	●
1A2.41	14/02/2020	Internal Auditor	Fraud and Corruption Prevention Policy: That Committee members' feedback be provided to the Internal Auditor by 21 February 2020.	Completed. No further feedback received from Committee members. The Policy was subsequently presented to Council which resolved to approve the revised policy.	21/03/2020	100%	●
1A2.42	14/02/2020	Internal Auditor	ARMC Action List: That an updated ARMC Action List be prepared and distributed to Committee members out of session within 21 days from the date of this meeting.	Completed. Updated Action List distributed on 5/3/2020. D20/12746	09/03/2020	100%	●
1A2.43	14/02/2020	Manager Information Technology	That the Chief Executive Officer request the Information Services Manager to make a presentation to the next meeting outlining	Deferred to August 2020.	01/05/2020	0%	●

## AUDIT AND RISK MANAGEMENT COMMITTEE

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Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A2: Action/Information/Reports requested by ARMC - fixed completion date							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			the Council's information technology strategy roadmap.				

1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
1A3.2	24/03/2017	Director Development Services	Asbestos Management Plan Implementation - progress update on implementation of agreed recommendations  (Restricted)	Progress Note s/Comments Effective as at 24 October 2019 in D18/35226 show that all agreed recommendations for the Asbestos Management Plan have been implemented.	30/09/2018	100%	●
1A3.4	24/03/2017	Water and Sewerage Manager (Strategic)	Fees and Charges - Private Works Transactions Recommendations  1. Review private works quotations process and related quotation template to ensure that it is possible to legally claim additional payments from a client if the cost of works exceeds the quoted amount due to latent conditions unknown at the time of estimating the quotation.  2. Consider reviewing the process for approval of quotations for private works exceeding a certain amount (Restricted)	Review completed and implemented.	31/08/2017	100%	●
1A3.5	20/07/2018	Manager Human Resources	Payroll Transactions - Governance Framework for the Council Final Salary Scheme	Letter sent to LG Super advising that following presentation of annual results, actuarial assumptions and	31/12/2018	90%	●

**AUDIT AND RISK MANAGEMENT COMMITTEE**

**29 MAY 2020**

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>Priority Rating: HIGH</p> <p>Recommendations</p> <ol style="list-style-type: none"> <li>1. Consider establishing a framework whereby the Council or its nominated professional representative is consulted regarding significant fund investment decisions.</li> <li>2. Consider establishing an arrangement whereby the Council and other Councils interested in the fund's performance engage an independent actuary (specialised in investments and general superannuation portfolio risk management) to provide a triennial evaluation of the fund and provide advice on suitability of investment mandate and significant actuarial assumptions supporting the fund manager's regular reports to member Councils.</li> </ol> <p>Agreed Management Action Plans</p> <p>Council is working with Centroc to request actuarial reports and a copy of investment status to review contribution requirements. Pending receipt of documentation Council will explore collaboration on review of actuarial data and status with other councils.</p> <p>30 August 2019 Update</p> <p>That the update by the Manager Financial Services</p>	<p>changes to legislation/regulation on past service liabilities/vested benefits ratio and further consideration Council will reinstate the payment contributions to the level requested by LGS for the 2019/20 financial year, including any arrears. Ongoing annual presentation has been requested. Task proposed to be finalized with annual monitoring. Engagement of an independent actuary not recommended.</p>			

## AUDIT AND RISK MANAGEMENT COMMITTEE

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Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			regarding the meeting on defined benefit super fund funding deficits be noted, with the issue being diarised for a further update to the committee in 2021. (Restricted)				
1A3.7	28/09/2018	Manager Information Technology	Payroll Transactions - the status of the issue regarding the computer system rounding error be marked as "open"	The rounding issue is currently being assessed and, if needed, will be document in a ticket for the Civica support and development team by the end of March 2020. Action and resolution of this issue is largely dependent on Civica's work load and development timetable.	30/09/2018	35%	●
1A3.8	28/09/2018	Finance Special Projects Officer	Developer Contributions - a subsequent report to clarify the general control framework around deferral, waiver and discounting of developer contributions be submitted to the next meeting	Further to the last report indicating that a working party is being established to review the developer contributions process - including policy regarding any deferral, waiver and discounting of developer contributions - the impacts of Covid-19 and social distancing measures has meant that the team has not met to date.	30/11/2018	80%	●
1A3.9	28/09/2018	Manager Financial Services	Developer Contributions - a report on Section 7.11 of the Environmental Planning and Assessment Act 1979 (NSW) developer contributions compliance monitoring be submitted to the next meeting	Action to be deleted - More detailed and refined scope is necessary if a new action is to be established.	30/11/2018	0%	●
1A3.10	28/09/2018	Manager Corporate Governance	Compliance Activities - an rationalised version of the report be distributed out of session showing updated due dates and actions (Restricted)	Completed. Process changed in 2019. Monthly reports are sent to the Executive Leadership Team monthly; and summarised reports are sent to	31/10/2018	100%	●

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Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
				the Audit and Risk Management Committee at its quarterly meetings.			
1A3.11	28/09/2018	Manager Corporate Governance	Process Improvements - a further review of this report be undertaken to transfer compliance activities to the Compliance Activities Report and provide a specific focus on process improvement initiatives including Council's commercial activities and the timeframe within which those activities will be undertaken	Pending	01/07/2020	20%	
1A3.15	22/02/2019	Manager Financial Services	<p>Fraud and Corruption Risks Register Review - Risk ID reference number 3951.</p> <p>Tasks listed have been partly completed. Work to enhance the project management framework to support controls around over-ordering still remain incomplete.</p> <p>Recommendations:</p> <p>(i) Complete the outstanding task on controls around over-ordering of goods of a type which is delivered directly to job sites.</p> <p>(ii) Consider establishing a central policy around project management with a suite of templates including risk assessment templates.</p> <p>Management Comments and Agreed Management Action Plans:</p>	Clause 3.15 Goods Received of operational policy OP047 which can be found on the Intranet which addresses receipt of goods to job sites. Central policy for project management and risk assessment templates is currently being worked on by purchasing committee. Had to be pushed back due to Buy local & strategic policy that went to Council. Procurement Committee has been in hibernation since December our first meeting is in March. Still work in progress	28/02/2020	75%	

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1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			Refer to Clause 3.15 Goods Received of operational policy OP047 which can be found on the Intranet which addresses receipt of goods to job sites. Central policy for project management and risk assessment templates is currently being worked on by purchasing committee.				
1A3.16	22/02/2019	Manager Human Resources	<p>Fraud and Corruption Risks Register Review</p> <p>Risk ID reference number 3946 and 3948. No information came to the attention of the Internal Auditor indicating that a list of staff identified for special training on how to deal with relational selling has been established. Therefore, it could not be verified that training of such staff has occurred as required under the risk register.</p> <p>Recommendation: Establish a new target completion date for the task</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Agree with internal audit observations. Training to be sourced and conducted.</p>	ICAC run staff sessions on Probity in Procurement and Corruption Prevention for Managers on 10 March 2020	30/06/2019	100%	
1A3.20	22/02/2019	Manager Human Resources	<p>Fraud and Corruption Risks Register - Risk ID reference numbers: 3951; 3946; 3948; 3952; 3959; 3961 and 4008. The risk register notes that annual training on the code of conduct will be carried out. No information came to the attention of the Internal Auditor indicating that this annual training has occurred since the last session held in October 2014.</p>	Online and face to face training conducted on updated Code of Conduct for all staff.	30/09/2019	100%	

## AUDIT AND RISK MANAGEMENT COMMITTEE

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Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>Enquiries with the Human Resources department indicated that the Council provides training to all new staff on commencement. An online training module has also been developed to rollout later this year with the new Code of Conduct for all staff.</p> <p>Recommendation: Consider structuring the proposed training programme to include an electronic record of the date staff completed the training and issue automatic reminders for staff to complete training as necessary.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Agree with internal audit observations, although reminders have been provided to staff on a yearly basis on individual elements of the Code of Conduct such as gifts and benefits and appropriate behaviours. Task to be updated to training every second year. All staff will receive training on the updated Code of Conduct this year either online or face to face. (Restricted)</p>				
1A3.21	22/02/2019	Manager Human Resources	<p>Fraud and Corruption Risk Register Review - Risk ID reference numbers: 3946 and 3948. The risk register notes that the Council should identify staff at risk and provide them with training regarding the management of risks associated with the technique of "relational selling" used by some suppliers to Council. The Internal Auditor did not sight a copy of the list of such staff nor evidence of this training in the Council records system.</p>	Training now included in annual corporate training program.	30/09/2019	100%	●

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Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>Recommendation: Establish a timeline for the completion of this task and consider introducing a permanent programme of training to be carried out on a regular basis as necessary.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Agree with internal audit observations, although reminders have been provided to staff on a yearly basis on individual elements of the Code of Conduct such as gifts and benefits and appropriate behaviours. Task to be updated to training every second year. All staff will receive training on the updated Code of Conduct this year either online or face to face. (Restricted)</p>				
1A3.22	22/02/2019	Manager Corporate Governance	<p>Fraud and Corruption Risks Register - Risk ID reference number 3967 and 4015.</p> <p>Issue: The contract template does not address the scenario where the works requested by the Council result in the creation of intellectual property.</p> <p>Recommendations:</p> <p>(i) Consider making a further update to the template to include the scenario where any works requested by the Council result in the creation of intellectual property.</p> <p>(ii) Consider establishing consultants' contracts to ensure that they include a clause on intellectual</p>	Complete - included in probity review.	30/06/2019	100%	

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1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>property rights and how the decision is reached on whether Council retains the IP rights or not.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Agree with internal audit observations. To be included in the procurement and probity review to ensure included updated contracts and releases are obtained where appropriate. (Restricted)</p>				
1A3.23	22/02/2019	Manager Financial Services	<p>(i) Fraud and Corruption Risks Register Review - Risk ID reference number 3956.</p> <p>The task listed on the risk register regarding the review of purchasing procedures was completed through the updating of Council's Purchasing Procedures (OP047, reviewed February 2015).</p> <p>Observation: No information came to the attention of the Internal Auditor indicating that the staff training on Purchasing Procedures was carried out.</p> <p>Recommendation: Implement training programme as planned.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Staff to be provided with training on updated purchasing procedures including how to access the right templates for contracts. (ii) Council Purchasing Policy and Procedures</p>	<p>The first step was to review the strategic purchasing policy. This has been completed. The operational purchasing policy and procedures is the next step and will form part of a broad review of high value procurement and the contract management system. Had to be pushed back due to Buy local &amp; strategic policy that went to Council. Procurement Committee has been in hibernation since December our first meeting is in March. Still work in progress</p>	31/03/2020	75%	<span style="color: green;">●</span>

AUDIT AND RISK MANAGEMENT COMMITTEE

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Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>Recommendation:</p> <p>Ensure that the Purchasing Policy and Purchasing Procedures are reviewed as soon as possible. Last review date as at time of audit was December 2015 and February 2015.</p> <p>Agreed Management Action Plans:</p> <p>The first step was to review the strategic purchasing policy. This has been completed and was adopted by Council on 3 July 2018. The operational purchasing policy and procedures is the next step and will form part of a broad review of high value procurement that is due for completion by the end of 2018.</p>				
1A3.24	22/02/2019	Manager Financial Services	<p>(j) Fraud and Corruption Risks Register Review - Risk ID reference numbers 3993. Risk description: Misuse of Council credit cards. Task: Ensure staff are aware of new Credit Card Policy requirements and complying.</p> <p>Issue: The current policy does not require that all staff issued with credit cards must be issued with a copy of the policy and be required to sign off an acknowledgement that they will comply with the policy requirements.</p> <p>Recommendations:</p> <p>Consider updating the credit card policy to include a clause requiring that those issued with a Council</p>	<p>Online credit card acquittal system has been implemented and is functioning well. A revised credit card policy that aligns to the new online system has been drafted and is currently being reviewed by the senior management team.</p>	31/12/2019	75%	

**AUDIT AND RISK MANAGEMENT COMMITTEE**

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Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>credit card should be issued with a copy of the policy and formally sign off to acknowledge receipt. Alternatively, this could be added to the Purchasing Procedures. Purchasing Procedures acknowledgements are automatically managed through the Pulse system. So, where a staff member has acknowledged receipt of the purchasing procedures, they are deemed to have read and understood the reference to credit card policy contained therein.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Reminder email of policy requirements sent to all cardholders and their supervisors on 21/11/2018. Credit card limits are approved only up to individual delegations. Credit card policy will be reviewed in 2019 in conjunction with Audit Office review taking place as part of annual financial statements audit. (ii) Credit Card Procedures Policy</p> <p>Recommendation: Review Credit Card Procedures Policy.</p> <p>Agreed Management Action Plans:</p> <p>Council will review credit card policy and accompanying procedures will be amended as required after that review.</p>				
1A3.25	22/02/2019	Manager Financial Services	Fraud and Corruption Risks register review - Risk ID reference number 4016.	Under review by purchasing committee. Had to be pushed back	31/03/2019	75%	

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1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>The once off tasks associated with this risk were completed. A project management framework template is in place D14/20544. Recent projects where the framework was applied showed that the clauses stated in the risk register were being utilised. (Council records D18/15497 and D18/44554). It was noted that the Purchasing Committee is scheduled to implement a staff training process to raise awareness about the procedure in place. This training will be completed by 30 June 2019. It should however be noted that as indicated elsewhere in this report, it appears that the project management framework does not appear to have been consistently applied to all projects in 2017, 2018 and 2019.</p> <p>Recommendations</p> <p>(i) Ensure that the project management framework template is applied consistently to all projects as appropriate.</p> <p>(ii) The Purchasing Committee programme of reviewing procurement processes and policies should also consider the merit of centralising the training process and creating an audit trail of how all staff across the council are inducted on key procurement procedures.</p> <p>Management Comments and Agreed Management</p>	<p>due to Buy local &amp; strategic policy that went to Council. Procurement Committee has been in hibernation since December our first meeting is in March. Still work in progress</p>			

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Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>Action Plans:</p> <p>Under review by purchasing committee</p>				
1A3.26	22/02/2019	Manager Human Resources	<p>Fraud and Corruption Risks Register Review - completeness of identified risks</p> <p>Observation 1</p> <p>The Council's risk register does not include an assessment of the potential risk of new employees being recruited based on fraudulent documents. For an example, Citizenship status, qualifications and experience.</p> <p>References to this risk can be found on the following link:</p> <p><a href="http://www.icac.nsw.gov.au/documents/preventing-corruption/cp-publications-guideline/5050-strengthening-employment-screening-practices-in-the-nsw-public-sector/file">http://www.icac.nsw.gov.au/documents/preventing-corruption/cp-publications-guideline/5050-strengthening-employment-screening-practices-in-the-nsw-public-sector/file</a></p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Agree with internal audit observations however, relevant background checking is undertaken on prospective new employees. The Recruitment Policy has also recently been drafted to include a risk based approach to employment screening processes based on the ICAC guideline. This will be submitted for approval in the next month. (Restricted)</p>	Recruitment policy now updated with risk based approach to employment screening processes based on the ICAC guideline.	30/04/2019	100%	

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1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
1A3.27	01/06/2019	Manager Financial Services	<p>Risk ID reference #3993 -</p> <ol style="list-style-type: none"> <li>Review the record of sub-delegations and ensure that the limits reflected in the OCCARS_OLR system are consistent with the Pulse system and the actual letter of delegation from the General Manager.</li> <li>Ensure that the Rural Fire Service credit cardholders are formally included under the sub-delegation instrument from the General Manager.</li> <li>Ensure that all credit card limits are consistent with the General Manager's sub-delegation to cardholders.</li> <li>Finalise updating of the Credit Card Policy and ensure that all cardholders sign off a declaration acknowledging a commitment to comply with the Policy.</li> <li>These recommendations and any other comments arising from the 2018 financial year external audit process will be addressed by December 2019.</li> </ol>	Credit card actions being run concurrently with update to policy and online acquittals as per action 1A3.24. Delegations in Pulse being reviewed currently alongside implementation of new purchasing policy and contract management system implementation.	31/12/2019	75%	
1A3.28	01/06/2019	Manager Financial Services	<p>Risk ID reference #4015 - Review the following recommendations as part of the Purchasing Committee Process -</p> <ol style="list-style-type: none"> <li>Consider carrying out a comprehensive audit of schedule of rates contracts to confirm that amounts charged are consistent with the approved</li> </ol>	<p>Had to be pushed back due to Buy Local strategic policy that went to Council.</p> <p>Procurement Committee has been in</p>	30/06/2020	75%	

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1A3: Internal audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>rates.</p> <p>2. Review the risk management framework around compliance with schedule of rates contracts based on results of the audit suggested in recommendation (1) above.</p> <p>3. Consider reviewing the risk management framework around the approval process for contract variations; with a view to ensure that timing of the approval is effective at the appropriate time.</p>	<p>hibernation since December our first meeting is in March.</p> <p>Still work in progress.</p>			
1A3.30	01/06/2019	Manager Information Technology	<p>Security of Council assets - Information technology inventory -</p> <p>System to be developed to enable inventory reconciliation annually in June, commencing June 2020.</p> <p>1. Carry out a regular count of IT inventory and reconcile results of such inventory count to the list of assets as recorded in the Dell Kace system and to the general ledger.</p> <p>2. Consider utilising no cost resources such as work experience students to assist with regular plant inventory counts, and reconciliation with the general Ledger.</p>	<p>Council's IT assets are recorded in 2 primary locations. For those that are financed via rental through Macquarie Bank, the assets can be viewed and reported on through a customer portal supplied by Macquarie Bank. For owned and smaller assets such as mobile phones these can be audited via reports from the IT team's asset register in the Kace Helpdesk system.</p>	30/06/2020	75%	

1A4: External audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status

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1A4: External audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
1A4.3	20/07/2018	Manager Information Technology	<p>Information Technology - No formal IT Security Policy</p> <p>Recommendations The Council should implement a formal IT Security policy covering all critical IT processes.</p> <p>The policy should be:</p> <ul style="list-style-type: none"> <li>• available to all relevant users and be subject to periodic update and review (including when significant system or process changes occur);</li> <li>• supplemented by additional standards and guidelines as necessary.</li> </ul> <p>Agreed Management Action Plans</p> <p>Security is addressed in the:</p> <ul style="list-style-type: none"> <li>• Internet, email and computer use policy (adopted in 2014); and-</li> <li>• Computer logon; usernames and passwords procedures.</li> </ul> <p>It is agreed that Council should review these policies and develop a separate formal IT Security Policy to address the Council's security requirements for digital information.</p>	<p>The development of an overarching Security Policy Platform will begin in the final quarter of the 19/20 financial year. Some progress has been made in regard to deciding platforms and responsibilities etc, but the project is not yet underway due to current urgent priorities.</p>	30/09/2018	50%	

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1A4: External audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
1A4.5	20/07/2018	Manager Information Technology	<p>Information Technology - User-access Controls</p> <p>Recommendations</p> <p>Ensure that access listings for all modules are reviewed to ensure that staff only have access to those modules relevant to their job description.</p> <p>Agreed Management Action Plans</p> <p>The receipting module security listing has been reviewed by management and alterations made to user access levels where appropriate. Access listings for other Authority modules will be reviewed by management, having regard for the user's requirements as per their job description.</p>	<p>A full review of the security access granted by roles in Authority has been carried out in conjunction with an audit of staff role assignment. The IT team have been working with business stakeholders to ensure security is current and access only granted on an "as needed" basis. In conjunction with this IT and HR have been working on reviewing the on-boarding and exit processes for staff to fine tune the initial allocation of access in more detail.</p>		100%	
1A4.8	20/07/2018	Manager Financial Services	<p>Manual journal's - Control Procedures</p> <p>Recommendation</p> <p>Although there is evidence of controls in place, they are not being applied consistently.</p> <p>Management should review their process regarding General Ledger journals and determine whether operating controls are sufficient and within Council's tolerable risk threshold.</p>	<p>Currently waiting for an upgrade in Authority that will permit a workflow to be attached for the approval of journals prior to processing.</p> <p>All control journals are reviewed by the supervisor of the person raising them and there is very few Financial services staff that are able to process control account journals.</p>		75%	

**AUDIT AND RISK MANAGEMENT COMMITTEE**

**29 MAY 2020**

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A4: External audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			<p>Assessment of Action Taken</p> <p>During our last interim visit, we tested a sample of seventeen (17) control account and manual journals.</p> <p>We have split our findings into:</p> <ul style="list-style-type: none"> <li>Journals raised by finance (which don't require a voucher, but do require evidence of review),</li> <li>Those that were raised outside finance (which do require a voucher and evidence of review).</li> </ul> <p>Our findings are as follows:</p> <p>From this sample we noted the following issues:</p> <ul style="list-style-type: none"> <li>Thirteen (13) journals had been raised by finance and had not been evidenced as reviewed. Without the signing of the supporting documentation it is not possible for us to retrospectively check the appropriate reviews were undertaken prior to the posting of the journal;</li> <li>Four (4) journals were raised outside of finance, of these four (4), one (1) did not have a journal voucher completed</li> </ul>	<p>Once the posted journal is in HPE, every couple of months the Financial Accountant looks at a selection of the journals to ensure that all is in order, currently no notation is made in HPE, but will do so in the future.</p>			

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A4: External audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			or filed and an additional one (1) had not been signed by the 'authorised by' or 'keyed by' persons.				
1A4.12	20/09/2018	Manager Corporate Governance	<p>Internal Audit - Review Reporting Arrangements</p> <p>Recommendation 3.1(e) - Reporting arrangements for Internal Audit should be reviewed</p> <p>RESPONSE</p> <p>The Council Administration strongly supported the principle of substantive independence of the Internal Audit function. To address this, the Director Corporate and Commercial Services is undertaking an organisational review and has proposed to refine the charter for the Office of Corporate Governance to focus on being an independent advisory and oversight function, and the Internal Auditor will function within the Office of Corporate Governance reporting to the Manager Corporate Governance in future.</p>	Restructure not occurring. Delete item from Action List.	01/07/2020	0%	
1A4.21	01/06/2019	Financial Accountant	<p>Un-invoiced creditors account -</p> <p>A formal procedure will be established incorporating a quarterly reconciliation of the un-invoiced creditors control account</p>	Ongoing project, this is a live report and alters constantly.	30/06/2019	95%	

**AUDIT AND RISK MANAGEMENT COMMITTEE**

**29 MAY 2020**

Attachment 1 Attachment 1 - ARMC 29 May 2020 - Action List as at May 2020

1A4: External audit recommendations - pending implementation							
Ref	Start Date	Responsible Officer	Action	Comment on Action	Due Date	Progress	Status
			that ensures the account only has un-invoiced amounts in it. This process will be incorporated into Council's compliance plan that has oversight from Corporate Governance.				



Quarterly Review - Audit and Risk  
 ARMC Action List - **Updated Out of Session**  
 Quarter 3 - September 2019 to January 2020

D20/11696

Action Status Type	Display Colour
Not Updated	Not Updated
Not Progressing	Not Progressing
Completed	Completed
Progressing	Progressing
Not Due To Start	Not Due To Start

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

## 1A: ARMC - Action List

1A1: Action/Information/Reports requested by ARMC - standing requirements					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
1A1.1	Site inspections - ARMC carry out site-inspection visits to various strategic Council facilities as a way of enhancing their understanding of Council operations. Committee members and management to identify site visits of interest. (ongoing) (Restricted)	Other possible sites to visit: <ul style="list-style-type: none"> <li>- Scout Camp Re-development Project</li> <li>- Water Treatment Works</li> <li>- Airport upgrade project</li> <li>- Southern Distributer road</li> <li>- Shiralee Development</li> </ul>	Quarterly	100%	Internal Auditor
1A1.3	Meeting dates - to be established on a financial-year basis (March annually) (Restricted)	2020 Meeting dates are as follows: <ul style="list-style-type: none"> <li>- 14 February 2020</li> <li>- 29 May 2020</li> <li>- 28 August 2020</li> <li>- 23 October 2020</li> </ul>	Annually	100%	Internal Auditor
1A1.4	Financial statements - external audit timetable (March annually) (Restricted)	Initial kickoff meeting held by phone with new external audit team in early Feb 2020. Draft engagement plan will be issued for comment by end of Feb 2020.	Annually	10%	Manager Financial Services
1A1.5	That the three-year internal audit program be updated to reflect changes in the Corporate Risks Register, with all tasks clearly linked to specific residual risks (March annually). (Restricted)	A proposed internal audit plan for the period 2020-2023 was submitted to the February 2020 meeting. Further updates to the programme will be completed after an update of the risks register.	Annually	50%	Internal Auditor
1A1.7	Enterprise Risk Management (ERM) Module	Contract with successful consultant has been	Annually	50%	Divisional Administration

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A1: Action/Information/Reports requested by ARMC - standing requirements					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	(Pulse) (March annually) (i) that a further update on progress with the ERM project including a copy of the corporate risks register be provided to the Committee. (ii) That future copies of the risk register provided to the Committee include a glossary of abbreviations to explain any acronyms used in the document. (iii) That the annual review provide independent assurance that the ERM framework is implemented at appropriate level and delivering performance enhancement. (iv) That the Committee be provided with independent assurance that risk mitigation strategies identified in the risk register are actually in place and working properly. (Restricted)	signed. Start date was Monday, 17 February 2020 and project will be completed by 30 June 2020.  Until the completion of this project, the regular updates (i), (ii), (iii) and (iv) cannot be given. They will be included in the procedure for risk management.	31/07/2020		Officer (Corporate and Commercial Services)
1A1.10	Charter - annual review of the ARMC Charter, including signing of updated copies by the General Manager & ARMC Chair. (March annually)  Current Tasks (i) Consider updating charter to include minimum CPE hours for Committee members (ii) Internal Audit Charter - Reflect Changes in Practice Framework  Recommendation 3.1(a) – The internal audit	The Office of Local Government is expected to publish updated Internal Audit Guidelines before the end of this calendar year. Council's Charter will be updated following receipt of the updated Guidelines.	Annually 31/03/2021	30%	Internal Auditor

AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A1: Action/Information/Reports requested by ARMC - standing requirements					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	<p>charter should be enhanced to reflect changes to the "International Professional Practice Framework" Standard 1010.</p> <p>The mandatory nature of the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics, the Standards, and the Definition of Internal Auditing must be recognized in the Internal Audit Charter.</p> <p>RESPONSE</p> <p>The Charter will be updated at the next scheduled review as per the ARMC Action List.</p> <p>(iii) Internal Audit Charter - Statement on Quality Assurance and Improvement Program</p> <p>Recommendation 3.1(d) - The Charter should include a statement regarding the Quality Assurance and Improvement Program</p> <p>RESPONSE</p> <p>Noted. The Charter will be updated with this information. (Restricted)</p>				
1A1.11	ARMC Annual Report (March annually). (Restricted)	Completed as per record reference # D20/190. Report submitted to the February 2020 meeting.	Annually	100%	Internal Auditor
1A1.12	Internal audit reports - where appropriate, internal audit reports should incorporate information regarding risks reversed or mitigated by the implementation of internal audit recommendations (quarterly) (Restricted)	This is an on-going process. The impact of internal audit recommendations is reflected in reports as appropriate.	Quarterly	90%	Internal Auditor

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

<b>1A1: Action/Information/Reports requested by ARMC - standing requirements</b>					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
1A1.13	Compliance systems - inclusions in Internal Audit program, major exceptions to be reported to the Committee (quarterly) (Restricted)	Updates provided.	Quarterly	100%	Manager Corporate Governance
1A1.14	Auditor General's Performance Benchmarking Reports on the Local Government Industry - document relevant recommendations from Auditor General reports each year and then undertake a review of Council practices against these recommendations and prepare an action report (the ARMC to be updated with the results of such assessments as, and when, they are completed) (Restricted)	<p>An administrative staff member has now subscribed to the Audit Office NSW mailing list for the Annual Report on Local Government and local government performance audits.</p> <p>The Report on Local Government 2018 and the 2019 local government performance audits on Development Assessment Pre-lodgement and Lodgement, on Domestic Waste Management and on Workforce Reform in Three Amalgamated Councils have been downloaded. These will be sent to an identified responsible Director/Manager to assign the report. The responsible Director/Manager will be requested to produce a report for the Audit and Risk Management Committee that:</p> <ul style="list-style-type: none"> <li>- identifies key risks relating to the subject of the report;</li> <li>- provides an outline of how Council manages these risks;</li> <li>- shows where Council's risk management framework requires to be enhanced based on the Auditor General's report, an action plan is then prepared; and</li> <li>- updates Council risk registers, where required.</li> </ul> <p>The Report on Local Government 2019 is</p>	Ad hoc	80%	Divisional Administration Officer (Corporate and Commercial Services)

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A1: Action/Information/Reports requested by ARMC - standing requirements					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
		expected to be available at the end of February 2020.			
1A1.15	Business Continuity Testing Events - that future business continuity testing events reports be circulated to the Committee highlighting any significant risk issues identified and related action plans (Restricted)	Tests in schedule	Ad hoc	60%	Manager Corporate Governance

The Committee should note that in line with action item number 1A2.20 below, the above action items with a reference number starting with 1A1.\*\* have now been transferred to the *Compliance Reporting Schedule* and will no longer be included on the ARMC Action List. Items listed on the *Compliance Reporting Schedule* are only reported to the Audit and Risk Management Committee where there is an incidence of non-compliance.

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A2: Action/Information/Reports requested by ARMC - fixed completion date					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
1A2.4a1	<p>Corporate Risks Register - Risk No 5421 - Mine Subsidence</p> <p>That a report be submitted to ARMC highlighting an assessment of the risks, related risk mitigation strategies and the status of scheduled tasks:</p> <p>* risk number 5421 - regarding legacy issues arising from mine subsidence including the risk of contamination of creeks and impact of re-zoning of land by Council.</p> <p>(September 2018)</p>	The R W Corkery & Co Pty Ltd's "Lucknow Mines Study" continues to provide guidance to the Planning and Engineering Teams as development occurs in the Village of Lucknow. This is combined with a requirement for all DAs in the Village to provide geotechnical reports. The Lucknow Scoping Study (Masterplanning) took into consideration R W Corkery & Co Pty Ltd's study in guiding future development.	31/03/2019	50%	Manager Building and Environment
1A2.14	<p>Notwithstanding the lodgement of the financial statements, the Committee noted the following disclosures with a view to seeking amendments and/or notation for the preparation of the 2018-'19 Financial Statements:</p> <ul style="list-style-type: none"> <li>In Note 24 the list of Councillors July – September 2017 should include all Councillors for that period and the spelling of Cr Hamling should be corrected.</li> <li>Management consider adding dot points to provide more information about the general nature of transactions under the functions outlined in Note 2 of the financial statements.</li> <li>Note 9(a) regarding the Rural Fire Service be corrected to reflect a definitive position on Council's chosen course of action. The words "will/will not" do not indicate a clear course of action.</li> </ul>	All completed	31/12/2018	100%	Financial Accountant
1A2.20	Corporate Risks Register - the annual and on-going tasks be timetabled into the Compliance Activities schedule reported to each meeting of the Audit and Risk Management Committee (September 2018).	The Risk Register is being maintained on an ongoing basis - overhaul of the register is required to ensure functionality and accessibility are made easier. on-going tasks be timetabled into the Compliance	31/12/2020	60%	Governance Coordinator

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A2: Action/Information/Reports requested by ARMC - fixed completion date					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
		Activities schedule			
1A2.20	(i) That the risk register be refined by identifying compliance tasks which should be moved to the compliance reporting schedule and that some risk descriptions be updated to better describe the nature of risks and related risk treatment strategies in place and timelines for future actions.	To be addressed during the consultancy project currently underway.	31/12/2020	60%	Governance Coordinator
1A2.20	(ii) Fraud and Corruption Risks Register review. That a report be submitted to the next meeting, outlining proposed changes to the risks register regarding the updating of fraud and corruption risks to include IT fraud and corruption risks.	To be addressed during the consultancy project currently underway.	31/12/2020	60%	Governance Coordinator
1A2.20	(iii) D18/60441 - Internal Audit Review Report - Airport Security  Comments  The Internal Auditor sighted a Council report showing results of a study carried out to establish the potential contamination impact of the old fire retardant chemicals. Further enquiries with the Airport Manager indicated that as at the time of audit (7 November, 2018), work was in progress to obtain further guidance from the New South Wales Environment Protection Authority (EPA) regarding the results of the study and any remedial action required if at all necessary.  Recommendation  Update the risk register in the Pulse Software System to reflect the current status of the risk mitigation plan, including an updated expected completion date.	Issue already closed. PULSE system now updated.		100%	Governance Coordinator

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A2: Action/Information/Reports requested by ARMC - fixed completion date					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	<p>Management Comments and Action Plan</p> <p>Agreed. The risk register will be updated. Results of the study showed a localised area of low level contamination that appears to be contained naturally within the airport boundaries.</p>				
1A2.20	<p>iv) Risk ID reference number 3952. Process for requesting Deed of Separation for critical staff to be reviewed. New staff to sign when they start. The Manager Human Resources advised that this task related to creating a template deed of release and template letter of offer to include confidentiality requirements. These tasks were completed per Council record number D16/58347 and D16/30849. That this task did not require any further action once the templates were in place.</p> <p>The risk register notes that Council was to "Provide training for staff in privacy and access to information." The Internal Auditor did not sight evidence of this training for current staff members.</p> <p>Recommendation: Review the requirement to implement training on privacy and take appropriate action and update the risk register accordingly.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Agree with internal audit observations. Training to be sourced and conducted.</p>	<p>Completed. Council's training officer has developed an eLearning Module on Privacy. This is being rolled out to staff identified as requiring this training. Refer to D20/12733 for evidence of e-learning training programme.</p>		100%	Governance Coordinator
1A2.20	<p>(v) Fraud and Corruption Risks Register Review - Risk ID reference number 3958. Evidence of staff training on Protected Interest Disclosure not sighted. No information came to the attention of the Internal Auditor indicating that there has been a recent</p>	<p>Public Interest Disclosure training was provided to designated and interested staff by the NSW Ombudsman's Office and occurred on 22 May 2019.</p>		100%	Governance Coordinator

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A2: Action/Information/Reports requested by ARMC - fixed completion date					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	<p>training of staff on Protected Interest Disclosures. Evidence of training sighted relates to employees who are no longer working for the Council.</p> <p>Recommendation: Consider assessing the training needs of relevant staff and take appropriate action as necessary.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Agree with internal audit observations. Training to be sourced and conducted.</p>	The PID Policy has been updated and adopted by Council on 6 August 2019 (D19/32666).			
1A2.20	<p>(vi) Fraud and Corruption Risks Register - Risk ID reference numbers: 3951; 3946; 3948; 3952; 3959; 3961 and 4008. The risk register notes that annual training on the code of conduct will be carried out. No information came to the attention of the Internal Auditor indicating that this annual training has occurred since the last session held in October 2014.</p> <p>Enquiries with the Human Resources department indicated that the Council provides training to all new staff on commencement. An online training module has also been developed to rollout later this year with the new Code of Conduct for all staff.</p> <p>Recommendation: Consider structuring the proposed training programme to include an electronic record of the date staff completed the training and issue automatic reminders for staff to complete training as necessary.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Agree with internal audit observations, although reminders have been provided to staff on a yearly</p>	Code of Conduct Training has been rolled out to all staff as an e Learning module which includes gifts and benefits. Ongoing compliance training every 2 years.	30/04/2019	100%	Governance Coordinator

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A2: Action/Information/Reports requested by ARMC - fixed completion date					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	basis on individual elements of the Code of Conduct such as gifts and benefits and appropriate behaviour. Task to be updated to training every second year. All staff will receive training on the updated Code of Conduct this year either online or face to face.				
1A2.31	Cyber security - Compliance with Signals Directorate standards - The Committee also noted the verbal report by the Audit Office regarding cyber security audits and results of a probity audit carried out on State agencies. The Acting Director Corporate & Commercial Services' description of Council's current initiative aimed at complying with the Signals Directorate standards on cyber security was commended, noting that a report on the project would be provided to a future meeting of the Committee.	Review of Council's maturity levels against the Essential 8 framework currently progressing. In regards to Patching Applications, Configure Microsoft Office macro settings, Patching Operating Systems, User Application Hardening, Restricting Administrative Privileges and Daily Backups, Council is at maturity level 2. Work has started on building the capacity to support Multi-Factor Authentication through O365 initiatives that are underway. The complex issue of Application Whitelisting will be assessed in July 2020 when Council undertakes a review of its core network.	19/07/2019	70%	Manager Information Technology
1A2.32	<ol style="list-style-type: none"> <li>1. That management review and assess the adequacy of the CCTV monitoring protocols over Council owned properties including the Civic Centre precinct.</li> <li>2. That management should consider updating the land and property register with a view to recording whether alarms or CCTV is in place and if not, include a risk assessment to support the status quo or determine if it is necessary to install an alarm system or CCTV on each of the properties listed.</li> </ol>	<ol style="list-style-type: none"> <li>1 A register of all internally installed CCTV cameras and alarms has been created.</li> <li>2. The Council security contractor has installed signage in buildings where CCTV operates internally.</li> <li>3. Audit of additional CCTV for council building is underway. Installation will be budget dependent.</li> <li>4 A meeting to determine organisational responsibility for development of monitoring protocol / policy and on-going management has been scheduled between Manager IT, Manager Building Services, Acting Director Corporate &amp; Commercial Services and Manager Water Treatment. This was not progressed until new IT manager commenced and developed understanding of Council operation.</li> </ol>	31/12/2020	30%	Manager Building Services

