

**Meeting commenced at 3.00pm.**

**BUSINESS:**

- 1) Acting Mayoral Minute
- 2) Apologies
- 3) Oath or Affirmation
- 4)
  - 4.1 Election of Mayor
  - 4.2 Election of Deputy Mayor
- 5) Declarations of Interest.
- 6)
  - a. Confirmation of Minutes of the Meeting held 18<sup>th</sup> November 2021.
  - b. Matters arising out of Minutes. (Not elsewhere reported)
- 7) Correspondence
  - a. Agenda A (Information Only)
  - b. Agenda B
- 8) General Manager's Report
  - 8.1 General Manager's Report
  - 8.2 Executive Manager, Corporate & Community Services' Report
  - 8.3 Executive Manager, Engineering & Technical Services' Report
  - 8.4 Executive Manager, Development & Environmental Services' Report
- 9) Recommendations of a Committee of a Whole Meeting held 13<sup>th</sup> January, 2022.
- 10) Reports: Delegates/Mayor/Councillors

**PRESENT:** Clr Jeremy Crocker, Clr Bronwyn Hatty, Clr Bruce Hutcheon, Clr Wayne Lewis, Clr Kathy Maslin, Clr David McCann, Clr Colin McKinnon, Clr Garth Perkin and Clr Alan White.

**STAFF:** Tony Donoghue, General Manager;  
Courtney Armstrong, Executive Manager, Corporate & Community Services;  
Tony Kelly, Executive Manager, Engineering & Technical Services;  
Colby Farmer, Executive Manager, Development & Environmental Services.

**APOLOGIES:** Nil

**1) ACTING MAYORAL MINUTE**

In opening this meeting, I am fulfilling my last duty as Mayor of the Coolamon Shire Council.

This is a role I have been honoured to serve, and undertaken with great pride.

I was, and still am, humbled to be given the task of leading our communities, and in undertaking this service made every effort to improve the lives of our residents.

I acknowledge that I have been just one piece in the big picture. Those that have gone before us, laid solid foundations for us to work with. Those Councillors that I served with helped to create a highly functioning organisation that delivered some excellent outcomes.

As my fellow Councillors know, effective Councils operate on team work. They understand and value the input of every member. In all my time on Coolamon Shire, I can honestly say that every person has been advocating for the people of this community – they don't stand for party politics, and every decision has been about how to best serve our constituents.

A tradition I hope Coolamon Shire Council continues with.

Yes, there have been robust debates, but it has always been about what our community need - or in some cases don't. I am proud of the fact that once the decisions have been made, we as a group present a united front on this decision.

I would hope, and ask, that this also continues well into the future.

I would also like to express my appreciation for the other Mayors and Councillors that I have met on my travels. Particularly those of our neighbouring communities, through REROC – their support, help and guidance are invaluable and when we all work together - we create a formidable and well respected region.

Similarly I want to acknowledge the help and support we have received from both of our Federal and State Members over the time. Most recently Michael McCormack and Steph Cooke who have made themselves available to talk at any time about any issue.

In looking back over my time, Coolamon Shire has achieved many things. I look at our communities and believe they are all the better for the work and advocacy that we have achieved.

The fact that I am handing my role over to a new Mayor of Coolamon Shire, is one in itself.

The threat of amalgamation emerged during my time and the importance of remaining self-governed cannot be under estimated. We were strong, financial, viable and sustainable in 2016, and we still are today. If you look at our long term plan, we still will be well into the future. This was achieved by a lot of hard work from staff, a commitment by our Councillors, and excellent support by our communities. Whilst this time was very unsettling and nervous, the confidence and faith people expressed in their local Council was both uplifting and appreciated.

Another area of great pride is the services we provide to our communities that are outside the normal functions of Local Government. Our commitment to both childcare and aged care is unique and we have developed those businesses to be integral to how our communities thrive and prosper. Aged care, and in particular the associated health precinct that Council has developed, is second to none. The addition of an Ambulance Station in 2018 has made our communities and Shire an attractive place to live, work and play.

We have been conscious of what is important to support our communities. The nice parks and main streets, pool upgrades and Library, all start here in this room - the decision to create subdivisions that attract families or business.

Tourism projects like the Ardlethan Short Stay and the Coolamon Caravan Park upgrade, together with projects such as the Canola Trail, bring people to discover and enjoy our communities.

Large and costly infrastructure such as the Ardlethan Sewerage Scheme and the new Business Park, are part of ensuring our towns and communities continue to grow and prosper.

This long term strategic vision has been a strength of our Council and is in no small part created by the co-operation of all staff who deliver this vision every day.

On that note - I would like to sincerely thank the staff who I have had the pleasure to work with. I can honestly say that every member of this team is committed to their role. We are a lucky Council to have such dedicated staff.

But enough of my thoughts – as we now enter into a new Council, I ask that you treat every person in this room, and their view, with respect and guide our communities forward.

Looking around this room I believe I am handing on this batten to good hands.

John Seymour  
Former Mayor

## 2) APOLOGIES

There were no Apologies

## 3) OATH OR AFFIRMATION OF OFFICE

In accordance with Section 233A of the Local Government Act 1993, all Councillors are required to take an Oath or Affirmation of Office as the first item of business of the newly Elected Council.

A record must be kept indicating each Councillor's Oath or Affirmation.

→ A copy of the wording of the Oath or Affirmation is attached to Councillor's information papers. Attachment No. 1

### Action

That all Councillors undertake an Oath or Affirmation of Office.



**Oath of Office**

*I swear that I will undertake the duties of the office of councillor in the best interests of the people of Coolamon Shire and the Coolamon Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

**Councillors**

Jeremy Crocker	_____
Bronwyn Hatty	<u>BHatty</u>
Bruce Hutcheon	<u>[Signature]</u>
Wayne Lewis	<u>[Signature]</u>
Kathy Maslin	<u>[Signature]</u>
Dave McCann	<u>[Signature]</u>
Colin McKinnon	<u>[Signature]</u>
Garth Perkin	<u>[Signature]</u>
Alan White	<u>[Signature]</u>

**In the presence of:**

Anthony Gerard Donoghue – General Manager \_\_\_\_\_ [Signature]

Gail Maree O'Brien (JP 117817) \_\_\_\_\_ [Signature]

Date: 13 January 2022



**Affirmation of Office**

*I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Coolamon Shire and the Coolamon Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

**Councillors**

Jeremy Crocker

Bronwyn Hatty

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Bruce Hutcheon

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Wayne Lewis

Kathy Maslin

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Dave McCann

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Colin McKinnon

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Garth Perkin

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Alan White

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**In the presence of:**

Anthony Gerard Donoghue – General Manager

Gail Maree O'Brien (JP 117817)

Date: 13 January 2022

#### 4) ELECTION OF MAYOR AND DEPUTY MAYOR

Acting Mayor, John Seymour vacated the chair. Tony Donoghue undertook the role of Returning Officer.

##### 4.1) ELECTION OF MAYOR - LOCAL GOVERNMENT (GENERAL) REGULATIONS 2021, CLAUSE 394, SCHEDULE 7

The Regulations provide the following:-

- The General Manager (or a person appointed by the General Manager) is the Returning Officer.
- A Councillor may be nominated without notice for election as Mayor.
- The nomination is to be made in writing by two or more Councillors (one of whom may be the nominee).
- The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- The nomination is to be delivered or sent to the Returning Officer.
- The Returning Officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.
- If only one Councillor is nominated that Councillor is elected.
- If more than one Councillor is nominated the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- The election is to be held at the Council Meeting at which the Council resolves on the method of voting.

#### DEFINITIONS

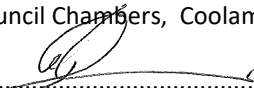
Ballot has its normal meaning of secret ballot and open voting means voting by a show of hands or similar means.


The term of the Elected Mayor is normally for two years, however due to the Elections being postponed, this term of Mayor is until the September Council Meeting in 2023.

- ➔ **Distributed** with the agenda are copies of nomination forms for use in respect of the election of the Mayor. Attachment No. 2

*The General Manager advised that he had received only one nomination, that being Councillor David James McCann OAM, OAM (Mil) for the position of Mayor. C/r McCann accepted nomination.*

**In accordance with the Local Government Act, the General Manager advised the Council that Councillor David James McCann OAM, OAM (Mil) had been elected to the position of Mayor until the next mid term Mayoral Election in September 2023.**

.......... MAYOR

..........GENERAL MANAGER.



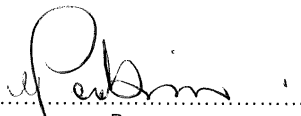


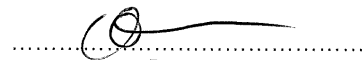
## ELECTION OF MAYOR

Local Government Act, 1993, Sections 227, 282 and 290.  
Local Government (General) Regulation 2021, Clause 394 and Schedule 7.

### NOMINATION

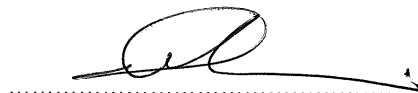
We, the undersigned Councillors hereby nominate DAVID M'CAW  
who is a Councillor of this Council for election to the office of **MAYOR**.

  
Proposer

  
Proposer

### CONSENT TO NOMINATION

I, David M'CAW hereby consent to my nomination as set  
(print name of nominee)  
out above.

  
Signature of Nominee

13/1/2022  
Date

**4.2) ELECTION OF DEPUTY MAYOR – LOCAL GOVERNMENT ACT 1993  
(SECTION 231)**

The position of Deputy Mayor is an optional position. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise, from exercising the function or if there is a casual vacancy in the office of Mayor.

Council has traditionally elected such a person and the election procedures are the same as for the Mayor.

The Deputy Mayor may be elected for the Mayoral term or for a shorter period.

→ **Distributed** with this agenda are copies of nomination forms for use in respect of the election of the Deputy Mayor. Attachment No. 3

***The General Manager advised that he had received only one nomination, that being Councillor Alan John White for the position of Deputy Mayor. Cllr White accepted nomination.***

**In accordance with the Local Government Act, the General Manager advised the Council that Councillor Alan John White had been elected to the position of Deputy Mayor until the next mid term Deputy Mayoral Election in September 2023.**




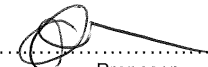
## ELECTION OF DEPUTY MAYOR

Local Government Act, 1993, Sections 231.  
Local Government (General) Regulation 2021, Schedule 7.

