
**NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 10 OCTOBER 2018
REPORTS TO COUNCIL – GENERAL MANAGER**

1. ROAD CLOSURE AND ACQUISITION

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

Executive Summary

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

Report

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



1. ROAD CLOSURE AND ACQUISITION (Cont'd)

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

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

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

Financial Implications

Crown Road Licence Application fee \$438.00

Road purchase application fee \$650.75

Purchase processing fee \$301.40

Plan compilation fee \$342.50

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

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

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

Legal and Regulatory Compliance

Roads Act 1993 and Roads Regulation 2008

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

Risk Management Issues

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

Internal/External Consultation

Consultation with Crown Lands

Attachments

Nil

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1. ROAD CLOSURE AND ACQUISITION (Cont'd)

RECOMMENDATION

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

2. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS RETURNS

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.2.8 Implement best practice governance standards, transparent decision making and a strong ethical culture

Executive Summary

This report is presented to Council in accordance with legislative requirements. All Councillors and designated persons have completed and lodged their returns by due date.

Report

Councillors and designated persons are required to lodge a Pecuniary Interest and Other Matters Return with the General Manager within 3 months of becoming a Councillor or designated person, and thereafter prior to 30 September each year.

The General Manager is required to keep a register of returns, and these need to be tabled at the first meeting of the Council after the last day for lodgement, being 30 September.

It is noted that all Councillors and designated persons have completed and lodged their returns by due date.

Section 449(3) of the Local Government Act 1993 states that a Councillor or designated person holding that position at 30 June in any year must complete and lodge with the General Manager within 3 months of becoming a Councillor or designated person, a return in the form prescribed by the regulations.

2. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS RETURNS (Cont'd)

Financial Implications

Nil

Legal and Regulatory Compliance

Sections 449 and 450 of the Local Government Act 1993

Risk Management Issues

Nil – returns have been completed and lodged with the General Manager and these are tabled at the meeting in accordance with legislative requirements.

Internal/External Consultation

Consultation with Councillors and Designated Persons

Attachments

Nil

RECOMMENDATION

That the information be noted.

3. RECLASSIFICATION OF CROWN LAND AS OPERATIONAL

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

Executive Summary

This report is presented to Council to consider seeking ministerial consent to classify relevant Crown Land as operational.

Report

The Crown Land Management Act 2016 (CLM Act) authorises Councils that are appointed as Crown land Manager for dedicated or reserved Crown Land (Council Managers) to manage Crown Land as if it were public land under the Local Government Act 1993 (LG Act).

3. RECLASSIFICATION OF CROWN LAND AS OPERATIONAL (Cont'd)

The LG Act requires that all public land must be categorised as community or operational land.

The CLM Act states that Crown Land managed by Council Managers as public land must be managed as if it were community land, unless Ministerial consent is given to classify the land as operational. Where the Minister gives consent to classify the land as operational land, Council Managers have all the functions that Council has under the LG Act in relation to operational land, however Council Managers cannot sell the land without further ministerial consent nor do anything that contravenes any condition of Council's appointment as a Crown Land Manager, the Crown Land Management Regulation 2018, an applicable Crown Land Management rule, or any application plan of management adopted under the CLM Act.

The Minister will only consent to manage land as operational where a Council Manager can demonstrate that the land:-

1. does not fall within any of the categories of community land under the LG Act;
or
2. could not continue to be used and dealt with as it currently can, if it were required to be used and dealt with as community land.

Requests for consent must be accompanied by sufficient justification as to why the land should be classified and managed as operational. Failure to appropriately justify why Crown Land should be classified as operational will likely result in refusal.

Community land is generally open to the public. It can also be leased or licensed for certain purposes. Community land is to be used and managed in accordance with a Plan of Management. A Plan of Management places each piece of Community Land into one or more of five categories which impact on how they can be used. These are:-

- Natural Area
- Sports Ground
- Park
- Area of Cultural Significance, or
- General Community Use

Operational Land is not generally open to the public but may be used for public purposes such as cemeteries, emergency services, quarries and gravel pits, reservoirs, sanitary purposes, sewage works, urban services and water infrastructure.