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A2: Action/Information/Reports requested by ARMC - fixed completion date					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
		5. Original due date not achievable due to scope of work and will be adjusted.			
1A2.33	<p>1 That the Committee approve the removal of the audit of asset management planning processes from the approved internal audit programme.</p> <p>2 That a report be provided to be to the Committee outlining outcomes of the external consultant's assessment of Council's asset management planning processes</p>	NAMAF is still planned to be completed within the timeframe allocated (30/03/2020)	31/03/2020	20%	Assets/Infrastructure Systems Engineer
1A2.34	That the Internal Audit Plan for 2019-20 be updated to reflect the changes agreed (Items 3.5 and 3.6 above) and the additional available capacity following the departure of Dubbo Regional Council from joint arrangements, to document how the time available to Council will be utilised.	Completed. Draft programme with updates submitted to the February 2020 ARMC meeting.	01/10/2019	100%	Internal Auditor
1A2.36	Pension concession rebate audit: That the Manager Financial Services be requested to provide an explanation to members out of session regarding the variance in the concession on water and sewer between the 2018 and 2019 financial years.	Completed. The amounts for 17/18 and 18/19 are consistent. What the committee saw was simply the 18/19 year on its own. The audit is done in October each year so for 18/19 it takes account for water of 3 quarters for the prior year (17/18) plus one quarter of current year (18/19) i.e. quarterly billing cycle. For sewer, it is billed annually at start of each financial year as part of raising rates so the 18/19 audit for sewer encompasses the annual bills for 18/19 and any new ratepayers who were raised after the audit date for the prior year (17/18), hence the small amount.	31/12/2019	100%	Manager Financial Services
1A2.37	Internal Audit Manual: 2 That the Council adopt the Internal Audit Manual subject to amendments noted at the meeting regarding the clauses referencing to Dubbo Regional Council and the access to internal audit working papers by the External Auditor.	Manual updated with changes as required. D19/58838	31/12/2019	100%	Internal Auditor

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A2: Action/Information/Reports requested by ARMC - fixed completion date					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
1A2.38	A New Risk Management and Internal Audit Framework for Local Councils - Discussion Paper: 1) That further feedback be provided to the Internal Auditor out of session, with the Internal Auditor distributing an updated submission document out of session to members. 2) That the updated document be submitted to the November 2019 Council meeting. 3) That a copy of this updated document be shared with Local Government NSW following adoption by Council.	Report approved by Council at its meeting of 3 December 2019. Subsequently submitted to the Office of Local Government on 18/12/2019 - Council record reference# D19/75957 and to LG NSW on 23/12/2019 - Council record reference# D19/76826.	16/12/2019	100%	Manager Corporate Governance
1A2.39	Internal Audit Programme Status Report: That the Internal Auditor be requested to distribute an updated 4 year strategic internal audit plan out of session following finalisation of the risk registers review process.	Partly complete. Draft internal audit programme submitted to February 2020 meeting. Risk registers review project not yet complete. It is expected that the risk registers project will be completed during the second quarter of the 2020 calendar year with an updated internal audit programme being submitted to the August 2020 meeting of the Committee. The incomplete programme developed covers areas of interest to management.	31/12/2019	60%	Internal Auditor
1A2.40	Internal Audit Review Plan - Contaminated Land: That a confidential report on the findings be submitted to the next meeting.	Review completed and report submitted to the February 2020 meeting.	31/01/2020	100%	Internal Auditor

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

<b>1A3: Internal audit recommendations - pending implementation</b>					
<b>Ref</b>	<b>Action</b>	<b>Comment on Action</b>	<b>Due Date</b>	<b>Progress</b>	<b>Responsible Officer</b>
1A3.2	Asbestos Management Plan Implementation - progress update on implementation of agreed recommendations	Progress Note s/Comments Effective as at 24 October 2019 in D18/35226 show that all agreed recommendations for the Asbestos Management Plan have been implemented.	30/09/2018	100%	Manager Building and Environment
1A3.5	<p>Payroll Transactions - Governance Framework for the Council Final Salary Scheme</p> <p>Priority Rating: HIGH</p> <p>Recommendations</p> <ol style="list-style-type: none"> <li>1. Consider establishing a framework whereby the Council or its nominated professional representative is consulted regarding significant fund investment decisions.</li> <li>2. Consider establishing an arrangement whereby the Council and other Councils interested in the fund's performance engage an independent actuary (specialised in investments and general superannuation portfolio risk management) to provide a triennial evaluation of the fund and provide advice on suitability of investment mandate and significant actuarial assumptions supporting the fund manager's regular reports to member Councils.</li> </ol> <p>Agreed Management Action Plans</p> <p>Council is working with Centroc to request actuarial reports and a copy of investment status to review contribution requirements. Pending receipt of documentation Council will explore collaboration on review of actuarial data and status with other councils.</p> <p>30 August 2019 Update</p> <p>That the update by the Manager Financial Services regarding the meeting on defined benefit super fund funding deficits be noted, with the issue being diarised for a further update to the committee in 2021.</p>	Letter sent to LG Super advising that following presentation of annual results, actuarial assumptions and changes to legislation/regulation on past service liabilities/vested benefits ratio and further consideration Council will reinstate the payment contributions to the level requested by LGS for the 2019/20 financial year, including any arrears. Ongoing annual presentation has been requested. Task proposed to be finalized with annual monitoring. Engagement of an independent actuary not recommended.	31/12/2018	90%	Manager Human Resources
1A3.7	Payroll Transactions - the status of the issue regarding the computer	The rounding issue is currently being	30/09/2018	35%	Manager Information

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

## Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

<b>1A3: Internal audit recommendations - pending implementation</b>					
<b>Ref</b>	<b>Action</b>	<b>Comment on Action</b>	<b>Due Date</b>	<b>Progress</b>	<b>Responsible Officer</b>
	system rounding error be marked as "open"	assessed and, if needed, will be document in a ticket for the Civica support and development team by the end of March 2020. Action and resolution of this issue is largely dependent on Civica's work load and development timetable.			Technology
1A3.8	Developer Contributions - a subsequent report to clarify the general control framework around deferral, waiver and discounting of developer contributions be submitted to the next meeting	A working party is being established to review the developer contributions process. It will include staff from planning, engineering and finance and cover all aspects of the process - including policy regarding any deferral, waiver and discounting of developer contributions.	30/11/2018	80%	Finance Special Projects Officer
1A3.9	Developer Contributions - a report on Section 7.11 of the Environmental Planning and Assessment Act 1979 (NSW) developer contributions compliance monitoring be submitted to the next meeting	Unsure of scope of this action - needs to be deleted and if required a new action that clarifies the details of what is required should be established.	30/11/2018	0%	Manager Financial Services
1A3.10	Compliance Activities - an rationalised version of the report be distributed out of session showing updated due dates and actions	Completed. Process changed in 2019. Monthly reports are sent to the Executive Leadership Team monthly; and summarised reports are sent to the Audit and Risk Management Committee at its quarterly meetings.	31/10/2018	100%	Manager Corporate Governance
1A3.11	Process Improvements - a further review of this report be undertaken to transfer compliance activities to the Compliance Activities Report and provide a specific focus on process improvement initiatives including Council's commercial activities and the timeframe within which those activities will be undertaken	This is dependent on the structure of the Corporate and Commercial Services Division; this is awaiting a decision on the way forward from the Chief Executive Officer.	01/07/2020	20%	Manager Corporate Governance
1A3.15	Fraud and Corruption Risks Register Review - Risk ID reference number 3951. Tasks listed have been partly completed. Work to enhance the	Clause 3.15 Goods Received of operational policy OP047 which can be found on the Intranet which addresses receipt of goods to job sites. Central policy for project	28/02/2020	0%	Manager Financial Services

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

<b>1A3: Internal audit recommendations - pending implementation</b>					
<b>Ref</b>	<b>Action</b>	<b>Comment on Action</b>	<b>Due Date</b>	<b>Progress</b>	<b>Responsible Officer</b>
	<p>project management framework to support controls around over-ordering still remain incomplete.</p> <p>Recommendations:</p> <p>(i) Complete the outstanding task on controls around over-ordering of goods of a type which is delivered directly to job sites.</p> <p>(ii) Consider establishing a central policy around project management with a suite of templates including risk assessment templates.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Refer to Clause 3.15 Goods Received of operational policy OP047 which can be found on the Intranet which addresses receipt of goods to job sites. Central policy for project management and risk assessment templates is currently being worked on by purchasing committee.</p>	<p>management and risk assessment templates is currently being worked on by purchasing committee. Had to be pushed back due to Buy local &amp; strategic policy that went to Council. Procurement Committee has been in hibernation since December our first meeting is in March. Still work in progress</p>			
1A3.16	<p>Fraud and Corruption Risks Register Review</p> <p>Risk ID reference number 3946 and 3948. No information came to the attention of the Internal Auditor indicating that a list of staff identified for special training on how to deal with relational selling has been established. Therefore, it could not be verified that training of such staff has occurred as required under the risk register.</p> <p>Recommendation: Establish a new target completion date for the task</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Agree with internal audit observations. Training to be sourced and conducted.</p>	<p>ICAC running Probity in Procurement session on 10 March 2020</p>	30/06/2019	65%	Manager Human Resources
1A3.23	<p>(i) Fraud and Corruption Risks Register Review - Risk ID reference number 3956.</p> <p>The task listed on the risk register regarding the review of purchasing procedures was completed through the updating of Council's Purchasing Procedures (OP047, reviewed February 2015).</p>	<p>The first step was to review the strategic purchasing policy. This has been completed. The operational purchasing policy and procedures is the next step and will form part of a broad review of high value</p>	31/03/2020	0%	Manager Financial Services

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A3: Internal audit recommendations - pending implementation					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	<p>Observation: No information came to the attention of the Internal Auditor indicating that the staff training on Purchasing Procedures was carried out.</p> <p>Recommendation: Implement training programme as planned.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Staff to be provided with training on updated purchasing procedures including how to access the right templates for contracts. (ii) Council Purchasing Policy and Procedures</p> <p>Recommendation:</p> <p>Ensure that the Purchasing Policy and Purchasing Procedures are reviewed as soon as possible. Last review date as at time of audit was December 2015 and February 2015.</p> <p>Agreed Management Action Plans:</p> <p>The first step was to review the strategic purchasing policy. This has been completed and was adopted by Council on 3 July 2018. The operational purchasing policy and procedure is the next step and will form part of a broad review of high value procurement that is due for completion by the end of 2018.</p>	<p>procurement and the contract management system. Had to be pushed back due to Buy local &amp; strategic policy that went to Council. Procurement Committee has been in hibernation since December our first meeting is in March. Still work in progress</p>			
1A3.24	<p>(i) Fraud and Corruption Risks Register Review - Risk ID reference numbers 3993. Risk description: Misuse of Council credit cards. Task: Ensure staff are aware of new Credit Card Policy requirements and complying.</p> <p>Issue: The current policy does not require that all staff issued with credit cards must be issued with a copy of the policy and be required to sign off an acknowledgement that they will comply with the policy requirements.</p> <p>Recommendations:</p> <p>Consider updating the credit card policy to include a clause requiring that those issued with a Council credit card should be issued with a copy of the policy and formally sign off to acknowledge receipt.</p>	<p>Policy in process of being updated alongside implementation of online credit card reconciliation software. Only content left to write into policy is the acquittal and review steps of that software which we can do in next couple of months after user acceptance testing has finished. UAT commences week beginning 17 Feb.</p>	31/12/2019	50%	Manager Financial Services

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A3: Internal audit recommendations - pending implementation					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	<p>Alternatively, this could be added to the Purchasing Procedures. Purchasing Procedures acknowledgements are automatically managed through the Pulse system. So, where a staff member has acknowledged receipt of the purchasing procedures, they are deemed to have read and understood the reference to credit card policy contained therein.</p> <p>Management Comments and Agreed Management Action Plans:</p> <p>Reminder email of policy requirements sent to all cardholders and their supervisors on 21/11/2018. Credit card limits are approved only up to individual delegations. Credit card policy will be reviewed in 2019 in conjunction with Audit Office review taking place as part of annual financial statements audit. (ii) Credit Card Procedures Policy</p> <p>Recommendation: Review Credit Card Procedures Policy.</p> <p>Agreed Management Action Plans:</p> <p>Council will review credit card policy and accompanying procedures will be amended as required after that review.</p>				
1A3.25	<p>Fraud and Corruption Risks register review - Risk ID reference number 4016.</p> <p>The once off tasks associated with this risk were completed. A project management framework template is in place D14/20544. Recent projects where the framework was applied showed that the clauses stated in the risk register were being utilised. (Council records D18/15497 and D18/44554). It was noted that the Purchasing Committee is scheduled to implement a staff training process to raise awareness about the procedures in place. This training will be completed by 30 June 2019. It should however be noted that as indicated elsewhere in this report, it appears that the project management framework does not appear to have been consistently applied to all projects in 2017, 2018 and 2019.</p> <p>Recommendations</p> <p>(i) Ensure that the project management framework template is</p>	Under review by purchasing committee. Had to be pushed back due to Buy local & strategic policy that went to Council. Procurement Committee has been in hibernation since December our first meeting is in March. Still work in progress	31/03/2019	0%	Manager Financial Services

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A3: Internal audit recommendations - pending implementation					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	<p>applied consistently to all projects as appropriate.</p> <p>(ii) The Purchasing Committee programme of reviewing procurement processes and policies should also consider the merit of centralising the training process and creating an audit trail of how all staff across the council are inducted on key procurement procedures.</p> <p>Management Comments and Agreed Management Action Plans: Under review by purchasing committee</p>				
1A3.27	<p>Risk ID reference #3993</p> <ol style="list-style-type: none"> <li>Review the record of sub-delegations and ensure that the limits reflected in the OCCARS_OLR system are consistent with the Pulse system and the actual letter of delegation from the General Manager.</li> <li>Ensure that the Rural Fire Service credit cardholders are formally included under the sub-delegation instrument from the General Manager.</li> <li>Ensure that all credit card limits are consistent with the General Manager's sub-delegation to cardholders.</li> <li>Finalise updating of the Credit Card Policy and ensure that all cardholders sign off a declaration acknowledging a commitment to comply with the Policy.</li> <li>The se recommendations and any other comments arising from the 2018 financial year external audit process will be addressed by December 2019.</li> </ol>	Credit card actions being run concurrently with update to policy and online acquittals as per action 1A3.24. Delegations in Pulse being reviewed currently alongside implementation of new purchasing policy and contract management system implementation.	31/12/2019	0%	Manager Financial Services
1A3.28	<p>Risk ID reference #4015 - Review the following recommendations as part of the Purchasing Committee Process</p> <ol style="list-style-type: none"> <li>Consider carrying out a comprehensive audit of schedule of rates contracts to confirm that amounts charged are consistent with the approved rates.</li> <li>Review the risk management framework around compliance with schedule of rates contracts based on results of the audit suggested in recommendation (1) above.</li> </ol>	<ol style="list-style-type: none"> <li>Had to be pushed back due to Buy Local strategic policy that went to Council.</li> <li>Procurement Committee has been in hibernation since December our first meeting is in March.</li> <li>Still work in progress.</li> </ol>	30/06/2020	30%	Manager Financial Services

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A3: Internal audit recommendations - pending implementation					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	3. Consider reviewing the risk management framework around the approval process for contract variations; with a view to ensure that timing of the approval is effective at the appropriate time.				
1A3.30	<p>Security of Council assets - Information technology inventory System to be developed to enable inventory reconciliation annually in June, commencing June 2020.</p> <ol style="list-style-type: none"> <li>1. Carry out a regular count of IT inventory and reconcile results of such inventory count to the list of assets as recorded in the Dell Kace system and to the general ledger.</li> <li>2. Consider utilising no cost resources such as work experience students to assist with regular plant inventory counts, and reconciliation with the general Ledger.</li> </ol>	Council's IT assets are recorded in 2 primary locations. For those that are financed via rental through Macquarie Bank, the assets can be viewed and reported on through a customer portal supplied by Macquarie Bank. For owned and smaller assets such as mobile phones these can be audited via reports from the IT team's asset register in the Kace Helpdesk system.	30/06/2020	50%	Manager Information Technology

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A4: External audit recommendations - pending implementation					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
1A4.3	<p>Information Technology - No formal IT Security Policy Recommendations</p> <p>The Council should implement a formal IT Security policy covering all critical IT processes.</p> <p>The policy should be:</p> <ul style="list-style-type: none"> <li>available to all relevant users and be subject to periodic update and review (including when significant system or process changes occur);</li> <li>supplemented by additional standards and guidelines as necessary.</li> </ul> <p>Agreed Management Action Plans</p> <p>Security is addressed in the:</p> <ul style="list-style-type: none"> <li>Internet, email and computer use policy (adopted in 2014); and</li> <li>Computer logon; usernames and passwords procedures.</li> </ul> <p>It is agreed that Council should review these policies and develop a separate formal IT Security Policy to address the Council's security requirements for digital information.</p>	<p>The development of an overarching Security Policy Platform will begin in the final quarter of the 19/20 financial year. Some progress has been made in regard to deciding platforms and responsibilities etc, but the project is not yet underway due to current urgent priorities.</p>	30/09/2018	50%	Manager Information Technology
1A4.5	<p>Information Technology - User-access Controls Recommendations</p> <p>Ensure that access listings for all modules are reviewed to ensure that staff only have access to those modules relevant to their job description.</p> <p>Agreed Management Action Plans</p> <p>The receipting module security listing has been reviewed by management and alterations made to user access levels where appropriate. Access listings for other Authority modules will be reviewed by management, having regard for the user's requirements as per their job description.</p>	<p>A full review of the security access granted by roles in Authority has been carried out in conjunction with an audit of staff role assignment. The IT team have been working with business stakeholders to ensure security is current and access only granted on an "as needed" basis. In conjunction with this IT and HR have been working on reviewing the on-boarding and exit processes for staff to fine tune the initial allocation of access in more detail.</p>		80%	Manager Information Technology

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A4: External audit recommendations - pending implementation					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
1A4.8	<p>Manual journal's - Control Procedures Recommendation</p> <p>Although there is evidence of controls in place, they are not being applied consistently.</p> <p>Management should review their process regarding General Ledger journals and determine whether operating controls are sufficient and within Council's tolerable risk threshold.</p> <p>Assessment of Action Taken</p> <p>During our last interim visit, we tested a sample of seventeen (17) control account and manual journals.</p> <p>We have split our findings into:</p> <ul style="list-style-type: none"> <li>• Journals raised by finance (which don't require a voucher, but do require evidence of review)</li> <li>• Those that were raised outside finance (which do require a voucher and evidence of review).</li> </ul> <p>Our findings are as follows:</p> <p>From this sample we noted the following issues:</p> <ul style="list-style-type: none"> <li>• Thirteen (13) journals had been raised by finance and had not been evidenced as reviewed. Without the signing of the supporting documentation it is not possible for us to retrospectively check the appropriate reviews were undertaken prior to the posting of the journal;</li> <li>• Four (4) journals were raised outside of finance, of these four (4), one (1) did not have a journal voucher completed or filed and an additional one (1) had not been signed by the 'authorised by' or 'keyed by' persons.</li> </ul>	<p>Currently waiting for an upgrade in Authority that will permit a workflow to be attached for the approval of journals prior to processing.</p> <p>All control journals are reviewed by the supervisor of the person raising them and there is very few Financial services staff that are able to process control account journals.</p> <p>Once the posted journal is in HPE, every couple of months the Financial Accountant looks at a selection of the journals to ensure that all is in order, currently no notation is made in HPE, but will do so in the future.</p>		50%	Manager Financial Services
1A4.12	<p>Internal Audit - Review Reporting Arrangements Recommendation 3.1(e) - Reporting arrangements for Internal Audit should be reviewed</p>	<p>This is dependent on the structure of the Corporate and Commercial Services Division; this is awaiting a decision on the way forward from the Chief Executive Officer.</p>	01/07/2020	0%	Manager Corporate Governance

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A4: External audit recommendations - pending implementation					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	<p>RESPONSE</p> <p>The Council Administration strongly supported the principle of substantive independence of the Internal Audit function. To address this, the Director Corporate and Commercial Services is undertaking an organisational review and has proposed to refine the charter for the Office of Corporate Governance to focus on being an independent advisory and oversight function, and the Internal Auditor will function within the Office of Corporate Governance reporting to the Manager Corporate Governance in future.</p>				
1A4.16	<p>Reconciliation of assets held for sale</p> <p>A more comprehensive checklist and timetable will be developed internally to ensure the completeness of the Statements prior to the audit.</p>	This is a dynamic document and will continue to evolve each year	31/07/2019	100%	Financial Accountant
1A4.17	IP & E External Valuation - Council will establish a formal procedure covering the annual asset revaluations that will incorporate an earlier timeline and consultation with the Audit Office on revaluation tenders before they are issued. This process will be incorporated into Council's compliance plan that has oversight from Corporate Governance.	Well under way for the 2020 Financial year for the Roads revaluation, should be completed by March 2020	30/06/2019	100%	Financial Accountant
1A4.18	<p>Impact of new accounting standards not yet effective</p> <p>An assessment of the impacts of these new standards will be completed prior to year end in consultation with the OLG. A formal procedure covering an assessment of the impact of any upcoming changes to accounting standards will be implemented as part of end of year preparations. This process will be incorporated into Council's compliance plan that has oversight from Corporate Governance.</p>	Will continue to monitor and assess the impact of the new accounting standards	30/04/2019	100%	Financial Accountant
1A4.19	<p>Recognition and recording of Crown Land</p> <p>Crown Land portfolio is being confirmed as part of negotiations with Government. Council has initiated a project to establish a single authoritative register of all land and property assets which is expected to be completed by December 2019. This will incorporate all Crown</p>	Completed and review by external auditors, shall be continual maintained as required	31/12/2019	100%	Financial Accountant

## AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

1A4: External audit recommendations - pending implementation					
Ref	Action	Comment on Action	Due Date	Progress	Responsible Officer
	Land holdings following implementation of the outcomes of the Crown Land negotiations.				
1A4.20	<p>Cash - Bank signatories</p> <ol style="list-style-type: none"> <li>2 former employees still listed as signatories to Council bank accounts</li> <li>A formal procedure will be established incorporating a review of all bank signatories and authorised officers on an annual basis or where there is a change in staffing for current signatories. This process will be incorporated into Council's compliance plan that has oversight from Corporate Governance.</li> </ol>	All investment institutions have been provided with amendments to the authorised signatories.	30/06/2019	100%	Financial Accountant
1A4.21	<p>Allocation of payments to accounts payables</p> <p>A formal procedure will be established incorporating a quarterly reconciliation of the creditor's control account that ensures all payments received are correctly and allocated against the original invoice. This process will be incorporated into Council's compliance plan that has oversight from Corporate Governance.</p>	Again an ongoing improvement program	30/06/2019	100%	Financial Accountant
1A4.21	<p>Un-invoiced creditors account</p> <p>A formal procedure will be established incorporating a quarterly reconciliation of the un-invoiced creditor's control account that ensures the account only has un-invoiced amounts in it. This process will be incorporated into Council's compliance plan that has oversight from Corporate Governance.</p>	Ongoing project to develop and finalise this procedure, the account is reviewed monthly and reviewed by the Seniors Creditors Clerk, and further reviewed by the Financial Accountant. This is a live report, in that it changes constantly with any data entry completed by Creditors	30/06/2019	80%	Financial Accountant
1A4.22	<p>Presentation of financial statements</p> <p>There were several issues that were not addressed in the 30 June 2018 financial statements. These have been identified as follows:</p> <ul style="list-style-type: none"> <li>When there are disposals of infrastructure, it is expected that there will be a transfer between the asset revaluation reserve and retained earnings for the portion in the revaluation reserve attributable to those assets disposed.</li> <li>Sewer access charges are not split out into Note 3(a). All balances</li> </ul>	Completed for the 2019 Financial year, ongoing continual improvement process for 2020	30/06/2019	100%	Financial Accountant

**AUDIT AND RISK MANAGEMENT COMMITTEE**

29 MAY 2020

Attachment 2 Attachment 2 - ARMC Action List Out of Session Progress Update

<b>1A4: External audit recommendations - pending implementation</b>					
<b>Ref</b>	<b>Action</b>	<b>Comment on Action</b>	<b>Due Date</b>	<b>Progress</b>	<b>Responsible Officer</b>
	<p>currently sit under Note 3(b) User fees and charges. To improve accuracy of the financial report we would suggest these charges be split out</p> <ul style="list-style-type: none"> <li>• Note 7: The level of disaggregation in this note is extensive and we question whether this is required, or useful. Our view is that material items need to be separately disclosed, but many of these could be combined.</li> </ul>				

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## ORANGE CITY COUNCIL

### MINUTES OF THE AUDIT AND RISK MANAGEMENT COMMITTEE

HELD IN ELECTRONIC MEETING PLATFORM

ON 29 MAY 2020

COMMENCING AT 9:33AM

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## 1 INTRODUCTION

### ATTENDANCE

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**Voting Members:** Mr P Burgett (Independent Chairperson), Mr B Gillooly AM (Independent Member), Cr R Kidd (Mayor), Cr J Whitton

**Non-Voting Members:** Chief Executive Officer, Manager Corporate Governance, Manager Financial Services, Internal Auditor

**Invited:** Audit Office (NSW) (Mr Chris Harper – Director Financial Audit), Director Community Recreation and Cultural Services

### 1.1 Apologies and Leave of Absence

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#### RECOMMENDATION

That it be noted that no apologies were received for the Audit and Risk Management Committee meeting on 29 May 2020.

### 1.2 Acknowledgement of Country

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### 1.3 Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests

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No declarations were made.

## 2 PREVIOUS MINUTES

#### RESOLVED

**Mr B Gillooly AM/Cr J Whitton**

That the Minutes of the Meeting of the Audit and Risk Management Committee held on 14 February 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Audit and Risk Management Committee meeting held on 14 February 2020.

## MINUTES OF AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

**3 PRESENTATIONS****3.1 EXTERNAL AUDIT ANNUAL ENGAGEMENT PLAN FOR THE FINANCIAL YEAR ENDING JUNE 2020**

TRIM REFERENCE: 2020/752

Mr Chris Harper from the Audit Office of NSW joined the meeting to provide the Committee with an update on the progress of the 2019 – '20 external audit and covered the following points:

- No matters have emerged in the planning and initial interim phases of the audit with more work scheduled in June.
- All work is being conducted remotely in response to COVID-19 which is working well through the adaptability and co-operation of Council.
- The impact of COVID-19 has elevated the risks associated with the conduct of the audit and preparation of the financial statements identifying the impact on asset valuations, reliability of assumptions in estimates and judgemental disclosures including impairment testing, the impact on the control environment arising from changes in operating processes, going concern and post-balance date events.
- Lodgement deadline for audited financial statements has been extended to 30 November.
- Content of the Auditor General's Report to Parliament on the 2018-'19.
- Foreshadowed performance audits reports: credit cards in local government and procurement in local government.

**RECOMMENDATION****Mr B Gillooly AM/Cr J Whitton**

That the verbal report by the Auditor General NSW Financial Audit Partner be noted.

*The Mayor Cr R Kidd joined the meeting with the time being 09:38 am.*

*Mr Chris Harper (Audit Office) left the meeting at 09:54 am.*

**3.2 THE IMPACT OF COVID-19 - COUNCIL RISK MANAGEMENT FRAMEWORK**

TRIM REFERENCE: 2020/780

The Chief Executive Officer (CEO) provided a detailed outline of the Council' response to and management of the risk issues associated with COVID -19 touching on the following points:

- The overarching mantra was to closely follow the government's health guidelines and be generous in Council's responses
- Decision making was worked through effectively relying on that mantra
- Good lines of communication were maintained with all staff
- Working from locations other than Council were effectively facilitated by the IT team and worked well
- Council will benefit in the future from many of the process changes implemented in this period

**MINUTES OF AUDIT AND RISK MANAGEMENT COMMITTEE****29 MAY 2020**

- The financial impact on Council in Q4 2019/20 and Q1 2020/21 has been estimated and incorporated into budget projections.

**RECOMMENDATION****Mr B Gillooly AM/Cr J Whitton**

1. That the verbal report by the Chief Executive Officer regarding Council's initiatives and milestones achieved in responding to the impact of COVID-19 be acknowledged.
2. That it be noted that the Mayor on behalf of Councillors thanked staff and management for effectively implementing a variety of changes to adapt Council to new ways of working.

**4 GENERAL REPORTS****4.1 RISK FRAMEWORK AND RISK REGISTER REVIEW PROJECT - UPDATE**

TRIM REFERENCE: 2020/774

**RECOMMENDATION****Cr R Kidd/Mr B Gillooly AM**

1. That the update report on the Risk Framework and Risk Register review be acknowledged.
2. That the Committee noted the pending departure of Mrs S. Freeman and acknowledged her commendable contribution to this project and Council's governance and risk management processes.

**4.2 INTERNAL AUDIT PROGRAMME - 2020 TO 2023 - STATUS REPORT AS AT MAY 2020**

TRIM REFERENCE: 2020/753

**RECOMMENDATION****Mr B Gillooly AM/Cr J Whitton**

1. That the report by the Internal Auditor on the proposed Internal Audit Programme as at April 2020 be acknowledged.
2. That an amended internal audit plan to allocate the remaining available hours having regard to the updated risk register be presented to the August 2020 meeting.

**4.3 PROCESS IMPROVEMENTS - 2019/2020 FINANCIAL YEAR - UPDATE - FEBRUARY 2020 TO MAY 2020**

TRIM REFERENCE: 2020/764

**RECOMMENDATION****Mr B Gillooly AM/Cr R Kidd**

1. That the update on process improvements be acknowledged.
2. That the case study circulated by the Manager Financial Services regarding the fraud risk management initiatives implemented by Council be noted especially the use of EFTSure facility on accounts payable transactions verification.

## MINUTES OF AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

**4.4 COMPLIANCE ACTIVITIES - 2019/20 FINANCIAL YEAR - UPDATE - JANUARY 2020 TO APRIL 2020**

TRIM REFERENCE: 2020/765

**RECOMMENDATION**

Cr R Kidd/Cr J Whitton

That the update on compliance activities be acknowledged.

**4.5 AUDIT & RISK MANAGEMENT COMMITTEE CHARTER ANNUAL REVIEW**

TRIM REFERENCE: 2020/778

**RECOMMENDATION**

Mr B Gillooly AM/Cr R Kidd

1. That the report be acknowledged.
2. That the Committee be renamed the Audit, Risk and Improvement Committee (ARIC) in line with the proposed New Framework.
3. That the Charter be confirmed subject to the following amendments
  - update the Charter to replace the term General Manager with, Chief Executive Officer (CEO).
  - section 5.5. of the Charter, delete the words "and executive sessions".
  - section 7.3(a) the third bullet point. Replace the words "rely on" with "refer to"; delete the words "based on external auditor's management letter";
3. That the amended Charter be submitted to Council for their consideration and adoption.
4. That the Internal Audit Activity Charter be approved subject to the following amendments:
  - update the document to remove reference to Dubbo City Council and the BOD Alliance.
  - Replace the term General Manager with Chief Executive Officer (CEO).
5. That the updated Internal Audit Activity Charter be submitted to the Chair out of session prior to submission for final approval by the Chief Executive Officer.

## MINUTES OF AUDIT AND RISK MANAGEMENT COMMITTEE

29 MAY 2020

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**4.6 ARMC ACTION LIST AS AT MAY 2020**

TRIM REFERENCE: 2020/777

**RECOMMENDATION****Mr B Gillooly AM/Cr J Whitton**

- 1 That the report by the Internal Auditor on ARMC Action List as at May 2020 be acknowledged.
- 2 That action items marked as completed (100%) be deleted from the ARMC Action List.
- 3 That the Committee authorise the Chair to liaise with the Internal Auditor out of session to make further amendments to the Action List as outlined in the meeting, removing certain items and merging other action items.
- 4 That the updated Action List be distributed out of session.

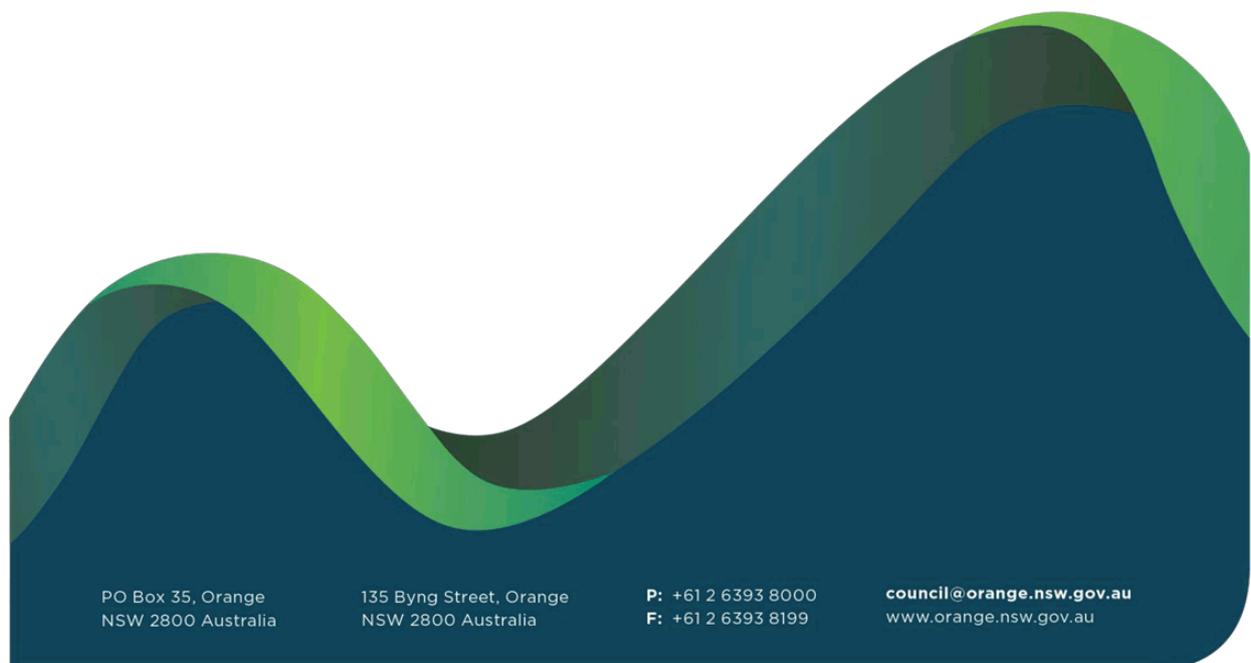
*Cr R Kidd left the meeting at 11:30 am.*

**THE MEETING CLOSED AT 11:33 AM.**



# CHARTER

## AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)





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## AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

### 1 Committee Purpose

The Audit Risk and Improvement Committee (ARIC) is an advisory committee assisting the Council to fulfil its governance and oversight responsibilities.

The primary duties and responsibilities of the ARIC are to assist the Council to discharge its responsibilities relating to:

- 1.1 Financial reporting process
- 1.2 Business ethics, policies and practices
- 1.3 Management and internal controls
- 1.4 Monitoring the integrity of the Council's financial reporting practices and finance and accounting compliance
- 1.5 Reviewing internal controls, key corporate risks and financial audit related matters
- 1.6 Encouraging continuous improvement of Council's systems and practices
- 1.7 Adoption of the Internal Audit Plan
- 1.8 The Council's process for monitoring compliance with policies, laws and regulations and the Council Code of Conduct.

### 2 Authority

The ARIC is granted delegated authority by Council to carry out its duties and responsibilities as defined in this Charter. The ARIC has delegated authority to approve investigations into any matters within its scope of responsibility. It is empowered to:

- 2.1 Resolve any disagreements between management and the auditor regarding financial reporting (subject to confidentiality considerations).
- 2.2 Pre-approve all auditing and non-audit services.
- 2.3 After due consultation with the Chief Executive Officer, retain independent counsel, accountants, or others to advise the committee or assist in the conduct of an investigation.
- 2.4 Meet with Council management, external auditors, or outside counsel, as necessary.
- 2.5 The Council acknowledges that professional independence and objectivity are key attributes of an efficient and effective ARIC. The Council and Chief Executive Officer are therefore committed to uphold and guarantee the professional independence and objectivity of the ARIC.



### 3 Composition

- 3.1 All appointments to the ARIC shall be made by Council.
- 3.2 The ARIC will consist of:
- 3.2.1 Core Members (voting)
- Mayor of the day (or a Councillor nominated by the Mayor as his representative)
  - One Councillor
  - Two independent external members (not member of Council and one to be Chairperson)
- 3.2.2 Members (non-voting)
- Chief Executive Officer
  - Internal Auditor
  - Director responsible for corporate functions
  - One alternate Councillor Delegate who will have voting rights in the absence of the other appointed Councillor.
- 3.2.3 Invitees (non-voting)
- Representatives of the external auditor.
  - Other officers of Council as requested by the ARIC and/or the Chief Executive Officer
- 3.3 In order to maintain independence, and to comply with the recommendations of the Office of Local Government, the ARIC shall elect one of the independent members as its Chairperson.
- 3.4 The selection of independent members should be undertaken in a transparent and unbiased manner. This could include calling for expressions of interest from interested persons.

### 4 Tenure

- 4.1 The term of office for an ARIC member shall end on the earlier of:
- (a) the day on which the member resigns from the ARIC
  - (b) in the case of a Councillor, the day on which the Councillor ceases to be a Councillor
  - (c) two years in respect of the independent members or such other term as determined by Council
  - (d) the day on which the member's appointment is legally terminated by Council
  - (e) the day on which the member is incapacitated by law from holding such office.



- 4.2 Members are encouraged to serve multiple terms and to plan for an orderly rotation of members so that experienced members will always be serving. The ARIC should make recommendations to Council on membership.
- 4.3 In any event, the appointment of each member of the ARIC will be reviewed at the end of the first year and confirmed for the remaining period subject to satisfactory performance as determined by Council. A member may be eligible for re-appointment to the Committee for a continuous period not exceeding eight (8) years.
- 4.4 In considering new independent members for the ARIC, selection shall be influenced by:
  - (a) Industry standards for similar committees, particularly relating to the appointment of independents to ARICs.
  - (b) Any guidelines issued by the NSW Government concerning Local Government ARICs.
  - (c) The attributes and experience of candidates who respond to Expressions of Interest advertisements for Independent Members.
- 4.5 The independent members on the ARIC should be remunerated for attending Committee meetings. The remuneration shall be determined by Council as part of its adopted Fees and Charges.