### NOMINATION

We, the undersigned Councillors hereby nominate ALAN WHITE  
who is a Councillor of this Council for election to the office of **DEPUTY MAYOR**.

  
Proposer

  
Proposer

### CONSENT TO NOMINATION

I, ALAN JOHN WHITE hereby consent to my nomination as set  
(print name of nominee)  
out above.

  
Signature of Nominee

13-1-2022  
Date

**5) DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**6a) CONFIRMATION OF MINUTES OF THE MEETING HELD 18<sup>TH</sup> NOVEMBER, 2021**

**RESOLVED on the motion of Clr Crocker and seconded by Clr Maslin that the Minutes of the Meeting held 18<sup>th</sup> November 2021 as circulated be confirmed and adopted.** 01/01/2022

**6b) MATTERS ARISING OUT OF THE MINUTES**

There were no matters arising out of the Minutes.

**7) CORRESPONDENCE**

**AGENDA A (FOR INFORMATION ONLY)**

**1a) INFORMATION PAPERS**

→ The following papers have been **distributed** with Council's supplementary material as being matters of information/interest to Councillors. If Councillors desire any further information on the matters distributed, then that can be raised with the General Manager.

- 1) Statewide Mutual – Information for Councillors. Attachment No. 4.1  
Council are a member of Statewide Mutual and the information advises how the Self Insurance Scheme operates.
- 2) Office of Local Government (OLG) – Review of Councillor Misconduct Framework. Attachment No. 4.2  
The Office of Local Government will be conducting a review and part of this is the consultation process.
- 3) Goldenfields Water – Councillor Information. Attachment No. 4.3  
Goldenfields Water County Council have provided information to Councillors about the operations and governance of Goldenfields Water.

**RESOLVED on the motion of Clr White and seconded by Clr McKinnon that the Correspondence listed in Agenda A be received.** 02/01/2022

## 8) GENERAL MANAGER REPORTS

### 8.1) GENERAL MANAGER REPORTS

#### GM1) COUNCIL MEETING DATE AND TIME, APPOINTMENT OF DELEGATES, COUNCIL COMMITTEE STRUCTURE, OPERATIONAL COMMITTEES AND DELEGATIONS (C.11-01, SC137)

##### 1) DETERMINATION OF DATE AND TIME OF MEETING

The Local Government Act requires that Council should meet at least ten times per annum, each time being in a different month (Section 365). It is appropriate therefore that Council determine the date and time for its Ordinary Meeting. Current policy is that Council meets on the third Thursday of the month commencing at 3.00pm.

**RESOLVED on the motion of Clr Maslin and seconded by Clr White that the Ordinary Meeting of Council be held at 3.00pm on the third Thursday of the month. 03/01/2022**

##### 2) APPOINTMENT OF DELEGATES

The following delegates are appointed usually for the term of Council unless Council proposes changes. The Organisations are external to Council's Administration.

	ORGANISATION	DELEGATES
a	Riverina Regional Library	<ul style="list-style-type: none"> <li>• <del>Clr K Logan</del> <b>TBD</b></li> <li>• General Manager, T Donoghue</li> <li>• Alternate Delegate: Executive Manager, Corporate &amp; Community Services, C Armstrong</li> </ul>
b	Traffic Facilities Committee	<ul style="list-style-type: none"> <li>• Executive Manager, Engineering &amp; Technical Services, T Kelly</li> </ul>
c	Riverina Eastern Regional Organisation of Councils (REROC)	<ul style="list-style-type: none"> <li>• Mayor, <del>Clr J Seymour</del> <b>TBD</b></li> <li>• General Manager, T Donoghue</li> </ul>
d	Goldenfields Water County Council	<ul style="list-style-type: none"> <li>• Clr D McCann</li> </ul>
e	Local Emergency Management Committee	<ul style="list-style-type: none"> <li>• Executive Manager, Engineering &amp; Technical Services, T Kelly</li> <li>• General Manager, T Donoghue</li> <li>• Clr Dave McCann</li> </ul>
f	Eastern Riverina Arts	<ul style="list-style-type: none"> <li>• Community Development Officer, <del>Jack</del> <b>TBD</b></li> </ul>

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 13<sup>TH</sup> JANUARY 2022.

g	Noxious Weeds Authority Joint Venture Operating Committee	<ul style="list-style-type: none"> <li>• <del>Clr J Seymour</del> <b>TBD</b></li> <li>• Clr C McKinnon</li> <li>• Executive Manager, Engineering &amp; Technical Services, T Kelly</li> </ul>
h	NSW Rural Fire Service Agreement Committee	<ul style="list-style-type: none"> <li>• Clr C McKinnon</li> </ul>
i	Riverina Regional Weeds Committee	<ul style="list-style-type: none"> <li>• Clr K Maslin</li> </ul>
j	Riverina Joint Organisation of Councils	<ul style="list-style-type: none"> <li>• Mayor, <del>Clr J Seymour</del> <b>TBD</b></li> <li>• Associate Member: General Manager, Tony Donoghue</li> </ul>
k	Coolamon Shire Council Southern Joint Regional Planning Panel	<ul style="list-style-type: none"> <li>• Terrey Kiss</li> <li>• Kris Dunstan</li> <li>• Tony Donoghue (Alternate Member)</li> <li>• John Seymour (Alternate Member)</li> </ul>

**RESOLVED** on the motion of Clr Hutcheon and seconded by Clr Maslin that the following delegates be appointed: 04/01/2022

	ORGANISATION	DELEGATES
a	Riverina Regional Library	<ul style="list-style-type: none"> <li>• Clr K Maslin</li> <li>• General Manager, T Donoghue</li> <li>• Alternate Delegate: Executive Manager, Corporate &amp; Community Services, C Armstrong</li> </ul>
b	Traffic Facilities Committee	<ul style="list-style-type: none"> <li>• Executive Manager, Engineering &amp; Technical Services, T Kelly</li> </ul>
c	Riverina Eastern Regional Organisation of Councils (REROC)	<ul style="list-style-type: none"> <li>• Mayor, Clr D McCann</li> <li>• General Manager, T Donoghue</li> </ul>
d	Goldenfields Water County Council	<ul style="list-style-type: none"> <li>• Clr A White</li> </ul>
e	Local Emergency Management Committee	<ul style="list-style-type: none"> <li>• Executive Manager, Engineering &amp; Technical Services, T Kelly</li> <li>• General Manager, T Donoghue</li> <li>• Clr Dave McCann</li> </ul>
f	Eastern Riverina Arts	<ul style="list-style-type: none"> <li>• Community Development Officer, J Collins</li> </ul>
g	Noxious Weeds Authority Joint Venture Operating Committee	<ul style="list-style-type: none"> <li>• Clr G Perkin</li> <li>• Clr C McKinnon</li> <li>• Executive Manager, Engineering &amp; Technical Services, T Kelly</li> </ul>
h	NSW Rural Fire Service Agreement Committee	<ul style="list-style-type: none"> <li>• Clr C McKinnon</li> <li>• Clr W Lewis</li> </ul>
i	Riverina Regional Weeds Committee	<ul style="list-style-type: none"> <li>• Clr K Maslin</li> </ul>
j	Riverina Joint Organisation of Councils	<ul style="list-style-type: none"> <li>• Mayor, Clr D McCann</li> <li>• Associate Member: General Manager, Tony Donoghue</li> </ul>

This is Page No. 14 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 13<sup>th</sup> January 2022.

..... MAYOR

..... GENERAL MANAGER.

k	Coolamon Shire Council Southern Joint Regional Planning Panel	<ul style="list-style-type: none"><li>• Terrey Kiss</li><li>• Kris Dunstan</li><li>• Tony Donoghue (Alternate Member)</li><li>• John Seymour (Alternate Member)</li></ul>
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3) COUNCIL COMMITTEE STRUCTURE

The following Committees are structured as Council Committees and (with the exception of the General Manager's Performance Review Committee) cannot make binding decisions. Their role is to review issues directed to them and to make recommendations to the following Council Meeting.

- Committee of a Whole  
All Councillors
  - To consider matters referred to this Committee that are in accordance with the relevant sections of the Local Government Act 1993 and to then make recommendations to the open Council Meeting.

- 
- General Manager Performance Review Panel:  
Councillor J Seymour **TBD**  
Councillor B Hutcheon  
Councillor D McCann
    - To implement a General Manager Performance Appraisal System that is in accordance with the Guidelines issued by the Office of Local Government.
    - To determine the General Manager's Performance Agreement and to undertake the Performance Appraisal in its entirety.
    - To review and adjust the current General Manager's Employment Contract and the total Remuneration Package subject to Clause 8.3 of that Contract (refers to Performance Appraisal) and the Guidelines.

- Audit, Risk & Improvement Committee  
Mr Ray Smith, Bland Shire Council  
Ms Alison Balind, Bland Shire Council  
Clr Bruce Hutcheon  
Clr Alan White  
Alternate Delegate: Clr Dave McCann

*Note:*

Cootamundra-Gundagai Audit, Risk & Improvement Committee

Tony Donoghue

Courtney Armstrong

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**RESOLVED on the motion of Clr Hutcheon and seconded by Clr Maslin that Council's Committee Structure be adopted as follows:** 05/01/2022

- **Committee of a Whole**

**All Councillors**

- **To consider matters referred to this Committee that are in accordance with the relevant sections of the Local Government Act 1993 and to then make recommendations to the open Council Meeting.**
- 

- **General Manager Performance Review Panel:**

**Councillor D McCann**

**Councillor A White**

**Councillor B Hutcheon**

- **To implement a General Manager Performance Appraisal System that is in accordance with the Guidelines issued by the Office of Local Government.**
- **To determine the General Manager's Performance Agreement and to undertake the Performance Appraisal in its entirety.**
- **To review and adjust the current General Manager's Employment Contract and the total Remuneration Package subject to Clause 8.3 of that Contract (refers to Performance Appraisal) and the Guidelines.**

- **Audit, Risk & Improvement Committee**

**Mr Ray Smith, Bland Shire Council**

**Ms Alison Balind, Bland Shire Council**

**Clr Bruce Hutcheon**

**Clr Alan White**

**Alternate Delegate: Clr Dave McCann**

*Note:*

Cootamundra-Gundagai Audit, Risk & Improvement Committee

Tony Donoghue

Courtney Armstrong

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4) OPERATIONAL COMMITTEES

In accordance with Section 355 of the Local Government Act 1993, Council can delegate certain Committees to undertake the operational activities of Council. The following Committees are established for this purpose:

- Executive Management Committee:  
General Manager, T Donoghue (Chairman)  
Executive Manager, Engineering & Technical Services, T Kelly  
Executive Manager, Corporate & Community Services, C Armstrong  
Executive Manager, Development & Environmental Services, C Farmer
  - To consider operational issues as determined by the General Manager.
  - To review and prepare budgets and other financial documentation prior to submission to Council.
  - To review Council's Strategic 10 Year Plan prior for submission to Council.
  - To undertake policy and strategic review issues prior to Council consideration.

