

Meeting commenced at 2.00pm.

BUSINESS:

- 1) Apologies
- 2)
 - a. Confirmation of Minutes of the Meeting held 16th May, 2019.
 - b. Matters arising out of Minutes. (Not elsewhere reported)
- 3) Correspondence
 - a. Agenda A (Information Only)
 - b. Agenda B
- 4) General Manager's Report
 - 4.1 General Manager's Report
 - 4.2 Executive Manager, Corporate & Community Services' Report
 - 4.3 Executive Manager, Engineering & Technical Services' Report
 - 4.4 Executive Manager, Development & Environmental Services' Report
- 5) Minutes of the Noxious Weeds Meeting of Coolamon, Junee & Temora held 5th June, 2019.
- 6) Recommendations of the Local Heritage Fund Committee Meeting held 11th June, 2019.
- 7) Reports: Delegates/Mayor/Councillors

PRESENT: Clrs John Seymour, David McCann, Jeremy Crocker, Kathy Maslin and Kerrilee Logan, Clr Colin McKinnon, Clr Alan White and Clr Steve Jones.

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;
Samantha Jennings, Finance Manager.

APOLOGY: Clr Bruce Hutcheon.

1) APOLOGY

RESOLVED on the motion of Clr Crocker and seconded by Clr Maslin that the apology of Clr Hutcheon be accepted. 107/06/2019

2a) CONFIRMATION OF MINUTES OF THE MEETING HELD 16TH MAY, 2019.

RESOLVED on the motion of Clr McCann and seconded by Clr White that the Minutes of the Meeting held 16th May, 2019 as circulated be confirmed and adopted. 108/06/2019

2b) MATTERS ARISING OUT OF THE MINUTES

There were no matters arising out of the Minutes.

3. 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) Minutes of the REROC Board Meeting held 4th April, 2019. Attachment No. 1.1
- 2) Minutes of the RIVJO Board Meeting held 4th April, 2019; Minutes of the RIVJO Board Extraordinary Meeting held 12th April, 2019; and Minutes of the RIVJO Board Extraordinary Meeting held 3rd May, 2019. Attachment No. 1.2
- 3) Minutes of the Advance Ganmain Committee Meeting held 5th June, 2019. Attachment No. 1.3

2a) ACTIVITY REPORTS

- 1) Operating Statistics of the Coolamon Shire Library for May 2019. Attachment No. 2.1

- 2) Community Development Officer's Report for May 2019.
Attachment No. 2.2
- 3) Tourism and Business Development Officer's Report for May 2019.
Attachment No. 2.3

General Manager's Note

- The above reports are operating reports only for use by Senior Staff. They are submitted to Council as part of Agenda A for information only.

AGENDA B

1b) NEW MINISTRY LIST (P.06-01, SC310)

- Following the Federal Election, the new Ministry of the Coalition Government has been announced and a copy attached to the information papers. Attachment No. 3

2b) NSW RURAL FIRE SERVICE (F.03-11, SC459)

- Correspondence has been received from the NSW Rural Fire Service answering our enquiries regarding the 2019/2020 District Estimates. Attachment No. 4

3b) OFFICE OF LOCAL GOVERNMENT (G.03-02, SC202)

- Forwarding information from the Local Government Grants Commission pertaining to Financial Assistance Grants and how they are determined has been received and attached. Attachment No. 5.1
Attachment No. 5.2

RESOLVED on the motion of Clr White and seconded by Clr Jones that the Correspondence listed in Agenda A and Agenda B be received and noted.
109/06/2019

4) GENERAL MANAGER'S REPORT

GM1) MEDIA RELEASE - DROUGHT STIMULOUS PACKAGE (I.03-14, SC1066)

On Tuesday, 11th June 2019, Council received the honour of a visit from the Premier, Gladys Berejiklian; Deputy Premier, John Barilaro; Treasurer, Dominic Perrottet; Agriculture Minister, Adam Marshall and Local Member for Cootamundra, Steph Cooke.

- This is a significant deputation of Senior State Government Ministers and the reason for the visit included a media announcement on the site of the proposed Coolamon Industrial Estate, promising to provide \$1.97 Million to build the infrastructure to this development. A copy of the Media Release is attached to the information papers. [Attachment No. 6](#)

The announcement also included additional drought relief for affected individuals or businesses.

From here, all members of the visit then headed to the Coolamon Up-to-Date Store to have morning tea with representatives from the Schools, and other associated guests.

This promised funding is greatly appreciated by Coolamon Shire Council and will allow Council to support the local economy and proceed with infrastructure work in the next financial year. This will have a multiplier effect in providing jobs and confidence in the growing community.

Recommendation

For Council information.