## 5 Meetings and Quorum

- 5.1 The Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
- 5.2 A quorum shall not exist unless at least 3 voting members are present.
- 5.3 Members of the ARIC are generally expected to attend each meeting, in person or via tele or video-conference with the approval of the Committee Chairperson.
- 5.4 The ARIC will invite members of management, auditors or others to attend meetings and provide pertinent information, as necessary.
- 5.5 The Committee will hold private meetings with auditors (see below).
- 5.6 A meeting agenda will be provided in advance to members, along with appropriate briefing materials.
- 5.7 The Chairperson shall determine the agenda for the ARIC in conjunction with Council staff.
- 5.8 Minutes will be prepared and distributed to the ARIC members and to the next Ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes, if appropriate.
- 5.9 Meetings are to be rescheduled if there is not a quorum. The Council's Internal Auditor will minute proceedings of all meetings.



- 5.10 The Chairperson shall endeavour to conduct meetings on a “consensus basis” but formal voting on recommendations shall be required. Each member shall have one vote and a majority of those present shall be required to pass a recommendation. The Chairperson shall have a casting vote. The meetings should operate as far as practicable in accordance with the Council’s Code of Meeting Practice.

## 6 Confidentiality

- 6.1 The ARIC will ensure that Committee members comply with all relevant laws and Council’s policies regarding confidentiality, privacy and reporting. Committee members shall treat all information received as part of the Committee as confidential and only disclose the content to third parties with the consent of other members of the Committee.

## 7 Responsibilities

- 7.1 The ARIC has no executive powers, except those expressly provided by Council.
- 7.2 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and Chief Executive Officer as defined by the Local Government Act 1993. The Council and Chief Executive Officer shall ensure that reasonable resources are allocated to providing the ARIC with the information it needs to discharge its responsibilities.
- 7.3 The responsibilities of the ARIC may be revised or expanded by Council from time to time. The Committee will carry out the following responsibilities:

### 7.3 (a) Financial Statements

- Review significant accounting and reporting issues, including complex or unusual transactions, highly judgmental areas, recent professional and regulatory pronouncements and understand their impact on the financial statements. The ARIC can add value for Councillors and the process by reviewing the external audit objectives, timeline and process, settlement of identified issues, results of the audit and the independence of the external auditor. This would be done in consultation with the External Auditor, Internal Auditor and management.
- Review the audited annual financial statements and consider whether they are complete, consistent with information known to Committee Members and reflect appropriate accounting principles. Without having conducted its own assessment the ARIC will need to refer to management and their representations to the Committee’s enquiries. Therefore any recommendation to Council would be made under a disclaimer that refers to the Committee’s understanding of the completed audit process, the external auditor’s access to records, the co-operation of management that allowed sufficient time to complete the external audit and all issues identified in the audit have been resolved to their satisfaction.
- As part of the External Auditors presentation and management representations, review with management and the external auditors all matters required to be communicated to the Committee under generally accepted auditing standards.
- Understand how management develops interim financial information and the nature and extent of Internal Audit and External Audit involvement.



### 7.3 (b) Risk Management

- Review whether management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
- Review the impact of the risk management framework on Council's control environment and insurance arrangements.
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

### 7.3 (c) Internal Control

Consider the adequacy and effectiveness of the Council's internal control systems, incorporating the:

- Reliability and integrity of financial and operational information systems, including information technology security and control.
- Effectiveness and efficiency of operations.
- Safeguarding assets.
- Compliance with contracts, laws and regulations.
- Governance framework.
- The scope of the Internal Auditor's review of Council's internal control framework and obtain reports on significant findings and recommendations, together with management's responses.

### 7.3 (d) Internal Audit

- Review and recommend approval of the Internal Audit Activity Charter, activities, staffing and organisational structure of the Internal Audit function and any subsequent changes.
- Have final authority to review and approve the Annual Internal Audit Plan and all major changes to the Plan.
- Ensure there are no unjustified restrictions or limitations to the activities of Internal Audit.
- Review the effectiveness of the Internal Audit function and objectives, including compliance with The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

### 7.3 (e) External Audit

- Establish that an appropriate process is in place to give assurance that the Council complies with the Local Government Act requirements for financial reporting and auditing.
- Review the external auditors' proposed audit scope and approach, including co-ordination of audit effort with Internal Audit.
- Review and confirm the independence of the external auditors by obtaining statements from the auditors on relationships between the auditors and the Council, including non-audit services and discussing the relationships with the auditors.
- Review management's responses to the recommendations in the External Auditor's management letters.
- On a regular basis, meet separately with the External Auditors to discuss any matters that the Committee or auditors believe should be discussed privately.



#### 7.3 (f) Compliance

- Review the effectiveness of the system for monitoring compliance with laws, regulations and contracts and the results of management's investigation and follow-up of any instances of non-compliance.
- Review the findings of any examinations by regulatory agencies and any auditor observations.
- Review the process for communicating Council's Code of Conduct to Council personnel and for monitoring compliance therewith.
- Liaise with the Chief Executive Officer to obtain regular updates from management and Council's legal counsel regarding compliance matters.

#### 7.3 (g) Reporting Responsibilities

- Regularly report to the Council about Committee activities, issues and related recommendations
- Provide an open avenue of communication between Internal Audit, the External Auditors and the Council.
- Report annually to the Council, describing the Committee's composition, responsibilities and how they were discharged and any other information required by law, including non-audit services.
- Review any other reports the Council issues that relate to Committee responsibilities.

#### 7.3 (h) Other Responsibilities

- Perform other activities related to this Charter as requested by the Council.
- Institute and oversee special investigations as needed.
- Review and assess the adequacy of the ARIC Charter annually, requesting Council approval for proposed changes and ensure appropriate disclosure as may be required by law or regulation.
- Confirm annually that all responsibilities outlined in this Charter have been carried out.
- Evaluate the Committee's and individual members' performance on a regular basis.

#### 7.3 (i) Individual Responsibilities of Members

Members of the ARIC are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Orange City Council.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgement.
- Express opinions frankly, ask questions that go to the fundamental core of issues and pursue independent lines of enquiry.
- Declare any conflicts of interest before participating in deliberations on the issue where the conflict of interest exists. Where a conflict is deemed Significant and/or Pecuniary, the Member should be removed for the discussion and voting of the specific item.
- Attend an induction meeting at which they receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.



Responsible Area – Corporate & Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	June 2009	09/260	6	July 2020	
2	November 2011	-	7		
3	September 2012	12/345	8		
4	January 2013	12/358	9		
5	October 2014	14/961	10		

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
July 2020	<ul style="list-style-type: none"> <li>Update to Committee Name from Audit &amp; Risk Management Committee (ARMC) to Audit, Risk &amp; Improvement Committee (ARIC)</li> <li>Update references of the General Manager to the Chief Executive Officer</li> <li>4.5 updated that remuneration is determined by Council in its adopted Fees and Charges.</li> <li>7.3(a) removal of dot point 2 as elements covered in dot point 1.</li> <li>7.3(a) removal of reference to a suitably qualified auditor.</li> <li>7.3(i) inserted the following: Where a conflict is deemed Significant and/or Pecuniary, the Member should be removed for the discussion and voting of the specific item.</li> </ul>



**5.9 INITIAL CATEGORISATION OF COUNCIL MANAGED CROWN LAND**

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RECORD NUMBER: 2020/1232

AUTHOR: Nigel Hobden, Manager City Presentation

**EXECUTIVE SUMMARY**

The Crown Land Management Act 2016 was enacted on 1 July 2018.

This Act authorises Council as appointed Crown Land Manager to manage Crown Land as if it were public land under the Local Government Act 1993.

Under the Crown Land Management Act 2016 Council as manager of the land must assign one or more categories of Community Land referred to in Section 36 of the Local Government Act 1993

Council staff have identified the category in which they consider to be most closely related to the purpose for which the land is dedicated or reserved and will now seek Ministerial approval for the categories chosen.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “1.2 Live - Maintain and renew recreational spaces and infrastructure to encourage an active and healthy lifestyle”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Future Plans of Management will be need to be prepared in accordance with the classification confirmed by the Minister Administering the Crown Lands Management Act 2016.

**RECOMMENDATION**

**That Council requests approval from the Minister Administering the Crown Lands Management Act 2016 to categorise under the Local Government Act 1993 the land contained in the schedule below.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

Council as Crown Land Manager must assign an initial category to each Crown reserve.

In accordance with section 3.23 (3) of the Crown Land Management Act 2016, the assigned category or categories must be those that the Council considers to be the category or categories that are most closely related to the purposes for which the land is dedicated or reserved.

Council may assign multiple categories to the land where there are multiple reservation or dedication purposes.

In assigning each initial category Council staff have considered the historical and current use of the land by Council and the community, the Act provisions which govern the management and use of each Community Land category and the guidelines for the categorisation of Community Land prescribed by the Local Government (General) Regulation 2005 and the Department of Industry - Crown Lands suggested category and guidelines for categorisation of Crown Land.

Where Council staff have considered that particular Crown Land does not fall into any category of Community Land, or that a valid use of the land would not be able to continue if the land was categorised as Community Land, Council will request ministerial consent to manage the land as if it were Operational Land under the Local Government Act 1993.

After Council has assigned an initial categorisation to the Crown Land under its management, it must provide written notice to the Minister. The Minister will consider the category initially assigned by Council.

If the Department of Industry - Crown Lands determines that the categorisation presented is appropriate, it will issue an acknowledgement notification to Council.

If the Department of Planning, Industry and Environment - Crown Lands determines that the category does not meet the criteria it will issue a direction to Council requiring Council to alter the assigned category in accordance with Section 3.23 (5) of the Crown Land Management Act 2016.

The Minister or the Department of Planning, Industry and Environment - Crown Lands may direct Council to alter the category if it is considered that the category is not the most closely related to the purpose for which the land is dedicated or reserved or the management of the land by Council with reference to the initial assigned category is likely to materially harm the use of the land for the purpose for which it was dedicated or reserved.

A direction to alter the assigned categorisation must be adhered to by Council as the Crown Land Manager.

## 5.9 Initial Categorisation of Council Managed Crown Land

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Once Council is notified that the department acknowledges an assigned categorisation they proceed to develop and adopt a Local Government Act Plan of Management for the land. All Plans of Management must be in place and approved by the Department of Planning, Industry and Environment - Crown Lands prior to 30 June 2021.

### **Crown Lands Management Act, 2016**

#### *Section 3.23 (2)*

*Initial assignment of categories - The council manager must, as soon as practicable after it becomes the manager of the dedicated or reserved Crown land (including because of the operation of Schedule 7), assign the land to one or more categories of community land referred to in section 36 of the Local Government Act 1993.*

#### *Section 3.23 (3)*

*The assigned category or categories must be those that the council considers to be the category or categories that are most closely related to the purposes for which the land is dedicated or reserved.*

#### *Section 3.23 (4)*

*The council manager must give written notice to the Minister of the categories to which it has assigned the land as soon as practicable after assigning them.*

#### *Section 3.23 (5)*

*The Minister may, by written notice given to the council manager, require the manager to alter an assigned category if the Minister considers that:*

- (a) The assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or*
- (b) The management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.*

### **Local Government Act 1993**

#### *Section 36 (4)*

For the purposes of this section, land is to be categorised as one or more of the following:

- (a) a natural area; (b) a sportsground; (c) a park;
- (d) an area of cultural significance or
- (e) general community use.

**Local Government (General) Regulation, 2005**

## Part 4 – Community Land

## Division 1 – Guidelines for the Categorisation of Community Land Sections 101-111.

Where a categorisation has been assigned that is not the most closely related to the reserve or dedication purpose, Council's ability to validly manage the land in accordance with that category might be limited by the extent to which those actions affect Native Title.

Council's land management activities may infringe upon native title rights and Council may lose the legal right to continue those activities.

The Minister may, by written notice given to the Council manager, require the manager to alter an assigned category if the Minister considers that the assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or Council's management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

**Schedule of Crown Land**

<b>Reserve Number</b>	<b>Particulars</b>	<b>Categorisation</b>
1014188	Black Sallee Reserve Lot 1 DP 1117200 – is the Canobolas Zone Rural Fire Centre	Government Purpose - seek reclassification to Operational Land from the Minister
590056	Bloomfield Park	General community use, sportsground, natural area, park
590064	Bloomfield Park	General community use, park
95818	Bloomfield (Bloomfield Golf Club) Park	General community use, cultural significance, sportsground,
86665	Brandy Corner	General community use, natural area
190086	Civic Square Reserve	General community use
190087	Civic Square Reserve	General community use
90724	Civic Square Reserve	General community use
91403	Civic Square Reserve	General community use
60570	Colvin Park	General community use, park
590051	Cook Park	General community use, cultural significance, park
1000246	Gosling Creek Reservoir	General community use, cultural significance, natural area, park

## 5.9 Initial Categorisation of Council Managed Crown Land

1010408	Hawke Lane Reserve	General community use, park, cultural significance
190026	Hinton Reserve	General community use, natural area
86539	Jack Brabham Park	General community use, sportsground
1002927	Lysterfield Reserve	General community use, natural area
590060	Matthews Park	General community use, park,
60513	Moulder Park	General community use, park, sportsground
590059	Newman Park	General community use, park, sportsground, cultural significance
97698	Orange Botanic Gardens	General community use, park
1030988	Orange Preservation of Graves	General community use
590058	Orange Preservation of Graves (Chinamens Bend)	General community use, Cultural significance
75467	Paterson Memorial Park	General community use, park, cultural significance
87023	Pinnacle Road	Natural area
73593	Railway Bridge Walkway	General community use, park
92631	Rifle Range Reserve	General community use, natural area
590052	Robertson Park	General community use, cultural significance, park
190035	Sharp Road Reserve	General community use, park
81829	Spring Hill Public Recreation Reserve	General community use, park,
1022608	The Pinnacle	General community use, natural area
89756	Thompson Road Reserve	General community use, park
590062	Towac Pinnacle	General community use, park, natural area
590061	Wade Park	Sportsground, cultural significance
1000495	Walker Lane Reserve	General community use, natural area,
590054	Wentworth Golf Club	General community use, sportsground
190052	Woodward Street Walkway	General community use



**5.10 REQUEST FOR FINANCIAL ASSISTANCE - ORANGE WINE FESTIVAL**

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RECORD NUMBER: 2020/1308  
AUTHOR: Merran Byers, Events Officer

**EXECUTIVE SUMMARY**

Council has received an application for Event Sponsorship from the Orange Region Vignerons Association for the 2020 Orange Wine Festival. Application is made to access sponsorship from the Event Development Fund which supports events that have been running for some time but are looking to expand or change their format. The application meets this criteria.

Since the 2019 Orange Wine Festival there was a prolonged continuation of drought, smoke taint to the crop from bushfires and restrictions from COVID-19. All these factors have reduced the income for the organising committee and the continuing COVID-19 restrictions have caused a significant revamp of the event.

Due to this shortfall the proponents have sought \$20,000 for the event, which is double the limit. In line with the policy, staff are only able to recommend support to the maximum amount of \$10,000.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "11.2 Prosper - Develop and attract a variety of events, festivals, venues and activities for locals and visitors, ensuring accessibility for all".

**FINANCIAL IMPLICATIONS**

Council's budget for the Event Sponsorship Program for the 2020/21 financial year is \$200,000. So far this year there has been a commitment of \$19,000 for 2 events.

**POLICY AND GOVERNANCE IMPLICATIONS**

Council can only assist other organisations financially (in cash or in kind) in accordance with section 356 of the *Local Government Act 1993* and therefore a Council resolution is required to allocate funds to any external entity.

Council's Strategic Policy - ST144 - Event Sponsorship Program and its related Event Sponsorship Program Guidelines are used to assess applications for Event Sponsorship. The recommendation from staff is in line with the maximum allowable under the policy.

**RECOMMENDATION**

**That Council resolves that funding of \$10,000 be made from the Event Sponsorship Program to Orange Region Vignerons Association for the sponsorship of the 2020 Orange Wine Festival.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

In the Events Sponsorship Program Strategic Policy and guidelines, the following categories exist to support assessment of applications received:

<b>Category</b>	<b>Description</b>
<b>Incubator Event Fund</b>	Provides seed funding to events in their first or second year of activity. <b>Funding range is \$1,000 to \$5,000.</b>
<b>Flagship Event Fund</b>	Identifies and assists the development of events that contribute to the unique character and culture of the Orange360 tourism region and can demonstrate that they attract overnight visitation. <b>Funding range is \$1,000 to \$10,000.</b>
<b>Event Development Fund</b>	Supports events that have already received funding from Council in previous years and can present a comprehensive strategy for future growth that includes the continued development of its tourism potential to drive overnight visitation to the event. <b>Funding range is \$1,000 to \$10,000.</b>
<b>Quick Response Event Fund</b>	Provides seed funding and/or support to events that occur as <b>new</b> and unplanned opportunity for Orange and have not met the funding rounds as outlined below. <b>Funding range is \$1,000 to \$20,000.</b>

The attached application documents from the organising committee details the environmental effects on the industry since the last festival which included the prolonged drought, state wide bush fires resulting in smoke taint in the harvest as well as COVID-19. The effects of COVID-19 were two-fold with restaurants closing for dine-in service the sales of wines to restaurants plummeted and the closing of cellar doors cut-off the other source of income for many wineries.

The wine industry members fund the operation of Orange Regional Vignerons Association through levied contributions based on harvest or production. Having the triple negative of drought, smoke taint and COVID-19 has severely undermined the industry's ability to contribute to this year's event. Due to this reason, the committee has sought an amount higher than the maximum allowable in the policy. The precis of the application is in the following table.

## 5.10 Request for Financial Assistance - Orange Wine Festival

<b>Application Number ESP20/05</b>	<b>Orange Region Vignerons Association</b>
<b>Not for profit (yes/no)</b>	Yes
<b>Event name</b>	Orange Wine Festival
<b>Event date/s</b>	2 to 31 October 2020
<b>Level of participation</b>	10,000 participants/attendees
<b>Ticketed event</b>	Some events will require tickets
<b>Amount requested</b>	<b>\$20,000</b>
<b>Category and Category range</b>	Event Development Fund - \$1,000 to \$10,000
<b>Aligned with Community Strategic Plan</b>	Yes
<b>Comment and recommendation</b>	
<p>The Wine Festival (originally called Wine Week) has been held in October annually since 2005. Each year the event is hampered by a shortage of available accommodation due to timing associated with the long week-end, Bathurst 1000 and ANFD. This year the Festival is being extended with the intention of encompassing the long weekend, filling the void from spectators at the Bathurst 1000 and the ANFD cancellation.</p> <p>In the past the Wine Week event has struggled to accommodate all the people wishing to attend. By extending the festival to one month it allows more people to attend than ever before, even without large events, in turn leading to more people undertaking return visitation. This will be an incredibly important timed event where Orange will be in the spotlight leading up to the event from travel shows and blogs. People in NSW who would normally travel overseas for holidays will be looking elsewhere in the state for holidays. This event provides the vehicle to capture mature age travellers with a high disposable income.</p>	

**ATTACHMENTS**

- 1 CCL 18 August 2020 - Redacted - Event Sponsorship Application Form - Orange Wine Festival - Application ESP20/05, D20/47239 [↓](#)



A: 135 Byng Street, Orange  
 T: 6393 8000  
 E: council@orange.nsw.gov.au  
 W: www.orange.nsw.gov.au

# EVENT SPONSORSHIP COVER APPLICATION FORM

## APPLICANT'S DETAILS

Name of organisation: Orange Region Vignerons Association

Postal address:

Contact name: Charlotte Gundry

Position: Executive Officer

Phone: BH: / AH:

Mobile: /

Email:

What is the legal status of your organisation? (eg Incorporated, Association, etc.)

**If not-for-profit please attach evidence – such as charter/constitution showing no personal gain will be available to members, charitable status advice or a statutory declaration**

Please select:  Profit or  Not-for-Profit

If not-for-profit:  Constitution, tax ruling or other document confirming not-for-profit status is attached

Is your group/organisation registered for GST?  Yes  No

If applicable, please provide: ABN: ACN:

**EVENT DETAILS**

Name of event:	ORANGE WINE FESTIVAL
Location of event:	Orange Region
Proposed date/s of event:	2nd October to 31 October, 2020
If the event is on Council land/ premises, have you booked this space with Council?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
How many people will be involved in your event? (Estimate)	10,000
How many people will come from outside Orange for the day? (Estimate)	50% from outside the region
How many people will stay overnight? (Estimate)	95% of Visitors ( av. stay 2.3 nights)

Please provide an outline of the event, including a summary of proposed activities and schedule:

The key purpose of the Orange Wine Festival is to celebrate and educate the community and visitors to the area about the Orange Wine Region and all the ancillary businesses. This festival is an opportunity to showcase the cool climate wine industry of Orange and the surrounding region and increase visitation and tourism. The Orange Region Vignerons' Association (ORVA) is representative of the Wine industry and its members are cellar door operators, vineyard and winery businesses.

In 2020, the Festival will be expanded and be held over the month of October (2nd Oct to 31st Oct). This year more than ever, we need visitation to the region as the drought, the effects of smoke taint and COVID 19 have had a dramatic effect on the industry's profitability and sustainability.

The Orange Wine Festival is the only major consumer and industry wine event in the Orange Region. During the month of October over 90 events will showcase the region's cool climate wines through tastings, workshops, dinners, lunches and events that combine other attributes of the Orange Region such as local produce, music, art, gardens and history.

We are also wanting to develop some 'rebranded' marketing collateral this year including updated street banners and tear drop banners to be located at the region's cellar doors as a way of alerting and welcoming visitors to the festival.

This year, due to current COVID environment, the Festival won't be able to hold its large Signature events such as the Night Market and the Orange Wine Show Tasting, however alternative smaller events are being developed to replace these including a Masterclass Series and a number of Twilight Wine and Food Events to launch the Festival. This, along with the associated event sponsorship will impact the ability of ORVA to generate festival income.

It is however, committed to supporting its member and other businesses to hold smaller COVID Safe events via a broad marketing campaign in conjunction with Orange 360.

**EVENT BUDGET**

Please outline the proposed income and expenditure budget for the event

<b>Income Source (cash)</b>		<b>\$</b>
eg: Organisation X		\$ 1000.00
Program		\$ 10,000
Sponsorship		\$ 5,000
ORVA		\$ 6,000
		\$
		\$
<b>Orange City Council Event Sponsorship request</b>		\$ 20,000
<b>Total Income</b>		\$ 41,000
<b>Expenditure Items (cash)</b>		<b>\$</b>
eg: Marketing - 8 x TV adverts		\$ 2000.00
Marketing		\$ 16,000
Program + Promotional Postcard		\$ 6,240
Street Banners		\$ 1,760
Cellar Door Banners		\$ 4,500
Administration		\$ 2,000
Merchant Fees		\$ 500
Event Management		\$ 10,000
<b>Total Expenditure</b>		\$ 41,000
<b>Total Income and Total Expenditure must equal</b>		\$
<b>In-kind Contributions</b>		<b>\$ Value of In-kind Contributions</b>
<small>(People's time/ value: Based on May 2017 to May 2018 Australian Bureau of Statistics (ABS) figures, volunteers are now worth \$41.72 per hour)</small>		
eg: letter drop/ street walk - 1 hour, 1 person		\$ 41.72
Volunteer Hours - 100 hours		\$ 4,172.00
Orange 360 - 200 hours		\$ 9,053.00
		\$
		\$
		\$
		\$
<b>Total In-kind Contribution Value</b>		\$ 13,225.00

**DECLARATION**

On behalf of: (name of organisation if applicable)

- I certify to the best of my knowledge that the statements made in this application and any supporting documentation are true.
- I understand that should this application be approved by Orange City Council, I may be required to submit any requested Tax Invoices, plans or reports and will be required to enter into an Event Agreement with Council.
- I declare that the Organisation will provide all required paperwork, including a Certificate of Currency of Public Liability Insurance (to a minimum of \$10 million) with Orange City Council noted as an interested party.

Signed \_\_\_\_\_ Date 27th July, 2020

Print name Charlotte Gundry

Position in organisation Executive Officer

The information you provide will be handled in accordance with the Privacy and Personal Information Protection Act 1998. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, your application may be unable to be processed. Any personal information collected from you will be in order to process your application.



**A:** 135 Byng Street, Orange  
**T:** 6393 8000  
**E:** council@orange.nsw.gov.au  
**W:** www.orange.nsw.gov.au

## EVENT SPONSORSHIP

# Event Development Fund Application

### EVENT DETAILS

Please detail how the event will drive visitation to the Orange360 region, encourage international visitation or undertake a new activity that will increase length of stay and average spend in the local economy.

The Orange Wine Festival has been held annually since 2005 and has had a significant impact on bringing visitors to the region as well as benefiting other associated businesses. This is one of the festivals to put Orange on the destination wish list and map.

In 2020, as a response to the devastating effects of the drought, smoke taint from the extensive NSW bushfires (resulting in well over 50% decline wine production) and now COVID 19, the Orange Wine Festival will be held over the entire month of October.

This has been done to capitalise on the restrictions on interstate and international travel and to contribute to the promotion to NSW residents to travel and support "Regional NSW" (# Love NSW Campaign).

At a time when demand on accommodation is significant, spreading the event over a month allows more scope and flexibility for visitors to the region. The Wine Festival can potentially fill the 'void' that is being left by the cancellation of the Orange National Field Days and heavy restrictions on the participation of crowds at the Mt Panorama Super Car Race.

ORVA is committed to supporting smaller COVID safe events held by members, encouraging visitation to the region's cellar doors and associated wine and food businesses. We will be fostering opportunities for greater collaboration amongst cafes, restaurants, accommodation providers to partner with wineries to feature wines during the festival and in particular mid-week specials. By increasing the festivals mid-week events, there will be a direct impact on length of stay and boost the visitor economy.

Please indicate how the amount sought from Council is essential to the success of the event. As financial sustainability is an eligibility requirement, how does your organisation plan to sustain this activity into the future?

The Orange Wine Festival has become sustainable through holding a number of successful Signature Events and attracting commercial sponsorship. Like any sectors of the economy, the recent effects of the bush fires over summer, ongoing drought and now COVID 19 have brought significant hardship to our members and the community. In the recent lock down, all of the region's cellar doors were closed, which has severely impacted their annual incomes. Traditionally, Easter, FOOD Week and the school holidays is a time of year where many of them would receive up to 50% of their annual income.

The consequences of this downturn are significant not only to the members' business but also ORVA. The Members' fees (based on production) form an important resource for promotion and seed funding for the festival. These could be reduced to as much as 60% due to drought, smoke and COVID 19. The ORVA executive believes this is not a time to cut back on projects, but where possible put more into promotion to give our members the best opportunity to rebuild. The \$20,000 sought will provide this much needed resource for this year's festival to support and promote member's events and to hold a number of smaller COVID Safe events. With a return to 'normality' in 2021, we foresee this shortfall in funding will be short term and the Festival and the organisation will be able to hold their signature events, the Wine Show and benefit from commercial sponsorships (which will not be available this year).

**EVENT DETAILS (CONTINUED)**

Please outline the long term strategic plan that identifies the event’s potential to continue to grow and demonstrate event sustainability. If a strategic plan has been developed, please attach it to your application.

The Orange Regional Vignerons Association has developed an Orange Wine Festival Strategic Plan in line with identified unique selling points. (attached)

- \* Fine Elegant Wines. Intense varietal flavour: region signature varieties of Chardonnay, Shiraz and Pinot Noir.
- \* Unique GI. Altitude. Showing diversity - pairing with quality local food
- \* Sustainability. Provide educational pieces on wine making practices of the region.
- \* Beautiful wine region. Stunning landscapes and sunset vistas are met with magnificent starry skies all with a glass of Orange NSW wine.
- \* Family wine business’. You can meet the maker with access to Masterclasses and even a Cooking School!

The Objectives of the Wine Festival are: (please scroll down)

1. Position Orange NSW as a highly desirable, cool climate wine region
2. Increase the number of people attending the festival
3. Increase overnight stays

Please outline the strategies that will be used to promote the event to both local and out of region audiences and how the success of these strategies will be measured. If a marketing plan has been developed, please attach it to your application.

The Marketing Strategy will address:

1. Education. Continue to educate key markets on the Orange region’s USP – “What makes Orange NSW wines so special”? – ALTITUDE
2. Integration. Integrated digital marketing campaign with a call to action – visit [orangewinefestival.com.au](http://orangewinefestival.com.au) – Integrate key festival messages:
  - List event(s) on Get Connected (ATDW) and other save the date locations
  - Online competition to create user generated content & grow database
3. Introduction. Introduce Orange Wine Festival itineraries based on education, signature varieties and wine trails
4. Target. Target Sommeliers. Target a guest ambassador or celebrity wine person to come to Festival for range of Masterclasses supported by Riedel

A broad range of marketing will be undertaken, including: (please scroll down)

- Destination NSW # Love NSW Campaign
- Gourmet Traveller (digital, print in 2 editions, famil)

Please provide details of how the event will involve and engage local businesses, sporting groups, artists, community groups and or interested individuals that will assist in building the reputation of Orange by associating with positive and inclusive activities in the Orange community.

The Orange Wine Festival will engage a broad range of local wine and other local businesses. As well as a number of wine businesses hosting events, there are many other venues and activities that will involve associated businesses. These include restaurants, art galleries and art groups, musicians, accommodation venues and community groups such as Rotary.

Local designers and printers will be used to develop 'rebranding' designs and to print/produce marketing collateral.

We anticipate that a number of volunteers will be used for the Orange Wine Show and the Masterclass series if they are able to proceed.

As a critical eligibility item, financial sustainability of the organisation has to be assessed. Please complete the table below.

Current cash on hand and in accounts	\$
Current assets	\$
Net Assets	\$
Current debts	\$
Current financial position	\$

# Orange360

Nicole Samodol  
President  
Orange Region Vignerons Association  
ORANGE NSW 2800

24 July 2020

Dear Nicole,

### Re 2019 Orange Wine Festival – Letter of Support

I am writing on behalf of TDO Ltd trading as Orange360 in support of the 2020 Orange Wine Festival application to Orange City Council for its Event Development Fund.

Orange360 is a long term supporter of the Orange Wine Festival. Each year the festival continues to build on our region's premium destination positioning and overall visitor experience, whilst educating the public as to what makes our region's cool climate wines so special.

The Orange Wine Festival continues to grow in appeal, bringing many visitors from as far away as Brisbane, Melbourne and Adelaide and of course Sydney. This in itself contributes to the economic and social aspect of Orange region as well as our surrounding villages and towns.

This funding will enable this annual event to further increase awareness, promotion of tourism and ultimately future visitations to the area. Marketing for 2020 will continue to focus on introducing new markets to the event and our region via digital marketing platforms driving interested visitors to the festival content on the Orange360 website.

Once again the program offers a full range of activity and events across varying degrees of wine interest and budgets perfect for growing our visitor economy for the full month of October. The efforts, expertise and dedication of the Orange Wine Festival committee members to continue to put on a fine show each year is to be commended and we wish them every success in their application for funding assistance.

Orange 360 strongly supports this application and looks forward to hearing of a positive outcome.

Yours sincerely,

Caddie Marshall  
General Manager  
TDO Ltd trading as Orange360  
E:

TDO Limited t/as **Orange360**  
30 616 158 822 582  
150 Peasley Street (platform of the Orange Railway Station) · PO Box 8567, EAST ORANGE NSW 2800, Australia  
+61 (0)2 6360 1990  
[www.orange360.com.au](http://www.orange360.com.au)

**5.11 EXTENSION OF TENURE OF INDEPENDENT MEMBERS OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE**

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RECORD NUMBER: 2020/1317

AUTHOR: David Waddell, Chief Executive Officer

**EXECUTIVE SUMMARY**

The Council at its meeting of 7 November 2017 appointed 2 independent members of the Audit and Risk Management Committee for a period ending September 2020. The standard practice is that a new ARMC is appointed when a new Council is elected. Considering that Council elections scheduled for this year have been postponed, it is recommended that the tenure of current Audit and Risk Management Committee independent members be extended for a period of 12 months.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.2 Collaborate - Ensure financial stability and support efficient ongoing operation".

**FINANCIAL IMPLICATIONS**

Independent members of the ARMC are paid a sitting allowance in line with amounts approved by the Council in the Annual fees and Charges Policy. These amounts are provided for in existing budgets.

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council extend the appointment of Mr Phillip Burgett and Mr Bill Gillooly AM as the two independent members of the Audit and Risk Management Committee until September 2021 unless otherwise resolved by Council.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

The Office of Local Government has issued guidelines (first in 2008 and updated in 2010) for Internal Audit which cover how Audit and Risk Management Committees may be structured and operate. While committees are currently voluntary, amendments to the Local Government Act (NSW) 1993 have been made such that it will be compulsory to have such committees after the next general election in 2021.

**5.11 Extension of Tenure of Independent Members of the Audit Risk and Improvement Committee**

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Orange City Council has had an Audit and Risk Committee since 2009. The duties and responsibilities of the Committee is outlined in point 1 of the attached charter.

The charter of the Committee also identifies the previous Council's determination of the membership as two independent and two Councillors, with an alternate Councillor nominated.

The two independent members are remunerated. Current fees and charges have been set by Council at \$978.18 (+GST) for the chair per meeting and \$791.82 (+GST) for the other member per meeting. Councillor members of the Committee are not paid. Independent members are also entitled to claim per kilometre rate reimbursement for travel to and from meetings based on the rates in the Local Government (State) Award.

Appointments to the Committee terminate at the conclusion of a term of Council. Independent members of the Committee are appointed by Council following an expression of interest process. The Councillor members are handled in another report to Council on Community Committee and external body appointments.

In line with provisions of the ARMC Charter, a fresh expression of interest process will be initiated to replace one of the Committee members or both at the expiry of the current Council term. Introducing new independent members allows for the flow of new ideas and retaining some existing members ensures that there is continuity in the Committee's focus on key strategic risk issues.

**ATTACHMENTS**

- 1 Attachment 1 - Audit and Risk Management Committee Charter, D18/13729 [↓](#)



**AUDIT AND RISK  
MANAGEMENT COMMITTEE  
CHARTER**

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**AUDIT AND RISK MANAGEMENT COMMITTEE CHARTER****1. Audit and Risk Management Committee Purpose**

The Audit and Risk Management Committee (ARMC) is an advisory Committee assisting the Council to fulfil its governance and oversight responsibilities.

The primary duties and responsibilities of the ARMC are to assist the Council to discharge its responsibilities relating to:

- 1.1 Financial reporting process
- 1.2 Business ethics, policies and practices
- 1.3 Management and internal controls
- 1.4 Monitoring the integrity of the Council's financial reporting practices and finance and accounting compliance
- 1.5 Reviewing internal controls, key corporate risks and financial audit related matters
- 1.6 Encouraging continuous improvement of Council's systems and practices
- 1.7 Adoption of the Internal Audit Plan
- 1.8 The Council's process for monitoring compliance with policies, laws and regulations and the Council code of conduct.

**2. Authority**

- 1.9 The ARMC is granted delegated authority by Council to carry out its duties and responsibilities as defined in this charter. The ARMC has delegated authority to approve investigations into any matters within its scope of responsibility. It is empowered to:
  - 2.1.(a) Resolve any disagreements between management and the auditor regarding financial reporting (subject to confidentiality considerations).
  - 2.1.(b) Pre-approve all auditing and non-audit services.
  - 2.1.(c) After due consultation with the General Manager, retain independent counsel, accountants, or others to advise the committee or assist in the conduct of an investigation.
  - 2.1.(d) Meet with Council management, external auditors, or outside counsel, as necessary.
  - 2.1.(e) The Council acknowledges that professional independence and objectivity are key attributes of an efficient and effective ARMC. The Council and General Manager are therefore committed to uphold and guarantee the professional independence and objectivity of the ARMC.

**3. Composition**

- 3.1 All appointments to the ARMC shall be made by Council.
- 3.2 The ARMC will consist of:

## 3.2.1 Core Members (voting)

- Mayor of the day (or a Councillor nominated by the Mayor as his representative)
- One Councillor
- Two independent external members (not member of Council and one to be Chairperson)

## 3.2.2 Members (non-voting)

- General Manager
- Internal Auditor
- Director responsible for corporate functions
- One alternate Councillor Delegate who will have voting rights in the absence of the other Councillor.

## 3.2.3 Invitees (non-voting)

- Representatives of the external auditor.
- Other officers of Council as requested by the ARMC and/or General Manager

3.3 In order to maintain independence, and to comply with the recommendations of the Office of Local Government, the ARMC shall elect one of the independent members as its chairperson.

3.4 The selection of independent members should be undertaken in a transparent and unbiased manner. This could include calling for expressions of interest from interested persons.

#### 4 Tenure

4.1 The term of office for an ARMC member shall end on the earlier of:

- (a) the day on which the member resigns from the ARMC
- (b) in the case of a Councillor, the day on which the Councillor ceases to be a Councillor
- (c) two years in respect of the independent members or such other term as determined by Council.
- (d) the day on which the member's appointment is legally terminated by Council.
- (e) the day on which the member is incapacitated by law from holding such office.

4.2 Members are encouraged to serve multiple terms and to plan for an orderly rotation of members so that experienced members will always be serving. The ARMC should make recommendations to Council on membership.

4.3 In any event, the appointment of each member of the ARMC will be reviewed at the end of the first year and confirmed for the remaining period subject to satisfactory performance as determined by Council. A member may be eligible for re-appointment to the committee for a continuous period not exceeding eight (8) years.

4.4 In considering new independent members for the ARMC, selection shall be influenced by:

- (a) Industry standards for similar committees, particularly relating to the appointment of independents to ARMCs.
- (b) Any guidelines issued by the NSW Government concerning Local Government ARMCs
- (c) The attributes and experience of candidates who respond to Expressions of Interest advertisements for Independent Members.