- 
- Consultative Committee:  
General Manager, T Donoghue  
Mr J Mitchell  
~~Mrs N Johnson~~ Erin Bowden
    - Council by law is required to constitute a Consultative Committee. The Committee considers issues of an industrial nature with recommendations assessed by the General Manager and if required, coming to Council.

- Work Health & Safety Committee

Elected Representatives:

- *Works Staff* - Stephen Buttigieg
- *Parks & Gardens and Maintenance* - Craig Whitmore
- *Assets, Waste and Contractors* - Jason Mitchell
- *Coolamon Early Childhood Centre* - Karina Bourke
- *Administration* - Margaret Payton
- *Allawah Lodge* - Jenny Smith
- *Allawah Community Care* - Karly Robinson

Management Appointed:

- Courtney Armstrong
- Scott Buchanan

Human Resources / Risk Management Officer:

- ~~Nyrelle Johnson~~ Erin Bowden
- Under Work, Health & Safety Legislation, Council Staff are entitled to request the formation of a Work, Health & Safety Committee.

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• Allawah Clinical Governance Committee

- General Manager
- Executive Manager, Corporate & Community Services
- Aged Care Services Manager
- Registered Nurse

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**RESOLVED on the motion of Clr Lewis and seconded by Clr Crocker that Council's Committee Structure be adopted as follows:** 06/01/2022

• Executive Management Committee:

**General Manager, T Donoghue (Chairman)**

**Executive Manager, Engineering & Technical Services, T Kelly**

**Executive Manager, Corporate & Community Services, C Armstrong**

**Executive Manager, Development & Environmental Services, C Farmer**

- To consider operational issues as determined by the General Manager.
- To review and prepare budgets and other financial documentation prior to submission to Council.
- To review Council's Strategic 10 Year Plan prior for submission to Council.
- To undertake policy and strategic review issues prior to Council consideration.

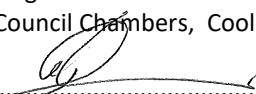
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• Consultative Committee:


**General Manager, T Donoghue**

**Mr J Mitchell**

**Ms Erin Bowden**

..........

MAYOR

..........

GENERAL MANAGER.

- **Council by law is required to constitute a Consultative Committee. The Committee considers issues of an industrial nature with recommendations assessed by the General Manager and if required, coming to Council.**

- **Work Health & Safety Committee**

- **Elected Representatives:**

- ***Works Staff* - Stephen Buttigieg**
- ***Parks & Gardens and Maintenance* - Craig Whitmore**
- ***Assets, Waste and Contractors* - Jason Mitchell**
- ***Coolamon Early Childhood Centre* - Karina Bourke**
- ***Administration* - Margaret Payton**
- ***Allawah Lodge* - Jenny Smith**
- ***Allawah Community Care* - Karly Robinson**

- **Management Appointed:**

- **Courtney Armstrong**
- **Scott Buchanan**

- **Human Resources / Risk Management Officer:**

- **Erin Bowden**

- **Under Work, Health & Safety Legislation, Council Staff are entitled to request the formation of a Work, Health & Safety Committee.**
- 

- **Allawah Clinical Governance Committee**

- **General Manager**
- **Executive Manager, Corporate & Community Services**
- **Aged Care Services Manager**
- **Registered Nurse**

5) DELEGATION OF VARIOUS AUTHORITIES TO COMMITTEES AND COUNCIL STAFF

Pursuant to a new Council being elected it is the responsibility of that Council to either reaffirm or revoke previous delegations to Council Staff and Committees. Delegations made to Staff or Committees allow the organisation to function without constant reference to Council. Decisions made are generally in accordance with Council's policies and as such expedite the decision making process. The following is a formal list of delegations that have existed in the past or have evolved through general practice.

DELEGATIONS FROM COUNCIL TO THE MAYOR

That subject to the requirements of the Local Government Act 1993 and regulations there under and any expressed policy of Council or the requirements or regulations under any other Act and pursuant to Section 377 of the Local Government Act 1993, the MAYOR, David McCann be authorised to exercise or perform on behalf of the Coolamon Shire Council the following powers, authorities, duties and functions:

- To carry out any function conferred on and duty imposed on the Mayor under any Act or regulation.
- To carry out the general supervision, control and direction of the General Manager.
- To approve Applications of Leave by the General Manager.
- To sign cheques drawn on Council's bank accounts in conjunction with the General Manager or any other Staff Member authorised by the General Manager.
- To affix the Common Seal of Council in conjunction with the General Manager to any necessary document pursuant to or consequent upon any decision of Council.
- To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council.
- Approve attendance by Elected Members and Senior Staff at Conferences and Seminars etc., within New South Wales and the ACT to a maximum of three days and within budget provisions.

- Authorise urgent works up to an amount of \$20,000.

#### DELEGATIONS FROM COUNCIL TO DEPUTY MAYOR

That subject to the requirements of the Local Government Act 1993 and regulations there under and any expressed policy of Council or the requirements or regulations under any other Act and pursuant to Section 377 of the Local Government Act 1993, the DEPUTY MAYOR, Alan White be authorised to exercise on behalf of Coolamon Shire Council the following powers, authorities, duties and functions:-

- To carry out the statutory functions of the Mayor and exercise the delegations conferred upon the Mayor whenever the Mayor is absent from the Council area or is otherwise unable to carry out his duties.
- To affix the Common Seal of the Council in conjunction with the General Manager to any necessary document pursuant to or consequent upon any decision of Council.

#### FUNCTIONS OF THE GENERAL MANAGER

In pursuance of Section 335 of the Local Government Act, 1993 the GENERAL MANAGER, Anthony Gerard Donoghue has the following functions:

- 1) The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.
- 2) The General Manager shall have the following particular functions:
  - the day to day management of the Council;
  - to exercise such of the functions of the Council as are delegated by the Council to the General Manager;
  - to appoint staff in accordance within the organisation structure and resources approved by the Council provided. The General Manager may appoint or dismiss Senior Staff only after consultation with the Council;
  - to direct and dismiss staff; and
  - to implement the Council's equal employment opportunity management plan.

- 3) The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act.

These functions include but are not limited to the following:

- To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with any policy or resolution of the Council.
- To perform or authorise any action necessary to comply with any decision, policy or code of Council, any statutory requirements of the Local Government Act or regulation or any other law, rule or regulation affecting Council.
- Reject any application within the prescribed period if it is not clear as to the approval sought or if it is not easily legible.
- Request any additional information that is reasonably necessary to determine any application.
- Authorise the purchase of stationery; seek quotes for office equipment and acceptance of quotes for amounts covered within the Budget.
- Letters of reference may be issued by the General Manager under Council's letterhead at his discretion.
- Grant the tenancy on behalf of Council to permanent residents of Kindra Lodge, Centenary Lodge, Ganmain Aged Persons Units, Ardlethan Aged Persons Units, Allawah Lodge, Allawah Village and other Council dwellings subject to such discussions on appropriateness of tenants with the Mayor.
- To sign purchase orders on Council's behalf.
- To determine the matters which are to be included in the Business Papers subject to the inclusion of the following items whenever they arise, namely:-
  - a) Reports on matters which cannot be determined under Delegated Authority.
  - b) Reports required to be submitted under any Act or regulation.

- c) Reference to any deputations which the Council has agreed to receive.
  - d) Matters requiring a determination of policy.
  - e) Reports directed by Council to be submitted.
  - f) Matters essential for the Council's information.
  - g) Matters requiring a vote of money.
  - h) Matters where the General Manager is of the opinion that any application should be refused.
- To reply to all routine correspondence not involving a monetary vote by Council, not effecting Council policy and not requiring the consideration of Council.
  - To authorise the payment of salaries and wages of the employees of the Council within the sums voted by the Council for expenditure thereon.
  - To authorise payment of accounts in respect of works or votes authorised by Council or associated with the functions of Council.
  - To approve applications for extension of time to pay accounts where acceptable case is made out.
  - To sign cheques drawn on Council's bank account and authorise and transmit electronic transfers from Council's bank account in conjunction with any other person authorised to sign cheques or electronic transfers on Council's behalf.
  - Refund of Trust Fund Deposits including Contract Deposits on the recommendation and certification of the appropriate servant.
  - Accept quotations for the purchase of and replacement of light vehicles.
  - To authorise approval of leave of absence for all Staff of the Council.
  - To apply to wages and salaries any automatic award variations basic wage variation or cost of living adjustments subject to official notification from Local Government NSW or total financial resource allocation in Council's Operational Plan.

- To approve attendance by Council Officers and Staff at Conferences and Seminars which are conducted by or endorsed by the Office of Local Government and other relevant authorities and/or Local Government NSW.
- To approve attendance by Staff at training courses included in Council's Staff Training Programme together with associated User Group Meetings and for which funds are available in Council's Budget.
- To authorise Council Staff to attend Professional Conferences in accordance with Councils policy.

#### DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER

That pursuant to Section 377 of the Local Government Act, 1993, Council delegates to the GENERAL MANAGER, Anthony Gerard Donoghue the functions of Council under the Local Government Act, 1993 other than those functions which, pursuant to sub-section (1) of that section, cannot be delegated by the Council.