It is proposed that Ministerial Consent be sought to classify the following Crown Land as if it were operational land:-

3. RECLASSIFICATION OF CROWN LAND AS OPERATIONAL (Cont'd)

Narromine Quarry

Reserve No 120054
Gazetted Purpose – Quarry
Lot 90 DP 727134
Parish Eurombedah
County Ewenmar
Suburb Narromine

The guidance category provided by the NSW Department of Industry for Quarry is General Community Use. Under Section 36I – core objectives for the management of community land categories as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Justification

Whilst the guidance category for Quarry is General Community Use, it is considered that Reserve 120054 be managed as operational land under the LGA. Mining is a high risk activity due to the operation of heavy vehicles and equipment, blasting, potential rock falls, dust, rough and uneven ground and standing water, which requires the area to be fenced and the public excluded for safety reasons. The future operation of the quarry is considered to be long term and it is therefore unlikely that the area would be suitable for public recreation.

Narromine Rubbish Depot

Reserve No 87103
Gazetted Purpose – Rubbish Depot and Sanitary
Lots 195 and 223 DP 755131 and Lot 7002 DP 1029073
Parish Wentworth
County Narromine
Suburb Narromine

The guidance category provided by NSW Department of Industry for Sanitary Depot is General Community Use (see above for core objectives).

Justification

Whilst the guidance category for Sanitary Purposes is General Community Use, it is considered that Reserve 87103 be managed as operational land under the LGA. The waste depot operates under an Environment Protection Licence which requires controlled entry to the premises, maintaining a perimeter fence, and installing lockable security gates for the safety of the public.

3. RECLASSIFICATION OF CROWN LAND AS OPERATIONAL (Cont'd)

Significant hazards associated with the operation of this waste depot are moving vehicles and plant and the presence of hazardous waste (chemicals, asbestos, biological components etc.). The future operation of the rubbish depot is considered to be long term and given that the land contains buried landfill, it is unlikely that the area would ever be suitable for public recreation.

Trangie Sewerage

Reserve No 120037
Gazetted Purpose – Sewerage
Lot 7301 DP 1148668
Parish Mullah Back
County Narromine
Suburb Trangie

The guidance category provided by NSW Department of Industry for Sewerage is General Community Use (see above for core objectives).

Justification

Whilst the guidance category for Sewerage is General Community Use, it is considered that Reserve 120037 be managed as operational land under the LGA. This area contains a large anaerobic effluent pond and the public are restricted from the area for their safety. Sewage and wastewater contain bacteria, funguses, parasites and viruses that can cause serious infections. Only authorised personnel with adequate training and correct personal protective equipment are allowed on site.

Tomingley Bushfire Brigade

Reserve No 97965
Gazetted Purpose – Bushfire Brigade
Lot 1 DP 720300, Lot 1 DP 1139475
Parish Gundong
County Narromine
Suburb Tomingley

The guidance category provided by NSW Department of Industry for Bushfire Brigade is General Community Use (see above for core objectives).

Justification

Whilst the guidance category for Bushfire Brigade is General Community Use, it is considered that Reserve 97965 be managed as operational land under the LGA. These two Lots are very small in area (approximately 187 m² and 300 m²) and the majority of the area houses the Bushfire Brigade sheds and its emergency equipment. There is very little area around the structures which would allow for public recreation. The area that is available is to provide vehicle access to the structures.

3. RECLASSIFICATION OF CROWN LAND AS OPERATIONAL (Cont'd)

The future operation of the Bushfire Brigade sheds are considered to be long term as they provide an essential emergency service to the area. Only authorised emergency personnel can access the structures and their associated equipment.

Financial Implications

Nil

Legal and Regulatory Compliance

Local Government Act 1993

Crown Land Management Act 2016

NSW Department of Industry – Lands & Water – Guideline – Classification of Crown Land Managed by Crown Land Managers

Risk Management Issues

Nil

If the Minister is not satisfied that the land meets the requirements of Section 3.22(5) of the CLM Act, the NSW Department of Industry will provide written notice to Council that ministerial consent to classify the land as operational has been refused, and that the land must continue to be managed as community land.