4.5 The independent members on the ARMC should be remunerated for attending Committee meetings. The remuneration shall be adopted by Council.

## **5 Meetings and Quorum**

- 5.1 The committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
- 5.2 A quorum shall not exist unless at least 3 voting members are present:
- 5.3 Members of the ARMC are generally expected to attend each meeting, in person or via tele or video-conference with the approval of the Committee Chairperson.
- 5.4 The ARMC will invite members of management, auditors or others to attend meetings and provide pertinent information, as necessary.
- 5.5 The Committee will hold private meetings with auditors (see below) and executive sessions.
- 5.6 A meeting agenda will be provided in advance to members, along with appropriate briefing materials.
- 5.7 The Chairperson shall determine the agenda for the ARMC in conjunction with Council staff.
- 5.8 Minutes will be prepared and distributed to the ARMC members and to the next Ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes, if appropriate.
- 5.9 Meetings are to be rescheduled if there is not a quorum. The Council's Internal Auditor will minute proceedings of all meetings.
- 5.10 The chairperson shall endeavour to conduct meetings on a "consensus basis" but formal voting on recommendations shall be required. Each member shall have one vote and a majority of those present shall be required to pass a recommendation. The chairperson shall have a casting vote. The meetings should operate as far as practicable in accordance with the Council's Code of Meeting Practice.

## **6 Confidentiality**

- 6.1 The ARMC will ensure that Committee members comply with all relevant laws and Council's policies regarding confidentiality, privacy and reporting. Committee members shall treat all information received as part of the Committee as confidential and only disclose the content to third parties with the consent of other members of the Committee.

## **7 Responsibilities**

- 7.1 The ARMC has no executive powers, except those expressly provided by Council.
- 7.2 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and General Manager as defined by the Local Government Act 1993. The Council and General Manager shall ensure that reasonable resources are allocated to providing the ARMC with the information it needs to discharge its responsibilities.

- 7.3 The responsibilities of the ARMC may be revised or expanded by Council from time to time. The Committee will carry out the following responsibilities:

7.3 (a) Financial Statements

- Review significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent professional and regulatory pronouncements, and understand their impact on the financial statements. The ARMC can add value for Councillors and the process by reviewing the audit objectives, timeline and process, settlement of identified issues and the independence of the external auditor. This would be done in consultation with the External Auditor, Internal Auditor and management
- Based on the audit objectives, review with management and the external auditors the results of the audit, timeline and process, settlement of identified issues and the independence of the external auditor. Review the process of the audit, identify unresolved issues.
- Review the audited annual financial statements and consider whether they are complete, consistent with information known to committee members, and reflect appropriate accounting principles. Without having conducted its own assessment the ARMC will need to rely on the work of Internal, External Auditor and management representations. Therefore any recommendation to Council would be based on the External Auditors Management Letter and made under a disclaimer that identifies things such as the audit process, access to records, auditor appears to be suitably qualified, had sufficient time to complete, items identified have been resolved to their satisfaction.
- As part of the External Auditors presentation and management representations, review with management and the external auditors all matters required to be communicated to the Committee under generally accepted auditing Standards.
- Understand how management develops interim financial information, and the nature and extent of internal and external auditor involvement.

7.3.(b) Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
- Review the impact of the risk management framework on its control environment and insurance arrangements, and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

7.3.(c) Internal Control

Consider the adequacy and effectiveness of the Council's internal control systems, incorporating the:

- Reliability and integrity of financial and operational information systems, including information technology security and control
- Effectiveness and efficiency of operations and
- Safeguarding assets
- Compliance with contracts, laws and regulations
- Governance framework
- Understand the scope of internal auditors' review of internal control over financial reporting and obtain reports on significant findings and recommendations, together with management's responses.

7.3.(d) Internal Audit

- Review and recommend approval of the Internal Audit Activity Charter, activities, and staffing, and organisational structure of the internal audit function; and any subsequent changes.
- Have final authority to review and approve the annual audit plan and all major changes to the plan.
- Ensure there are no unjustified restrictions or limitations to the activities of internal audit.
- Review the effectiveness of the internal audit function and objectives, including compliance with The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

7.3.(e) External Audit

- Establish that an appropriate process is in place to give assurance that the Council complies with the Local Government Act requirements for financial reporting and auditing.
- Review the external auditors' proposed audit scope and approach, including coordination of audit effort with internal audit.
- Review and confirm the independence of the external auditors by obtaining statements from the auditors on relationships between the auditors and the Council, including non-audit services, and discussing the relationships with the auditors.
- Review management's responses to the recommendations in the external auditor's management letter.
- On a regular basis, meet separately with the external auditors to discuss any matters that the Committee or auditors believe should be discussed privately.

7.3.(f) Compliance

- Review the effectiveness of the system for monitoring compliance with laws, regulations and contracts and the results of management's investigation and follow-up of any instances of noncompliance.

- Review the findings of any examinations by regulatory agencies, and any auditor observations.
- Review the process for communicating the code of conduct to Council personnel, and for monitoring compliance therewith.
- Liaise with the General Manager to obtain regular updates from management and Council legal counsel regarding compliance matters.

#### 7.3.(g) Reporting Responsibilities

- Regularly report to the Council about committee activities, issues and related recommendations
- Provide an open avenue of communication between internal audit, the external auditors, and the Council.
- Report annually to the Council, describing the committee's compositions, responsibilities and how they were discharged, and any other information required by law, including non-audit services.
- Review any other reports the Council issues that relate to Committee responsibilities.

#### 7.3.(h) Other Responsibilities

- Perform other activities related to this charter as requested by the Council.
- Institute and oversee special investigations as needed.
- Review and assess the adequacy of the ARMC Charter annually, requesting Council approval for proposed changes, and ensure appropriate disclosure as may be required by law or regulation.
- Confirm annually that all responsibilities outlined in this charter have been carried out.
- Evaluate the committee's and individual members' performance on a regular basis.

#### 7.3.(i) Individual Responsibilities of Members

Members of the ARMC are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Orange City Council.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgement.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.
- Declare any conflicts of interest before participating in deliberations on the issue where the conflict of interest exists.
- Attend an induction meeting at which they receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

## REVIEW

REVISION	DATE	RESOLUTION
<b>Issue Date:</b>	June 2009	ARMC Charter established 3/07/2009 resolution number 09/260
1	November 2011	Changes to document format/presentation only. No resolution.
2	September 2012	Change composition of committee. Resolution 12/345 of 20/09/2012
3	January 2013	Change composition of committee. Resolution 12/358 of 18/10/2012

**Version control – Amendments in version 4 approved by Council on 7/10/14 resolution number 14/961 (Version 4 reference number: TRIM D14/13319)**

Clause reference number	Current clause	Nature of proposed changes
2		Correction to clause reference numbers.
3		Correction to clause reference numbers.
4		Correction to clause reference numbers.
4.3	<i>In any event, the appointment of each member of the ARMC will be reviewed at the end of the first year and confirmed for the remaining period subject to satisfactory performance as determined by Council. A member may be eligible for re-appointment to the committee for a continuous period not exceeding five (5) years.</i>	<i>Amend to eight (8) years from five (5) years for tenure</i>
4.4	<i>In considering new independent members for the ARMC, advice will be sought and regard will be given to:</i>	Clause replaced by the following: <i>In considering new independent members for the ARMC, selection shall be influenced by:</i>
4.4	<i>4.4(a) Recommendations from an accounting industry body, either CPA Australia or the Institute of Chartered Accountants Australia.</i>	Clause replaced by the following: <i>Industry standards for similar committees, particularly relating to the appointment of independents to ARMCs.</i>
4.4	<i>4.4(b) Recommendations from Charles Sturt University (CSU) (endeavouring to maintain one member of the ARMC as a CSU nominee)</i>	Clause replaced by the following: <i>Any guidelines issued by the NSW Government concerning Local Government ARMCs</i>
5.2		Minor re-wording.
5.6		Minor re-wording.

**Version control – Amendments in version 5 approved by Council on 7/10/14 resolution number 14/961  
(Version 5 reference number: TRIM D14/27233)**

Clause reference number	Current clause	Nature of changes
4.4	<i>4.4(c) The existence of a nexus between the candidate and the Bathurst, Orange and Dubbo LGA.</i>	Clause replaced by the following: <i>The attributes and experience of candidates who respond to Expression of Interest advertisements for independent members.</i>
4.4	<i>4.4(d) The skills and experience of candidates who respond to Expression of Interest advertisements for independent members.</i>	Clause deleted.
4.4	<i>4.4(e) The Bathurst Regional Council, Orange City Council and Dubbo City Council share an Internal Auditor and also recognise the benefits of shared independent members of the ARMCs.</i>	Clause deleted.
5.3	<i>5.3 Members of the ARMC are expected to attend each meeting, in person or via tele or video-conference.</i>	Clause replaced by the following: 5.3 Members of the ARMC are generally expected to attend each meeting, in person or via tele or video-conference with the approval of the Committee Chairperson.

**Version control – Amendments in version 6  
(Version 6 reference number: TRIM D15/29881)**

Clause reference number	Current clause	Nature of changes
3.3	<i>...“Division of Local Government”</i>	Changed to Office of Local Government

**Version control – Amendments in version 7  
(Version 7 reference number: TRIM D18/13729 recommended for approval at ARMC meeting of 18 March 2018)**

Clause reference number	Current clause	Nature of changes
3.2.2	<i>Attendee (non-voting)</i>	<i>Members (non-voting)</i>
7.3.(e)	<i>In accordance with the provisions of s422 to 427 or the Local Government Act 1993, support the General Manager in reviewing the performance of the external auditors, and recommend to the General Manager final approval on the appointment or discharge of the auditors.</i>	Clause deleted as the appointment of the Auditor General of NSW as Council’s auditor is now mandatory.
7.3.(f)	<i>Review other sections of the annual report and related regulatory filings before release and consider the accuracy and completeness of the information.</i>	Clause deleted.





**5.12 CLASSIFICATION OF COUNCIL MANAGED CROWN LAND AS OPERATIONAL LAND**

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RECORD NUMBER: 2020/1319

AUTHOR: Nigel Hobden, Manager City Presentation

**EXECUTIVE SUMMARY**

The Crown Land Management Act 2016 was enacted on 1 July 2018.

This Act authorises Council as appointed Crown Land Manager to manage Crown Land as if it were public land under the Local Government Act 1993.

Under the Crown Land Management Act 2016, Council must assign to all Crown Land under its management a classification of either operational or community land in accordance with the Local Government Act 1993.

The current and historical use of a number of parcels of Council managed Crown Land are inconsistent with the categories of Community Land provided in the Local Government Act 1993.

Council staff have identified the Crown Land which it requires to be classified as operational land in accordance with the Crown Land guidelines and are now seeking ministerial consent to classify the land as if it were operational land.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “1.2 Live - Maintain and renew recreational spaces and infrastructure to encourage an active and healthy lifestyle”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Future Plans of Management will need to be prepared in accordance with the classification confirmed by the Minister Administering the Crown Lands Management Act 2016.

**RECOMMENDATION**

**That Council requests approval from the Minister Administering the Crown Land Management Act 2016 to classify the land Reserve numbered and named in the schedule below Operational Land to be administered under the Local Government Act 1993.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

The Crown Land Management Act 2016 provides that Crown Land managed by Council must be managed as if it were Community Land unless the Minister administering the land has given written consent to classify the land as operational.

The onus is on Council as Crown Land Manager to identify and satisfy the Minister that certain land under management does not fall within any of the categories of Community Land under the Local Government Act 1993 or could not continue with the current use if it was required to be used as Community Land.

Council staff have considered each Crown land reserve managed by Council and have identified those reserves which should be classified as operational land and recorded the justification in the format required by the Department of Industry - Crown Lands.

Once approved by Council, staff will lodge the form for consent to the Minister administering the Crown Land Management Act 2016.

The Department of Industry - Crown Lands will consider Council's application on its merits and will notify Council in writing of the outcome once ministerial consent has been given or refused.

In deciding which land should be made operational Council staff considered the historical and current use of each reserve and the reserve purpose in accordance with the Department of Planning, Industry and Environment - Crown Lands and the Office of Local Government guidelines and advice.

Generally, this is land that may not need to be made available to the public at large because the nature of the land is operational where the use of the land may exclude the public for their safety or Council operational reasons.

Other examples of Crown Land that may not fall within categories of Community Land would include cemeteries and other land where the length of existing tenure does not fall within the legislative requirements of the Local Government Act 1993.

**Schedule of Crown Land for Classification as Operational**

Reserve Number	Name	Particulars
1014188	Black Sallee Reserve we say Brandy Corner	Canobolas Rural Fire Zone head quarters
1030988	No name	Orange Cemetery
190086	Civic Square Reserve	Urban Services
190087	Civic Square Reserve	Urban Services
90724	Civic Square Reserve	Urban Services
91403	Civic Square Reserve	Urban Services

**5.13 DEVELOPMENT APPLICATION DA 356/2019(1) - 149 BYNG STREET**

RECORD NUMBER: 2020/1400

AUTHOR: Andrew Crump, Senior Planner

**EXECUTIVE SUMMARY**

Application lodged	15 October 2019
Applicants	Orange City Council
Owners	The State of New South Wales (Crown Land)
Land description	Lots 8 and 9 DP 820905 - 149 Byng Street and Peisley Street, Orange
Proposed land use	Information and Education Facility (alterations and additions to art gallery) and Signage
Value of proposed development	\$3,500,000.00

Council's consent is sought to undertake alterations and additions to the Orange Regional Gallery. The land is known as the Orange Civic Precinct and is legally described as Lots 8 and 9 DP 820905 (refer below locality plan).



**Figure 1 - locality plan – development site within red box (approx.)**

The proposed additions will provide; additional gallery space of 269.71m<sup>2</sup>, artwork conservation and storage space (90.09m<sup>2</sup> and 116.64m<sup>2</sup> respectively), ancillary theatre space (75 seats); along with loading dock, plant room and circulation space (lobby and corridors) making up the balance of the floor area.

The application also involves minor alterations to the existing floor space including; adjustments to Gallery 2 to provide a corridor to the new floor area, new revolving door and new external door into the create storage area.

The building form will be rectilinear, comprising four articulated projections that extend out from the existing building to the north east, accounting for the triangular shaped footprint created by the angle of the existing gallery and its relationship to Peisley Street.

Materiality will be relatively simple and contemporary; comprising off-form concrete base, dark grey compressed fibre cement sheet wall cladding with expressed horizontal and vertical joints and a flat roof conceal by parapet walls.

Refer to isometric drawings below.



**Figure 2 – isometric drawing**



**Figure 3 – isometric drawing**



VIEW TO EXTENSION FROM NORTH FORECOURT

**Figure 4 – isometric drawing**

Critical elements within the assessment relate to the following:

- The development necessitates a number of mature trees to be removed from behind the Gallery and the Peisley Street setback.
- No additional car parking is provided as part of this development and a detailed car parking analysis is provided within the report.
- Urban Design advice provided by Council Heritage and Urban Design Advisor has been obtained and is discussed in detail within the report.
- The developments compliance with the relevant Plan of Management applying to the land.
- The ancillary nature/missibility of the Theatre space.
- The presence of benzo(a)pyrene within the soil and the need for appropriate conditions to address this.

The below assessment concludes that the development complies with Council's relevant planning controls; and where appropriate conditions are recommended to ensure the development is acceptable.

The development is recommended for approval.

## **DECISION FRAMEWORK**

Development in Orange is governed by two key documents Orange Local Environment Plan 2011 and Orange Development Control Plan 2004. In addition the Infill Guidelines are used to guide development, particularly in the Heritage Conservation Areas and around Heritage Items.

**Orange Local Environment Plan 2011** – The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the City and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed the aims of the LEP itself are also to be considered and can be used to guide decision making around appropriateness of development.

**Orange Development Control Plan 2004** – the DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

#### **DIRECTOR'S COMMENT**

The proposed development will further enhance social, cultural and educational facilities within the Civic precinct of the City. The key planning issues identified in the staff assessment report relate to tree removal, off-street car parking, contamination and urban design. The proposed development is considered to be consistent with the adopted Plan of Management that applies to the subject land. It is recommended that Council supports the proposed development subject to the adoption of the attached Notice of Determination.

#### **LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “10.1 Preserve - Engage with the community to ensure plans for growth and development are respectful of our heritage”.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY AND GOVERNANCE IMPLICATIONS**

Nil

#### **RECOMMENDATION**

**That Council consents to development application DA 356/2019(1) for *Information and Education Facility (alterations and additions to art gallery) and Signage* at Lots 8 and 9 DP 820905 - 149 Byng Street, Orange pursuant to the conditions of consent in the attached Notice of Approval.**

#### **FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION****THE LAND**

The land forms part of the civic precinct and comprises the Library, Art Gallery and Museum. The land is a large irregular shaped parcel and has frontage to Byng, Peisley and March Streets. The Civic Centre and Theatre sit on an adjacent parcel. The location of the proposed development is on the eastern side of the existing art gallery which fronts Peisley Street. A number of large mature trees flank the eastern boundary of the land. The northern portion of the site (known as the North Court) is largely vacant, however, Council has before it a separate application for a conservatorium and planetarium within the northern portion of the site.

**THE APPLICATION**

The application involves minor alterations and a major addition to the Orange Regional Gallery.

The proposed additions will provide; additional gallery space of 269.71m<sup>2</sup>, artwork conservation and storage space (90.09m<sup>2</sup> and 116.64m<sup>2</sup> respectively), ancillary theatre space (75 seats) with loading dock, plant room and circulation space (lobby and corridors) making up the balance of the floor area.

The application also involves minor alterations to the existing floor space including; adjustments to Gallery 2 to provide a corridor to the new floor area, new revolving door and new external door into the create storage area.

The building form will be rectilinear, comprising four articulated projections that extend out from the existing building to the north east, accounting for the triangular shaped footprint created by the angle of the existing gallery and its relationship to Peisley Street.

Materiality will be relatively simple and contemporary; comprising off-form concrete base, dark grey compressed fibre cement sheet wall cladding with expressed horizontal and vertical joints and a flat roof conceal by parapet walls.

**MATTERS FOR CONSIDERATION****CROWN LAND**

The land to which the application relates, being Lot 9 DP 820905 and Lot 8 DP 820905 are both Crown Land; the relevant description is provided in the below table:

Lot/DP	Reserve No.	Gazette Date	Reserve Purpose	Reserve Management	Trust Management
8/820905	190086	31 Dec. 1992	Public Recreation	Orange Civic Centre Recreation Reserve Trust	OCC
9/820905	190087	31 Dec. 1992	Urban Services	Orange Public Library and Art Gallery Reserve Trust	OCC

The Orange Civic Precinct Plan of Management March 2014 (the PoM hereafter) applies to the land. The PoM provides, inter alia, for an addition to the art gallery building on the northern side of the existing building, principally within the land identified above as reserve no. 190086 and reserve purposes – Public Recreation.

The PoM was underpinned by the Orange Civic Precinct CapaCity Study dated March 2010 which also recommended that the art gallery be extended to the north of the existing building.

As such, the proposed development is consistent with the PoM applying to the land. It is noted, however, that a requirement of the grant of Owners Consent from the Department of Industry – Crown Lands and Water is that Council commence a process to add a more suitable reserve purpose to Reserve No. 190086 to include Urban Services or similar. A condition to this effect is recommended prior to works commencing as per the submitted owners consent document.

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

### **Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994***

Section 1.7 of the EP&A Act identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

There are four triggers known to insert a development into the Biodiversity Offset Scheme (ie the need for a BDAR to be submitted with a DA):

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable to the Orange LGA; as no such areas are known to occur in the LGA. No further comments will be made against the fourth trigger.

#### **Trigger 1**

The land is not located within a mapped area of high biodiversity value.

#### **Trigger 2**

The trees to be removed whilst endemic to area are not considered to form part of the Blakely's Box Gum Grassy Woodland and moreover, the land has a clearing threshold of 0.25ha and as such the clearing proposed is well below the relevant threshold. Accordingly, the development will not activate this trigger.

#### **Trigger 3**

With regard to the third trigger, the test for determining whether proposed development is otherwise likely to significantly affect threatened species is listed in the BC Act 2016, under S.7.3:

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
  - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
  - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) *in relation to the habitat of a threatened species or ecological community:*
  - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
  - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
  - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

The land is not located in an area of high biodiversity value. The land is a highly disturbed urban environment. Some of the trees to be removed namely the *Casuarina Cunninghamiana* (river she-oaks) are endemic to this region, however, the area concerned is not considered an endangered ecological community relating to the Blakeley's Box Gum Grassy Woodland. The development is not likely to give rise to any significant impact upon any endangered ecologically community, threatened species or their habitat.

The development is considered satisfactory in this regard.

#### **Section 4.15**

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

#### **PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)**

##### **Orange Local Environmental Plan 2011**

##### **Part 1 - Preliminary**

##### **Clause 1.2 - Aims of Plan**

The broad aims of the LEP are set out under Subclause 2. Those relevant to the application are as follows:

- (a) to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,
- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,
- (c) to conserve and enhance the water resources on which Orange depends, particularly water supply catchments.

The application is considered to be consistent with aims (a), (b) and (c) as listed above.

#### Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

#### Clause 1.7 - Mapping

The subject site is identified on the LEP maps in the following manner:

<b>Land Zoning Map:</b>	<b>Land zoned RE1 Public Information</b>
Lot Size Map:	No Minimum Lot Size
Heritage Map:	Not a Heritage Item or conservation area
<b>Height of Buildings Map:</b>	<b>12m building height limit</b>
<b>Floor Space Ratio Map:</b>	<b>1:1.5 floor space limit</b>
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
<b>Groundwater Vulnerability Map:</b>	<b>Groundwater vulnerable</b>
Drinking Water Catchment Map:	Not within the drinking water catchment
<b>Watercourse Map:</b>	<b>Within or affecting a defined watercourse</b>
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
<b>Flood Planning Map:</b>	<b>Within a flood planning area</b>

Those matters that are of relevance are addressed in detail in the body of this report.

#### Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
- (b) to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or
- (c) to any conservation agreement under the National Parks and Wildlife Act 1974, or
- (d) to any Trust agreement under the Nature Conservation Trust Act 2001, or

- (e) to any property vegetation plan under the Native Vegetation Act 2003, or
- (f) to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or
- (g) to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.

Council staff are not aware of the title of the subject property being affected by any of the above.

## **Part 2 - Permitted or Prohibited Development**

### **Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table**

The subject site is located within the RE1 Public Recreation zone. The proposed development is characterised as an education and information facility and business identification signage under OLEP 2011; each of which are defined as follows:

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Information and education facilities and business identification signage are both permissible in the RE1 Public Recreation zone.

It is noted that the proposal comprises a 75 seat auditorium or theatre within the centre of the proposed extension. The submitted material concedes that this could rightly be construed as an independent land-use that is separate to the information and education facility. This, as a separate land-use would be best characterised as entertainment facility<sup>1</sup> which is impermissible in the RE1 Zone. However, the applicant submits that this space will be used for activities related to the art gallery use such as opening of exhibitions, audio/visual exhibitions and lectures/talks by artists and the like. As such, this space is considered a component of the art gallery land-use and is thus considered permissible.

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<sup>1</sup> **Entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

Should Council intend to use this space for events that are unrelated to the art gallery use such as renting the space for seminars, movie events, concerts or the like; this would be possible under Council's Temporary use provisions to be used for these purposes not more than 52 times in a calendar year. This would simply require a separate application to be lodged in the future.

To ensure the development is permissible in the zone and is used for purposes related to the art gallery (information and education facility) land-use, an ongoing condition is recommended that obligates the beneficiary of the consent to only use the theatre space for activities/events directly related to the art gallery.

**Clause 2.3** of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned RE1 Public Recreation are as follows:

#### **1 - Objectives of the RE1 Public Recreation Zone**

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure development along the Southern Link Road has alternative access.*

The development is not antipathetic with the objects of the zone. The development represents a continuation and expansion of the longstanding public purpose use of the land. The development will not impact the natural environment that is used by the public for recreation purposes.

#### **Part 3 - Exempt and Complying Development**

The application is not exempt or complying development.

#### **Part 4 - Principal Development Standards**

##### **Clause 4.3 - Height of Buildings**

This clause limits the height of buildings (HoB) on land identified on the Height of Buildings Map. The subject land is identified on the Map as having a HoB limit of 12m. The building has a floor level to parapet height of just under 6m. Therefore (even accounting for the portion of the building with an elevated floor level) the proposed extension is well below the height of buildings control.

##### **Clause 4.4 - Floor Space Ratio**

This clause limits the floor space ratio (FSR) permitted on land identified on the Floor Space Ratio Map. Clause 4.5 is associated with this clause and establishes the rules for calculating the site area and FSR of any proposal. These rules exclude certain parts of a site and development such as:

- excluding any part of the site upon which the development is prohibited (ie if the site is split zoned only the zone in which the development is permissible may be considered)

- excluding community land and most public places
- lots in a strata scheme wholly or partly above other lots in the scheme do not increase the site area (ie the site area is the ground level of the scheme only)
- adjoining lots in the same ownership do not form part of the site area unless significant parts of the development are proposed on that land
- the floor area of existing buildings is to be included in the FSR calculation
- any covenant restricting floor space on the lot, due to floor space having been considered as part of the development of another lot, is to be taken into account.

The subject land (both lots) is identified on the relevant Map as having an FSR of 1.5:1. The site area has been calculated under clause 4.5 as 15,560.43m<sup>2</sup>, meaning the site may have up to 23,340.65m<sup>2</sup> of floor space. Given the extensive size of the site and the generous floor space available; the combined floor areas of the existing Library/Gallery building and Museum building along with the additional floor area proposed under this application remains well below the development standard. The development is considered satisfactory in this regard.

#### **Part 6 - Urban Release Area**

Not relevant to the application. The subject site is not located in an Urban Release Area.

#### **Part 7 - Additional Local Provisions**

##### **7.1 - Earthworks**

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*
- (b) the effect of the development on the likely future use or redevelopment of the land*
- (c) the quality of the fill or the soil to be excavated, or both*
- (d) the effect of the development on the existing and likely amenity of adjoining properties*
- (e) the source of any fill material and the destination of any excavated material*
- (f) the likelihood of disturbing relics*
- (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area*
- (h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

The earthworks proposed in the application are limited to the extent of cutting and filling required for the proposed extension. The extent of disruption to the drainage of the site is considered to be minor and will not detrimentally affect adjoining properties or receiving waterways.

The extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifecycle.

As detailed above, the site is not known to be contaminated, however, as a precautionary measure an unexpected finds protocol is required. Excavated materials will be reused onsite as far as possible and are imposed to require that surplus materials will be disposed of to an appropriate destination.

The earthworks will be appropriately supported onsite and the change in ground level is not substantial. Therefore the effect on the amenity of adjoining properties is considered to be minor.

The site is not known to contain any Aboriginal, European or Archaeological relics. Previous known uses of the site do not suggest that any relics are likely to be uncovered. However, conditions are imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

The site is in proximity to Blackmans Swamp channel, however, the waterway is a constructed concrete channel and as such the proposed development will not impact water quality, etc. Notwithstanding, conditions are imposed to require a sediment control plan, including silt traps and other protective measures, to ensure that loose dirt and sediment does not escape the site boundaries.

## **7.2 - Flood Planning**

This clause applies to land identified on the Flood Planning Map as a Flood Planning Area and requires that, before any consent is issued, Council must be satisfied that the proposal:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The subject land is identified as being flood liable. Council's Technical Services Department have advised the following:

*Flooding during 1% AEP event: additions will be constructed to the same floor level as the existing building (RL 859.86m AHD). The 1% AEP flood planning level for the site is approx. 859.50m AHD. Stormwater flows in a 1% AEP flood event will be generally contained within the Byng and Peisley Street roadways.*

Accordingly, the development is considered acceptable with regards to flood related planning controls.

## **7.3 - Stormwater Management**

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
- (b) includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*
- (c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Council's Technical Services Department advise that *stormwater from the building will be connected to the existing Library/Art Gallery stormwater system or stormwater channel – details to be determined prior to issue of Constructed Certificate.*

The development is considered satisfactory with regards to stormwater management.

### **7.5 - Riparian Land and Watercourses**

This clause seeks to preserve both water quality and riparian ecological health. The clause applies to land identified as a "Sensitive Waterway" on the Watercourse Map. The subject land contains such a waterway and therefore Council must consider whether or not the proposal:

- (a) is likely to have any adverse impact on the following:*
  - (i) the water quality and flows within a watercourse*
  - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse*
  - (iii) the stability of the bed and banks of the watercourse*
  - (iv) the free passage of fish and other aquatic organisms within or along the watercourse*
  - (v) any future rehabilitation of the watercourse and its riparian areas, and*
- (b) is likely to increase water extraction from the watercourse.*

Additionally, consent may not be granted until Council is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised - the development will be managed to mitigate that impact.*

Blackmans Swamp Creek traverses the subject land which is identified as a sensitive waterway. The waterway, for the point where it traverses the subject land, is a constructed underground stormwater pipe and as such the proposed development will not give rise to any environmental impacts relating to water quality or the like. It should also be noted that the actual pipe within the ground is a considerable distance from the area of construction for this development.

**7.6 - Groundwater Vulnerability**

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high water table and large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

Furthermore, consent may not be granted unless Council is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
- (c) if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal avoids impacts on groundwater and is therefore considered acceptable.

**Clause 7.11 - Essential Services**

Clause 7.11 applies and states:

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) storm water drainage or onsite conservation,*
- (e) suitable road access.*

In consideration of this clause, all utility services are available to the land and adequate for the proposal.

**STATE ENVIRONMENTAL PLANNING POLICIES****State Environmental Planning Policy 55 - Remediation of Land**

*State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) is applicable. Pursuant to Clause 7 Contamination and remediation to be considered in determining development application:*

- (1) A consent authority must not consent to the carrying out of any development on land unless:
  - (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.**

A preliminary contamination investigation has been undertaken for the subject land by EnviroWest. The report identified elevated levels of benzo(a)pyrene and recommended:

*The site is suitable for commercial land-use. An erosion and sediment control plan should be implemented for any soil disturbance work.*

*Soil material should not be removed from the site area during construction of the Art Gallery extension to ensure benzo(a)pyrene contaminated soil is not transported to nearby waterways.*

*An unexpected Finds Protocol is recommended to be implemented during site development works to manage possible identification of potential hazards.*

*A waste classification should be undertaken for any material proposed to be removed from the site.*

The preliminary contamination investigation was peer reviewed by GHD. GHD advised Council that, whilst the report is not entirely consistent with EPA Guidelines, it is satisfactory to complete assessment against SEPP 55. Furthermore the advice from GHD states:

*A RAP is not required at this stage, however it is important that the CEMP is reviewed to ensure management measures, in relation to potential contamination of the soil containing PAH, are appropriate. Based on the site history, the CEMP needs to also include a detailed Unexpected Finds Protocol to ensure any risks associated with unforeseen contamination is managed correctly.*

Relevant conditions are recommended as detail above. As such, the development is considered satisfactory with regards to SEPP 55.

**State Environmental Planning Policy 64 - Advertising and Signage**

The application involves the erection of business identification signage. The proposed signage is to be flush mounted upon the new extension within the eastern and western elevations. The signs will display the words "ORANGE REGIONAL GALLERY" and will be orientated vertically on the building.



**Figure 5 - example of proposed Business Identification signage – eastern elevation**

As such, *State Environmental Planning Policy 64 - Advertising and Signage* (SEPP 64) is applicable and states in part:

**3 Aims, Objectives etc.**

*(1) This Policy aims:*

*(a) to ensure that signage (including advertising):*

- (i) is compatible with the desired amenity and visual character of an area, and*
- (ii) provides effective communication in suitable locations, and*
- (iii) is of high quality design and finish, and*

**(8) Granting of Consent to Signage**

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

- (a) that the signage is consistent with the objectives of this Policy as set out in Clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposed signage is consistent with the objects of the policy and a Schedule 1 assessment is carried out below.

**1 - Character of the Area**

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Signage within the Civic Precinct comprise business identification for the various uses such as the Theatre, Library and Museum. The signage within the precinct presents a consistent theme in terms of messaging, size, font, colour and arrangement of words, etc. The proposed signage with its vertical orientation and simple messaging is entirely consistent with the character of signage within the civic precinct.

## 2 - Special Areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The land is considered a special area given the open space/public recreation zoning of the land. Notwithstanding this, the proposed signage meets the requirement for business identification signage is thus consistent with the special area requirements.

## 3 - Views and Vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The signage will be flush mounted to the proposed art gallery building and as such will not impact important views, nor will it impact the skyline of the CBD or impact viewing rights of other signs within the precinct.

## 4 - Streetscape, Setting or Landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The scale of the proposed signage is appropriate for the context and setting and thus will have acceptable streetscape compatibility.

The signage will not have a negative impact within the street.

The signs will fit appropriately within the buildings envelope and will not extend or protrude above the building.

The proposed signs are appropriate in regards to the above.

**5 - Site and Building**

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposed signage presents as an appropriate fit on the host building. The proportion and size of the proposed signs are such that both signs fit neatly in the centre of the vertically orientated FC sheets. The signs will not interrupt or disrespect any important architectural features on the proposed building, nor any other building on the land. The signage is considered appropriate in this regard.

**6 - Associated Devices and Logos with Advertisements and Advertising Structures**

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

There are no associated devices or logos as part of the proposed signage.

**7 - Illumination**

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The applicant submits the signage will not be illuminated.

**8 - Safety**

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The signs will be flush wall mounted and will not give rise to any safety impacts for road users, pedestrians or bicyclists.

**State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The application involves the removal of a number of mature trees from behind the art gallery and along the street frontage within Peisley Street. As such, the provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 are applicable to the subject development as the proposal requests consent to remove trees in non-rural areas of the State.

Part 3 of the SEPP applies to vegetation in any non-rural area of the State that is declared by a Development Control Plan to be vegetation that Council can issue a permit to a landholder to be cleared. Clause 26 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that a Development Control Plan (DCP) that is in force on the commencement of this Policy can establish the process, such as requiring a permit or development consent, for the clearing of vegetation.

Chapter 0 Transitional Provisions of the Orange DCP 2004 (the DCP) prescribes the kinds of trees and other vegetation that are subject to Clause 10 of the SEPP (Vegetation in Non-Rural Areas) 2017. The vegetation that would be impacted by the proposed development is of a size that would trigger the requirements outlined in these provisions.

This application is requesting consent to remove this vegetation. It is therefore considered that the requirements of the SEPP (Vegetation in Non-Rural Areas) 2017 have been met and the proposal is consistent with the provisions as outlined in the Policy and the DCP, provided the removal is carried out in line with the conditions of consent.

#### **PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)**

From 31 January to 13 April 2018 the Department of Planning and Environment publically exhibited an Explanation of Intended Effect (EIE) and Draft Planning Guidelines for the proposed Remediation of Land SEPP, which will repeal and replace State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). Of particular note, the Draft Planning Guidelines state:

*“In undertaking an initial evaluation, a planning authority should consider whether there is any known or potential contamination on nearby or neighbouring properties, or in nearby groundwater, and whether that contamination needs to be considered in the assessment and decision making process.”*

*“If the planning authority knows that contamination of nearby land is present but has not yet been investigated, it may require further information from the applicant to demonstrate that the contamination on nearby land will not adversely affect the subject land having regard to the proposed use.”* (Proposed Remediation of Lands SEPP - Draft Planning Guidelines, Page 10).

The Draft Remediation of Land SEPP is applicable to this proposal. The Draft SEPP requires in part that consideration be given to potential contamination on nearby or neighbouring properties and groundwater.

The contaminated status of adjoining lands will not impact on the proposed development.

#### **ORANGE LEP 2011 – DRAFT AMENDMENT 24**

Draft Amendment No 24 to Orange LEP 2011 has been placed on public exhibition. The draft plan includes several amendments to the LEP. In particular the draft deals with flooding across the City. The subject land is affected by flooding and the flooding impact on the development has been taken into consideration in determining floor levels and overland flow paths. Council’s Technical Services Department have provided commentary in relation to flooding and stormwater issues which are detailed above.

There are no other aspects of the amendment that would have a bearing on the assessment of this application.

**DESIGNATED DEVELOPMENT**

The proposed development is not designated development.

**INTEGRATED DEVELOPMENT**

The proposed development is not integrated development.

**PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)****Development Control Plan 2004**

Development Control Plan 2004 (“the DCP”) applies to the subject land (Part 0 – LEP 2011, Part 11 – Land uses for open space and recreation, Part 14 – Advertising and Part 15 Car Parking). An assessment of the proposed development against the relevant Planning Outcomes will be undertaken below.

**Part 0 LEP 2011**General Translation of Zones

Chapter 0.2 of Orange DCP provides a conversion table of old zone and the applicable new zones. The table indicates that the former Zone 6 Open Space is the equivalent of the RE1 Public Recreation Zone. As such, the relevant provisions pertaining to Part 11 of Orange DCP applies to the assessment of this development as well as other relevant parts.

Tree Preservation

Eighteen (18) large trees are required to be removed to facilitate the proposed gallery extension including some Casuarina Cunninghamiana (river she-oaks); And whilst the removal of trees is not considered an ideal planning outcome, in this instance there is a public benefit that is achieved with the proposed development to counterbalance the removal of the trees. The subject trees were likely planted as part of the original civic precinct and it is not unreasonable to expect their removal to facilitate further development of the area. A detailed Landscape Plan has been submitted in support of the development and provides for an extensive no. of replacement trees. Council staff raise no objection to the removal of the trees as detailed in Appendix D of the submitted application.

**Chapter 14 – Advertisements**Advertisements

- *The location, size, colour and design of advertisement complement the character of the locality.*
- *Advertisements on buildings fit within the envelope of the building.*

This is addressed above under the heading SEPP 64.