That pursuant to Section 381 of the Local Government Act, 1993, Council delegates to the GENERAL MANAGER, Anthony Gerard Donoghue the exercise of functions conferred or imposed on Council employees under other Acts.

The General Manager shall exercise the functions herein delegated in accordance with and subject to:-

- (i) the provisions of the Local Government Act, 1993 and other relevant legislation; and
- (ii) each and every policy of the Council adopted by resolution and current at the time of the exercise of the function herein delegated.

*The delegations under Section 377 and 381 of the Local Government Act, 1993 include but are not limited to the following:*

#### LOCAL GOVERNMENT ACT, 1993

- (a) Chapter 6 - Services Function
  - (i) PART 2 - PUBLIC LAND  
s.54 - Issue of Land Classification Certificates.



(b) Chapter 7 - Regulatory Function

(i) PART 1 - APPROVALS

- s.68 - Approval of activities specified in the table (Section 68 Local Government Act), except in so far as the Local Government Act, 1993, the regulations or a local policy adopted by the Council allows the activity to be carried out without approval.
- s.82 - To modify provisions of Clauses 54 and 55 of the (Approvals) Regulations.
- s.94 - Determination of Applications by granting approval, either conditionally or subject to conditions, or by refusing approval.
- s.95 - Exercising Council's power for deferred commencement of approvals.
- s.96 - Exercising Council's power to grant Staged Approval.
- s.97 - Exercising Council's power to apply Conditions concerning security.
- s.98 - Exercising Council's power to impose Other Conditions.
- s.99 - Giving of notice to applicants of determination of Applications.
- s.100 - Review of Determination where made by a delegation of Council.
- s.106 - Exercising Council's power to amend an approval, in accordance with the procedures outlined in Section 106.
- s.107 - Exercise Council's power to extend or review an approval.

- s.108-109 - Exercise Council's power to revoke or modify an approval in any of the following circumstances:-
- (a) if the approval was obtained by fraud, misrepresentation or concealment of facts;
  - (b) 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 (or not have granted it in the same terms);
  - (c) for any future failure to comply with a requirement made by or under the Local Government Act, 1993 relating to the subject of the approval; and
  - (d) for any failure to comply with a condition of the approval.

(ii) PART 2 - ORDERS

- s.124 - Order a person to do or refrain from doing a thing specified in Column 1 Table No.2 (Chapter 7 - Orders) if the circumstances specified opposite in Column 2 of the Table exists and the person comes within the description opposite it in Column 3 of the Table.
- s.125 - Order a person responsible for a public nuisance to abate such nuisance.
- s.132 - Give notices of an Order under Section 121.

(c) Chapter 8 - Ancillary Functions

(i) PART 1 - ACQUISITION OF LAND

- s.186-187 - Negotiate on Council's behalf for the acquisition of land for the purpose of exercising any of the functions, up to the stage of presenting offers to Council for determination.

(ii) PART 2 - ENTRY ON TO LAND AND OTHER POWERS

- s.191-192 - Authorise Council employees (or other persons) to enter any premises for the purpose of enabling the Council to exercise its functions.
- s.194 - Authorise the use of force for the purposes of entering premises.
- s.201 - Make application to an authorised Justice for the issue of a Search Warrant.

(d) Chapter 11 – How Are Councils Staffed

(i) PART 3 – PUBLIC OFFICER

- s.342 - Designate a member of staff as a Public Officer.
- s.353 - Prohibit staff from engaging in private employment or contract work outside Council.

(e) Chapter 12 - Operation of Councils

(i) PART 3 - SALE OF COUNCIL PROPERTY - PLANT AND EQUIPMENT

To dispose of Council plant and equipment by way of sale at the best offer received when:

- (1) The sale of such item of plant and equipment is approved in the current year's annual operating plan and budget or approved by the Asset Management Committee; or
- (2) The item of plant, equipment or material is obsolete, unserviceable and/or surplus to Council's requirements and the sale of such item of plant or equipment represents the most cost effective option.

(ii) PART 4 – INSURANCE

- s.382 - Make arrangements for adequate insurance against public liability and professional liability.

(f) Chapter 15 - Council Finances

(i) PART 3 - ORDINARY RATES

- s.514 - Determine and declare the categorisation of land for the purpose of making an ordinary rate.
- s.515 - Determine and declare the categorisation of land as farmland.
- s.516 - Determine and declare the categorisation of land as residential.
- s.517 - Determine and declare the categorisation of land as mining.
- s.518 - Determine and declare the categorisation of land as business.
- s.519 - Determine and declare the categorisation of vacant land.
- s.520 - Issue notices of categorisation of land.
- s.523 - Review determinations of categorisation of land.
- s.525 - Determine applications for change of categorisation of land.
- s.548A - Determine applications for aggregation of land values by Council and to adjust and re-levy accordingly.

(ii) PART 5 - LEVYING OF RATES AND CHARGES

- s.552 - Determination of what land may be subject to a water supply special rate or charge.
- s.553 - Determination of time at which land becomes subject to special rate or charge.

(iii) PART 6 - RATEABLE LAND

s.555 - Determination of what land is exempt from all rates.

s.556 - Determination of what land is exempt from all rates, other than water supply special rates and sewerage special rates.

(iv) PART 7 - PAYMENT OF RATES AND CHARGES

s.564 - Approval of agreements as to periodical payment of rates and charges.

s.567 - Write-off accrued interest on rates or charges payable by a rateable owner if, in the General Manager's opinion:-

(a) the rateable owner is unable to pay the accrued interest for reasons beyond the rateable owner's control; or

(b) payment of the accrued interest would cause the rateable owner hardship.  
Section 569 - Issue and serve notices on occupiers for liability for payment of unpaid rates and charges.

(v) LOCAL GOVERNMENT GENERAL REGULATION (2005)

cl.131 - To write off Rates and Charges in accordance with the regulation under this clause.

➤ To write off Rates and Charges up to \$10,000 in accordance with this clause (errors, at law or cost effectiveness).

➤ To write off debts to Council up to \$500.00 in accordance with this clause.

(vi) PART 13 - INVESTMENTS

s.625 - Arrange the investment of money that is not, for the time being, required by the Council for any other purpose.

Money may only be invested in the following:-

(a) in any security authorised by the Trustee

Act; or

(b) in a form of investment notified by order of the Minister published in the Government Gazette.

(vii) LOCAL GOVERNMENT GENERAL REGULATION, 2000

cl.144 - To apply water restrictions under the terms of this clause.

Council delegates to the General Manager the functions, powers, duties and authorities conferred upon it by the following Acts:-

- Aged Care Act, 1997
- Aged Care Quality Safety Commission Act 2018  
To operate the approved Aged Care Services of Coolamon Shire as the key personnel.
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Children and Young Persons (Care and Protection) Act, 1998
- Children (Education & Care Services National Law Application) Act 2010  
To manage and control the operations of the Coolamon Shire Childcare.
- Companion Animals Act, 1998 & Regulations  
Part 5 Division 1 relating to the declaration of dangerous dogs, the consideration of objections by owners of proposed dangerous dogs, revocation of dangerous dog declarations where it is appropriate to do so and to authorise persons for the purposes of that Act.
- Contaminated Land Management Act, 1997 & Regulations
- Environmental Planning and Assessment Act, 1979 & Regulations
  - i) The authority to determine development applications lodged for consent under Part 4 of the Environmental Planning & Assessment Act, 1979 which:
    - a) Comply with the provisions of any Environmental Planning Instrument;

- b) Are consistent with relevant Development Control Plans, Codes or Policies adopted by the Council;
- c) May be considered under Part 4 Division 2, Division 4.11 (Existing Use Rights) of the Environmental Planning & Assessment Act, 1979;
- d) Are the subject of public submissions to which the objection relates;
  - (i) solely to the type of development proposed;
  - (ii) to possible market competition arising, if the development is approved;
  - (iii) to a design standard contained within an adopted Development Control Plan, Code or Policy;
  - (iv) to an issue that may be reasonably alleviated by the imposition of a condition of development consent.
- ii) The authority to, make amendments to or create new Environmental Planning Instruments in accordance with Part 3 of the Environmental Planning and Assessment Act 1979.
- iii) The authority to impose conditions on a development consent granted under Part 4 of the Environmental Planning & Assessment Act, 1979, which are:
  - (a) for a purpose identified in Section 4.17A of the Environmental Planning and Assessment Act 1979;
  - (b) in accordance with the terms of any environmental planning instrument;
  - (c) in accordance with any development control plan, code or policy adopted by the Council;
  - (d) requirements specified by any public authority or public undertaking.
- iv) The authority to refuse a development application which:
  - (a) is prohibited under the provisions of any environmental planning instrument;
  - (b) does not comply with the statutory provisions of the Environmental Planning & Assessment Act, 1979;
  - (c) does not contain adequate information to enable assessment under the relevant heads of consideration listed in Section 4.15 of the Environmental Planning & Assessment Act, 1979.
- v) The authority to determine any request for reconsideration or variation of a condition of development consent under Section 4.55 of the Environmental Planning & Assessment Act, 1979.

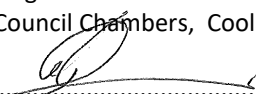
- vi) The authority to approve an extension of any development consent in accordance with the provisions of Section 4.53 of the Environmental Planning & Assessment Act, 1979.
- vii) The function of the Council in relation to Part 5 of the Environmental Planning & Assessment Act, 1979 for an activity which is not of a prescribed kind or an activity that is not likely to significantly affect the environment.
- viii) The authority to reject a development application within 7 days after its receipt if it is not clear as to the development consent sought or it is not easily legible.
- ix) The function of the Council under Division 9.2, Subdivision 2, of the Environmental Planning and Assessment Act 1979 to authorise a person to carry out inspections for the purposes of that Act, the regulations under that Act and any environmental planning instrument under that Act.
- x) The function of the Council under Division 9.5 of the Environmental Planning and Assessment Act 1979 to bring proceedings to remedy or restrain a breach of that Act.
- xi) Authority to forward a Draft Local Environmental Plan under Part 3 of the Environmental Planning and Assessment Act 1979 to the Department of Planning where no public submissions are received as a result of the public exhibition.
- xii) Authority to vary any numeric standard contained within any Council code, policy or development control plan by up to 10% provided the development still meets the objectives of the particular code, policy or development control plan.
- xiii) The authority to require the lodgement of a cash bond or bank guarantee for work outstanding in any partly completed development with the amount of the bond being sufficient to complete the approved work allowing for inflation and administration costs or as provided for in Council's policy.
- xiv) The authority to act on Council's behalf in relation to legal proceedings lodged with the Land & Environment Court as follows:
  - (a) To determine the nature of action to be taken to defend




the appeal and thereafter institute any action deemed necessary in the circumstances.