Internal/External Consultation

Internal consultation with relevant staff

Attachments

Nil

RECOMMENDATION

That Council seek ministerial consent to classify and manage the following Crown Land Reserves as operational land under the Local Government Act 1993 - Reserve No 120054; Reserve No 87103; Reserve No 120037 and Reserve No 97965.

4. OFFICE CLOSURE

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	DP – 4.2.2.1 – Provide policies, programs and initiatives that support employee work/life balance

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4. OFFICE CLOSURE (Cont'd)

Executive Summary

This report is presented to Council to consider closing the Council Chambers and Council's Customer Service and Payments Centre from 5.00 pm 21 December 2018 to 8.30 am 7 January 2019.

Report

Council has a Closure of Council Facilities Over Christmas/New Year Period Policy which allows for the closure of the Depot facilities, Council Chambers, and Customer Service and Payments Centre during the period between Christmas Day and New Year's Day. All other facilities (including Swimming Pools and Waste Depots) are closed on Christmas Day and re-open during the rest of the Christmas and New Year period but may operate with changes to the hours of operation. Council continues to provide essential services to ensure the health and safety of the community i.e. kerbside garbage collection, CBD cleaning and cleaning of public facilities e.g. toilets, BBQs.

Staff leave liabilities increase in value every year in line with the statutory wage increases. In order to reduce staff leave balances and leave liability costs and to support employee work/life balance, it is recommended closing the Customer Service and Payments Centre and Council Chambers from 5.00 pm Friday 21 December 2018 and reopening at 8.30 am Monday 7 January 2018.

Council will still provide appropriate on-call officers to respond to urgent maintenance work or emergency situations.

Financial Implications

Organisational leave liabilities must be managed at sustainable levels for minimum impact on funds in reserve required for other organisational requirements.

Legal and Regulatory Compliance

Local Government (State) Award

Risk Management Issues

Maintaining staff health and wellbeing is critical to a productive working environment. Given that the Government and commercial sectors close for several weeks over Christmas/New Year, Council's contracted projects will be unaffected by the proposed closure.

Internal/External Consultation

Employee consultation

Attachments - Nil

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4. OFFICE CLOSURE (Cont'd)

RECOMMENDATION

That Council's Customer Service and Payments Centre and Council Chambers close Friday 5.00 pm 21 December 2018 and reopen Monday 8.30 am 7 January 2019.

5. DEVELOPMENT APPROVALS

Author	Executive Manager Planning
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 3.1.6 – Encourage developers to consider energy efficiency and sustainable building design options in new developments DP – 3.1.6.1 - Ensure compliance with relevant building codes and regulations

Executive Summary

This report provides information to Council on the approved Development Applications for the month of September 2018.

Report

The approvals for the month of September 2018 bring the total approved Development Applications for the current financial year to 25 with a total value of \$3,567,924.

DA No.	Location	LOT/DP	Description	Value	Assessment Time/Days
2018/52	Aerodrome Narromine	44/1209533	22 Lot Subdivision	\$900,000	37
2018/56	Eumungerie Road Narromine	111, 45, 46 513154 752600	Consolidation and boundary adjustment	Nil	27
2018/57	Brummagen Road Narromine	1/1185622	Dwelling	\$220,000	14
2018/60	Brennan's Lane Trangie	13/755122	Private Burial Consent	Nil	17
2018/61	Collie Road Trangie	14, 19, 20 755107 755116	Consolidation	Nil	15
2018/63	Bowden Fletcher Dr Narromine	13/1045420	Shed	\$30,000	11
2018/64	Dandaloo Street Trangie	1/130055	Covered Deck Use Only	\$22,231	10

5. DEVELOPMENT APPROVALS (Cont'd)

Financial Implications

There have been 25 development approvals with a total value \$3,576,924 for the financial year.

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000.

Risk Management Issues

Nil

Internal/External Consultation

Nil

Attachment

Nil

RECOMMENDATION

That the report be noted.

**Jane Redden
General Manager**