High-Profile areas

- *Business-identification Signs complement the character of the locality.*

The DCP seeks to prohibit business identification signage within high profile locations, and whilst SEPP 64 (which the relevant planning instrument) does not specifically prohibit general advertising in this way, it does preclude general advertising in “open space areas”. The application is for business identification signage and is thus consistent with the above planning outcome. (See SEPP 64 assessment above for detail)

**Part 15 - Car Parking**

The DCP does not nominate a car parking rate for information and education facilities. In instances where this is the case, Council may require a professionally prepared report. The application is supported by a traffic and parking report. It is noted the RMS Guide to Traffic Generating Development does not provide a car parking rate for this type of development either.

The parking and traffic report adopts a parking rate of four spaces per 100m<sup>2</sup> GFA. This therefore generates a net increase in demand of 44 spaces for the additional gallery space.

The report then provides an analysis of unrestricted parking spaces available within the vicinity and concludes that there is a surplus of available spaces during core business hours.

The report concludes that the development should have no unacceptable traffic implications.

Council staff suggest that the adopted car parking rate, which is the equivalent to a supermarket in the CBD is not reflective of the realistic demand for the gallery, Council staff suggest a much lower demand would be more reflective.

Adopting a more realistic rate of one space per 40m<sup>2</sup> and excluding floor area relating to the loading dock, plant room, etc. would result in a demand of **20.5 spaces** (based on a GFA of 820m<sup>2</sup>).

The application does not propose any additional onsite car parking.

Despite the fact that the additions would generate a modest increase in demand, Council staff are accepting of the development based on the following:

- Visitation levels are not expected to dramatically increase as a direct result of the additional floor area.
- There would be a degree of visitation overlap where visitors would attend the gallery as well as other attractions within the civic precinct such as the museum for instance, and thereby the demand is already accounted for within the other approvals; or in other words the demand is shared across a number of uses within the precinct.
- Although no data of visitation peak periods has been provided, casual observations of patronage of the gallery does not suggest high frequency of visitors during core business hours.
- Major events such as openings of exhibitions tend to occur outside of core business hours.
- A condition of consent is recommended that has the effect of limiting the use of the theatre to gallery related activities only. This is principally due to a permissibly issue, but has the beneficial consequence of reducing parking demand for the development.
- Appropriate public transport is also available within the Byng Street frontage which would further reduce the parking demand.

It is noted that there is sufficient parking available for the development within close proximity via Tim Sullivan parking area, as well as a new car park that is proposed to be built over the former Muir's site opposite the North Court in Peisley Street that will be utilised during periods of high demand within the civic precinct.

As such, the development is not likely to generate any adverse impacts in terms of parking.

The traffic report suggests provision be made for bicycle parking within the site. It is noted that sufficient supply of bicycle parking exists within the civic precinct as it was required as part of the museum development.

The development is considered satisfactory with regard to parking.

#### **PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)**

##### **Demolition of a Building (clause 92)**

The proposal does not involve the demolition of a building.

##### **Fire Safety Considerations (clause 93)**

The proposal does not involve a change of building use for an existing building.

##### **Buildings to be Upgraded (clause 94)**

Upgrading of the building will be required to ensure the existing building is brought into partial or total conformity with the Building Code of Australia. The applicant will be required to submit amended plans with a construction certificate showing additional sanitary facilities, including an accessible facility, in compliance with the requirements of the National Construction Code, for the combined library and art gallery buildings. It is understood that upgrade works will be undertaken within the existing round amenities facilities in the forecourt to ensure compliance.

##### **BASIX Commitments (clause 97A)**

BASIX is not applicable to the proposed development. A Section J Energy Efficiency Statement will be required with the Construction Certificate application.

#### **THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)**

##### **Context and Setting**

The proposed development is appropriate in terms of the context and setting of the locality. The development represents further development within the civic precinct, strengthening a social, cultural and educational focal point for the City. Additionally, as noted above, the development is consistent with the Plan of Management applicable for the Civic precinct.

##### **Traffic Impacts**

The application is supported by a traffic report indicating there is a sufficient supply of parking within appropriate distances to cater for the development. The development is well serviced by public transport with a bus stop located directly within the Byng Street frontage. Turning paths of service vehicles have been submitted in support of the development which demonstrate that appropriate arrangements have been made for deliveries.

The development is not likely to create any unreasonable traffic impacts within the locality.

## Visual Impacts

The proposed siting and scale of the development is generally consistent with the Orange Precinct CapaCity Study 2010 prepared by NSW Public Works. The study, inter alia, carried out an analysis of important views which should be retained, protected or enhanced. It is noted that the primary views are as follows:

### 5.3.6 Maintain and Enhance Views From Outside the Site

*The principle view lines that should be maintained/enhanced to the site are: the view from the corner of Byng and Peisley Streets (1) which will extend to the library with the removal of the Visitor Information Centre building, the view from Robertson Park to the Theatre (2) which should be maintained, the views along Byng Street (3) and along Lords Place (4) which should be enhanced with consistent street tree planting.*



Figure 6 - important view analysis

As can be observed from the above, the development will not impact the identified important views for the site. It is further noted that the character of the area to the east is largely commercial/industrial in nature with a number of vehicle repair stations and a carwash. As such the proposed development will not impact the character of the surrounding area to the east.

## Urban Design

The development was referred to Council's Heritage and Urban Design Advisor for comment and the following was provided having reviewed the design against the existing Library and Art Gallery building.

### Design in context Issues

#### Scale

- *the roof is distinguished from the existing built form by having a lower height. Evidence is to be provided and confirmed that the plant on the roof will be below the parapet line or screened.*

**Setbacks**

- *The staggered form to the Peisley Street produces a varied streetscape and allows for some replacement planting. No Landscape Plan is provided at this Stage. A comprehensive Landscape Plan is recommended in order that the exposed Peisley Street edge to the street will include tall deciduous trees with a regularly spacing so as to produce natural screen to the bulk and character of the irregular elevation and reinforce the streetscape alignment.*

**Landscape**

- *Suitable planting in the form of suitable endemic trees are recommended for the northern edge of the forecourt so as to define and bond that space to the complex.*
- *The northern forecourt is retained and the proposed West Elevation provides closure and additional seating detailing.*

**Massing and bulk**

- *The addition butts into the existing Eastern Elevation without an expressed joint*
  - *Given the detailed expression on the existing elevation a form of recessed junction and alternate material, in the form is recommended. This could take the form of the panel elements which abut the existing.*
  - *The foundation is off-form concrete in a vertical board expression. It is recommended that a Charcoal oxide be utilised to produce a similar colour to the local Basalt.*
  - *A similar recommendation is made for the West Elevation where the extension joins the existing.*
- 1. *The Northern Elevation includes the accessible receivables area, then the rear of the Conservation Area – screening with trees is possible here and recommended to assist in modelling the bulk of this varied practical elevation. The end of Gallery 3 is simply expressed and is good neighbour to the adjoining site.*

*General context for the proposal is the Sulman award winning Library and Gallery Building.*

*The existing Gallery and Library provide a delicate finesse in their external elevations where materials, joints and grids produce a scale and character which relieves and models the overall scale and bulk of the building.*

*In contrast, the Gallery extension offers a full modelled approach. There are few elements within the external design of the proposal which reflect or interpret or reference the existing building and its urban setting on Peisley Street.*

*While the constraints of a budget and the need to reflect current trends in the use of a very dark colour are acknowledged, it is recommended that elements of the proposal are modified to respond to the streetscape and the context of the finely detailed and expressive award winning existing building.*

**Details in Mitigation**

- *The following measures are therefore offered for consideration with the objectives of producing acknowledgements to the existing while producing a quiet dignity without the large scale block massing and heavy colours evident in the current drawings.*

- *At the junctions between the existing building and the new structure, vertical recessed panel size elements would produce a subtle link acknowledging the integrity of the two elements without undue impact on the interiors.*
- *The concrete ribbed base for the buildings acknowledges the reduced cost of the project with the elimination of the stonework as the ground material. If the concrete is retained then a dark oxide is recommended for use in the concrete and a singular element of Basalt used at the prominent corner where the sign is located.*
- *The very dark colour for the paint on the fibre cement cladding is very much a colour of our times. Such colours tend to fade dramatically in the intense ultra-violet of the summer. They also age culturally as opposed to being a quiet and bold neighbour. Two measures to mitigate the visual impact are offered without altering the dramatic intent of the design:*
  - *the dark colour to be modified to a lighter and warmer colour which complements the tile colour on the existing building*
  - *the joint details in the panel layout on the three elevations are modified into two sizes with horizontal joints which relate to the joint elements in the existing building*
  - *the joints are backed in a Shale Grey to interpret the same coloured element from the concrete frame expressed in the adjoining significant building.*

In response to the above, it is noted that the subject land is not identified as a Heritage Item, nor is it located in a Heritage Conservation Area. It is also acknowledged that the buildings within the precinct are all examples of strong contemporary design, designs that are reflective of the times at which they were built. It should also be noted that the more recent museum building which sits next to the gallery on the same land is also a Sulman medal recipient.

Specifically in response to the above points the following is noted:

- The junction of the new extension with the existing occurs (at the most prominent point) at the south eastern corner of the building abuts an existing concrete element. The contrasting materials between existing and proposed serves as an acceptable means of attachment architecturally.
- With regard to the textured off-form concrete base, plain concrete is considered acceptable, and there are extensive examples where concrete is used as an architectural element on buildings within the precinct such as the extensive use of in-situ concrete used on the Orange Regional Museum.
- The colour palette proposed comprising a dark grey colour is ultra-contemporary, which is considered appropriate for the precinct and will sit appropriately against the existing gallery building. It is noted that similar colours are evident on the Orange Regional Museum.
- A detailed Landscape Plan has been prepared which provides a number of replacement tree plantings consisting of pin oak, four Chinese Pistachio, three Crepe Myrtles and four Chinese Elms. The extensive list of replacement trees will soften and partially screen the proposed extension resulting in the new portion of building integrating appropriately within the setting.

As such the development is considered satisfactory.

### **Public Domain**

The development is unlikely to negatively impact upon the public domain, but rather assist in improving the social and cultural attractions within the City and strengthen the civic identity of this important precinct. It is noted that the proposal includes embellishments of the existing amphitheatre at the rear of the library which is considered a positive outcome for the public domain.

### **Heritage Impacts**

The subject land is not identified as a Heritage Item, nor is it located within a Heritage Conservation Area. The development is, however, within the vicinity of Robertson Park which is identified as a Heritage Item. The proposed development also adjoins the site of the foundations of the former gasometer which now contains a public sculpture and is considered to have historic significance. The proposed siting, design and materials demonstrates that a well-considered approach has been taken to respect the significance of both the gasometer and Heritage Items within vicinity.

### **Environmental Impacts**

The land is a highly disturbed urban open space environment, unlikely to contain any endangered ecological communities, threatened species or their habitats. The development is therefore unlikely to result in any unreasonable environmental impacts.

### **Landscaping**

A Landscape Plan has been submitted in support of the development which provides for extensive landscaping of the site. The proposed landscaping is acceptable within the context of the locality, will improve and enhance the overall space and provide integration with other features of the Civic precinct.

### **Natural Hazards**

The subject land is located within the Blackmans Swamp Creek stormwater channel and is a major waterway within the urban area of the City. As such, the land is identified as being located within a Flood Planning Area pursuant to OLEP 2011 and as such, minimum finished floor levels are required. The proposed floor levels are considered acceptable.

### **Safety Security and Crime Prevention**

The development is unlikely to give rise to any undesirable safety or crime concerns. The development will not result in any significant areas of seclusion where incidences of crime or anti-social behaviour could occur over and above the current situation.

The development allows for casual surveillance from numerous vantage points.

The development will maintain appropriate open pedestrian pathways, provide obvious areas of the site that are publicly accessible and not accessible via access controlled doors.

The development is considered acceptable with regards to safer by design principles.

**Socio Economic Impacts**

The development has the potential to result in positive socio-economic impacts by strengthening the sense of place and gathering points for people within the Civic precinct as well as providing enhanced social, cultural and educational facilities within the City. The development will generate jobs during both construction and then the ongoing operation of the facility. The development should be viewed as another important step in the social and cultural progression of the City.

**Economic Impacts**

The development represents an opportunity to present Orange as an attractive place to live and visit by adding to, and enhancing the cultural and social diversity of the City and wider Region, stimulating employment and tourism opportunities and benefiting the economy both directly and indirectly.

**Site Design and Internal Design**

The site has been designed to allow pedestrian flow without impediment and will not impact upon pedestrian links to the other civic buildings within the precinct.

The design maintains existing loading arrangements for the museum building and provide new loading arrangements for the gallery which are considered acceptable.

**Cumulative Impacts****Time Crowded Effects, Space Crowded, Nibbling and Synergistic Effects**

Likely time and spaced crowded, nibbling and synergistic effects would be localised to the site and any associated impacts would be within reasonable limits. There may be exceptional circumstances where groups of people may leave an event or open night of an exhibition for instance at the one time, however, these would be infrequent, for short periods of time, most likely outside core business hours when car parking demand is highest and the development is well separated from any sensitive receivers such that any cumulative impacts would be within reasonable limits.

The development is considered to be acceptable in terms of parking and would not create unreasonable cumulative impacts where competition for parking spaces would occur from people using the other civic buildings within precinct. The civic buildings complement each other and visitors may use the Civic Centre/Theatre, Library, Art Gallery and Museum in the one visit, thus spreading the parking demand across other land uses rather than attributing the demand to just one use.

**THE SUITABILITY OF THE SITE s4.15(1)(c)**

The proposed development is permissible in the zone and is entirely consistent with the Plan of Management that applies to the land.

Council staff are not aware of any physical, natural or technological hazards that would constrain the development from occurring in a satisfactory manner.

The site is therefore considered suitable for the proposed development.

**ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)**

The proposed development is not defined as advertised development under the provisions of the LEP, and as such no formal exhibition of the application was required. No submissions have been received in relation to this application.

**PUBLIC INTEREST s4.15(1)(e)**

The proposed development is considered to be of moderate interest to the wider public due to the development relating to a public or civic building. With this in mind, the additions will improve the functionality and operation of the existing gallery and as such the development is considered to be within the public interest. Additionally, the proposal is not inconsistent with any relevant policy statements, planning studies, guidelines, etc. that have not been considered in this assessment.

**SUMMARY**

The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives and provisions of Orange LEP 2011 (as amended) and DCP 2004. A Section 4.15 assessment of the development indicates that the development is meritorious and is thus recommended for approval. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

**COMMENTS**

The requirements of the Environmental Health and Building Surveyor and the Engineering Development Section are included in the attached Notice of Approval.

**ATTACHMENTS**

- 1 Notice of Approval, D20/47849 [↓](#)
- 2 Plans, D20/47610 [↓](#)

	<b>ORANGE CITY COUNCIL</b> Development Application No <b>DA 356/2019(1)</b> NA20/ <span style="float: right;">Container PR9698</span>
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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*  
Section 4.18

### Development Application

Applicant Name: Orange City Council  
 Applicant Address: PO Box 35  
 ORANGE NSW 2800  
 Owner's Name: Orange City Council  
 Land to Be Developed: Lots 8 and 9 DP 820905 - 149 Byng Street, Orange  
 Proposed Development: Information and Education Facility (alterations and additions to art gallery) and Signage

### Building Code of Australia building classification:

Class to be determined by the PC

### Determination made under Section 4.16

Made On: 18 August 2020  
 Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

**Consent to Operate From:** 19 August 2020

**Consent to Lapse On:** 19 August 2025

### Terms of Approval

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (6) To minimise the impact of development on the environment.

### Conditions

- (1) The development must be carried out in accordance with:
  - (a) **Plans by architect marshal - Project No. 04 - Drawing no. 00 Revision I; Drawing no. 01 Revision I; Drawing no. 02 Revision G; Drawing no. 03 Revision G; Drawing no. 04 Revision G; Drawing no. 05 Revision I; Drawing no. 06 Revision I; Drawing no. 07 Revision I; Drawing no. 08 Revision I; Drawing no. 09 Revision J; Drawing no. 10 Revision J; Drawing no. 11 Revision I; Drawing no. 12 Revision I  
Landscape Plan by sala4D – Job No. OCC2001 Drawing No. L-01 Rev. C**

- (b) statements of environmental effects or other similar associated documents that form part of the approval

**as amended in accordance with any conditions of this consent.**

<b>PRESCRIBED CONDITIONS</b>
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- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

<b>PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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- (4) A Construction Environmental Management Plan (CEMP) shall be prepared for the construction of the proposed art gallery extension. The CEMP shall amongst other relevant matters, address the presence of contaminated soil as identified in the Preliminary Contamination Investigation prepared by EnviroWest Ref: R11541c Dated 13 February 2020 and provide as a minimum an unexpected finds protocol. The CEMP shall note that no soil is to be removed from the site.
- (5) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.
- (6) The applicant is to submit a waste management plan that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the demolition and construction phases of this project are to be deposited at a licensed or approved waste disposal site.
- (7) Prior to the issue of a Construction Certificate, amended plans are to be submitted to the Certifier showing additional sanitary facilities, including an accessible facility, in compliance with the requirements of the National Construction Code, for the combined library and art gallery buildings.
- (8) Engineering plans providing complete details of the proposed service vehicle manoeuvring areas are to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) upon application for a Construction Certificate. These plans are to provide details of levels, cross falls of all pavements, proposed sealing materials and proposed drainage works and are to be in accordance with Orange City Council Development and Subdivision Code.
- (9) All stormwater from the building is to be collected and piped to the existing stormwater system on site. Engineering plans providing complete details of the proposed connection to the existing stormwater system are to be submitted to Orange City Council for approval prior to the issuing of a Construction Certificate.

- (10) Prior to the issue of a Construction Certificate the existing sewer main that crosses the site is to be accurately located by Orange City Council Technical Services Department (phone 02 6393 8500 – Water and Sewer Engineer). Where the sewer main is positioned over or adjacent to any proposed building work, measures are to be taken in accordance with Orange City Council Policy - Building over and/or adjacent to sewers ST009. Any works in the vicinity of the sewer main are to be designed and certified by a structural engineer and submitted to Orange City Councils Technical Services Department for approval.

**PRIOR TO WORKS COMMENCING**

- (11) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.
- (12) A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.
- (13) Soil erosion control measures shall be implemented on the site.

**DURING CONSTRUCTION/SITWORKS**

- (14) No soil is to be removed from the site.
- (15) If Aboriginal objects, relics, or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease, and the NSW Office of Environment and Heritage (OEH), and representatives from the Orange Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.
- (16) All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and 8.00 am to 5.00 pm Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.
- (17) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.
- (18) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (19) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (20) All driveway and parking areas are to be sealed with bitumen, hot mix or concrete and are to be designed for all expected loading conditions (provided however that the minimum pavement depth for gravel and flush seal roadways is 200mm) and be in accordance with the Orange City Council Development and Subdivision Code.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- (21) Landscaping shall be installed in accordance with the approved plans and shall be permanently maintained to the satisfaction of Council's Manager Development Assessments.
- (22) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.

- (23) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (24) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of either an interim or a final Occupation Certificate.
- (25) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
- (26) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

<b>MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT</b>
---

- (27) Outdoor lighting must be in accordance with the Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting.
- (28) The area shown on the approved plans as "Theatre" shall only be used for activities directly related to the art gallery such as but not limited to; exhibition openings, audio visual exhibitions, lectures (or the like) by artists, etc.  
Separate approval is required to use the theatre for any other purpose.
- (29) The owner is required to provide to Council and to the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.

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### Other Approvals

- (1) *Local Government Act 1993* approvals granted under Section 68.  
Nil
- (2) General terms of other approvals integrated as part of this consent.  
Nil

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### Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

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**Disability Discrimination Act 1992:**

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

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**Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

---

**Signed:**

On behalf of the consent authority **ORANGE CITY COUNCIL**

**Signature:****Name:**

PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

**Date:**

19 August 2020

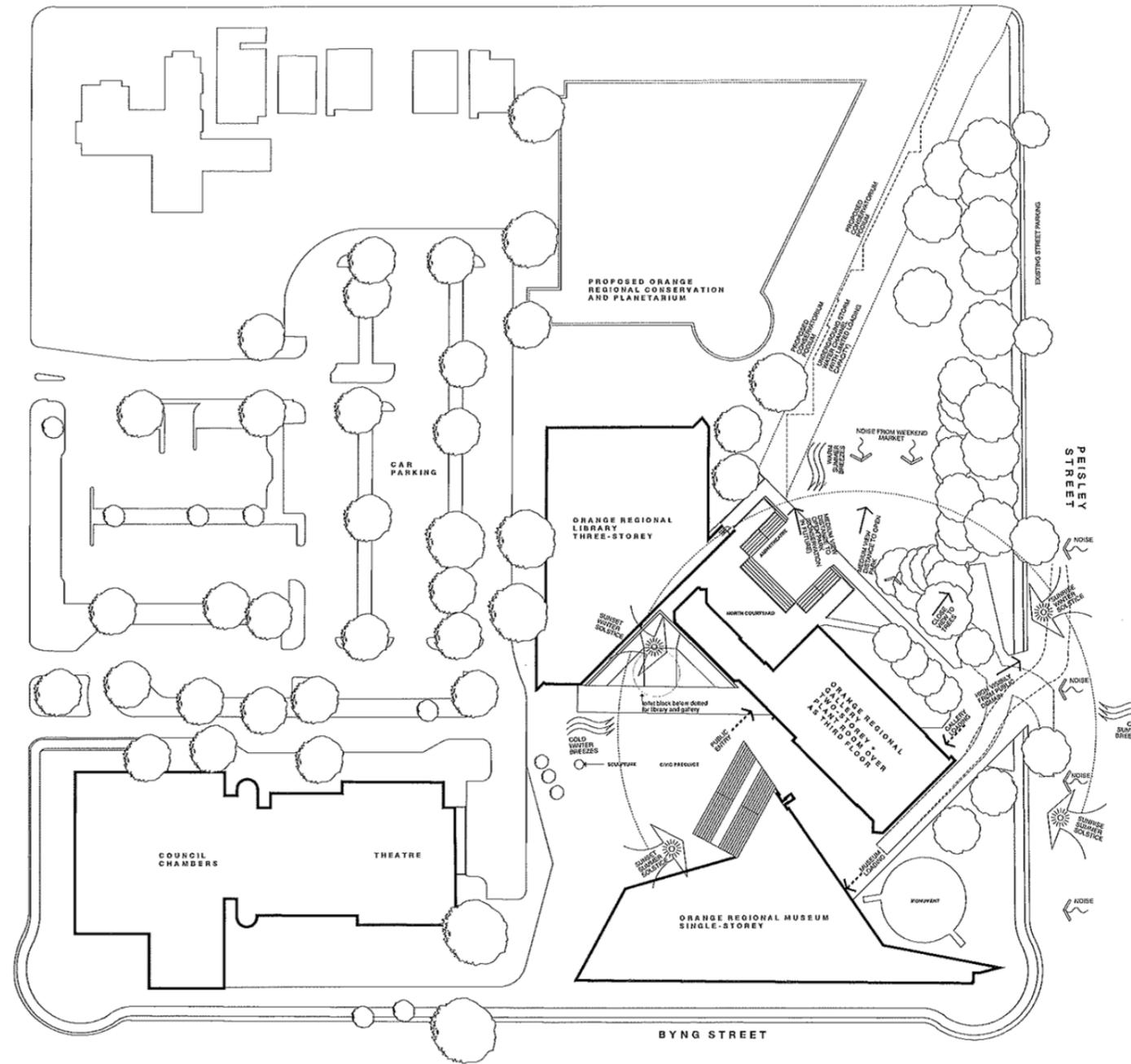
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# EXTENSION TO ORANGE REGIONAL GALLERY

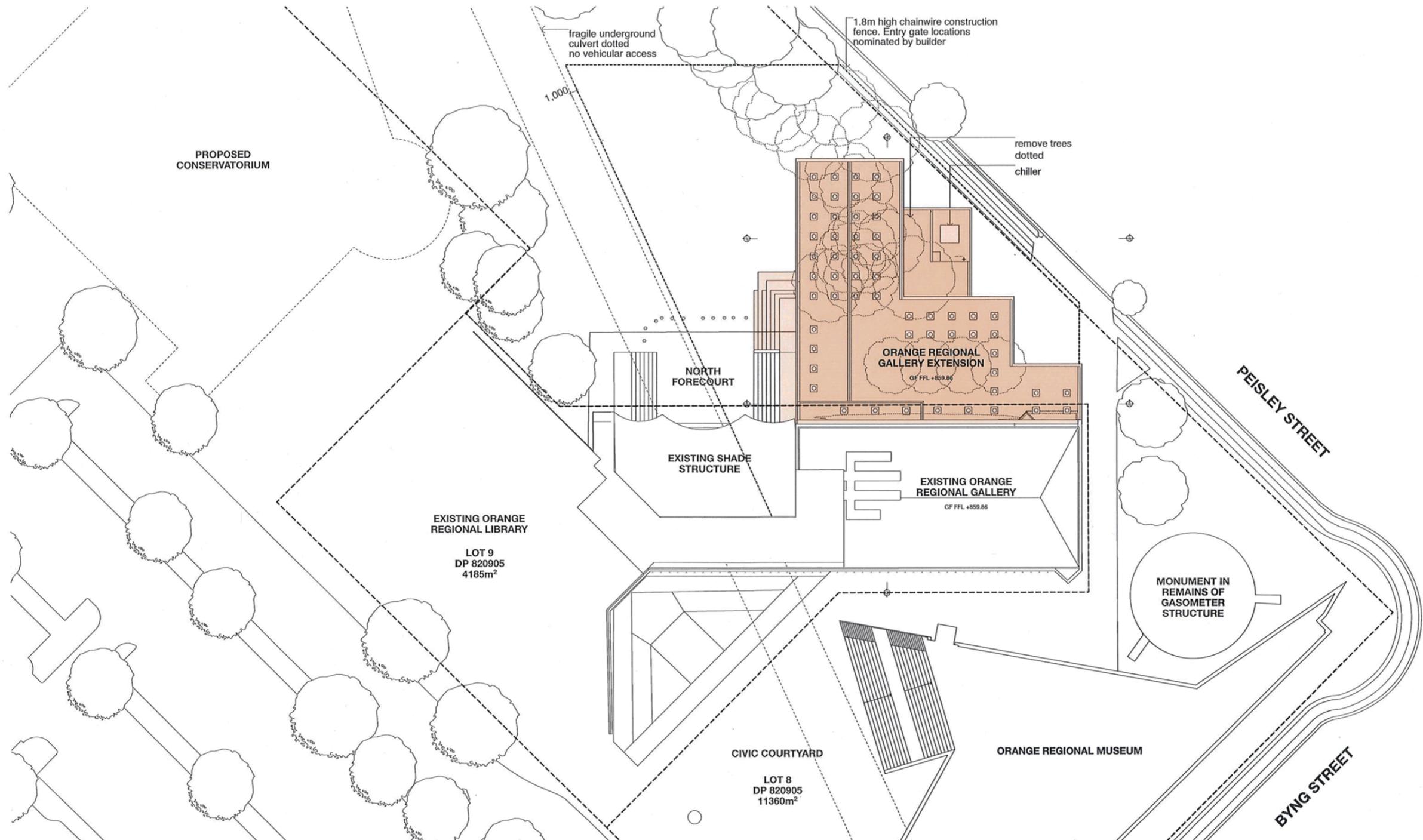
149 BYNG ST ORANGE NSW 2800 AUSTRALIA

- DA 00 DRAWING INDEX AND SITE ANALYSIS
- DA 01 SITE PLAN
- DA 02 EXISTING GROUND FLOOR PLAN
- DA 03 EXISTING FIRST FLOOR PLAN
- DA 04 EXISTING SECOND FLOOR PLAN
- DA 05 GROUND FLOOR EXTENSION PLAN
- DA 06 GROUND FLOOR PLAN
- DA 07 ROOF EXTENSION PLAN
- DA 08 FIRST FLOOR PLAN
- DA 09 SECTION A + B + C
- DA 10 ELEVATIONS
- DA 11 SHADOW DIAGRAMS
- DA 12 RENDERS



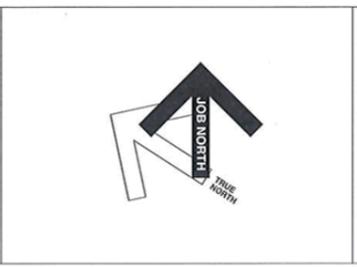
ISSUE	DATE	DETAILS	LEGEND	EXPA	MS	architect marshall	ORANGE REGIONAL GALLERY
A		DETAILS	AHU air handling unit	EXPA existing pavers	MS mild steel	<p><b>architect marshall</b> po box 780 darlinghurst 1300 e. sam@marshall.net.au t. 0411 157 607 nominated architect sam marshall no. 4644</p> <p>DO NOT SCALE FROM DRAWING USE FIGURED DIMENSIONS ONLY VERIFY ALL DIMENSIONS ON SITE DIMENSIONS ARE TO FINISHED SURFACES UNLESS OTHERWISE NOTED IF IN DOUBT, ASK</p>	<p>149 BYNG ST ORANGE NSW 2800 AUSTRALIA LOT 8 &amp; 9 DP 820905 APPLICANT: ORANGE CITY COUNCIL</p> <p><b>DRAWING INDEX AND SITE ANALYSIS</b></p> <p>DATE 14/5/20 DRAWN: BA CHECKED: SM SCALE 1:1000 @ A3</p> <p>PROJECT NO. STAGE DRAWING NO. REVISION <b>04 DA 00 I</b></p>
B	19.06.12	UPDATED THEATRE SIZE AND ROOF	AL aluminium	EXTG existing	OFC off form concrete		
C	19.06.21	PLANT AND FIRE CORRIDOR UPDATE	AT acoustic treatment	FC fibre cement	OFCVB off form concrete vertical board form		
D	19.08.28	REVISED DESIGN	BWK brickwork	FCB faced concrete blockwork	PB plasterboard 15mm		
E	19.09.02	REDUCED FOOTPRINT	CB concrete blockwork	FCL finished ceiling level	POP plasterboard on plywood 17mm		
F	19.09.13	DA SUBMISSION	CFC compressed fibre cement	FCG fixed clear glass	RC reinforced concrete		
G	19.09.17	DA SUBMISSION	CG clear glass	FGL finished ground line	RF resilient flooring		
H	20.04.08	DA REVISED SUBMISSION	CL centre line	FFL finished floor level	RL reduced levels relative to AHD		
I	20.05.12	REVISED DA	COT concrete topping	FG fixed glass	RS rain overflow spout		
			CM clear mirror	FOG fixed opaque glass	RS random stone		
			CMD colourbond metal deck	FW floor waste	RWH rainwater head		
			CR cement render	FP fabric over polyester insulation	S sink		
			CT ceramic tile	G glass	SS stainless steel		
			DP downpipe	GALV galvanised	T timber		
			ECH1025 25mm thick echopanet	HW hardwood	TBA to be advised		
			EGL existing ground line	HWS hot water system	VB vallaboard		
			EQ equal	J joinery	ZA zincalume		





ISSUE	DATE	DETAILS
A	19.06.12	DETAILS
B	19.06.21	UPDATED THEATRE SIZE AND ROOF
C	19.08.28	PLANT AND FIRE CORRIDOR UPDATE
D	19.08.28	REVISED DESIGN
E	19.09.02	REDUCED FOOTPRINT
F	19.09.13	DA SUBMISSION
G	19.09.17	DA SUBMISSION
H	20.04.06	DA REVISED SUBMISSION
I	20.05.12	REVISED DA

LEGEND	
AHU	air handling unit
AL	aluminium
AT	acoustic treatment
BWK	brickwork
CB	concrete blockwork
CFC	compressed fibre cement
CG	clear glass
CL	centre line
COT	concrete topping
CM	clear mirror
CMD	colourbond metal deck
CR	cement render
CT	ceramic tile
DP	downpipe
ECHO25	25mm thick echopanel
EGL	existing ground line
EQ	equal
EXPA	existing pavers
EXTG	existing
FC	fibre cement
FCB	faced concrete blockwork
FCL	finished ceiling level
FCG	fixed clear glass
FGL	finished ground line
FFL	finished floor level
FG	fixed glass
FOG	fixed opaque glass
FW	floor waste
FP	fabric over polyester insulation
G	glass
GALV	galvanised
HW	hardwood
HWS	hot water system
J	joinery
MS	mild steel
OFC	off form concrete
OFCVB	off form concrete vertical board form
PB	plasterboard 13mm
POP	plasterboard on plywood 17mm
RC	reinforced concrete
RF	resilient flooring
RL	reduced levels relative to AHD
ROS	rain overflow spout
RS	random stone
RWH	rainwater head
S	sink
SS	stainless steel
T	timber
TBA	to be advised
VB	villaboard
ZA	zincalume



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 nominated architect sam marshall no. 4644

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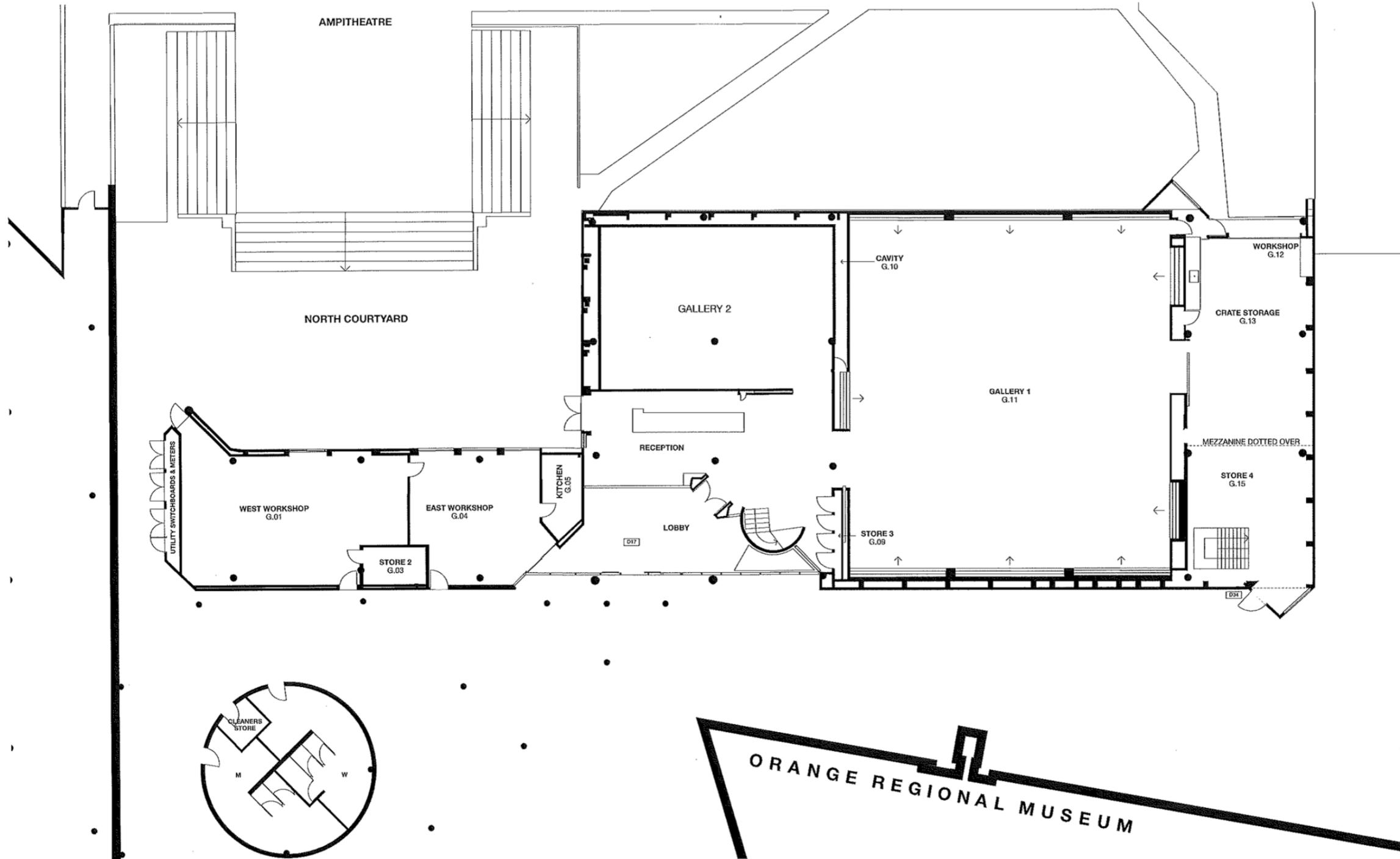
**ORANGE REGIONAL GALLERY**  
 149 BYNG ST ORANGE NSW 2800 AUSTRALIA  
 LOT 8 & 9 DP 820905  
 APPLICANT: ORANGE CITY COUNCIL

**SITE PLAN**

DATE 14/5/20 DRAWN: BA CHECKED: SM  
 SCALE 1:500 @ A3

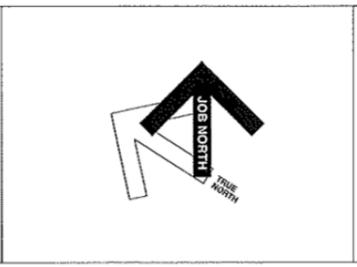
PROJECT NO.	STAGE	DRAWING NO.	REVISION
04	DA	01	I





ISSUE	DATE	DETAILS
A	19.06.12	DETAILS
B	19.06.21	UPDATED THEATRE SIZE AND ROOF
C	19.06.21	PLANT AND FIRE CORRIDOR UPDATE
D	19.08.28	REVISED DESIGN
E	19.09.02	REDUCED FOOTPRINT
F	19.09.13	DA SUBMISSION
G	19.09.17	DA SUBMISSION