- (b) To negotiate on matters in issue during conferences between parties when presided over by an assessor appointed by the Land & Environment Court and to delegate such authority to the Director - Works and/or the Director – Environmental & Community Services, where appropriate.
- xv) The function of the Council under Section 6.24 and 10.7.
- xvi) The authority to issue Certificates under Part 4 including Construction, Occupation, Compliance and Subdivision Works Certificates.
- xvii) The powers conferred under Division 9.2 ‘Investigative powers of departmental or council officers’.
- xviii) The power to issue Notice of Intention and orders under Division 9.3 ‘Development Control Orders’ and Schedule 5 ‘Development Control Orders’.
- Environmental Planning & Assessment Amendment Act, 1997
  - a. Approving application which:
    - 1) Comply with the provisions of an environmental planning instrument.
    - 2) Are consistent with relevant Development Control Plans, Codes or Policies adopted by Council.
    - 3) May be considered under Part 4 Division 2, Division 4.11 (Existing Use Rights).
    - 4) Are the subject of public submissions to which the objection relates:
      - i) solely to the type of development proposal.
      - ii) to possible market competition arising, if the development is approved.
      - iii) to a design standard contained within an adopted Development Control Plan, Code or Policy.
      - iv) to an issue that may be reasonably alleviated by the imposition of a condition of development consent.
    - (v) To make decisions on matters in issues during any mediation between parties whether presided over by a mediator appointed by the Court (Commissioner) or by

- a commercial mediator appointed to determine such matters.
- b. Imposing conditions on a development consent granted under Part 4 which are:
- 1) For a purpose identified in Section 4.17.
  - 2) In accordance with the terms of an environmental planning instrument.
  - 3) In accordance with any Development Control Plan, code or policy adopted by Council.
  - 4) Requirements specified by any public authority or public undertaking including a Commissioner appointed by the Land & Environment Court.
- c. Refusing application which:
- 1) are prohibited under the provisions of any environmental planning instrument.
  - 2) do not comply with the statutory provisions of the Environmental Planning and Assessment Amendment Act, 1997.
  - 3) do not contain adequate information to enable assessment under the matters for consideration listed in Section 4.15.
- d. The authority to approve an extension of any development consent in accordance with the provisions of Section 4.53.
- e. The authority to determine any request for reconsideration or variation of a condition of development consent under Section 4.55.
- f. The authority to revoke or modify a development consent under Section 4.57.
- g. The authority to determine, issue or revoke the following certificates in accordance with the provisions of:
- a) Section 6.3 – Part 4
    - 1) Compliance Certificates
    - 2) Construction Certificates
    - 3) Occupation Certificates
    - 4) Subdivision Certificates
  - b) Section 6.3
    - 5) Building Certificates



..... MAYOR



.....GENERAL MANAGER.

- h. The function of the Council to determine in relation to Part 5 for an activity which is not a prescribed activity that is not likely to significantly affect the environment.
  - i. The function of the Council under Division 9.2 'Investigative powers of departmental or council officers'.
  - j. The power to issue Notice of Intention and orders under Division 9.3 'Development control orders' and Schedule 5 'Development Control Orders'.
  - k. The function of the Council to authorise an employee of Council to issue Penalty Notices in accordance with Division 9.58 'Penalty notices for certain offences'.
- Food Act, 2003 & Regulations
  - Government Information (Public Access) Act 2009
  - Health Records and Information Privacy Act 2002
  - Heritage Act, 1977
  - Impounding Act, 1993
  - Independent Commission Against Corruption Act, 1998
  - Privacy and Personal Information Protection Act, 1998
  - Protection of the Environment Operations Act, 1997 & Regulations
    - s.91 - Issue Clean Up Notices
    - s.92 - Undertake clean up and recover costs in relation to reasonable costs and expenses.
    - s.94 - Recover costs
    - s.96 - Issue Prevention Notices
    - s.98 - Take action where a person does not comply with Prevention Notice
    - s.187 - Appoint authorised officers
    - s.224 - Serve a Penalty Notice
    - s.264 - Issue Noise Control Notices
  - Public Health Act, 2010 & Regulations
    - s.105 - Inspection of Records

- s.108 - Power of Entry
- s.110 - Power of Authorised Officer to require answers
- s.111 Requirement to provide information and documents
- s.112 Power of Authorised Officers to direct name and address to be provided
- s.126 Authorised Officer
- s.127 To exercise all functions of Authorised Officers
  
- Roads Act, 1993
  
- Rural Fires Act, 1997 & Regulations
  - s.66 - Issue notices requiring owners or occupiers (not being a public authority) of land to carry out bush fire hazard reduction work.
  - s.67 - Resolve objections to Section 66 Notices.
  - s.70 - Enter on land and carry out bush fire hazard reduction work.
  - Div2A - Investigate bush fire hazard complaints.
  - s.100D, 100E, 100F & 100G - Issue bush fire hazard certificates.
  - s.100H - Remedy and restraint for breaches under Sections 100F and 100G by bringing proceedings in the Land & Environment Court.
  - s.131 - To serve penalty notices on a person.
  
- State Emergency & Rescue Management Act, 1989
  
- State Records Act, 1998
  
- Swimming Pools Act, 1992
  - s.27 - Power to Appoint Inspector
  - s.28 - Power of Entry and Inspection
  - s.24 - Issue Compliance Certificates
  - s.34 - Serve Notices
  - s.35 - Issue Penalty Notices
  
- Transport Administration Act 1988
  
- Waste Minimisation Act
  
- Water Management Act, 2010 & Regulations
  
- Workers Compensation Act, 1987
  
- Work Health & Safety Act 2011 & Regulations 2017

**RESOLVED** on the motion of Clr Hatty and seconded by Clr Maslin that the following delegations be approved: 07/01/2022

**DELEGATIONS FROM COUNCIL TO THE MAYOR**

That subject to the requirements of the Local Government Act 1993 and regulations there under and any expressed policy of Council or the requirements or regulations under any other Act and pursuant to Section 377 of the Local Government Act 1993, the MAYOR, David McCann be authorised to exercise or perform on behalf of the Coolamon Shire Council the following powers, authorities, duties and functions:

- To carry out any function conferred on and duty imposed on the Mayor under any Act or regulation.
- To carry out the general supervision, control and direction of the General Manager.
- To approve Applications of Leave by the General Manager.
- To sign cheques drawn on Council's bank accounts in conjunction with the General Manager or any other Staff Member authorised by the General Manager.
- To affix the Common Seal of Council in conjunction with the General Manager to any necessary document pursuant to or consequent upon any decision of Council.
- To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council.
- Approve attendance by Elected Members and Senior Staff at Conferences and Seminars etc., within New South Wales and the ACT to a maximum of three days and within budget provisions.
- Authorise urgent works up to an amount of \$20,000.

**DELEGATIONS FROM COUNCIL TO DEPUTY MAYOR**

That subject to the requirements of the Local Government Act 1993 and regulations there under and any expressed policy of Council or the requirements or regulations under any other Act and pursuant to Section 377 of the Local Government Act 1993, the DEPUTY MAYOR, Alan White be authorised to exercise on behalf of Coolamon Shire Council the following powers, authorities, duties and functions:-

- To carry out the statutory functions of the Mayor and exercise the delegations conferred upon the Mayor whenever the Mayor is absent from the Council area or is otherwise unable to carry out his duties.
- To affix the Common Seal of the Council in conjunction with the General Manager to any necessary document pursuant to or consequent upon any decision of Council.

**FUNCTIONS OF THE GENERAL MANAGER**

In pursuance of Section 335 of the Local Government Act, 1993 the GENERAL MANAGER, Anthony Gerard Donoghue has the following functions:

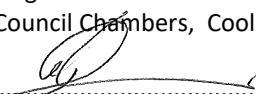
- 1) The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.
- 2) The General Manager shall have the following particular functions:
  - the day to day management of the Council;
  - to exercise such of the functions of the Council as are delegated by the Council to the General Manager;
  - to appoint staff in accordance within the organisation structure and resources approved by the Council provided. The General Manager may appoint or dismiss Senior Staff only after consultation with the Council;
  - to direct and dismiss staff; and
  - to implement the Council's equal employment opportunity management plan.
- 3) The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or

any other Act.


These functions include but are not limited to the following:

- To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with any policy or resolution of the Council.
- To perform or authorise any action necessary to comply with any decision, policy or code of Council, any statutory requirements of the Local Government Act or regulation or any other law, rule or regulation affecting Council.
- Reject any application within the prescribed period if it is not clear as to the approval sought or if it is not easily legible.
- Request any additional information that is reasonably necessary to determine any application.
- Authorise the purchase of stationery; seek quotes for office equipment and acceptance of quotes for amounts covered within the Budget.
- Letters of reference may be issued by the General Manager under Council's letterhead at his discretion.
- Grant the tenancy on behalf of Council to permanent residents of Kindra Lodge, Centenary Lodge, Ganmain Aged Persons Units, Ardlethan Aged Persons Units, Allawah Lodge, Allawah Village and other Council dwellings subject to such discussions on appropriateness of tenants with the Mayor.
- To sign purchase orders on Council's behalf.
- To determine the matters which are to be included in the Business Papers subject to the inclusion of the following items whenever they arise, namely:-
  - a) Reports on matters which cannot be determined under Delegated Authority.
  - b) Reports required to be submitted under any Act or regulation.
  - c) Reference to any deputations which the Council has agreed to receive.