RESOLVED on the motion of Clr McCann and seconded by Clr McKinnon that Council congratulate local member Steph Cooke for her work involved in relation to the recent NSW Government announcement at Coolamon. [110/06/2019](#)

GM2) BECKOM RAILWAY CROSSING (R.03-03, SC320)

- Council has received correspondence back from John Holland rail in regard to the Beckom Community's queries in relation to the Beckom Rail Crossing. The correspondence advises that a speed limit has been previously placed on the easterly travelling trains to ensure the site distance is in accordance with Engineering standards. [Attachment No. 7](#)

Recommendation

For Council information.

RESOLVED on the motion of Clr McKinnon and seconded by Clr Jones that the report be noted. 111/06/2019

GM3) SOUTHERN SPORTS ACADEMY (S.07-01, SC589)

→ Council has received a request from the Southern Sports Academy to sponsor athletes that emanate from the Coolamon Shire Local Government Area. These up and coming athletes have been selected for their sporting abilities to pursue a higher level of sporting achievement. Attachment No. 8

Council receives this request annually and has always contributed \$200.00 per athlete.

Recommendation

That Council contribute \$200.00 for the five athletes nominated.

RESOLVED on the motion of Clr McCann and seconded by Clr Crocker that Council contribute \$200.00 for the eligible athletes. 112/06/2019

GM4) DETERMINATION OF LOCAL GOVERNMENT REMUNERATION (C.12-03, SC146)

At the May 2019 Meeting of Council, Councillors were advised of the 2.5% increase handed down in the Local Government Remuneration Tribunal Annual Report & Determination dated 15 April 2019. Councillors noted the report.

The fees for Rural General Purpose Council (non-metropolitan) were determined as follows:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee	
	Minimum	Maximum	Minimum	Maximum
Rural	\$9,190.00	\$12,160.00	\$9,780.00	\$26,530.00

Coolamon Shire Council has historically accepted the minimum amount for Councillors (currently \$8,970.00) with an additional amount allocated to the

Mayor (currently \$13,796.50). This has been granted in consideration of the additional work and responsibilities associated with the Mayoral role.

Generally, consideration and changes to this have been conducted at the September Meeting.

Recommendation

That Council adopt the 2.5% increase with Councillors to receive \$9,190.00 per annum and the Mayor Additional Fee of \$14,141.41 per annum.

RESOLVED on the motion of Cllr McCann and seconded by Cllr Maslin that Council adopt the 2.5% increase with Councillors to receive \$9,190.00 per annum and the Mayor Additional Fee of \$14,141.41 per annum. 113/06/2019

GM5) COUNCIL DELIVERY PROGRAM 2019-2023 & OPERATIONAL PLAN 2019-2020 (S.11-06, SC516)

Reference is made to Council's report on Council's Delivery Program & Operational Plan as presented to the April Council Meeting. In accordance with the Local Government Act, the Program & Plan and amended fees have been advertised for Community comment and no submissions have been received.

The recommendations as listed below are put forward for Council consideration.

Recommendation

- 1) The Delivery Program 2019-2023 and Operational Plan 2019-2020 (including the Organisational Structure) be formally adopted by Council.
- 2) The list of fees for all principle activities as detailed in the Delivery Program 2019-2023 and Operational Plan 2019-2020 being the fees applicable for the year 2019-2020 be likewise adopted by Council.
- 3) The Budget for future years 2020-2021, 2021-2022 and 2022-2023 be adopted in principle by Council noting that detailed consideration of each of the years will be the subject of further consideration by Council at the time of preparation of the respective year's estimates.
- 4) The 10 Year Long Term Financial Plan be adopted as a guide to be utilised in future Delivery Program & Operational Plan formulation.

- 5) The proposed rate structure incorporating the use of minimum rates be adopted.
- 6) Expenditure required to finance works and services and commitments of Council for the financial year of 2019-2020 be approved and voted in accordance with the provisions of Regulation 211 of the Local Government (General) Regulation 2005 as hereunder:-

Total Operating Income – Consolidated Funds	\$17,073,000
Total Operating Expenditure - Consolidated Funds	\$15,903,000
Operating Result	\$1,170,000
Finance from Rates & Annual Charges	\$3,577,000
Finance from Grants and Contributions	\$8,456,000
Total Capital Expenditure – Consolidated Funds	\$9,335,985
Cash Deficit	\$2,618,000

7) RATES - MAKING AND LEVYING OF 2019-2020 RATES

Whereas the estimates of income and expenditure of the consolidated funds of the Council for the year 2019-2020 were adopted by the Council on the 18th April, 2019 and following the due public notice of Council's intention to levy rates and charges through its Delivery Program 2019-2023 and Operational Plan 2019-2020 exhibited for a period of 28 days and whereas the Council has considered submissions relating to the publicly exhibited Delivery Program and Operational Plan, it is hereby RESOLVED that the Council does now make and levy the rates and charges for all ordinary rates, special rates and sewerage service charges for the financial year commencing on the first day of July, Two Thousand and Nineteen as specified hereunder:-

A. ORDINARY RATES

- i) Residential (Ardlethan) rate of 2.167¢ in the dollar in terms of Section 516 and 529 of the Local Government Act 1993 calculated on the land value in respect of rateable land the dominant use of which is for residential purposes situated in the Ardlethan Township-

A minimum rate of \$286.00 for each parcel of land as prescribed under Section 548 of the Local Government Act 1993 shall apply for this rate.