LEGEND	
AHU	air handling unit
AL	aluminium
AT	acoustic treatment
BWK	brickwork
CB	concrete blockwork
CFC	compressed fibre cement
CG	clear glass
CL	centre line
COT	concrete topping
CM	clear mirror
CMD	colourbond metal deck
CR	cement render
CT	ceramic tile
DP	downpipe
ECHO25	25mm thick echopanel
EGL	existing ground line
EO	equal
EXPA	existing pavers
EXTG	existing
FC	fibre cement
FCB	faced concrete blockwork
FCL	finished ceiling level
FCG	fixed clear glass
FGL	finished ground line
FFL	finished floor level
FG	fixed glass
FOG	fixed opaque glass
FW	floor waste
FP	fabric over polyester insulation
G	glass
GALV	galvanised
HW	hardwood
HWS	hot water system
J	joinery
MS	mild steel
OFC	off form concrete
OFCVB	off form concrete vertical board form
PB	plasterboard 13mm
POP	plasterboard on plywood 17mm
RC	reinforced concrete
RF	resilient flooring
RL	reduced levels relative to AHD
ROS	rain overflow spout
RS	random stone
RWH	rainwater head
S	sink
SS	stainless steel
T	timber
TBA	to be advised
VB	villaboard
ZA	zincalume

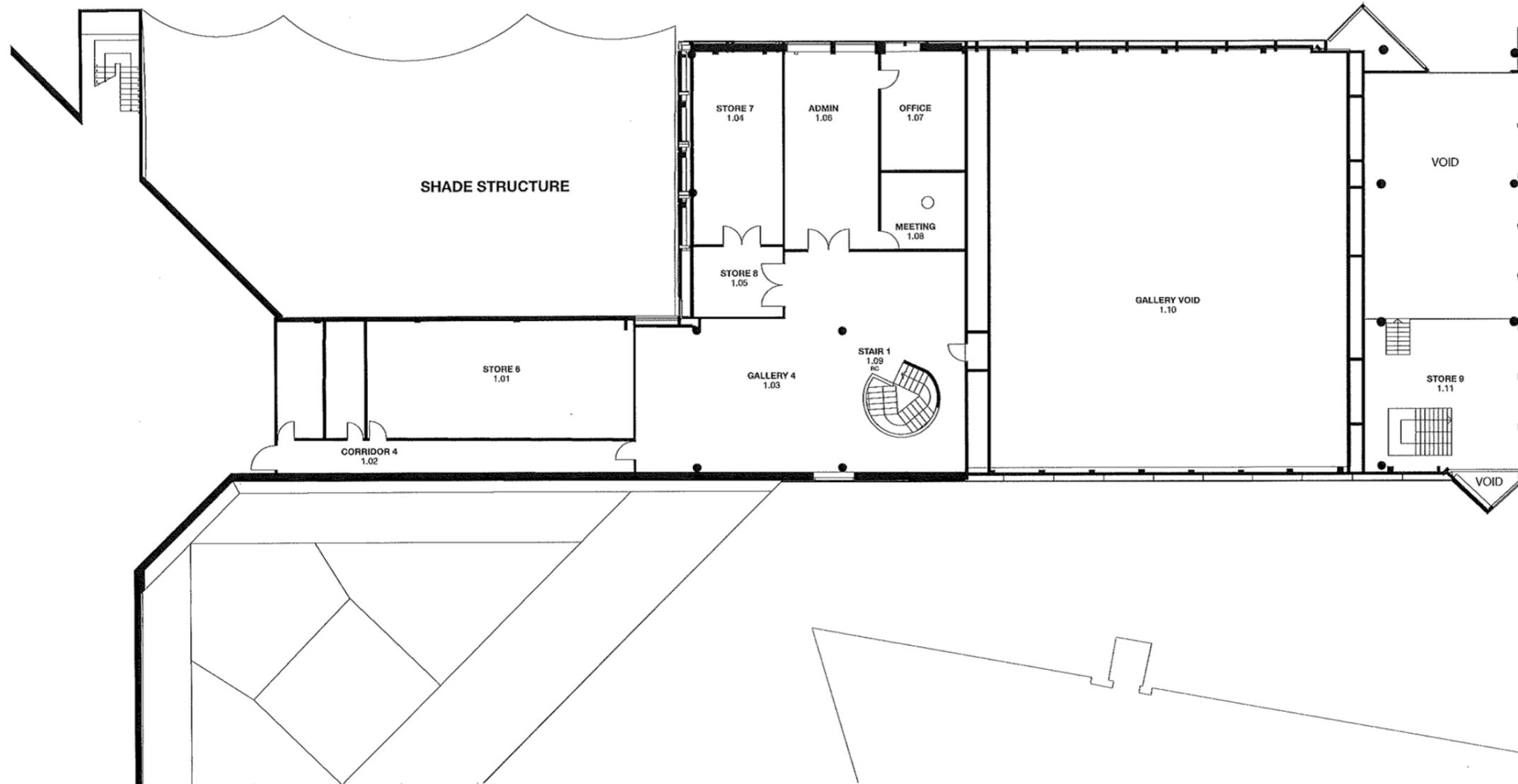


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 nominated architect sam marshall no. 4644

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<b>ORANGE REGIONAL GALLERY</b>			
149 BYNG ST ORANGE NSW 2800 AUSTRALIA LOT 8 & 9 DP 820905 APPLICANT: ORANGE CITY COUNCIL			
<b>EXISTING GROUND FLOOR PLAN</b>			
DATE	14/5/20	DRAWN: BA	CHECKED: SM
SCALE	1:200 @ A3		
PROJECT NO.	STAGE	DRAWING NO.	REVISION
<b>04</b>	<b>DA</b>	<b>02</b>	<b>G</b>





ISSUE	DATE	DETAILS	LEGEND					
A		DETAILS	AHU	air handling unit	EXPA	existing pavers	MS	mild steel
B	19.06.12	UPDATED THEATRE SIZE AND ROOF	AL	aluminium	EXTG	existing	OFC	oil form concrete
C	19.06.21	PLANT AND FIRE CORRIDOR UPDATE	AT	acoustic treatment	FC	fibre cement	OFCVB	oil form concrete vertical board form
D	19.08.28	REVISED DESIGN	BRWK	brickwork	FCB	faced concrete blockwork	PB	plasterboard 13mm
E	19.09.02	REDUCED FOOTPRINT	CB	concrete blockwork	FCL	finished ceiling level	POP	plasterboard on plywood 17mm
F	19.09.13	DA SUBMISSION	CFC	compressed fibre cement	FCG	fixed clear glass	RC	reinforced concrete
G	19.09.17	DA SUBMISSION	CG	clear glass	FGL	finished ground line	RF	resilient flooring
			CL	centre line	FFL	finished floor level	RL	reduced levels relative to AHD
			COT	concrete topping	FG	fixed glass	ROS	rain overflow spout
			CM	clear mirror	FOG	fixed opaque glass	RS	random stone
			CMD	colourbond metal deck	FW	floor waste	RWH	rainwater head
			CR	cement render	FP	fabric over polyester insulation	S	sink
			CT	ceramic tile	G	glass	SS	stain/less steel
			DP	downpipe	GALV	galvanised	T	timber
			ECHO25	25mm black echopanel	HW	hardwood	TBA	to be advised
			EQL	existing ground line	HWS	hot water system	VB	villaboard
			EQ	equat	J	joinery	ZA	zincalume
				denotes proposed included in development application		denotes lot boundaries		denotes demolition

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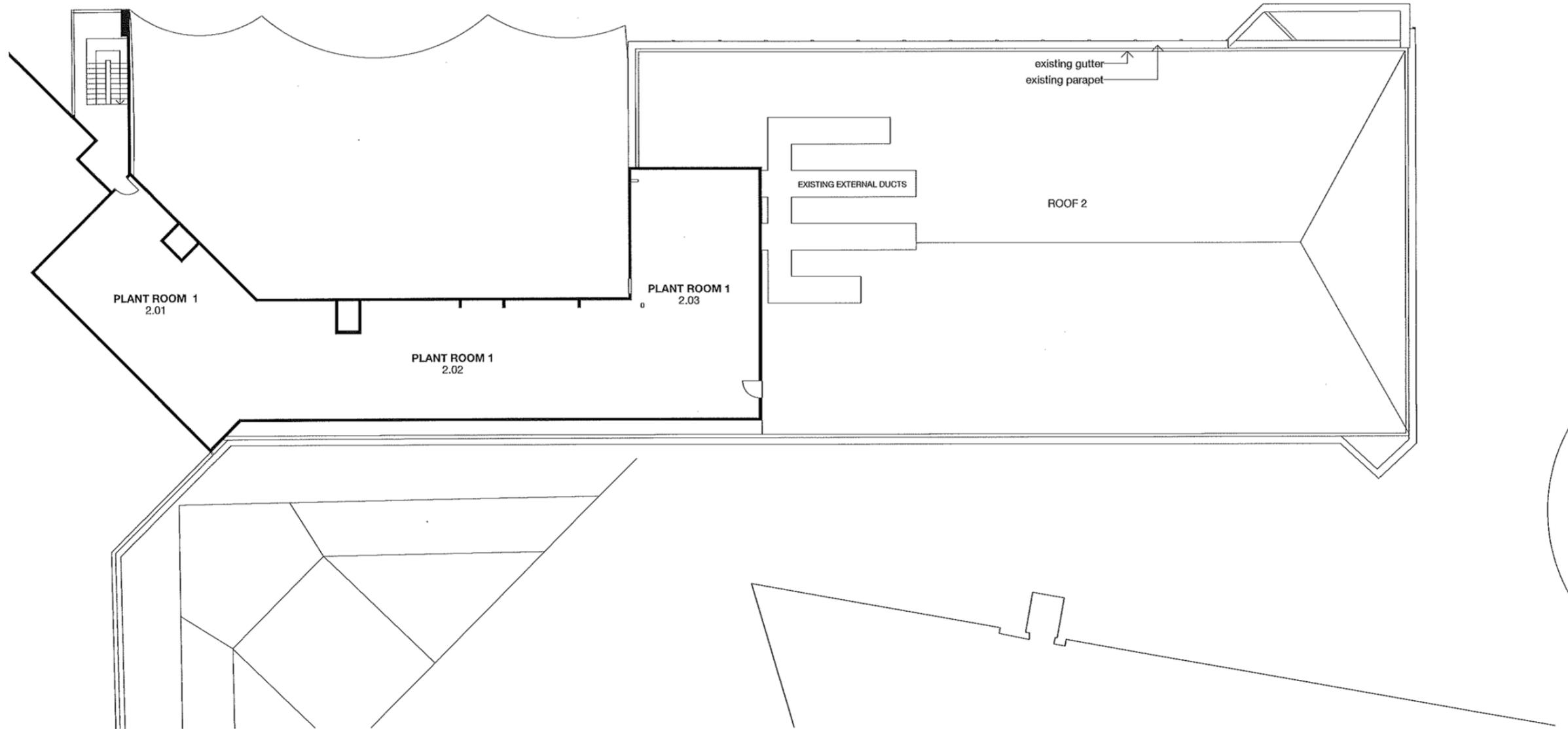


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**ORANGE REGIONAL GALLERY**  
149 BYNG ST ORANGE NSW 2800 AUSTRALIA  
LOT 8 & 9 DP 820905  
APPLICANT: ORANGE CITY COUNCIL  
**EXISTING FIRST FLOOR PLAN**

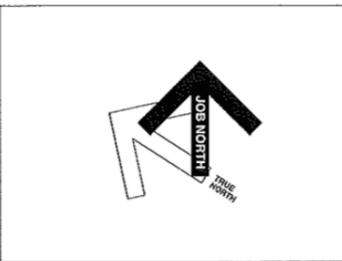
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PROJECT NO.	04	STAGE	DA	DRAWING NO.	03
				REVISION	G





ISSUE	DATE	DETAILS
A		DETAILS
B	19.06.12	UPDATED THEATRE SIZE AND ROOF
C	19.06.21	PLANT AND FIRE CORRIDOR UPDATE
D	19.08.28	REVISED DESIGN
E	19.09.02	REDUCED FOOTPRINT
F	19.09.13	DA SUBMISSION
G	19.09.17	DA SUBMISSION

LEGEND	
AHU	air handling unit
AL	aluminium
AT	acoustic treatment
BWK	brickwork
CB	concrete blockwork
CFC	compressed fibre cement
CG	clear glass
CL	centre line
COT	concrete topping
CM	clear mirror
CMD	colourbond metal deck
CR	cement render
CT	ceramic tile
DP	downpipe
ECHO25	25mm thick echopanel
EQL	existing ground line
EQ	equal
EXPA	existing pavers
EXTG	existing
FC	fibre cement
FCB	faced concrete blockwork
FCL	finished ceiling level
FCG	fixed clear glass
FGL	finished ground line
FFL	finished floor level
FG	fixed glass
FOG	fixed opaque glass
FW	floor waste
FP	fabric over polyester insulation
G	glass
GALV	galvanised
HW	hardwood
HWS	hot water system
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MS	mild steel
OFC	off form concrete
OFCVB	off form concrete vertical board form
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POP	plasterboard on plywood 17mm
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RF	resilient flooring
RL	reduced levels relative to AHD
ROS	rain overflow spout
RS	random stone
RWH	rainwater head
S	sink
SS	stainless steel
T	timber
TBA	to be advised
VB	villaboard
ZA	zincalume



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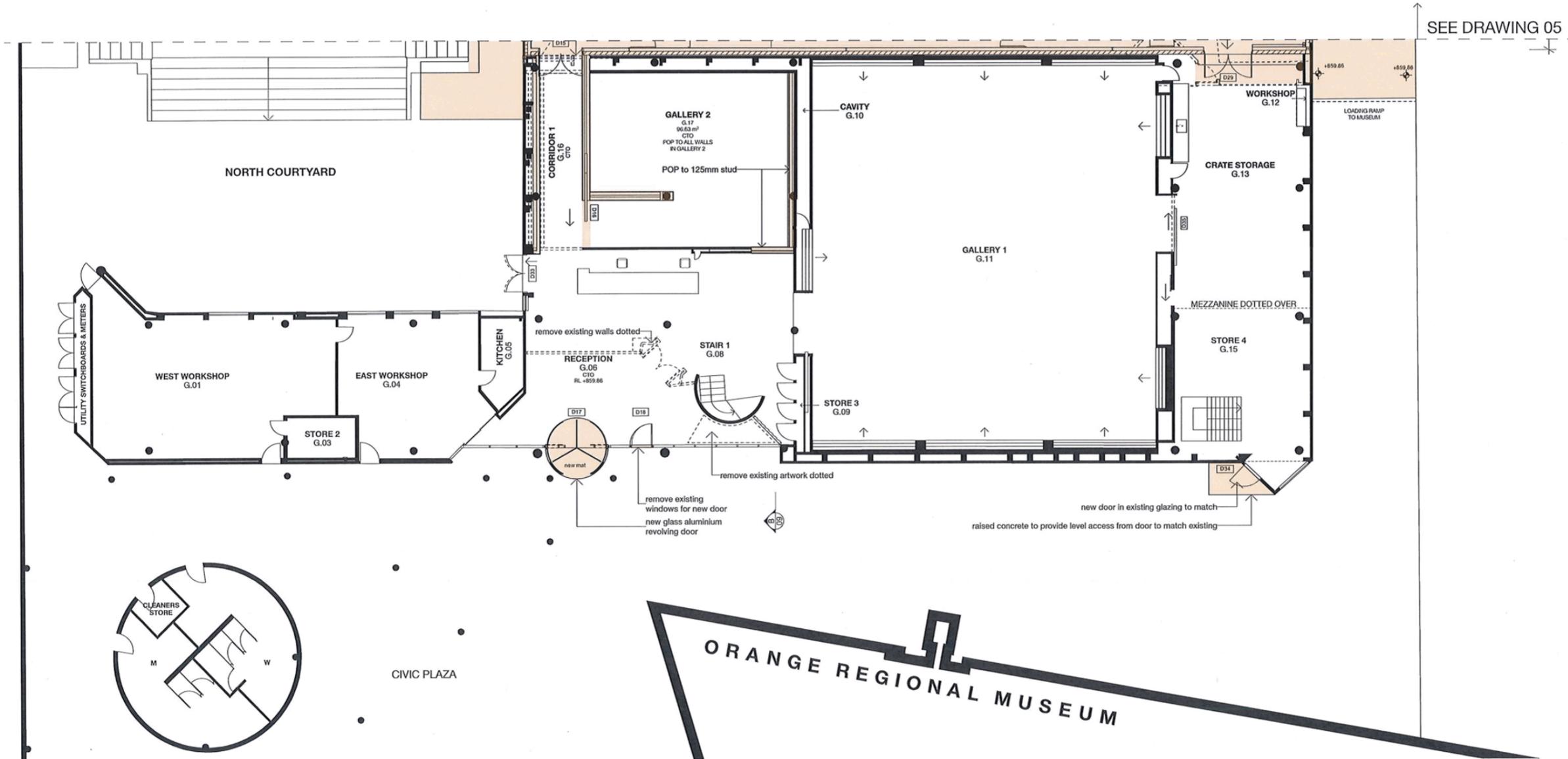
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<b>ORANGE REGIONAL GALLERY</b>			
149 BYNG ST ORANGE NSW 2800 AUSTRALIA LOT 8 & 9 DP 820905 APPLICANT: ORANGE CITY COUNCIL			
<b>EXISTING SECOND FLOOR PLAN</b>			
DATE	14/5/20	DRAWN: BA	CHECKED: SM
SCALE	1:200 @ A3		
PROJECT NO.	STAGE	DRAWING NO.	REVISION
<b>04</b>	<b>DA</b>	<b>04</b>	<b>G</b>









ISSUE	DATE	DETAILS
A	19.06.12	DETAILS
B	19.06.21	UPDATED THEATRE SIZE AND ROOF
C	19.06.21	PLANT AND FIRE CORRIDOR UPDATE
D	19.08.28	REVISED DESIGN
E	19.09.02	REDUCED FOOTPRINT
F	19.09.13	DA SUBMISSION
G	19.09.17	DA SUBMISSION
H	20.04.06	DA REVISED SUBMISSION
I	20.05.12	REVISED DA

LEGEND	
AHU	air handling unit
AL	aluminium
AT	acoustic treatment
BWK	brickwork
CB	concrete blockwork
CFC	compressed fibre cement
CG	clear glass
CL	concrete topping
COT	concrete topping
CM	clear mirror
CMD	colourbond metal deck
CR	cement render
CT	ceramic tile
DP	downpipe
ECHO25	25mm thick echopanel
EQL	existing ground line
EQ	equal
EXPA	existing pavers
EXTG	existing aluminium
FC	fibre cement
FCB	faced concrete blockwork
FCL	finished ceiling level
FCG	fixed clear glass
FGL	finished ground line
FFL	finished floor level
FG	fixed glass
FOG	fixed opaque glass
FW	floor waste
FP	fabric over polyester insulation
G	glass
GALV	galvanised
HW	hardwood
HWS	hot water system
J	joinery
MS	mild steel
OFC	off form concrete
OFCVB	off form concrete vertical board form
PB	plasterboard 13mm
POP	plasterboard on plywood 17mm
RC	reinforced concrete
RF	resilient flooring
RL	reduced levels relative to AHD
RIS	rain overflow spout
RS	random stone
RWH	rainwater head
S	sink
SS	stainless steel
T	timber
TBA	to be advised
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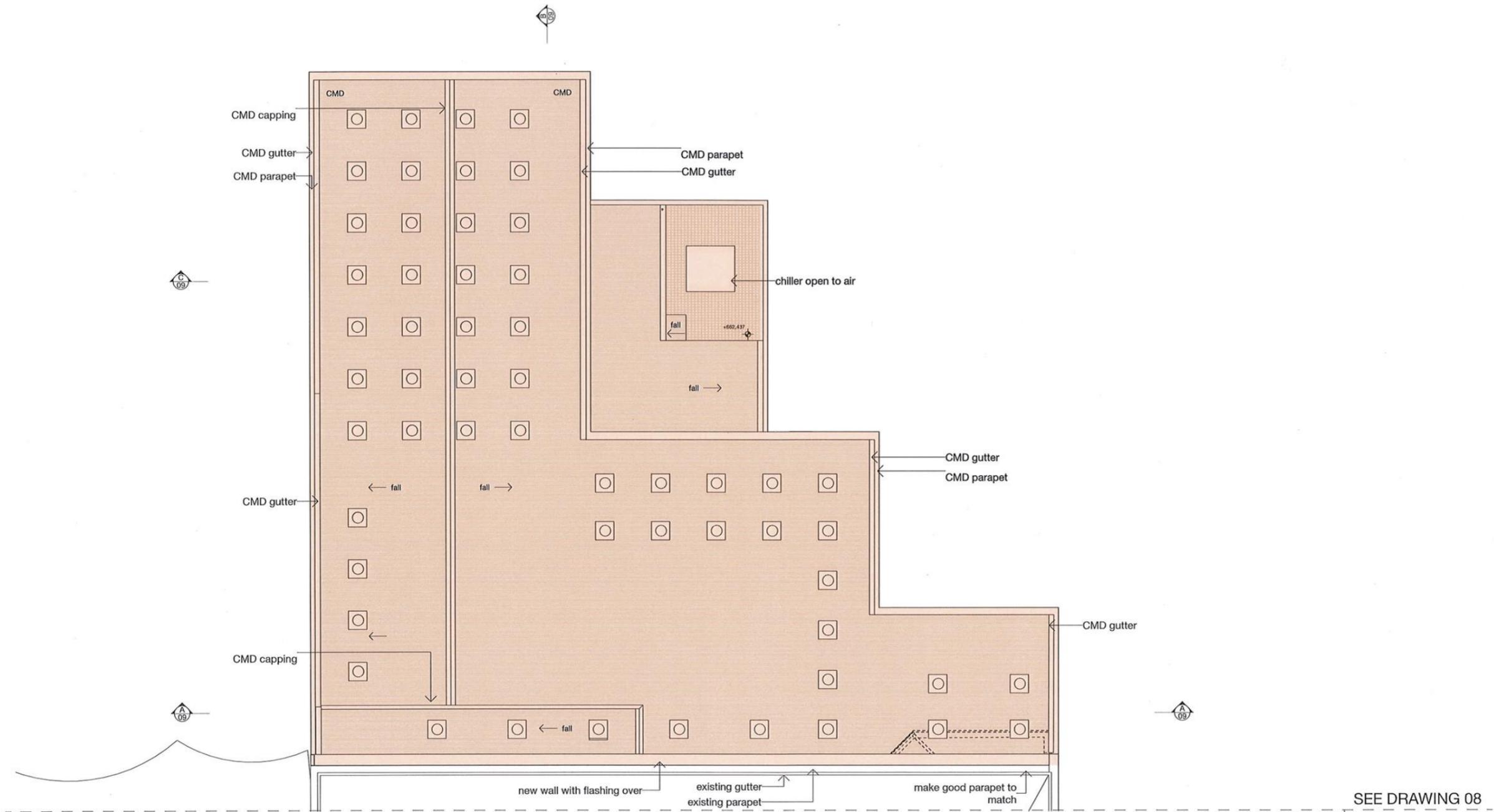
**ORANGE REGIONAL GALLERY**  
149 BYNG ST ORANGE NSW 2800 AUSTRALIA  
LOT 8 & 9 DP 820905  
APPLICANT: ORANGE CITY COUNCIL

**GROUND FLOOR PLAN**

DATE 14/5/20 DRAWN: BA CHECKED: SM  
SCALE 1:200 @ A3

PROJECT NO.	STAGE	DRAWING NO.	REVISION
04	DA	06	I





SEE DRAWING 08

ISSUE	DATE	DETAILS
A	19.06.12	DETAILS
B	19.06.21	UPDATED THEATRE SIZE AND ROOF
C	19.06.21	PLANT AND FIRE CORRIDOR UPDATE
D	19.08.28	REVISED DESIGN
E	19.09.02	REDUCED FOOTPRINT
F	19.09.13	DA SUBMISSION
G	19.09.17	DA SUBMISSION
H	20.04.08	DA REVISED SUBMISSION
I	20.05.12	REVISED DA

LEGEND	
AHU	air handling unit
AL	aluminium
AT	acoustic treatment
BWK	brickwork
CB	concrete blockwork
CFC	compressed fibre cement
CG	clear glass
CL	centre line
COT	concrete topping
CM	clear mirror
CMD	colourbond metal deck
CR	cement render
CT	ceramic tile
DP	downpipe
ECHO25	25mm thick echopanel
EGL	existing ground line
EQ	equal
EXPA	existing pavers
EXTG	existing
FC	fibre cement
FCB	faced concrete blockwork
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FCG	fixed clear glass
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PROJECT NO.	STAGE	DRAWING NO.	REVISION
04	DA	07	I

**ORANGE REGIONAL GALLERY**  
149 BYNG ST ORANGE NSW 2800 AUSTRALIA  
LOT 8 & 9 DP 820905  
APPLICANT: ORANGE CITY COUNCIL

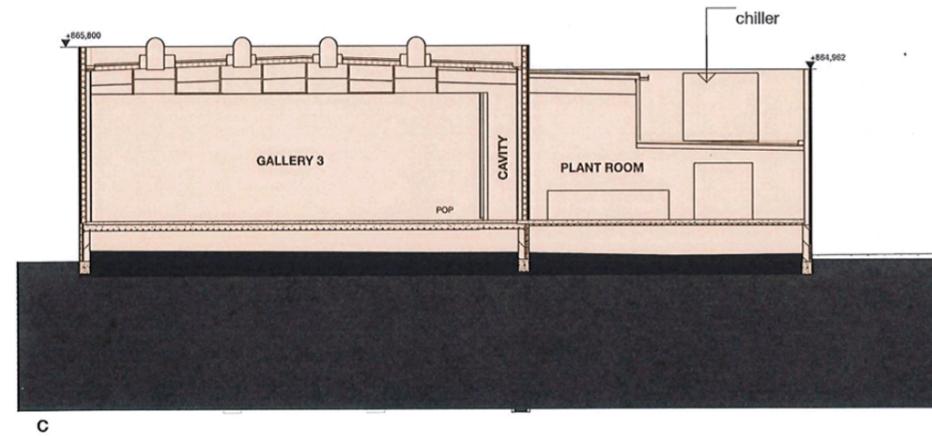
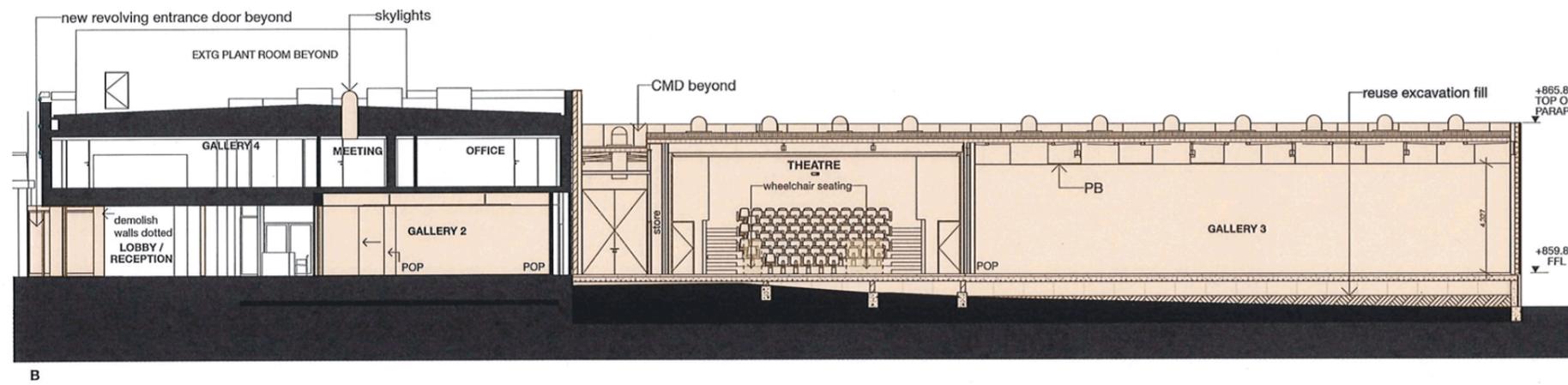
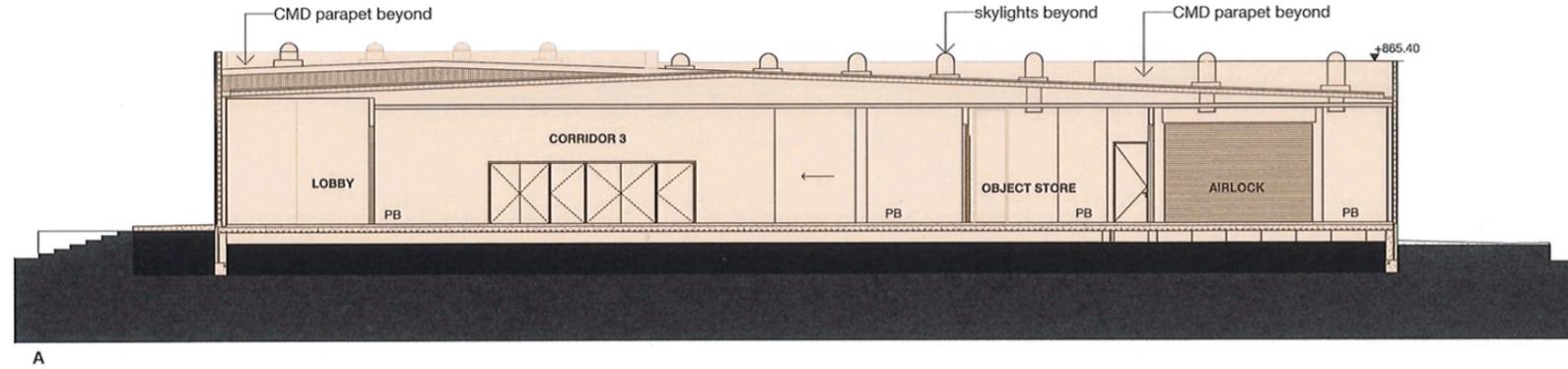
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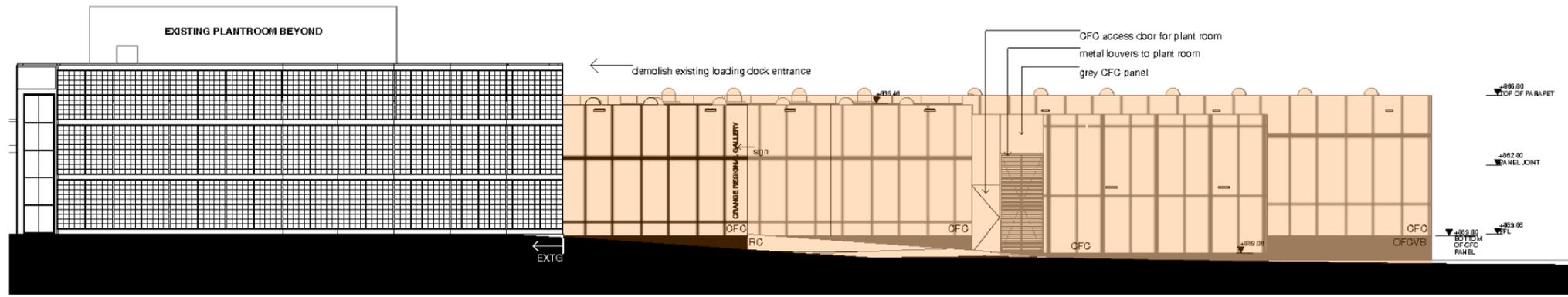
ISSUE	DATE	DETAILS	LEGEND	EXPA	MS
A		DETAILS	AHU	air handling unit	mild steel
B	19.06.12	UPDATED THEATRE SIZE AND ROOF	AL	aluminium	off form concrete
C	19.06.21	PLANT AND FIRE CORRIDOR UPDATE	AT	acoustic treatment	off form concrete vertical board form
D	19.08.28	REVISED DESIGN	BWK	brickwork	plasterboard 13mm
E	19.09.02	REDUCED FOOTPRINT	CB	concrete blockwork	plasterboard on plywood 17mm
F	19.09.13	DA SUBMISSION	CPC	compressed fibre cement	POP
G	19.09.17	DA SUBMISSION	CG	clear glass	RF
H	19.09.18	DA CORRECTION	CL	centre line	RL
I	20.04.06	DA REVISION	COT	concrete topping	ROS
J	20.05.12	REVISED DA	CM	clear mirror	RS
			CMD	colourbond metal deck	RWH
			CT	cement render	S
			CT	ceramic tile	SS
			DP	downpipe	T
			ECHO25	25mm thick echopanel	TBA
			EGL	existing ground line	VB
			EQ	equal	ZA
				denotes proposed included in development application	to be advised
				denotes lot boundaries	villaboard
				denotes demolition	zincalume

**architect marshall**  
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nominated architect sam marshall no. 4644

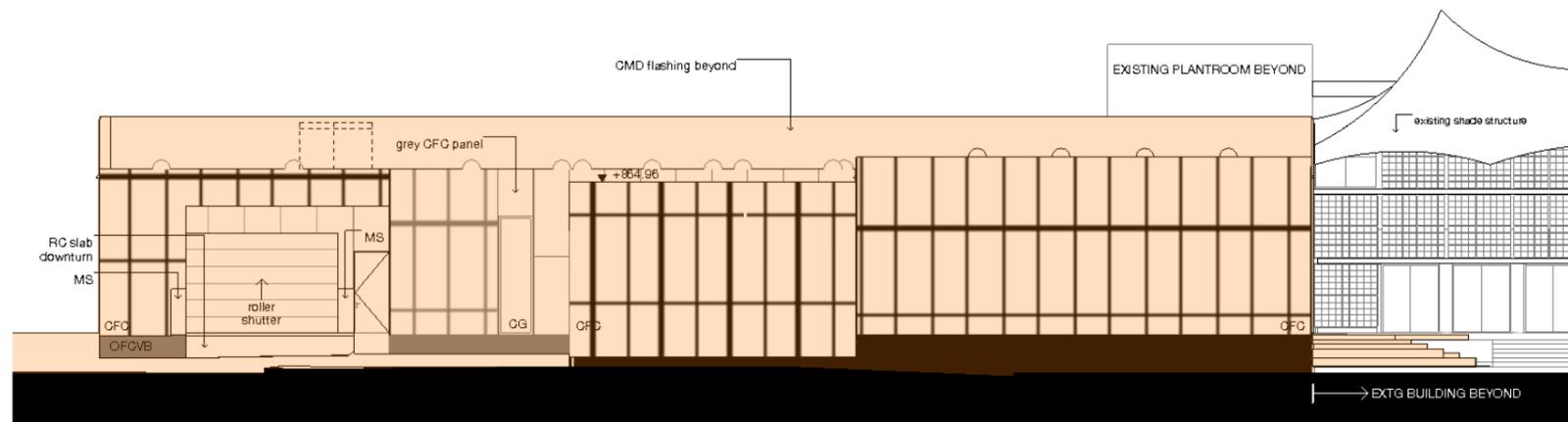
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<b>ORANGE REGIONAL GALLERY</b>			
149 BYNG ST ORANGE NSW 2800 AUSTRALIA LOT 8 & 9 DP 820905 APPLICANT: ORANGE CITY COUNCIL			
<b>SECTION A + B + C</b>			
DATE	14/5/20	DRAWN: BA	CHECKED: SM
SCALE	1:200, 1:100 @ A3		
PROJECT NO.	04	STAGE	DA
DRAWING NO.	09	REVISION	J

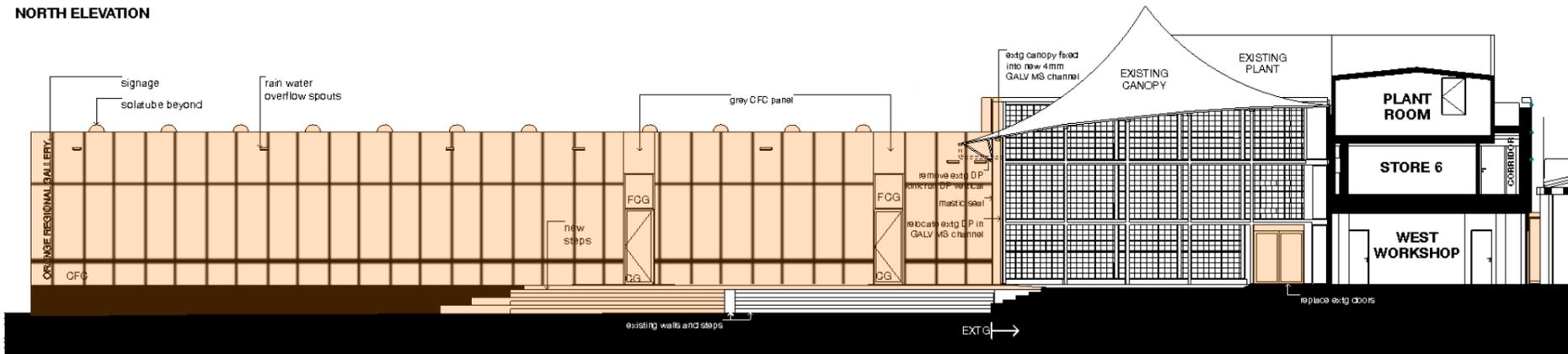




EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

ISSUE	DATE	DETAILS	LEGEND			
A		DETAILS	AHU	air handling unit	MS	mild steel
B	19.06.12	UPDATED THEATRE SIZE AND ROOF	AL	aluminium	OFC	off form concrete
C	19.06.21	PLANT AND FIRE CORRIDOR UPDATE	AT	acoustic treatment	OFCVGB	off form concrete vertical board form
D	19.08.23	REVISED DESIGN	BWK	brickwork	PB	plasterboard 13mm
E	19.09.02	REDUCED FOOTPRINT	CB	concrete block work	POP	plasterboard on plywood 17mm
F	19.09.13	DA SUBMISSION	CFC	compressed fibre cement	RC	reinforced concrete
G	19.09.17	DA SUBMISSION	CG	clear glass	RF	resilient flooring
H	20.04.06	DA REVISED SUBMISSION	CL	centre line	RL	reduced levels relative to AHD
I	20.05.12	REVISED DA	COT	concrete topping	ROS	rain overflow spout
J	20.08.07	ELEVATION LABEL CHANGE	CM	clear mirror	RS	random stone
			CMD	colourbond metal deck	RWH	rain water head
			CR	cement render	S	sink
			CT	ceramic tile	SS	stainless steel
			DP	down pipe	T	timber
			ECHQ25	25mm thick echopanel	TBA	to be advised
			EGL	existing ground line	VB	villa board
			EQ	equal	ZA	zincalume
			EXPA	existing pavers		
			EXTG	existing		
			FC	fibre cement		
			FCB	faced concrete block work		
			FCL	finished ceiling level		
			FCC	fixed clear glass		
			FGL	finished ground line		
			FFL	finished floor level		
			FG	fixed glass		
			FPG	fixed opaque glass		
			FW	floor waste		
			FP	fabric over polyester insulation		
			G	glass		
			GALV	galvanised		
			HW	hardwood		
			HWS	hot water system		
			J	joinery		
				denotes proposed included in development application		
				denotes lot boundaries		
				denotes demolition		