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  - e) Reports directed by Council to be submitted.
  - f) Matters essential for the Council's information.
  - g) Matters requiring a vote of money.
  - h) Matters where the General Manager is of the opinion that any application should be refused.
- To reply to all routine correspondence not involving a monetary vote by Council, not effecting Council policy and not requiring the consideration of Council.
  - To authorise the payment of salaries and wages of the employees of the Council within the sums voted by the Council for expenditure thereon.
  - To authorise payment of accounts in respect of works or votes authorised by Council or associated with the functions of Council.
  - To approve applications for extension of time to pay accounts where acceptable case is made out.
  - To sign cheques drawn on Council's bank account and authorise and transmit electronic transfers from Council's bank account in conjunction with any other person authorised to sign cheques or electronic transfers on Council's behalf.
  - Refund of Trust Fund Deposits including Contract Deposits on the recommendation and certification of the appropriate servant.
  - Accept quotations for the purchase of and replacement of light vehicles.
  - To authorise approval of leave of absence for all Staff of the Council.
  - To apply to wages and salaries any automatic award variations basic wage variation or cost of living adjustments subject to official notification from Local Government NSW or total financial resource allocation in Council's Operational Plan.



..... MAYOR



..... GENERAL MANAGER.



- To approve attendance by Council Officers and Staff at Conferences and Seminars which are conducted by or endorsed by the Office of Local Government and other relevant authorities and/or Local Government NSW.
- To approve attendance by Staff at training courses included in Council's Staff Training Programme together with associated User Group Meetings and for which funds are available in Council's Budget.
- To authorise Council Staff to attend Professional Conferences in accordance with Councils policy.

#### **DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER**

That pursuant to Section 377 of the Local Government Act, 1993, Council delegates to the GENERAL MANAGER, Anthony Gerard Donoghue the functions of Council under the Local Government Act, 1993 other than those functions which, pursuant to sub-section (1) of that section, cannot be delegated by the Council.

That pursuant to Section 381 of the Local Government Act, 1993, Council delegates to the GENERAL MANAGER, Anthony Gerard Donoghue the exercise of functions conferred or imposed on Council employees under other Acts.

The General Manager shall exercise the functions herein delegated in accordance with and subject to:-

- (i) the provisions of the Local Government Act, 1993 and other relevant legislation; and
- (ii) each and every policy of the Council adopted by resolution and current at the time of the exercise of the function herein delegated.

*The delegations under Section 377 and 381 of the Local Government Act, 1993 include but are not limited to the following:*

#### **LOCAL GOVERNMENT ACT, 1993**

- (a) **Chapter 6 - Services Function**
  - (i) **PART 2 - PUBLIC LAND**
    - s.54 - Issue of Land Classification Certificates.

**(b) Chapter 7 - Regulatory Function**

**(i) PART 1 - APPROVALS**

- s.68 - Approval of activities specified in the table (Section 68 Local Government Act), except in so far as the Local Government Act, 1993, the regulations or a local policy adopted by the Council allows the activity to be carried out without approval.**
- s.82 - To modify provisions of Clauses 54 and 55 of the (Approvals) Regulations.**
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- s.97 - Exercising Council's power to apply Conditions concerning security.**
- s.98 - Exercising Council's power to impose Other Conditions.**
- s.99 - Giving of notice to applicants of determination of Applications.**
- s.100 - Review of Determination where made by a delegation of Council.**
- s.106 - Exercising Council's power to amend an approval, in accordance with the procedures outlined in Section 106.**
- s.107 - Exercise Council's power to extend or review an approval.**
- s.108-109 - Exercise Council's power to revoke or modify an approval in any of the following**

circumstances:-

- (a) if the approval was obtained by fraud, misrepresentation or concealment of facts;
- (b) 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 (or not have granted it in the same terms);
- (c) for any future failure to comply with a requirement made by or under the Local Government Act, 1993 relating to the subject of the approval; and
- (d) for any failure to comply with a condition of the approval.

(ii) **PART 2 - ORDERS**

s.124 - Order a person to do or refrain from doing a thing specified in Column 1 Table No.2 (Chapter 7 - Orders) if the circumstances specified opposite in Column 2 of the Table exists and the person comes within the description opposite it in Column 3 of the Table.

s.125 - Order a person responsible for a public nuisance to abate such nuisance.

s.132 - Give notices of an Order under Section 121.

(c) **Chapter 8 - Ancillary Functions**

(i) **PART 1 - ACQUISITION OF LAND**

s.186-187 - Negotiate on Council's behalf for the acquisition of land for the purpose of exercising any of the functions, up to the stage of presenting offers to Council for determination.

**(ii) PART 2 - ENTRY ON TO LAND AND OTHER POWERS**

s.191-192 - Authorise Council employees (or other persons) to enter any premises for the purpose of enabling the Council to exercise its functions.

s.194 - Authorise the use of force for the purposes of entering premises.

s.201 - Make application to an authorised Justice for the issue of a Search Warrant.

**(d) Chapter 11 – How Are Councils Staffed**

**(i) PART 3 – PUBLIC OFFICER**

s.342 - Designate a member of staff as a Public Officer.

s.353 - Prohibit staff from engaging in private employment or contract work outside Council.

**(e) Chapter 12 - Operation of Councils**

**(i) PART 3 - SALE OF COUNCIL PROPERTY - PLANT AND EQUIPMENT**

To dispose of Council plant and equipment by way of sale at the best offer received when:

(1) The sale of such item of plant and equipment is approved in the current year's annual operating plan and budget or approved by the Asset Management Committee; or

(2) The item of plant, equipment or material is obsolete, unserviceable and/or surplus to Council's requirements and the sale of such item of plant or equipment represents the most cost effective option.

**(ii) PART 4 – INSURANCE**

s.382 - Make arrangements for adequate insurance against public liability and professional liability.

**(f) Chapter 15 - Council Finances**

**(i) PART 3 - ORDINARY RATES**

- s.514 - Determine and declare the categorisation of land for the purpose of making an ordinary rate.
- s.515 - Determine and declare the categorisation of land as farmland.
- s.516 - Determine and declare the categorisation of land as residential.
- s.517 - Determine and declare the categorisation of land as mining.
- s.518 - Determine and declare the categorisation of land as business.
- s.519 - Determine and declare the categorisation of vacant land.
- s.520 - Issue notices of categorisation of land.
- s.523 - Review determinations of categorisation of land.
- s.525 - Determine applications for change of categorisation of land.
- s.548A - Determine applications for aggregation of land values by Council and to adjust and re-levy accordingly.

**(ii) PART 5 - LEVYING OF RATES AND CHARGES**

- s.552 - Determination of what land may be subject to a water supply special rate or charge.
- s.553 - Determination of time at which land becomes subject to special rate or charge.

**(iii) PART 6 - RATEABLE LAND**

s.555 - Determination of what land is exempt from all rates.

s.556 - Determination of what land is exempt from all rates, other than water supply special rates and sewerage special rates.

**(iv) PART 7 - PAYMENT OF RATES AND CHARGES**

s.564 - Approval of agreements as to periodical payment of rates and charges.

s.567 - Write-off accrued interest on rates or charges payable by a rateable owner if, in the General Manager's opinion:-

(a) the rateable owner is unable to pay the accrued interest for reasons beyond the rateable owner's control; or

(b) payment of the accrued interest would cause the rateable owner hardship.  
Section 569 - Issue and serve notices on occupiers for liability for payment of unpaid rates and charges.

**(v) LOCAL GOVERNMENT GENERAL REGULATION (2005)**

cl.131 - To write off Rates and Charges in accordance with the regulation under this clause.

➤ To write off Rates and Charges up to \$10,000 in accordance with this clause (errors, at law or cost effectiveness).

➤ To write off debts to Council up to \$500.00 in accordance with this clause.

**(vi) PART 13 - INVESTMENTS**

s.625 - Arrange the investment of money that is not, for the time being, required by the Council for any other purpose.

**Money may only be invested in the following:-**

(a) in any security authorised by the Trustee

Act; or

(b) in a form of investment notified by order of the Minister published in the Government Gazette.

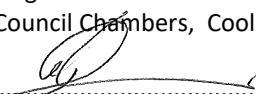
(vii) LOCAL GOVERNMENT GENERAL REGULATION, 2000

cl.144 - To apply water restrictions under the terms of this clause.


Council delegates to the General Manager the functions, powers, duties and authorities conferred upon it by the following Acts:-

- Aged Care Act, 1997
- Aged Care Quality Safety Commission Act 2018  
To operate the approved Aged Care Services of Coolamon Shire as the key personnel.
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Children and Young Persons (Care and Protection) Act, 1998
- Children (Education & Care Services National Law Application) Act 2010  
To manage and control the operations of the Coolamon Shire Childcare.
- Companion Animals Act, 1998 & Regulations  
Part 5 Division 1 relating to the declaration of dangerous dogs, the consideration of objections by owners of proposed dangerous dogs, revocation of dangerous dog declarations where it is appropriate to do so and to authorise persons for the purposes of that Act.
- Contaminated Land Management Act, 1997 & Regulations
- Environmental Planning and Assessment Act, 1979 & Regulations
  - i) The authority to determine development applications lodged for consent under Part 4 of the Environmental Planning & Assessment Act, 1979 which:
    - a) Comply with the provisions of any Environmental

- Planning Instrument;**
- b) Are consistent with relevant Development Control Plans, Codes or Policies adopted by the Council;**
  - c) May be considered under Part 4 Division 2, Division 4.11 (Existing Use Rights) of the Environmental Planning & Assessment Act, 1979;**
  - d) Are the subject of public submissions to which the objection relates;**
    - (i) solely to the type of development proposed;**
    - (ii) to possible market competition arising, if the development is approved;**
    - (iii) to a design standard contained within an adopted Development Control Plan, Code or Policy;**
    - (iv) to an issue that may be reasonably alleviated by the imposition of a condition of development consent.**
- ii) The authority to, make amendments to or create new Environmental Planning Instruments in accordance with Part 3 of the Environmental Planning and Assessment Act 1979.**
- iii) The authority to impose conditions on a development consent granted under Part 4 of the Environmental Planning & Assessment Act, 1979, which are:**
- (a) for a purpose identified in Section 4.17A of the Environmental Planning and Assessment Act 1979;**
  - (b) in accordance with the terms of any environmental planning instrument;**
  - (c) in accordance with any development control plan, code or policy adopted by the Council;**
  - (d) requirements specified by any public authority or public undertaking.**
- iv) The authority to refuse a development application which:**
- (a) is prohibited under the provisions of any environmental planning instrument;**
  - (b) does not comply with the statutory provisions of the Environmental Planning & Assessment Act, 1979;**
  - (c) does not contain adequate information to enable assessment under the relevant heads of consideration listed in Section 4.15 of the Environmental Planning & Assessment Act, 1979.**
- v) The authority to determine any request for reconsideration or variation of a condition of development consent under**



..... MAYOR

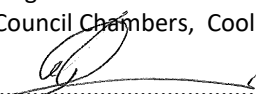


.....GENERAL MANAGER.




**Section 4.55 of the Environmental Planning & Assessment Act, 1979.**

- vi) **The authority to approve an extension of any development consent in accordance with the provisions of Section 4.53 of the Environmental Planning & Assessment Act, 1979.**
- vii) **The function of the Council in relation to Part 5 of the Environmental Planning & Assessment Act, 1979 for an activity which is not of a prescribed kind or an activity that is not likely to significantly affect the environment.**
- viii) **The authority to reject a development application within 7 days after its receipt if it is not clear as to the development consent sought or it is not easily legible.**
- ix) **The function of the Council under Division 9.2, Subdivision 2, of the Environmental Planning and Assessment Act 1979 to authorise a person to carry out inspections for the purposes of that Act, the regulations under that Act and any environmental planning instrument under that Act.**
- x) **The function of the Council under Division 9.5 of the Environmental Planning and Assessment Act 1979 to bring proceedings to remedy or restrain a breach of that Act.**
- xi) **Authority to forward a Draft Local Environmental Plan under Part 3 of the Environmental Planning and Assessment Act 1979 to the Department of Planning where no public submissions are received as a result of the public exhibition.**
- xii) **Authority to vary any numeric standard contained within any Council code, policy or development control plan by up to 10% provided the development still meets the objectives of the particular code, policy or development control plan.**
- xiii) **The authority to require the lodgement of a cash bond or bank guarantee for work outstanding in any partly completed development with the amount of the bond being sufficient to complete the approved work allowing for inflation and administration costs or as provided for in Council's policy.**
- xiv) **The authority to act on Council's behalf in relation to legal proceedings lodged with the Land & Environment Court as**

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MAYOR

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GENERAL MANAGER.

follows:

- (a) To determine the nature of action to be taken to defend the appeal and thereafter institute any action deemed necessary in the circumstances.
  - (b) To negotiate on matters in issue during conferences between parties when presided over by an assessor appointed by the Land & Environment Court and to delegate such authority to the Director - Works and/or the Director – Environmental & Community Services, where appropriate.
- xv) The function of the Council under Section 6.24 and 10.7.
  - xvi) The authority to issue Certificates under Part 4 including Construction, Occupation, Compliance and Subdivision Works Certificates.
  - xvii) The powers conferred under Division 9.2 ‘Investigative powers of departmental or council officers’.
  - xviii) The power to issue Notice of Intention and orders under Division 9.3 ‘Development Control Orders’ and Schedule 5 ‘Development Control Orders’.
- **Environmental Planning & Assessment Amendment Act, 1997**
    - a. Approving application which:
      - 1) Comply with the provisions of an environmental planning instrument.
      - 2) Are consistent with relevant Development Control Plans, Codes or Policies adopted by Council.
      - 3) May be considered under Part 4 Division 2, Division 4.11 (Existing Use Rights).
      - 4) Are the subject of public submissions to which the objection relates:
        - i) solely to the type of development proposal.
        - ii) to possible market competition arising, if the development is approved.
        - iii) to a design standard contained within an adopted Development Control Plan, Code or Policy.
        - iv) to an issue that may be reasonably alleviated by the imposition of a condition of development consent.

- (v) To make decisions on matters in issues during any mediation between parties whether presided over by a mediator appointed by the Court (Commissioner) or by a commercial mediator appointed to determine such matters.
  
- b. Imposing conditions on a development consent granted under Part 4 which are:
  - 1) For a purpose identified in Section 4.17.
  - 2) In accordance with the terms of an environmental planning instrument.
  - 3) In accordance with any Development Control Plan, code or policy adopted by Council.
  - 4) Requirements specified by any public authority or public undertaking including a Commissioner appointed by the Land & Environment Court.
  
- c. Refusing application which:
  - 1) are prohibited under the provisions of any environmental planning instrument.
  - 2) do not comply with the statutory provisions of the Environmental Planning and Assessment Amendment Act, 1997.
  - 3) do not contain adequate information to enable assessment under the matters for consideration listed in Section 4.15.
  
- d. The authority to approve an extension of any development consent in accordance with the provisions of Section 4.53.
  
- e. The authority to determine any request for reconsideration or variation of a condition of development consent under Section 4.55.
  
- f. The authority to revoke or modify a development consent under Section 4.57.
  
- g. The authority to determine, issue or revoke the following certificates in accordance with the provisions of:
  - a) Section 6.3 – Part 4
    - 1) Compliance Certificates
    - 2) Construction Certificates
    - 3) Occupation Certificates
    - 4) Subdivision Certificates
  - b) Section 6.3

**5) Building Certificates**

- h. The function of the Council to determine in relation to Part 5 for an activity which is not a prescribed activity that is not likely to significantly affect the environment.**
- i. The function of the Council under Division 9.2 'Investigative powers of departmental or council officers'.**
- j. The power to issue Notice of Intention and orders under Division 9.3 'Development control orders' and Schedule 5 'Development Control Orders'.**
- k. The function of the Council to authorise an employee of Council to issue Penalty Notices in accordance with Division 9.58 'Penalty notices for certain offences'.**

- **Food Act, 2003 & Regulations**
- **Government Information (Public Access) Act 2009**
- **Health Records and Information Privacy Act 2002**
- **Heritage Act, 1977**
- **Impounding Act, 1993**
- **Independent Commission Against Corruption Act, 1998**
- **Privacy and Personal Information Protection Act, 1998**
- **Protection of the Environment Operations Act, 1997 & Regulations**
  - s.91 - Issue Clean Up Notices**
  - s.92 - Undertake clean up and recover costs in relation to reasonable costs and expenses.**
  - s.94 - Recover costs**
  - s.96 - Issue Prevention Notices**
  - s.98 - Take action where a person does not comply with Prevention Notice**
  - s.187 - Appoint authorised officers**
  - s.224 - Serve a Penalty Notice**
  - s.264 - Issue Noise Control Notices**
- **Public Health Act, 2010 & Regulations**

- s.105 - Inspection of Records
- s.108 - Power of Entry
- s.110 - Power of Authorised Officer to require answers
- s.111 Requirement to provide information and documents
- s.112 Power of Authorised Officers to direct name and address to be provided
- s.126 Authorised Officer
- s.127 To exercise all functions of Authorised Officers
  
- **Roads Act, 1993**
  
- **Rural Fires Act, 1997 & Regulations**
  - s.66 - Issue notices requiring owners or occupiers (not being a public authority) of land to carry out bush fire hazard reduction work.
  - s.67 - Resolve objections to Section 66 Notices.
  - s.70 - Enter on land and carry out bush fire hazard reduction work.
  - Div2A - Investigate bush fire hazard complaints.
  - s.100D, 100E, 100F & 100G - Issue bush fire hazard certificates.
  - s.100H - Remedy and restraint for breaches under Sections 100F and 100G by bringing proceedings in the Land & Environment Court.
  - s.131 - To serve penalty notices on a person.
  
- **State Emergency & Rescue Management Act, 1989**
  
- **State Records Act, 1998**
  
- **Swimming Pools Act, 1992**
  - s.27 - Power to Appoint Inspector
  - s.28 - Power of Entry and Inspection
  - s.24 - Issue Compliance Certificates
  - s.34 - Serve Notices
  - s.35 - Issue Penalty Notices
  
- **Transport Administration Act 1988**
  
- **Waste Minimisation Act**
  
- **Water Management Act, 2010 & Regulations**
  
- **Workers Compensation Act, 1987**
- **Work Health & Safety Act 2011 & Regulations 2017**

**GM2) ELECTION - FILLING OF CASUAL VACANCIES (E.01-08, SC1129)**

Should any casual vacancies occur within the first 18 months of an Election, Council may by resolution choose the next Councillor by using a countback from the recently held Election.

The benefits of this are that Council do not have to hold a bi-election and can fill the role from people who nominated for Council at the last Election. This has both financial and time benefits.

→ A summary of how this would occur is attached. Attachment No. 5

In order to undertake this option, Council will need to resolve the following recommendation.

Recommendation

Pursuant to Section 291A(1) of the Local Government Act 1993, Coolamon Shire Council declares that casual vacancies occurring in the Office of a Councillor within 18 months after the last Ordinary Election are to be filled by a countback of votes cast at that Election and that the General Manager notify the Election Manager within seven (7) days of this decision.

**RESOLVED on the motion of Clr Crocker and seconded by Clr White that Pursuant to Section 291A(1) of the Local Government Act 1993, Coolamon Shire Council declares that casual vacancies occurring in the Office of a Councillor within 18 months after the last Ordinary Election are to be filled by a countback of votes cast at that Election and that the General Manager notify the Election Manager within seven (7) days of this decision.** 08/01/2022

**GM3) LODGEMENT OF WRITTEN RETURNS OF INTEREST (P.02-01, SC296)**

In accordance with the Model Code of Conduct, Councillors must lodge a written Return of Interest with the General Manager within three (3) months of their election or appointment, unless they have submitted a return within the previous three (3) months.

Returns of Interest are an important accountability mechanism for promoting community confidence and decision making by Councillors and others and for ensuring that they disclose and appropriately manage conflicts of interest that they may have with any matters dealt with by the Council.

The Council must maintain a Register of these Returns of Interest and they are to be tabled at the first meeting of Council after they are required to be lodged.

Returns of Interest must also be made available to the public free of charge.

- The Office of Local Government has issued a guide to completing Returns of Interest to assist in this task. The Guide has been attached. [Attachment No. 6](#)

Recommendation

That Council note the report and that all Councillors requiring to lodge the Returns of Interest do so within the required timeframes.