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nominated architect sam marshall no. 4644

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**ORANGE REGIONAL GALLERY**  
149 BYNG ST ORANGE NSW 2800 AUSTRALIA  
LOT 8 & 9 DP 820905  
APPLICANT: ORANGE CITY COUNCIL

**ELEVATIONS**

DATE: 07/8/20 DRAWN: BA CHECKED: SM  
SCALE: 1:200 @ A3

PROJECT NO.	STAGE	DRAWING NO.	REVISION
<b>04</b>	<b>DA</b>	<b>10</b>	<b>J</b>









VIEW TO EXTENSION FROM NORTH FORECOURT



PEISLEY STREET LOOKING NORTH



INTERIOR PERSPECTIVE IN GALLERY 3



PEISLEY STREET LOOKING SOUTH

ISSUE	DATE	DETAILS	LEGEND
A	19.06.12	UPDATED THEATRE SIZE AND ROOF	AHU air handling unit
B	19.06.21	PLANT AND FIRE CORRIDOR UPDATE	AL aluminium
C	19.08.28	REVISED DESIGN	AT acoustic treatment
D	19.09.02	REDUCED FOOTPRINT	BWK brickwork
E	19.09.13	DA SUBMISSION	CB concrete blockwork
F	19.09.17	DA SUBMISSION	CFC compressed fibre cement
G	20.04.06	DA REVISED SUBMISSION	CFC clear glass
H	20.05.12	REVISED DA	CG centre line
I			CL concrete topping
			COT clear mirror
			CM colourbond metal deck
			CR cement render
			CT ceramic tile
			DP downpipe
			ECHO25 25mm thick echopanel
			EGL existing ground line
			EQ equal
			EXPA existing pavers
			EXTG existing
			FC fibre cement
			FCB faced concrete blockwork
			FCL finished ceiling level
			FCG fixed clear glass
			FGL finished ground line
			FFL finished floor level
			FG fixed glass
			FOG fixed opaque glass
			FW floor waste
			FP fabric over polyester insulation
			G glass
			GALV galvanised
			HW hardwood
			HWS hot water system
			J joinery
			MS mild steel
			OFC off form concrete
			OFCVB off form concrete vertical board form
			PB plasterboard 13mm
			POP plasterboard on plywood 17mm
			RC reinforced concrete
			RF resilient flooring
			RL reduced levels relative to AHD
			ROS rain overflow spout
			RS random stone
			RWH rainwater head
			S sink
			SS stainless steel
			T timber
			TBA to be advised
			VB villaboard
			ZA zincalume

denotes proposed included in development application  
 --- denotes lot boundaries  
 - - - - denotes demolition

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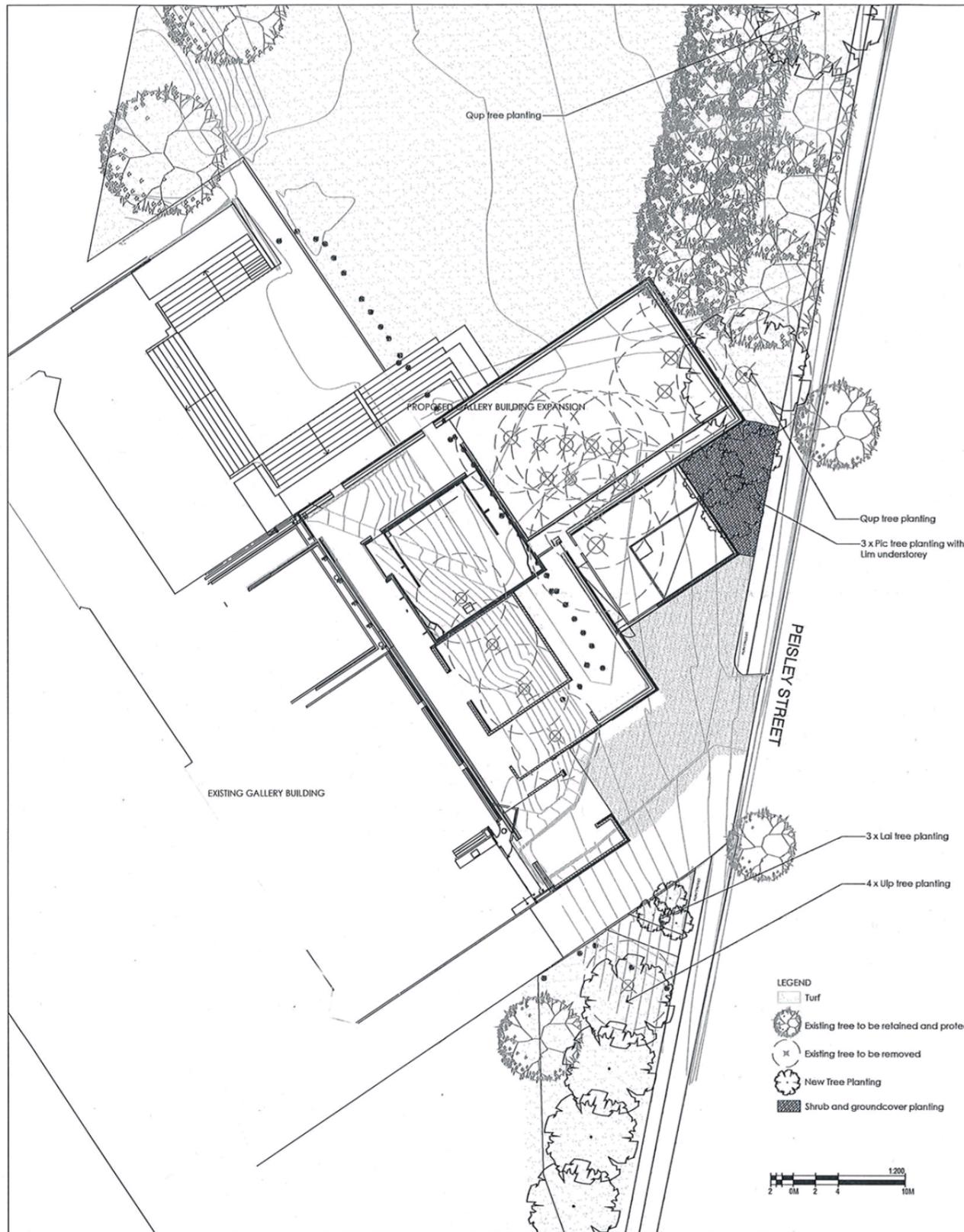
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**ORANGE REGIONAL GALLERY**  
 149 BYNG ST ORANGE NSW 2800 AUSTRALIA  
 LOT 8 & 9 DP 820905  
 APPLICANT: ORANGE CITY COUNCIL  
**RENDERS**

DATE 14/5/20 DRAWN: BA CHECKED: SM  
 SCALE @ A3

PROJECT NO.	STAGE	DRAWING NO.	REVISION
04	DA	12	I





Pistacia chinensis



Lagerstroemia indica



Quercus palustris



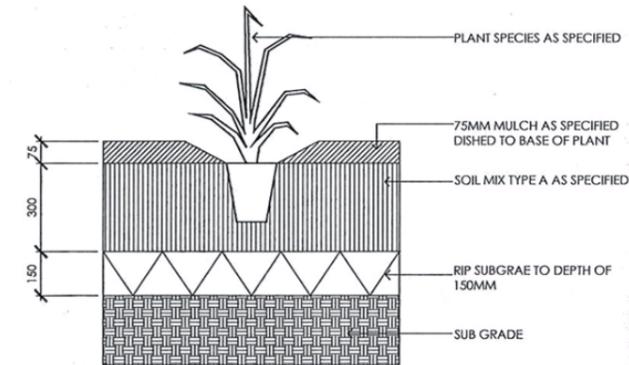
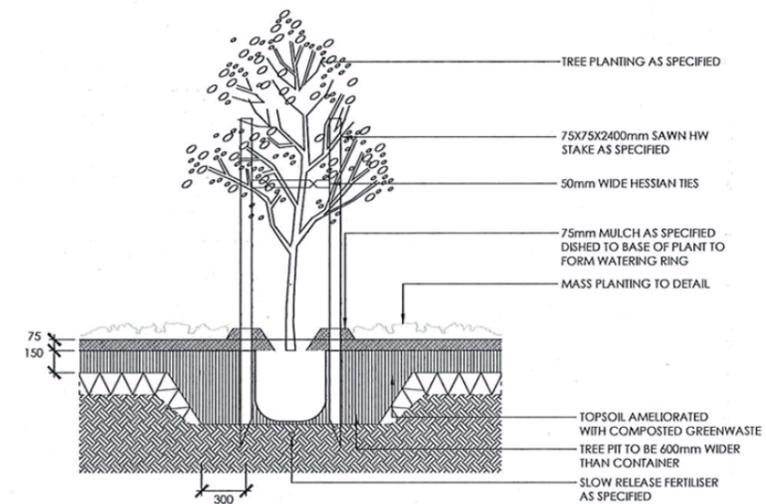
Ulmus parvifolia



Liriope muscari Evergreen Giant

INDICATIVE PLANT SCHEDULE

Code	Botanic Name	Common Name	Size	Mature Height	Spacing	No.
<b>TREE</b>						
Lai	Lagerstroemia indica	Crepe Myrtle	75L	3m	as shown	3
Pic	Pistacia chinensis	Chinese Pistacia	75L	5m	as shown	3
Qup	Quercus palustris	Pin Oak	100L	15m	as shown	2
Ulp	Ulmus parvifolia	Chinese Elm	75L	8m	as shown	4
<b>GROUNDCOVER</b>						
Lim	Liriope muscari Evergreen Giant	Evergreen Giant Liriope	200mm	0.6m	0.5m	TBD



sola4D urban design public domain landscape architecture LANDSCAPE ARCHITECT A1	DATE: 20/03/20 DESCRIPTION: DEVELOPMENT APPLICATION REV: A	DATE: 14/04/20 DESCRIPTION: REVISED TREE SPECIES REV: B	DATE: 15/04/20 DESCRIPTION: BUILDING FOOTPRINT UPDATE REV: C	DATE: - DESCRIPTION: - REV: -	DATE: - DESCRIPTION: - REV: -	ORANGE CITY COUNCIL BYNG STREET ORANGE	SAM MARSHALL ARCHITECT SURRY HILLS	ORANGE REGIONAL GALLERY EXPANSION ORANGE	LANDSCAPE PLAN	DEVELOPMENT APPLICATION	SCALE: 1:200 @ A1 DATE: 15/04/2020 JOB NO.: OCC2001	DRAWN BY: SA CHECKED BY: CS APPROVED BY: SA	NORTH	L-01	C
	REVISIONS	CLIENT	ARCHITECT	PROJECT	DRAWING TITLE	DRAWING PURPOSE	DRAWING INFORMATION	DRAWING NO.	REV.						



**5.14 DEVELOPMENT APPLICATION DA 140/2020(1) - 5-17 AND 46-60 EDWARD STREET**

RECORD NUMBER: 2020/1420

AUTHOR: Ben Hicks, Planner

**EXECUTIVE SUMMARY**

Application lodged	14/04/2020
Applicant/s	A-Tech Extrusion Systems Pty Ltd
Owner/s	JCI Group Pty Ltd
Land description	Lot 2 DP 544083, Lot 501 DP 1122616 and Lot 11 DP 575694 - 5-17 and 46-60 Edward Street, Orange
Proposed land use	Mixed Use Development: General Industry (aluminium extrusion and powder coating industry) and Warehouse and Distribution Centre
Value of proposed development	\$5,000,000

The proposal seeks council's consent for a mixed used development – general industry (aluminium extrusion and powder coating) and warehousing and distribution within Buildings 1 and 2 on land known as Lot 2 DP 544083 and lot 11 DP 575694 - 5-17 Edward Street, Orange.

The proposed development will utilise Building 2 for aluminium extrusion and powder coating, packaging and dispatch; with Building 1 being used for powder coating packaging and dispatch. The extrusion process will involve the use of an extrusion press, furnace, saws, cooling system, belts and tables, ageing oven, stacker baskets and packing tables. Powder coating will be undertaken using a vertical powder coating system which includes a pre-treatment tunnel, fast cleaning booth, drying and polymerisation ovens.

It is expected that the aluminium manufacturing process will produce up to 9,000 tonnes of finished product per annum. The applicant advises that the output of the process is a semi-fabricated and surface finished extrusion product, ready for additional fabrication or transportation to a component or final product manufacturer. Market Sectors include:

- building and construction industry – windows, doors, curtain walls, façade systems, skylights, canopies, louvers etc./
- transportation – automotive structural and chassis components, crash management systems, auto body and trim components;
- electrical and energy – solar energy mounting systems, LED lighting components, conduit; and
- medical and consumer durables – recreation products, home and garden tools, home appliances, medical diagnostic equipment.

The applicant proposes to operate the aluminium processing plant and packaging and dispatch facility 24 hours a day, 7 days a week (except for public holidays) over three shifts:

- Shift 1: 5am to 1pm
- Shift 2: 1pm to 9pm
- Shift 3: 9pm to 5am



The site has existing buildings with a known floor area of approximately 63,418m<sup>2</sup> and includes former manufacturing/factory areas, service and maintenance buildings, storage and warehouse areas, office areas, laboratories, meeting rooms, amenities and kitchen facilities. Onsite parking is available on both the eastern and western sites. Building 1 has a previous use for warehousing and storage with an approximate floor area of 2,997 m<sup>2</sup>. Building 2 has a former use of packaging and dispatch of goods, and an approximate floor area of 8,910 m<sup>2</sup>.

The site soils, soil vapour and groundwater have been found to be contaminated, primarily in the form of chlorinated volatile organic compounds (CVOCs), with the main chemical of concern being the carcinogenic substance trichloroethene (TCE). The site has been declared (Declaration 20171101) as being significantly contaminated by the NSW Environment Protection Authority (EPA) and groundwater contamination matters are being managed through a Voluntary Management Proposal under the supervision of the EPA.

A number of site closure works have already been carried out, including underground tank and infrastructure removal, plant and equipment removal, hazardous material management and removal and other remedial works as part of the contamination management strategy.

### **DECISION FRAMEWORK**

The proposal involves the use of an established industrial site for the purposes of General Industry (aluminium extrusion and powder coating) and a Warehouse and Distribution Centre.

The development is local development for the purposes of the Environmental Planning and Assessment Act 1979 and Orange City Council is the consent authority for the application. The proposed development is not designated development as defined under Schedule 3 of the Environmental Planning and Assessment Regulation 2000. No integrated approvals have been sought under this development application.

The proposal has a capital investment value exceeding \$2.5 million (\$5m). Accordingly, the application has been tabled to an Ordinary Council Meeting (OCM) for determination, pursuant to Clause 4.10 Delegations of Orange City Council's *Declaration of Planning and Development Assessment Procedures and Protocols (Vers 5, 2019)*.

Comments have been directly sought from the NSW Environmental Protection Authority (EPA) as the site has been declared as being Significantly Contaminated Land under Section 11 of the *Contaminated Land Management Act 1997* (Declaration 20171101). No other government agencies were required to be consulted for the DA.

### **DIRECTOR'S COMMENT**

The proposal seeks Council's consent for the use of two large sheds on the former Electrolux site for aluminium extrusion, powder coating, warehousing and distribution. The applicant is the owner of the site. The development represents a fantastic reuse of an existing industrial site, providing significant benefits to the Orange economy, particularly with the employment of up to 25 people. Key planning issues relating to the re-use of the site relate to contamination assessment, noise impact, air quality controls, hours of operation and traffic.

Whilst the site has been declared as being significantly contaminated by the NSW Environment Protection Authority (EPA) due to historic manufacturing uses of this site, the aluminium extrusion process does not involve the use of any toxic or noxious substances. Over time, the new owners will indeed remediate the site under the supervision of the EPA, which is also another positive outcome to the redevelopment and reuse of this old industrial site.

It is recommended that Council supports the application.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “10.1 Preserve - Engage with the community to ensure plans for growth and development are respectful of our heritage”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council consents to development application DA140/2020(1) for *Mixed Use Development: General Industry (aluminium extrusion and powder coating industry) and Warehouse and Distribution Centre* at Lot 11 DP 575694, Lot 2 DP 544083, and Lot 501 DP 1122616 – 5-7, 9-17 and 46-60 Edward Street, Orange pursuant to the conditions of consent in the attached Notice of Determination.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION****ENVIRONMENTAL PLANNING ASSESSMENT****Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994***

Section 1.7 of the EP&A Act identifies that Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments.

In consideration of the *Biodiversity Conservation Act 2016*, the site is not within land mapped on the Biodiversity Values Map, the proposal does not involve clearing or disturbance of vegetation, is unlikely to significantly affect threatened species as listed in the BC Act 2016, and is not within an Area of Outstanding Biodiversity Value (clause 7.2 of the BC Act 2016). As such, a Biodiversity Development Assessment Report is not required in this instance.

#### **Section 4.15 of the Environmental Planning and Assessment Act 1979**

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

#### **PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)**

##### **Orange Local Environmental Plan 2011**

##### **Part 1 - Preliminary**

##### **Clause 1.2 - Aims of Plan**

The broad aims of the LEP are set out under subclause 2. Those relevant to the application are as follows:

- (a) to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The subject site has a long history of industrial/manufacturing land use. The proposal intends to make use of existing and vacant industrial buildings within the complex for manufacturing, warehousing and distribution purposes. The application is considered to be entirely consistent with the above aims, as discussed in the main body of this report.

##### **Clause 1.6 - Consent Authority**

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

**Clause 1.7 - Mapping**

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map:	<b>IN1 General Industrial</b>
Lot Size Map:	<b>Minimum Lot Size 2,000m<sup>2</sup></b>
Heritage Map:	<b>Listed heritage item</b>
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
Groundwater Vulnerability Map:	<b>Groundwater vulnerable</b>
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	<b>Within a flood planning area</b>

Those matters that are of relevance are addressed in detail in the body of this report.

**Clause 1.9A - Suspension of Covenants, Agreements and Instruments**

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- covenants imposed or required by Council
- prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*
- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Council staff are not aware of the title of the subject property being affected by any of the above.

**Part 2 - Permitted or Prohibited Development****Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table**

The site of the proposed development is zoned IN1 General Industrial under Orange Local Environmental Plan 2011. The Land Use Table for the IN1 General Industrial zone permits a mixed used development comprising a general industry and warehouse or distribution centre with the prior consent of Council. Orange LEP 2011 defines the described land uses as follows:

***mixed use development*** means a building or place comprising 2 or more different land uses.

***general industry*** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

***industrial activity*** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

***warehouse or distribution centre*** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

Clause 2.3(2) of the Orange LEP 2011 provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the IN1 General Industrial zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To ensure development along the Southern Link Road has an alternative access.*

It is considered the proposed development is generally consistent and reinforcing of the above objectives on the basis of the following:

- the proposal intends to make use of existing and vacant industrial buildings for manufacturing, warehousing and distribution purposes;
- the reuse of the premises will provide employment opportunities;
- the proposal involves the installation of manufacturing machinery in existing buildings, which will not impact surrounding industrial land; and
- the site is not located in the vicinity of the Southern Link Road.

The following provisions of the OLEP 2011 have been especially considered in the assessment of the proposal:

**Clause 5.10 - Heritage Conservation**

The subject site is identified as an item of heritage significance under Orange LEP 2011. It is considered that the proposed development will not have an adverse impact on the significance of the adjacent items heritage due to the following:

- the existing buildings will be retained;
- the proposed development and fit-out will be entirely contained within the existing envelope and footprint of Buildings 1 and 2; the development will not alter the bulk, massing or profile of the buildings and how they relate within the streetscape and adjacent/nearby heritage items; and
- the proposed development is considered to be compatible with the established long-term industrial and commercial activities that have characterised the site for many years.

**Clause 7.2 - Flood Planning**

The proposed development is unlikely to change flooding regimes on or off the site and would be unlikely to cause or contribute to erosion, siltation or reduce riparian vegetation; and is therefore unlikely to create a cost burden on the community or neighbours. Council's Development Engineers have reviewed the proposal and do not raise any concerns or requirements in relation to flood planning.

**Clause 7.3 - Stormwater Management**

In consideration of this clause, the proposal will not alter existing arrangement for stormwater drainage. As such, post development runoff levels are unlikely to exceed predevelopment levels.

**Clause 7.6 Groundwater Vulnerability**

The site has been mapped as being groundwater vulnerable. Past environmental reviews identified that the groundwater beneath the site is contaminated with the chlorinated solvent trichloroethylene (TCE) and its breakdown products. The site has been declared as being significantly contaminated by the NSW Environment Protection Authority (EPA) and groundwater contamination matters are being managed through a Voluntary Management Proposal under the supervision of the EPA. The aluminium extrusion process does not involve the use of any toxic or noxious substances. The powder coating process involves the use low volatile organic compounds which are not considered hazardous. Furthermore, the proposal does not involve extraction of groundwater and thus will not contribute to groundwater depletion. The proposal is therefore unlikely to have any impact on the groundwater or related ecosystems.

**Clause 7.11 - Essential Services**

The site is connected to Council's reticulated water and sewerage services. Electrical and telecommunications infrastructure have been provided to the allotment. Stormwater runoff from the site will remain unchanged as a result of the development and Edward Street provides public road access to the site.

**STATE ENVIRONMENTAL PLANNING POLICIES**

The following State Environmental Planning Instruments (SEPPs) apply to the Orange Local Government Area:

- SEPP 21 - Caravan Parks
- SEPP 33 - Hazardous and Offensive Development
- SEPP 36 - Manufactured Home Estates
- SEPP 50 - Canal Estate Development
- SEPP 55 - Remediation of Land
- SEPP 64 - Advertising and Signage
- SEPP 65 - Design Quality of Residential Flat Development
- SEPP 70 – Affordable Rental Housing (Revised Schemes)
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Concurrences and Consents) 2018
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP (Koala Habitat Protection) 2019
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Primary Production and Rural Development) 2019
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017

The following SEPPs are specifically relevant to the assessment of the proposed development.

**SEPP 55 - Remediation of Land**

Clause 7 of SEPP 55 requires that a consent authority must consider the contamination potential of the land; and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.

The site has been historically used for industrial purposes which included the handling and storage of petroleum fuels, industrial solvents, paints and other chemicals. The proposed development is for the continued use of the site for industrial purposes, specifically manufacturing, warehousing and distribution.

Past environmental investigations identified that the site is contaminated in the form of chlorinated volatile organic compounds (CVOCs), including the carcinogenic substance trichloroethene (TCE), within the groundwater beneath the site, soil and soil vapour. Due to their volatile nature, CVOCs have the tendency to rise through cracks and seams in sub-floors and enter indoor air; and given the site is zoned for commercial and industrial use, this could pose potential inhalation risks to workers within existing buildings, particularly in ground floor workspaces.

In this regard, an indoor Air Quality Assessment & Validation report prepared by EI Australia was submitted with the DA that assessed the suitability of the site for continued commercial/industrial uses. The report found that Buildings 1, 3, 4, 5 and the warehouse factory space of Building 2 were *Type A Locations* – areas where indoor CVOc concentrations are not detected or less than half of the reporting/the adopted human health and ecological assessment criteria (Tier 1 Screening Levels), and therefore are deemed to have acceptable indoor air quality suitable for commercial and industrial uses. The ground level room beneath the north-eastern corner of Building 2 was classified as a *Type C location* – areas where indoor air concentrations are equal to or greater than Tier 1 screening levels, and therefore are deemed to have unacceptable indoor air quality and require the activation of mitigation measures in order to make the room suitable for commercial/industrial uses.

In addition, during the excavations for the footings (pursuant to DA 292/2019) air quality and soil testing was undertaken which found no detectable VOCs.

Overall, the report concluded that buildings 1 to 5 are suitable for commercial and industrial uses, provided that ventilation measures described under Stage 3 of the report are in place to mitigate against the potential presence of residual TCE in indoor air within the ground level room, beneath the north-eastern corner of Building 2.

Council's Environmental Health officer has reviewed the submitted report and concurs with its findings and recommendations. The EPA was also consulted on the matter and provided recommendations with regard to additional reporting/ongoing management of indoor air quality. The mitigation measures recommended by EI Australia and the additional requirements of the EPA have been incorporated in conditions of consent.

### **SEPP (Infrastructure) 2007**

A rail corridor (Great Western Railway) adjoins the subject land to the west, and thus requires consideration of the matters contained in Clause 84-87 of the Infrastructure SEPP. The proposal is not contrary to any prescribed matters, as follows:

- (a) The development does not require the construction of a new level crossing to facilitate the development, nor is it likely to result in an increase of vehicles using existing level crossings (Clause 84).
- (b) The proposal is unlikely to have an adverse effect on rail safety; involve placing a metal finish on a structure where the rail corridor is used by electric trains; nor is it expected that the proposal will involve the use of a crane in air space above any rail corridor. Notwithstanding, suitable conditions will be imposed in the event that a crane is required for the installation of equipment to facilitate the development (Clause 85).

- (c) Stormwater management of the site will remain unchanged, and thus stormwater is not expected to increase or be redirected (if not already) to the existing rail corridor as a result of the proposal. Security fencing is existing along the western boundary and will be maintained.
- (d) The development does not involve excavation in, above, below or adjacent to the rail corridor (Clause 86).
- (e) The proposal does not comprise a sensitive land use and will not be impacted by rail noise or vibration (Clause 87).

In this respect it is considered that the development on the site will not have an adverse impact upon the continued operation of the adjacent rail corridor, and concurrence from the rail authority is not required in this instance.

### **SEPP (State and Regional Development) 2011**

The proposal does not meet the criterion for regionally significant development under Part 4 of State Environmental Planning Policy (State and Regional Development) 2011, in that the development does not have a Capital Investment Value (CIV) exceeding \$30 million and is not Council related development, Crown development, private infrastructure/ community facilities or an eco-tourist facility over \$5 million. Accordingly, this assessment report is to be determined by Council in accordance with State Environmental Planning Policy (State and Regional Development) 2011, the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

### **PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)**

Draft Amendment 24 to Orange LEP has been placed on public exhibition. The draft plan involves a range of administrative changes including a change to the flood planning controls for the site. Whilst part of the subject land is flood affected the proposed development seeks only the re-use of existing buildings within the complex. Council's Technical Services have included recommended conditions to address flooding. The proposed development in this regard is not inconsistent with any of the draft planning provisions in that amendment.

### **DESIGNATED DEVELOPMENT**

The applicant advises that the proposed development will include mineral processing or metallurgical works, as defined under the Clause 24 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. However, the proposal will not trigger designated development provisions outlined within the Schedule relating to this type of development, based on the following:

- (a) The proposal is not metallurgical works for the purpose of processing ore concentrates of any quantity.
- (b) The process involves aluminium extrusion and powder coating; however, the production scale for the operation is calculated at 9,000 tonnes per annum and is therefore below the threshold.
- (c) The proposal does not propose to crush, grind, shred, sort or store scrap metal of any quantity.

- (d) The site/development is not located within 40m of a natural water body or wetland.
- (e) The site is located within an area mapped as a vulnerable aquifer under Orange LEP 2011. The Regulations define an area of high water table as those areas where the groundwater depth is less than 3m below the surface at its highest seasonal level. A geotechnical report prepared by JC Geotechnics, dated 28 August 2019 (Ref: GR1008-1J) and subsequent letter dated 7 August 2020 (Ref:GR1008.3J) for the preparation of the footing design of the aluminium extrusion press confirmed that groundwater was not encountered in the boreholes during or after completion of drilling. JC Geotechnics advise that boreholes were drilled to depths ranging from 7.7m to 8m below existing concrete surface levels. A site inspection undertaken on 10 August 2020 with Council's Director Development Services confirmed that the existing slab level of Building 2 was set approximately 1.2m above natural ground level; therefore drilling from natural ground level occurred between 6.5m to 6.8m, with no ground water observed during and after drilling. In addition, during the inspections of the footings in 2019 for the extrusion press, Council's Building Surveyor observed no groundwater.
- (f) The site is within 500m of a residential zone; however, given the use of the development (general industry) its location within the site (in the south-western portion of the allotment) and within existing site infrastructure (ie the utilisation of the site's existing buildings - namely Buildings 1 and 2), in addition to the site's long historical use for industrial activity since the 1940s, the proximity of the development site to the residential zone is not likely to significantly affect the neighbourhood amenity.
- (g) There is no proposal for the production of any substances classified as poisonous in the Australian Dangerous Goods Code on the site. The proposal is for the manufacture of extruded aluminium profiles for a range of industries and powder coating. The powder coating process does not involve the use of any volatile organic compounds nor any toxic materials such as lead, chromium or sulphuric acid. The applicant advises that should any dangerous goods be required to be used in the process, all work will be carried out in strict accordance with the Dangerous Goods Code and WHS regulation. In this regard, the proposal is unlikely to significantly affect the environment with respect to dangerous goods.

In this regard, the proposed development is not Designated Development as defined under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. Accordingly, an Environmental Impact Statement or additional approvals are not required under this application. Conditions of consent will be imposed to ensure that the aluminium extrusion and powder coating process does not trigger designated development without prior consent.

#### **INTEGRATED DEVELOPMENT**

Based on the processing capacity of the facility, the proposal would not be declared as a Scheduled Activity under Schedule 1, Clause 26 of the *Protection of the Environment Operations Act 1997*. Should the proponent wish to increase production of the facility to a level that triggers the need for an EPL, prior consent from Council will be required. Relevant conditions have been included in the consent to this effect.

**PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)****Development Control Plan 2004**

Development Control Plan 2004 (“the DCP”) applies to the subject land. An assessment of the proposed development against the relevant Planning Outcomes will be undertaken below.

**Chapter 9.3-1 - Industrial Site Development**

- *Buildings are set back a minimum of 10m from front boundaries (5m to a secondary boundary on a corner lot) for lots greater than 1,000m<sup>2</sup> or 5m for lots less than 1,000m<sup>2</sup> or otherwise to a setback consistent with existing setbacks in established areas.*
- *Buildings cover up to 50% of the site area.*
- *Landscaping is provided along boundaries fronting roads including trees with an expected mature height at least comparable to the height of buildings on the site. All sites contain an element of landscaping.*
- *Architectural features are provided to the front building façade to provide relief using such elements as verandahs, display windows, indented walls, etc.*
- *External materials consist of non-reflective materials.*
- *Adequate parking and onsite manoeuvring is provided.*
- *Advertising involves business-identification signs within the front façade and/or by a pole sign comparable to the relative height to the main building on the site.*
- *Security fencing is located or designed in a manner that does not dominate the visual setting of the area.*

The proposal does not seek to change the external appearance, finishes or footprint of the subject buildings, nor the site layout. As such, there is only one Planning Outcome of Chapter 9 relevant to this application, which relates to the provision of adequate car parking and onsite manoeuvring. This is addressed below under the heading “Chapter 15 – Car Parking”.

**Chapter 13 - Heritage**

- *Development relates to the significant features of heritage buildings on or near the site, as reflected in inventory sheets.*
- *Development conforms with recognised conservation principles.*
- *Conservation Management Plans are prepared for development having a significant effect on heritage sites.*
- *The community is provided with sufficient information to be able to consider and comment on the proposed development.*

Heritage has been discussed in the LEP 5.10 assessment earlier in this report.

**Chapter 15 - Car Parking**

The DCP outlines the following car parking requirements for industry and trade services:

<i>Industries and warehouses</i>	<i>1 space per 100m<sup>2</sup> GFA or 1 space every 2 employees whichever is greater.</i>
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Buildings 1 and 2 have a combined floor area of 11,907m<sup>2</sup> and therefore the proposed development would generate a car parking demand of 119 spaces in accordance with the DCP provisions. The development is expected to employ a maximum of 25 staff during peak day time shift, resulting in the need for 12.5 spaces for the employees. However, taking the greater of the two rates in accordance with the DCP, 119 spaces are required to be provided. A car park containing 395 spaces was provided for the entire complex under DA 413/2006(1) on the land immediately east of the subject property (Lot 501 DP 1122616), and therefore it is considered the existing parking provisions are more than sufficient to accommodate the proposed development.

**PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)**

Division 8 of Part 6 of the *Environmental Planning and Assessment Regulation 2000* specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

**Demolition of a Building (Clause 92)**

No demolition works are proposed as part of this application.

**Fire Safety Considerations (Clause 93)**

A Fire Safety Upgrade Report was prepared by ProCert Pty Ltd as part of the DA submission recommending that Buildings 1 and 2 be brought into partial conformity with the Building Code of Australia. The report found that the fire safety measures contained within the existing buildings were inadequate in the event of fire to protect persons using the buildings and to facilitate their egress. Attached to the Notice of Determination is a condition of consent requiring fire safety upgrade works to be undertaken.

**Buildings to be Upgraded (Clause 94)**

Upgrading of the buildings will be required to ensure the existing building is brought into partial conformity with the Building Code of Australia with respect to fire safety. In regard to disabled access and facilities, there are no changes proposed to the building structure, sanitary facilities within the building or access ways into the building. As there are no works occurring to the building or its sanitary facilities, it is reasonable to not require the accessibility to be upgraded.

**BASIX Commitments (Clause 97A)**

BASIX is not applicable to the proposed development.

**THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)****Context and Setting**

The subject land contains existing vacant industrial buildings and an associated car park. The site is located southeast of the Orange CBD, adjacent to a range of industrial and commercial land uses including vehicles sales/repair premises, fabrication/manufacturing businesses, warehousing and rural supplies premises. A Rail Corridor (Great Western Railway) is located directly west of the subject site. The nearest residential receptors are located along Churchill Avenue to the north of the subject site, Gona Street to the east and Forest Road to the west.

The proposal is considered to be compatible with the established long-term industrial and commercial activities that have characterised the site and surrounding lands for many years, and will utilise the existing buildings on the land. Thus, it is not expected that the proposed development will have a significant impact on the existing context and setting of the area.

**Land Use Conflict**

The potential for land-use conflict is low, given the established nature of industrial/commercial land-use activities in the immediate vicinity of the subject site. Residential receptors border the industrial area along Churchill Avenue to the north of the subject site, Gona Street to the east and Forest Road to the west.

The interface between the residential areas and the proposed development is somewhat diminished by the physical separation and by the intervening development pattern. The residential properties in Churchill Avenue are well removed from the from Buildings 1 and 2, being located approximately 258m from Building 1 and 375m from Building 2. Residential properties in Elsham Avenue are situated approximately 350m from Building 2 and receptors in Gona Street are set back approximately 315m from Building 1 and 327m from Building 2. The residential receptors in Forest Road (west of the rail corridor) would be closest to the site and buildings at 160-180m.

The applicant has provided a detailed SoEE and other studies assessing heritage, traffic, noise and vibration impacts, and contamination. These reports show that the proposed manufacturing facility and warehouse and distribution centre can be operated on the site without causing significant impacts on nearby land uses. Conditions concerning noise, odour and air quality, delivery times and lighting will also be imposed to ensure there are no adverse impacts on sensitive receivers in the locality.

**Access and Traffic**

The subject site is an existing industrial allotment, and whilst it has been vacant for some years now, the site has a certain level of traffic already attributed to it due to its past use by Electrolux, which conducted a large scale whitegoods appliance manufacturing operation at the site from 2000 up until 2016.

The increase in traffic movements along Edward Street and connecting streets with respect to the current proposal is considered modest and within the capacity of Council's road network, without causing significant impact in terms of the ability for vehicles to enter, exit and use the site without disruption to traffic flow within the adjoining road network.

A traffic, transport and access assessment was prepared by Planning Potential to support the proposed development. This assessment shows that when the facility is running at full capacity (24 hours a day, 7 days per week) the average daily vehicle movements to and from the site will equate to 4.4 movements, with 31 weekly movements or 1,620 per year (refer to Figure 2).

No. of Shifts Operating	Anticipated Incoming Movements		Anticipated Outgoing Movements		Estimated Total Movements		
	Weekly	Yearly	Weekly	Yearly	Daily	Weekly	Yearly
1	3.46	180	6.9	360	1.47	10.3	540
2	6.9	360	13.8	720	2.9	20.7	1080
3	10.3	540	20.7	1080	4.4	31	1620

**Figure 2 - Vehicle Movements**

Carriageway widths, trafficable lanes, and intersection controls appear satisfactory to carry traffic associated with this precinct.

The site is of a sufficient size to will accommodate the forward ingress, egress and manoeuvring of a semi-trailer. Council's Technical Services Division advises that the existing heavy access from Edward Street is suitable for the proposed development and no upgrades are necessary. Adequate onsite car parking is available on the adjoining allotment (46-60 Edward Street) in accordance with the DCP parking requirements.

### Heritage

As noted in the LEP assessment earlier in this report, the proposed development is unlikely to impact on the heritage significance of the site. The applicant intends to continue to use the site for production and industry, as it has historically been used for.