**GM4) DISCLOSURE OF POLITICAL DONATIONS AND ELECTORAL EXPENDITURE  
(E.01-08, SC1129)**

Councillors and Mayors elected at the Local Government Elections on the 4<sup>th</sup> December 2021 must submit Political Donations and Electoral Expenditure Disclosures to the NSW Electoral Commission periodically for their term in office. The first Disclosures must be submitted by the 25<sup>th</sup> February 2022.

- A Fact Sheet has been attached that provides general information in relation to these Disclosures. [Attachment No. 7](#)

Elected Members are required to submit Political Donations and Electoral Expenditure Disclosures to the NSW Electoral Commission for the remainder of their term. There are three types of Disclosures to submit each year as an Elected Member. Two of these are half yearly Disclosures of Political Donations made and received and the third is an annual Disclosure of Electoral Expenditure incurred.

Recommendation

For Council information.

**RESOLVED on the motion of Clr Lewis and seconded by Clr Perkin that the General Manager's Reports (GM3 and GM4) be received.** [09/01/2022](#)

**GM5) MATONG HALL COMMITTEE (C.09-48, SC1239)**

Council have been working for some time now in regard to the proposed Matong Hall. Funding has been sourced and Council and the community are commencing the design phase. In order to operate efficiently and with direct community input, it is thought appropriate that a Section 355 Committee of Council be formed. This Committee would be tasked with helping design the hall and running the Crown land it is proposed to be located on.

Discussions have been held with the community and it is proposed that the following members be appointed:

**Dennis Ashcroft, David Greenwell, Bill Karlberg, Kristie Smith, Katie Bensch**

It is thought appropriate that this Committee be formed for the construction of the Hall only, and that once this is finalized, the management role of the Hall and land be returned to the Advance Matong Committee.

Recommendation

That Council form the Matong Hall Committee consisting of the following persons:

Dennis Ashcroft, David Greenwell, Bill Karlberg, Kristie Smith, Katie Bensch

With the tasks and objective of:

- Consultation over the design and construction of the Matong Hall.
- Maintain the Matong Sportsground.
- Conduct fundraising associated with the Matong Hall and Sportsground.

**RESOLVED on the motion of Clr McKinnon and seconded by Clr Perkin that Council form the Matong Hall Committee consisting of the following persons:**

10/01/2022

**Dennis Ashcroft, David Greenwell, Bill Karlberg, Kristie Smith,  
Katie Bensch, Clr Colin McKinnon, Clr Bronwyn Hatty**

With the tasks and objective of:

- **Consultation over the design and construction of the Matong Hall.**
- **Maintain the Matong Sportsground.**
- **Conduct fundraising associated with the Matong Hall and Sportsground.**



**8.2 EXECUTIVE MANAGER, CORPORATE & COMMUNITY SERVICES' REPORTS**

There are no reports for this Meeting.

**8.3 EXECUTIVE MANAGER, ENGINEERING & TECHNICAL SERVICES' REPORTS**

There are no reports for this Meeting.

**8.4 EXECUTIVE MANAGER, DEVELOPMENT & ENVIRONMENTAL SERVICES' REPORTS**

**HS1) ENVIRONMENTAL PLANNING AND ASSESSMENT (STATEMENT OF EXPECTATIONS) ORDER 2021 (P.03-01, SC297)**

**Summary**

This report provides information to Council on the recently made Environmental Planning and Assessment (Statement of Expectations) Order 2021.

**Background**

Council received correspondence dated 15 December 2021 from the NSW Department of Planning Industry and Environment advising that the Hon. Rob Stokes, Minister for Planning and Public Spaces and Minister for Transport and Roads has recently made the Environmental Planning and Assessment (Statement of Expectations) Order 2021.

The Order sets out clear expectations as to what constitutes an efficient and effective planning system and one that business and the community can have confidence in. It sets benchmarks for council performance in the areas of development assessment, planning proposals and strategic planning.

It should also be noted that the Government has placed similar performance expectations on the Department of Planning, Industry and Environment (the Department) and other agencies with approval roles in the planning system. There are also new requirements on industry to improve the timeliness and quality of development applications.

The Minister has decided to outline his clear expectations for the planning system in the Order so that incoming Councillors are aware of the importance of an

efficient and effective planning system in supporting a strong economy and delivering better places. It is also important to note that for the first time incoming Councillors will be provided an induction on the planning and their role in ensuring the planning system as efficiently as possible.

### **The Order**

The content of the order address planning and development matters and is essentially split into four (4) parts of relevance as outlined below:

### **Heads of Consideration**

The heads of consideration to be taken into consideration in exercising the power under s.9.6(1)(b) of the Act are:

- a) Whether or not the Council has failed to meet the Minister's expectations.
- b) The frequency and degree to which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- c) The range and type of planning and development matters in respect of which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- d) Whether or not an appointment under s.9.6(1)(b) should be made in relation to one or more of a particular class of planning and development matter, or all planning and development matters dealt with by the Council.
- e) The effect of any caretaker period preventing a council's performance in dealing with the planning and development matters (or any particular class of such matters) as set out in clause 5.
- f) The public interest.

### **Minister's Expectations**

Development Assessment

A Council should:

- a) Prepare assessment reports for a regionally significant development application and refer it to the relevant Regional Panel as soon as practical and no longer than 250 days from lodgement.

- b) Determine a development application for which it is the consent authority as soon as practical and no longer than 180 days from lodgement.
- c) Report a development application for which its functions as a consent authority are exercisable by the local planning panel to the panel for determination within 4 weeks of a request from the panel chair.

### **Planning Proposals**

A Council should:

- a) Make a decision as to whether to support or not a proponent led planning proposal (rezoning) as soon as practical and no longer than 90 days, or
- b) Submit a proponent led planning proposal for a Gateway determination as soon as practical and no longer than 90 days after having indicated its support for the planning proposal.
- c) Publicly exhibit a planning proposal or hold a public hearing in line with the conditions of a Gateway determination.
- d) Consider or respond to public submissions on a draft LEP in accordance with their community participation plan.
- e) Make a LEP, which has been delegated to the council, in the timeframes specified in a Gateway determination.

### **Strategic Planning Obligations**

A Council should:

- a) Prepare a LSPS for its Local Government Area that meets the requirements for these statements under the Act.
- b) Undertake the required review of its LSPS.
- c) Give effect to a Regional and/or District Strategic Plan applying to the LGA, including carry out a review of the LEP under section 3.8(3) of the Act.
- d) Give effect to an adopted Local Planning Strategy (such as a Local Housing Strategy), and any approval requirements issued by the Department.

- e) Consider State Environmental Planning Policies or other Strategies and Policies of the Government, the Minister or the Department concerning Planning and Development matters.

Coolamon Shire Council currently meets all of the expectations above.

#### **Financial Implications**

There are no financial impacts arising from this report at this time.

#### **Attachments**

- EPA Statement of Expectations Order. **Attachment No. 8**

#### Recommendation

That Council note the report titled Environmental Planning and Assessment (Statement of Expectations) Order 2021.

**RESOLVED on the motion of Clr Maslin and seconded by Clr White that Council note the report titled Environmental Planning and Assessment (Statement of Expectations) Order 2021.** **11/01/2022**

#### **↑ ADJOURNMENT**

**RESOLVED on the motion of Clr Hutcheon and seconded by Clr White that Council resolve into Committee of a Whole for the purpose of considering confidential matters as listed in the Committee of a Whole agenda for the reason that such matters are considered to be of a confidential nature and in accordance with Council's policy thereto.** **12/01/2022**

**Council adjourned at 3.34pm into Committee of a Whole and reconvened at 3.57pm.**

#### **9) MINUTES OF A COMMITTEE OF A WHOLE MEETING HELD 13<sup>TH</sup> JANUARY 2022.**

**RESOLVED on the motion of Clr McKinnon and seconded by Clr White that the Minutes of a Committee of a Whole Meeting held 13<sup>th</sup> January 2022 be adopted.** **13/01/2022**

**10) REPORTS: DELEGATES/MAYOR/COUNCILLORS**

- Clr Maslin asked if Council could travel the London Hill Road as part of the 2022 Communities Tour.
- Clr Maslin asked about the noticeboard at Ardlethan Lions Park Toilets.
- Clr Maslin advised that it is believed that the Beckom School will be closing.
- Clr Maslin advised that Telstra service in the Ardlethan/Beckom area has not improved.
- Clr Hutcheon requested a report regarding the naming of the Citizen of the Year Award after Bill Thompson.
- Clr Crocker advised that there have been multiple incidents of dirty water in the Coolamon area over the summer holiday period.

***Meeting Closed at 4.05pm.***

Confirmed and signed during the Meeting held this 17<sup>th</sup> day of February, 2022.

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**MAYOR**

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..... MAYOR

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..... GENERAL MANAGER.

**ATTACHMENTS FOR THE MEETING HELD 13<sup>TH</sup> JANUARY 2022**

**ITEMS DISTRIBUTED WITH THE AGENDA**

- 1) A copy of the wording of the Oath or Affirmation.
- 2) The Nomination form in respect of the Election of the Mayor.
- 3) The Nomination form in respect of the Election of the Deputy Mayor.
- 4) INFORMATION PAPERS
  - 1) Statewide Mutual – Information for Councillors on how the Self Insurance Scheme operates.
  - 2) Circular 21/38 from the Office of Local Government on Consultation on Review of the Councillor Misconduct Framework.
  - 3) Information Guide titled Getting on 'Board' with Goldenfields Water. Refer Correspondence Item (1a).
- 5) Correspondence regarding the Filling of Casual Vacancies after an Election. Refer General Manager's Report GM2), [File No. E.01-08].
- 6) Correspondence from the Office of Local Government titled a 'Guide to Completing Returns of Interest' for Councillors in accordance with the Model Code of Conduct. Refer General Manager's Report GM3), [File No. P.02-01].
- 7) A Fact Sheet from the NSW Electoral Commission titled 'Disclosing Political Donations'. Refer General Manager's Report GM4), [File No. E.01-08].
- 8) A Copy of the Environmental Planning & Assessment (Statement Of Expectations) Order 2021. Refer Executive Manager, Development & Environmental Services' Report (HS1), [File No. P.03-01].