### Surface Water and Ground Water

As discussed throughout this report, the environmental risk on the groundwater aquifer is low considering the nature of the proposed development and existing site conditions.

### Air and Microclimate

The powder coating process has the potential to impact on air and microclimate within the immediate locality if not controlled in an appropriate manner. In this regard, conditions of consent will ensure that business operations do not adversely affect the amenity of the area by means of offensive odour and air quality as defined under the *Protection of the Environment Operations Act 1997*.

### Noise and Vibration

Wilkinson Murray Pty Ltd was commissioned to prepare an operational noise impact assessment for the development, given the proposed hours of operation (24/7) and nature of activities (extrusion and powder coating) to be carried out on the land. The report identified 13 sensitive receivers located in residential areas bordering the industrial lands. Noise assessment predicted exceedances at R1, R6, R11, R12 and R13 ranging from 1dB to 8dB.

To mitigate operational noise impacts, the Wilkinson Murray noise assessment recommends noise mitigation through one or more of the following measures:

- adding absorption to internal surfaces to control reverberation;
- selecting plant and machinery with lower sound power levels; and
- placing noisy plant and machinery in purpose-built enclosures.

Attached to the Notice of Determination are conditions of consent which address issues in relation to the management of any noise impacts. Subject to compliance with these measures, it is not expected that noise impacts resulting from this development would have a significant impact on the locality. Notwithstanding, a condition is recommended that requires the applicant to prepare a noise commissioning report within 3 months of operation to confirm compliance with the Noise Policy for industry.

Wilkinson Murray Pty Ltd also confirmed that vibration impacts associated with the proposal were unlikely and a detailed assessment of vibration impacts was not considered necessary.

### **Waste Management**

The applicant advises that the aluminium extrusion and powder coating process will produce little waste products. The use of the dry powder does not require a solvent and is VOC free, producing little if any waste. The residue powder from this process is not hazardous; it can be collected and re-used, minimising the percentage of waste. Other wastes generated by the development are expected to mostly comprise typical office wastes and packing. Such wastes will be stored in bins for recycling or for disposal via Council's normal service. No adverse impacts assessed.

### **Technological Hazards**

As noted in the LEP and SEPP 55 assessment sections of this report, the site is known to be significantly contaminated, and measures have been put in place by the NSW Environmental Protection Agency in the form of a Voluntary Management Proposal to ensure that the contamination at the site is managed appropriately by the landowner. Notwithstanding and given the level of contamination, specialist indoor air quality assessments were conducted and comments directly sought from the EPA. The site is considered suitable for its use and adverse health impacts are unlikely, subject to the development being carried out in strict accordance with the EPA and recommendations/requirements.

### **Economic and Social Impact in the Locality**

The proposed development will have a positive impact on the local economy throughout the operation of the proposed manufacturing facility through employment opportunities and the supply of high-quality aluminium products to the region. It is anticipated that the development will generate 17 additional worker positions. The proposed development will facilitate and support the building and construction industry, electrical and energy sector, medical and transportation industries, and will therefore support the development of the local and regional economy while contributing to the role of Orange as a regional business centre.

**THE SUITABILITY OF THE SITE s4.15(1)(c)**

The subject site is suitable for the proposed development due to the following:

- the existing industrial buildings will be retained, which is appropriate for the zone and the heritage listing;
- the use of the buildings on the site will not adversely impact on neighbouring buildings or the heritage setting;
- contamination can be appropriately managed through conditions of consent and Management Plans; and
- utility services are available to the site.

**ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)**

The proposed development was not required to be advertised or notified to adjoining landowners in accordance with the Orange Community Participation Plan (CPP) 2019. Notwithstanding and in accordance with normal Council procedures, the application was listed in the weekly advertisement in the Central Western Daily and on Council's website as being a lodged application.

**PUBLIC INTEREST s4.15(1)(e)**

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies and guidelines that have been considered in this assessment.

**INTERNAL REFERRAL COMMENTS**

The requirements of the Environmental Health and Building Surveyor, Environmental Health Officer and the Engineering Development Section are included in the attached Notice of Approval.

**SUMMARY**

The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives and provisions of Orange LEP 2011 (as amended) and DCP 2004. A section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

**ATTACHMENTS**

- 1 Notice of Approval, D20/48235 [↓](#)
- 2 Plans, D20/48189 [↓](#)

	<b>ORANGE CITY COUNCIL</b> Development Application No <b>DA 140/2020(1)</b> NA20/ <span style="float: right;">Container PR3565</span>
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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*  
Section 4.18

### Development Application

Applicant Name:	A-Tech Extrusion Systems Pty Ltd
Applicant Address:	C/- Planning Potential PO Box 2512 ORANGE NSW 2800
Owner's Name:	JCI Group Pty Ltd
Land to Be Developed:	Lot 11 DP 575694, Lot 2 DP 544083 and Lot 501 DP 1122616 – 5-7, 9-17 and 46-60 Edward Street, Orange
Proposed Development:	Mixed Use Development: General Industry (aluminium extrusion and powder coating industry) and Warehouse or Distribution Centre

### Building Code of Australia building classification:

To be determined by the PC

### Determination made under Section 4.16

Made On:	18 August 2020
Determination:	<b>CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:</b>

<b>Consent to Operate From:</b>	19 August 2020
<b>Consent to Lapse On:</b>	19 August 2025

### Terms of Approval

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (6) To minimise the impact of development on the environment.

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## Conditions

- (1) The development must be carried out in accordance with:
- (a) **Plans prepared by designs@m, numbered 1-5, Referenced 19-003 and dated March 2020 (5 sheets)**
  - (b) statements of environmental effects or other similar associated documents that form part of the approval

**as amended in accordance with any conditions of this consent.**

- (2) This consent relates only to the use of Buildings 1 and 2, as shown on the approved stamped plans. The use of other buildings on the site is subject to the prior consent of Council.

### PRESCRIBED CONDITIONS

- (3) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (4) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (5) The applicant is to submit a waste management plan that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the demolition and construction phases of this project are to be deposited at a licensed or approved waste disposal site.
- (6) Prior to the issue of a Construction Certificate the plans and specifications are to be modified to reflect the recommendations of the Fire Safety Audit/Upgrade Report issued by ProCert Group Pty Ltd Report No. 486/2019 CO (Rev. 2.0) dated 14 October 2019.
- (7) A Liquid Trade Waste Application is to be submitted to Orange City Council prior to the issuing of a Construction Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Engineering plans submitted as part of the application are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.
- Where applicable, the applicant is to enter into a Liquid Trade Waste Service Agreement with Orange City Council in accordance with the Orange City Council Liquid Trade Waste Policy.

### PRIOR TO WORKS COMMENCING

- (8) Should any crane be required during the installation of the extrusion and powder coating machinery, the applicant is required to consult with the relevant rail authority and comply with their requirements.

- (9) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.

**DURING CONSTRUCTION/SITWORKS**

- (10) All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and 8.00 am to 5.00 pm Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.
- (11) All materials onsite or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (12) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (13) All construction materials shall be flood compatible to a minimum level equivalent to a 1% AEP flood level plus 500 mm and all electrical connections shall be located above the 1% AEP flood level plus 500 mm. All electrical circuit connections shall be automatically isolated in the event of flood waters having the potential to gain access to exposed electrical circuits, either internal or external of the building.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- (14) A Restriction-as-to-User under Section 88B of the NSW Conveyancing Act 1919 shall be registered on land known as Lot 501 DP1122616, 46-60 Edward Street, reserving a minimum of 119 car parking spaces relating to the use of Buildings 1 and 2 on land known as Lot 11 DP 575694 and Lot 2 DP 544083 - 5-7 and 9-17, Edward Street, Orange. (This condition does not restrict the issue of Part Occupation Certificates on Buildings 1 & 2).
- (15) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (16) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (17) Prior to the issue of an Occupation Certificate, the applicant is to have completed all items referring to Fire Safety recommended in the ProCert Group Pty Ltd Fire Safety Audit/Upgrade Report No. 486/2019 CO (Rev. 2.0) dated 14 October 2019.
- (18) The applicant shall submit to Council for approval an Odour Management Plan in relation to the ongoing operation of the proposed powder coating equipment.
- (19) The applicant shall prepare and submit to Orange City Council for approval an Indoor Air Quality Management Plan for the occupation of Buildings 1 and 2. The Management Plan shall be prepared by an Environmental Consultant certified under a scheme recognised by the NSW Environmental Protection Authority (EPA).

The Indoor Air Quality Management Plan shall be prepared in accordance with the reporting requirements for Environmental Management Plans described in the EPA's *Consultants Reporting on Contaminated Land: Contaminated Land Guidelines* (EPA, 2020). The plan should clearly describe mitigation measures required to ensure indoor air quality in Buildings 1 and 2 is suitable for the proposed use of the buildings, as well as a monitoring program to confirm the findings of the initial assessment and ensure mitigation measures continue to be effective.

- (20) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

<b>MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT</b>
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- (21) The aluminium extrusion and powder coating industry is not to smelt, process, coat, reprocess or recover more than 9,000 tonnes of ferrous or non-ferrous metals, alloys or ore concentrates per year. Accurate processing records are to be maintained and provided to Orange City Council annually from the date of operation.
- (22) All vehicles must enter and exit the site in a forward direction. No reversing of vehicles onto the public roadway system. All vehicles must be parked legally, and no vehicles are permitted to be parked over the public footpath.  
All loading and unloading of delivery vehicles, is to take place off-street and must not inhibit the free flow of vehicles accessing the site or other premises in the area. Loading facilities, internal docks or goods handling areas are to be maintained free of obstruction for the sole use of delivery vehicles.
- (23) Any external lights shall be operated/maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the surrounding private land or to motorists on nearby roads.
- (24) Adequate facilities shall be provided in a screened location within the premises for the separate storage of recyclable, non-recyclable and special waste material. Arrangements shall be made for the regular removal and disposal of those waste materials. The garbage and bin storage area shall be
- (25) The owner is required to provide to Council and to the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.
- (26) Truck movements to and from the site are to be limited to daytime hours only (7.00 am to 6.00 pm)
- (27) The proposed development shall be carried out in accordance with the recommendations of the Operational Noise Impact Assessment prepared by Wilkinson Murray. The activities in the southern section of Building 2 (proposed extrusion area) are to be kept to a minimum during the evening and night time periods (6.00pm to 7.00am) as set out in the Operational Noise Impact Assessment prepared by Wilkinson Murray (Report No 19154 – version A)
- (28) The Noise Trigger Level goal of 52 dBA is not to be exceeded at any of the nearby receivers identified in the Operational Noise Impact Assessment prepared by Wilkinson Murray (Report No 19154 – version A)
- (29) Internal noise levels within Buildings 1 and 2 are not to exceed the following limits:
- |   |        |
|---|--------|
| Building 1 – proposed powder coating area               | 70 dBA |
| Building 2 – northern section – proposed packaging area | 75 dBA |
| Building 2 – mid section - proposed powder coating area | 70 dBA |
| Building 2 – southern section – proposed extrusion area | 65 dBA |
- (30) The applicant shall obtain a **Commissioning Report within 3 months of the issue of an Occupation Certificate** from an appropriately qualified and experienced acoustic consultant which assesses actual noise emissions from all operations of the development and confirms the developments compliance with the NSW Noise Policy for Industry having regard to the current background noise levels measured at the latest when the commissioning report is being undertaken in accordance with the Noise Policy for Industry. Where the report requires additional noise attenuation works to be carried out, these works shall be undertaken within 28 days from the date of the Commissioning Report.

- (31) The Indoor Air Quality Management Plan shall be subject to an Audit by a Site Auditor accredited by the EPA under Part 4 of the *Contaminated Land Management Act 1997*. The purpose of the Audit is to determine the appropriateness of the Indoor Air Quality Management Plan (Type B2 Audit), with the Site Auditor to provide a Site Audit Statement and Site Audit Report to Orange City Council annually.

<b>ADVISORY NOTES</b>
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- (1) Under the *Contaminated Land Management Act 1997*, the NSW Environmental Protection Authority (EPA) is the Regulatory Authority in relation to management of contamination for this site.

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### Other Approvals

- (1) *Local Government Act 1993* approvals granted under section 68.  
Nil
- (2) General terms of other approvals integrated as part of this consent.  
Nil

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### Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

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#### ***Disability Discrimination Act 1992:***

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

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#### **Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

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**Signed:**

On behalf of the consent authority **ORANGE CITY COUNCIL**

**Signature:**

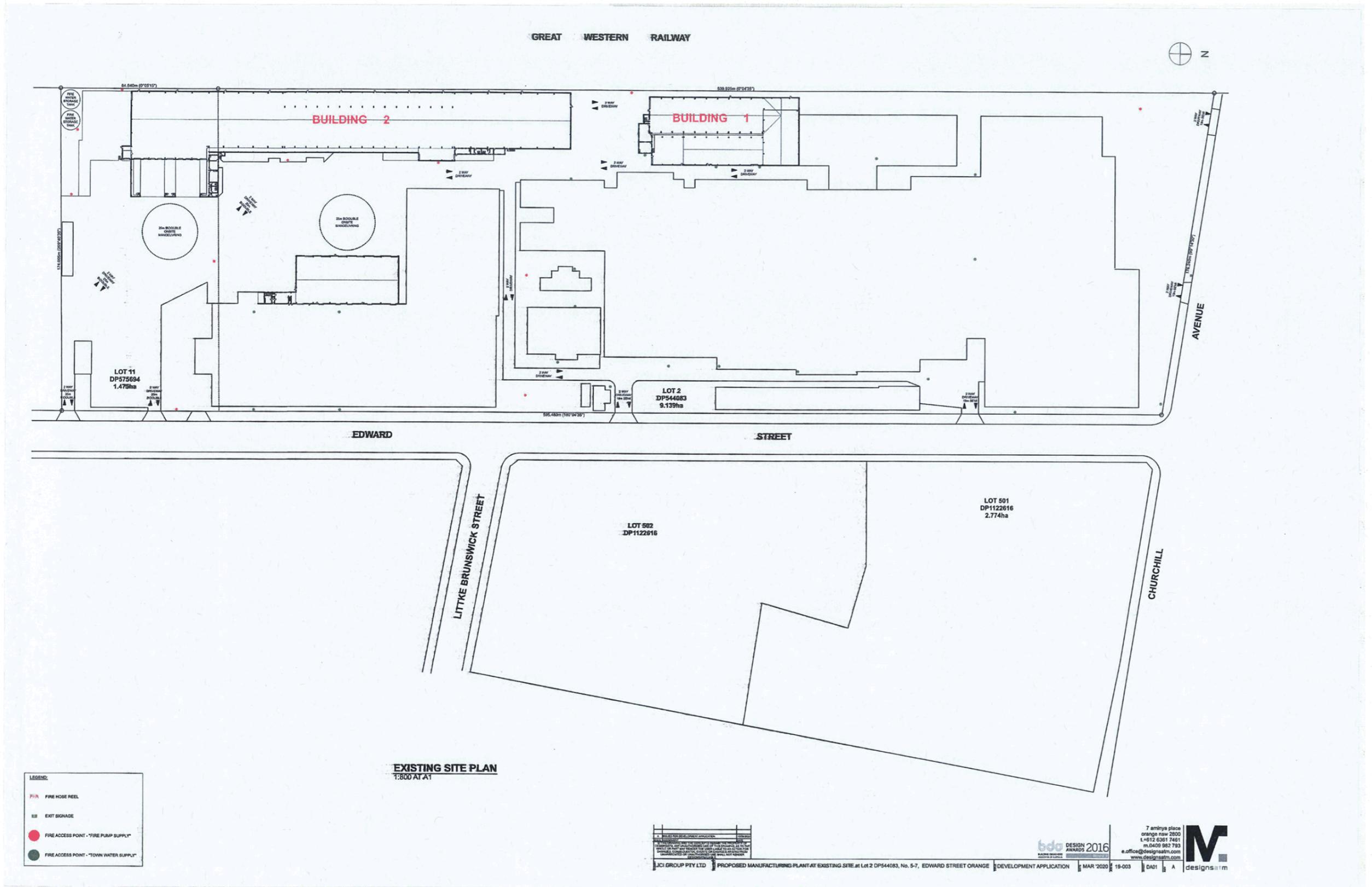
**Name:**

PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

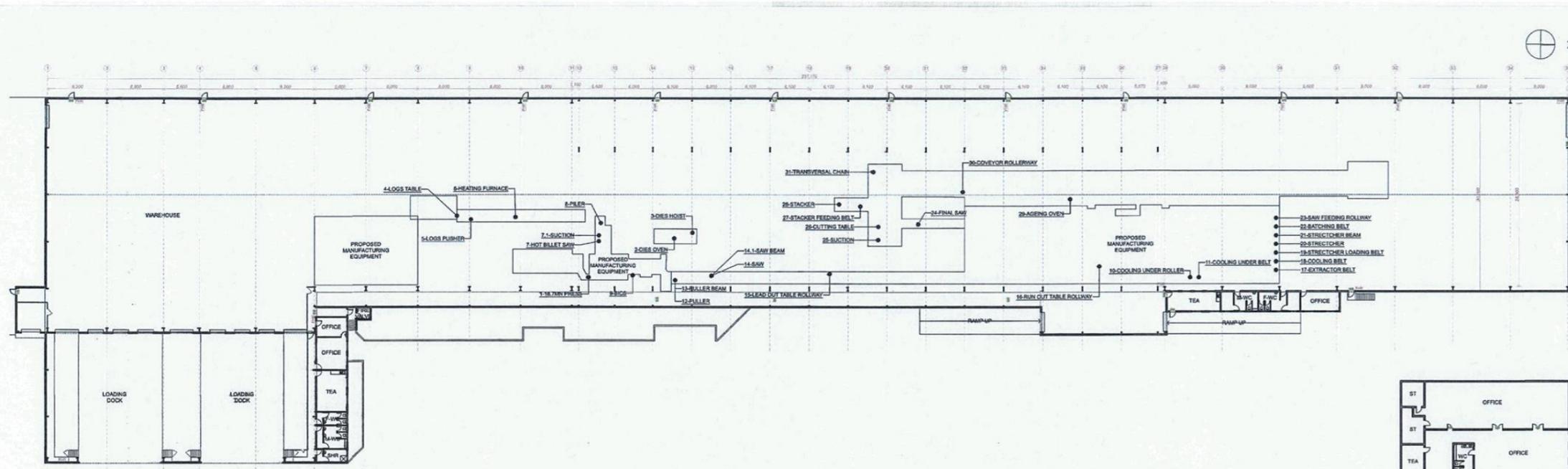
**Date:**

19 August 2020

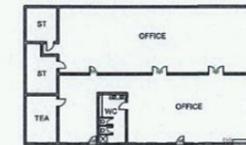




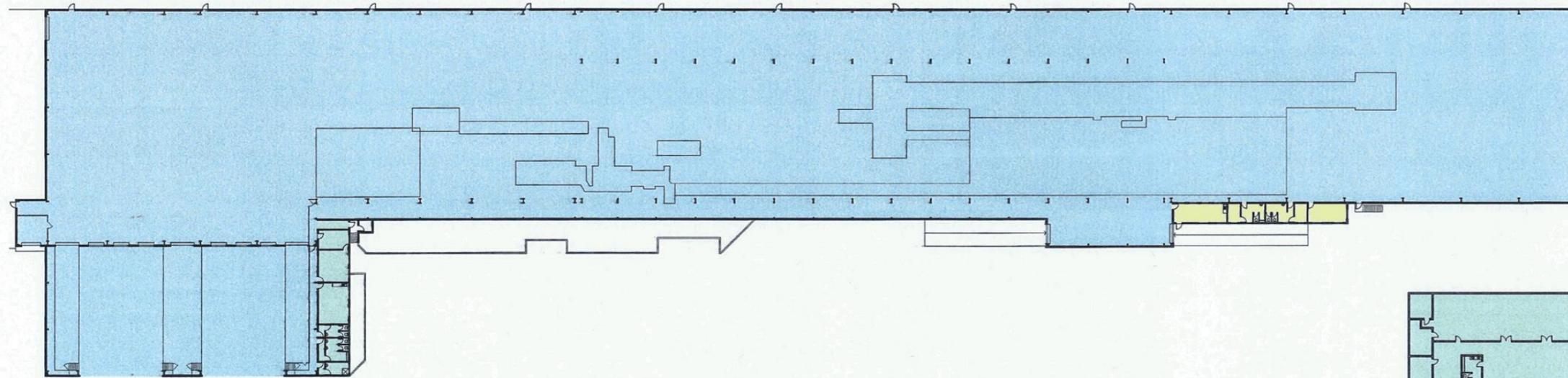




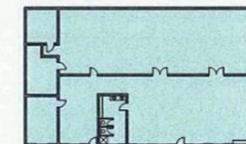
**PROPOSED FLOOR PLAN**  
1:300 AT A3



**LOWER PLAN**  
1:300 AT A3



**AREA SCHEDULE PLAN**  
1:300 AT A3



**LOWER PLAN**  
1:300 AT A3

**LEGEND**

- FIRE HOSE REEL
- EXIT SIGNAGE
- FIRE ACCESS POINT - "FIRE PUMP SUPPLY"
- FIRE ACCESS POINT - "TOWN WATER SUPPLY"

**GROSS FLOOR AREA SCHEDULE:**

WAREHOUSE	2,796.15 m <sup>2</sup>
OFFICE & AMENITIES (1)	85.53 m <sup>2</sup>
OFFICE & AMENITIES (2)	125.21 m <sup>2</sup>
LOWER OFFICE	412.25 m <sup>2</sup>

DATE	DESCRIPTION
19/03/2020	ISSUED FOR DEVELOPMENT APPLICATION

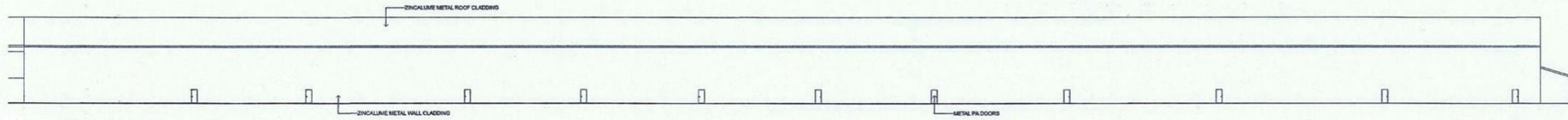
JCI GROUP PTY LTD | PROPOSED MANUFACTURING PLANT AT EXISTING SITE at Lot 2 DP544083, No. 6-7, EDWARD STREET ORANGE | DEVELOPMENT APPLICATION | MAR 2020 | 19-003 | DA02 | A | designs | m

7 amirya place  
orange nsw 2800  
L+612 6361 7461  
m.0439 862 793  
e.office@designatm.com  
www.designatm.com

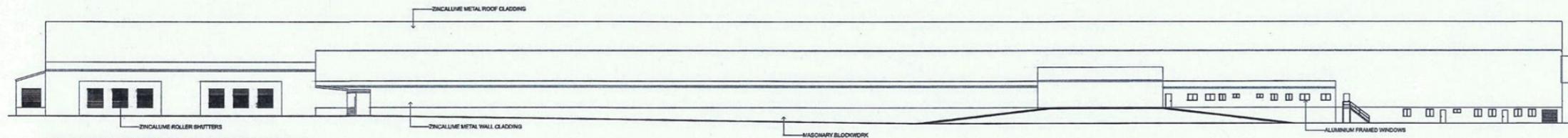
**DESIGN AWARDS 2016**

**M.**

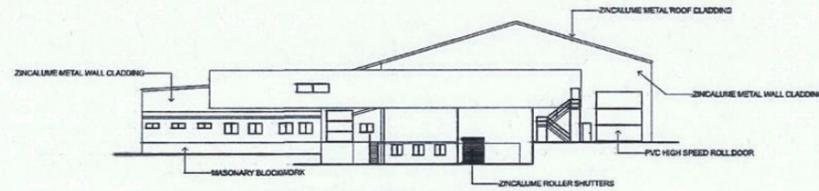




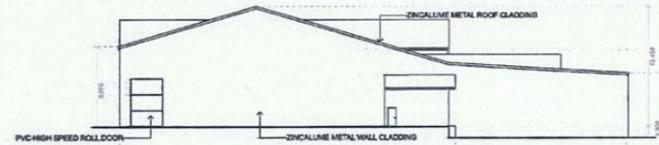
**EXISTING \ PROPOSED WEST ELEVATION**  
1:300 AT A3



**EXISTING \ PROPOSED EAST ELEVATION**  
1:300 AT A3



**EXISTING \ PROPOSED NORTH ELEVATION**  
1:300 AT A3



**EXISTING \ PROPOSED SOUTH ELEVATION**  
1:300 AT A3

**LEGEND**

	FIRE HOSE REEL
	EXIT SIGNAGE
	FIRE ACCESS POINT - "FIRE PUMP SUPPLY"
	FIRE ACCESS POINT - "TOWN WATER SUPPLY"

DATE	DESCRIPTION

JCI GROUP PTY LTD | PROPOSED MANUFACTURING PLANT AT EXISTING SITE at Lot 2 DP644083, No. 5-7, EDWARD STREET ORANGE | DEVELOPMENT APPLICATION | MAR 2020 | 19-003 | D403 | A | designs | m

**bdg** DESIGN 2016  
AWARDS 2016

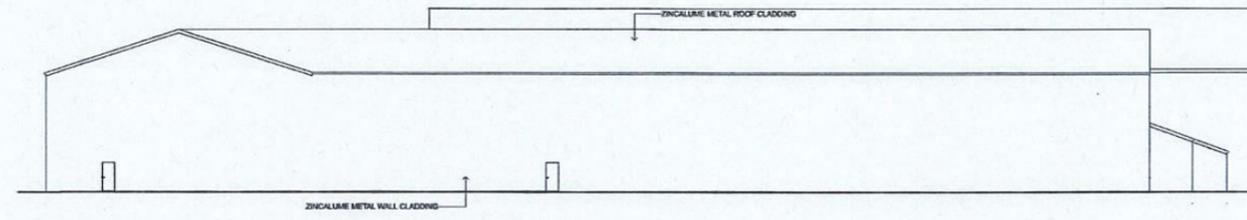
7 amirys place  
orange nsw 2800  
t+612 6361 7461  
m.0429 862 793  
e.office@designm.com  
www.designm.com



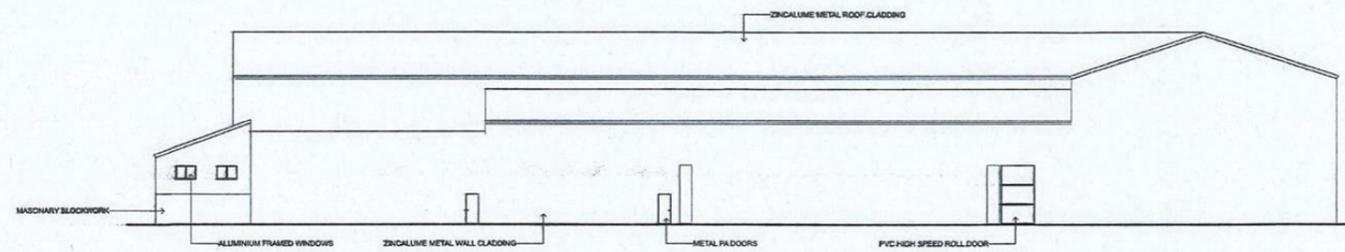




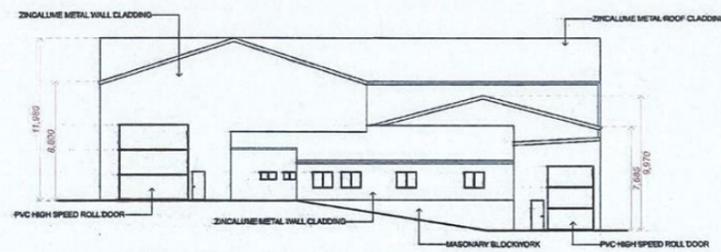




**EXISTING \ PROPOSED WEST ELEVATION**  
T:200 AT A3



**EXISTING \ PROPOSED EAST ELEVATION**  
T:200 AT A3



**EXISTING \ PROPOSED SOUTH ELEVATION**  
T:200 AT A3

**LEGEND:**

	FIRE HOSE REEL
	EXIT SIGNAGE
	FIRE ACCESS POINT - "FIRE PUMP SUPPLY"
	FIRE ACCESS POINT - "TOWN WATER SUPPLY"

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2020/03/03
2	ISSUED FOR PERMIT	2020/03/03
3	ISSUED FOR PERMIT	2020/03/03
4	ISSUED FOR PERMIT	2020/03/03

JCI GROUP PTY LTD | PROPOSED MANUFACTURING PLANT AT EXISTING SITE at Lot 2 DPS44083, No. 57, EDWARD STREET ORANGE | DEVELOPMENT APPLICATION | MAR 2020 | 19-003 | DA05 | A | designs.irm

**bda** DESIGN AWARDS 2016  
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www.designsirm.com



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**5.15 FEDERAL LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM AND RESOURCES FOR REGIONS PROJECTS**

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RECORD NUMBER: 2020/1434  
AUTHOR: Scott Maunder, Director Community, Recreation and Cultural Services

**EXECUTIVE SUMMARY**

Council has been advised of two streams of funding for local projects. The NSW Government has allocated \$1.17M under the resources for regions funding. The Australian Government has allocated \$720,000 under the Federal Local Roads and Community Infrastructure Program.

This funding is non-competitive and guaranteed for Council.

Council though are required to nominate and provide detail on proposed projects via grant hubs for approval before the funding is received and projects can commence. These submissions are due on 2 September 2020.

This report seeks Council determination of projects to be submitted.

**FINANCIAL IMPLICATIONS**

Nil. Projects will proceed or otherwise following determination of the grant process.

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council determine which projects are to be submitted for approval.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION*****Resources for Regions***

The \$50 million Resources for Regions program (round 7) was announced on 24 June 2020 to support the ongoing prosperity of mining communities in regional NSW by providing economic opportunities, improved amenity and positive social outcomes.

\$50 million will be allocated across identified eligible Local Government Areas (LGAs). Prescribed allocations of funding are assigned to eligible LGAs to ensure Resources for Regions is weighted towards supporting the most mining-affected communities in NSW.

Orange City Council has been allocated \$1,170,966.

## 5.15 Federal Local Roads and Community Infrastructure Program and Resources for Regions Projects

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This round includes some changes to the process including:

- The program objectives should be updated and refined in order to better target the scope of the program.
- Applications should link proposed projects to the relevant Local Government Area's (LGA) Community Strategic Plan or relevant NSW Government Regional Plan.
- The scope of eligible projects should be broadened to include both infrastructure and programs.
- Each mining-impacted LGA will be eligible to apply for a guaranteed amount of funding for their region.

Council is required to submit detailed applications on all projects. The proposed projects for submission under the Resources for Regions funding are:

### **1 Refurbishment of Hockey Centre Car Park and installation of security lighting**

Orange City Council has held discussions with Orange Hockey Association in regard to works required to the Hockey Centre. Priority works identified were the repair and reseal of the Hockey Centre Car Park and installation of security lighting.

*Cost: \$300,000*

### **2 New Toilets in 3 local parks**

Orange City Council would build new toilet facilities in three local parks – John Lomas Skate Park, Perry Oval and Glenroi Oval.

*Cost: \$255,000 (\$85,000 each)*

### **3 New Canteen and Kitchen Facilities and Amenities and Shower Block at Naylor Pavilion**

Orange City Council would build new toilet and shower facilities at the Naylor Pavilion together with a Kitchen and Canteen. These facilities are able to be used in conjunction with the operations of the Naylor Pavilion or independent to it. The total estimated cost is \$750,000. Council has allocated \$250,000 towards the project in 2020/21.

*Cost: \$750,000 Requested Funding: \$500,000*

### **4 Youth Resilience Project to Orange School Students**

The Resilience Project delivers emotionally engaging programs to schools providing practical, evidence-based mental health strategies to build resilience and happiness. This will be particularly useful in these troubling times around Covid-19.

Through presentations, school curriculum, events, the TRP App, and Wellbeing Journals, students share the benefits of Gratitude, Empathy and Mindfulness, and easy ways to practise these in everyday life. The program also incorporates Emotional Literacy, Connection and Physical Health education and activities as they are foundational contributors to positive mental health.

## 5.15 Federal Local Roads and Community Infrastructure Program and Resources for Regions Projects

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Developing resilience in youth across Orange is important as we know:

- 1 in 4 adolescents have a mental illness
- 1 in 7 primary schools kids have a mental illness
- 1 in 5 adults will experience mental ill-health throughout the year
- 65% of adolescents do not seek help for mental illness

This program is delivered by The Resilience Project based in Melbourne which has delivered the program to over 1,000 schools and more than 1,000,000 Australians.

The project would be delivered to both primary and secondary school students across Orange.

Orange Aboriginal Medical Service has committed \$50,000 towards the delivery of the project.

*Cost: \$150,000 Requested Funding: \$100,000*

### 5 Alternative Projects:

Council has submitted a funding request under the showground stimulus fund for the Naylor Pavilion project. If successful these funds would be required to be allocated to alternative projects.

Enhancement of Orange Caravan Park

The Orange Caravan Park is in need of enhancements and repairs to address safety issues and improve the nature of facilities offered. The proposed works include security measures, new lighting, replacement of a cabin with an accessible cabin, installation of play equipment and installation of acoustic panels.

*Cost: \$250,000*

Stage One Bathurst Road Rest Stop

Council has been working on a design for a rest stop to be constructed near the gateway site. The total estimated cost for the development is \$750,000. It is proposed that stage 1 works would be conducted which would include layback and base parking.

*Cost: \$250,000*

### ***Federal Local Roads and Community Infrastructure Program***

Council has been allocated \$720,000 under this project.

Construction activity on Eligible Projects must be undertaken between 1 July 2020 and 30 June 2021, subject to the following exceptions:

- Where an Eligible Funding Recipient contributes at least fifty per cent towards the total cost of a project. Construction activity on a project may be undertaken until 30 June 2022 as long as the Australian Government's contribution covers the cost of construction activity to 30 June 2021, and all other Eligible Project requirements are met.

It is proposed that Council submit an application to conduct the preparatory works for Stage 4 of the Southern Feeder Road.

*Cost: \$720,000*

**ATTACHMENTS**

- 1 Orange City Council - Resources For Regions Allocation Letter, D20/48924 [↓](#)



**The Hon. John Barilaro MP**  
Deputy Premier  
Minister for Regional New South Wales  
Minister for Industry and Trade

ref: A3491034

Cr Reg Kidd  
Mayor  
Orange City Council  
PO Box 35  
ORANGE NSW 2800

Dear Mayor *Reg*

***Update on the Resources for Regions Program***

I am writing to update you on the launch of Round Seven of the Resources for Regions program.

As you know, Resources for Regions was introduced by the NSW Liberal and Nationals Government in 2012 to assist mining communities in NSW. I am proud that our government has invested \$295 million under this program, acknowledging the enormous contribution mining makes to the NSW economy but also that it impacts our communities in unique ways.

In 2019 a strategic review was undertaken of the Resources for Regions program to make sure it is still fit for purpose and maximises the support to communities most impacted by mining. The review was finalised in November 2019 and is available on the Resources for Regions website:  
[www.nsw.gov.au/resourcesforregions](http://www.nsw.gov.au/resourcesforregions)

Following the review, some fundamental changes have been made to the Resources for Regions program including:

- A dedicated envelope will be made available to 24 eligible LGAs, of which Orange City Council is included. Eligible LGAs will receive a base amount of funding, with a weighted distribution of additional funding based on the mining employment location quotient.
- Eligible projects now include community programs that will support mining communities in addition to infrastructure.
- Only councils will be allocated funding under the program, acknowledging their critical role in understanding the needs of their community and having planned for these needs via their Community Strategic Plans. Councils may give their Joint Organisation of Councils authority to apply on its behalf. Council should also work with community groups to identify priority projects and submit applications on behalf of these organisations.

Your funding allocation is \$1,170,966.

Program Guidelines and other resources will be available to assist applicants on the Resources for Regions website: [www.nsw.gov.au/resourcesforregions](http://www.nsw.gov.au/resourcesforregions)

I am determined that the Resources for Regions program continues to deliver real and positive outcomes for the most mining-impacted communities in regional NSW. I welcome our ongoing collaboration on delivering these outcomes for your community.

Yours sincerely

  
The Hon. John Barilaro MP  
Deputy Premier  
Minister for Regional New South Wales  
Minister for Industry and Trade

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## **6 CLOSED MEETING - SEE CLOSED AGENDA**

The Chief Executive Officer will advise the Council if any written submissions have been received relating to any item advertised for consideration by a closed meeting of Orange City Council.

The Mayor will extend an invitation to any member of the public present at the meeting to make a representation to Council as to whether the meeting should be closed for a particular item. In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

### **RECOMMENDATION**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

#### **6.1 Sale 24 Astill Drive Orange**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

#### **6.2 Tender for Construction of Orange Regional Gallery Extension**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

#### **6.3 Tenders Stage 2 - Internal Fitout of the Animal Shelter**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



**6.1 SALE 24 ASTILL DRIVE ORANGE**

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RECORD NUMBER: 2020/1385

AUTHOR: Shirley Hyde, Legal and Property Officer

**REASON FOR CONFIDENTIALITY**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



**6.2 TENDER FOR CONSTRUCTION OF ORANGE REGIONAL GALLERY EXTENSION**

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RECORD NUMBER: 2020/1409

AUTHOR: Scott Maunder, Director Community, Recreation and Cultural Services

**REASON FOR CONFIDENTIALITY**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



**6.3 TENDERS STAGE 2 - INTERNAL FITOUT OF THE ANIMAL SHELTER**

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RECORD NUMBER: 2020/1425

AUTHOR: Melissa Maccallum, Manager Building and Environment

**REASON FOR CONFIDENTIALITY**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**7 RESOLUTIONS FROM CLOSED MEETING**