- ii) Residential (Ganmain) - The rate of 1.032¢ in the dollar terms of Section 516 and 529 of the Local Government Act 1993 calculated on the land value in respect of rateable land the dominant use of which is for residential purposes situated in the Ganmain Township.

A minimum rate of \$286.00 for each parcel of land as prescribed under Section 548 of the Local Government Act 1993 shall apply for this rate.

- iii) Residential (Coolamon) - The rate of 0.61¢ in the dollar terms of Section 516 and 529 of the Local Government Act 1993 calculated on the land value in respect of rateable land the dominant use of which is for residential purposes situated in the Coolamon Township.

A minimum rate of \$286.00 for each parcel of land as prescribed under Section 548 of the Local Government Act 1993 shall apply for this rate.

- (iv) Residential (Ordinary) rate of 0.495¢ in the dollar terms of Section 516 and 529 of the Local Government Act calculated on the land value of all rateable land the dominant use of which is for residential purposes not situated in any other sub category.

A minimum rate of \$286.00 for each parcel of land as prescribed under Section 548 of the Local Government Act 1993 shall apply for this rate.

- (v) Business (Ardlethan) - Rate of 2.167¢ in the dollar calculated on the land value of all rateable land in the Ardlethan Township in terms of Section 518 and 529 of the Local Government Act 1993 excluding land defined as residential and farmland.

A minimum rate of \$286.00 for each parcel of land as prescribed under Section 548 of the Local Government Act 1993 shall apply for this rate.

- (vi) Business (Ganmain) - Rate of 1.032¢ in the dollar calculated on the land value of all rateable land in the Ganmain Township in terms of Section 518 and 529 of the Local

Government Act 1993 excluding land defined as residential and farmland.

A minimum rate of \$286.00 for each parcel of land as prescribed under Section 548 of the Local Government Act 1993 shall apply for this rate.

- (vii) Business (Coolamon) - Rate of 0.61¢ in the dollar calculated on the land value of all rateable land in the Coolamon Township in terms of Section 518 and 529 of the Local Government Act 1993 excluding land defined as residential and farmland.

A minimum rate of \$286.00 for each parcel of land as prescribed under Section 548 of the Local Government Act 1993 shall apply for this rate.

- (viii) Business (Ordinary) - Rate of 0.495¢ in the dollar calculated on the land value of all rateable land in terms of Section 518 and 529 of the Local Government Act 1993 excluding lands defined as residential and farmland and those lands defined as Business Ganmain, Business Ardlethan and Business Coolamon.

A minimum rate of \$286.00 for each parcel of land as prescribed under Section 548 of the Local Government Act 1993 shall apply for this rate.

- (ix) A farmland rate of 0.3504¢ in the dollar calculated on the land value of all rateable land which in Council's opinion qualifies as farmland as defined in Section 515 of the Local Government Act 1993.

A minimum rate of \$286.00 for each parcel of land as prescribed under Section 548 of the Local Government Act 1993 shall apply to this rate.

B. SEWERAGE CHARGE

A minimum charge for each built on assessment be \$485.00 on occupied lands with a minimum charge of \$243.00 on unoccupied lands, plus an additional charge of \$130.00 for each water closet and urinal in excess of two.

An additional charge of \$330.00 per assessment where the capital contribution has not been paid in the sewerred area of Ganmain.

C. ARDLETHAN EFFLUENT CHARGE

A minimum charge for each built on assessment be \$243.00

D. DOMESTIC WASTE MANAGEMENT CHARGES

- i) A Domestic Waste Management charge of \$190.00 per service for a once weekly service rendered in the Villages of Coolamon, Ganmain, Ardlethan, Marrar, Matong and Beckom within the scavenging areas as defined in those Villages charged in accordance with the provisions of Section 496 of the Local Government Act 1993.
- ii) A Domestic Recycling charge of \$90.00 per service for a fortnightly service rendered in Villages of Coolamon, Ganmain, Ardlethan, Marrar, Matong and Beckom within the scavenging areas as defined in those Villages charged in accordance with the provisions of Section 496 of the Local Government Act 1993.
- iii) A Domestic Organics charge of \$60.00 per service for a fortnightly service rendered in Villages of Coolamon and Ganmain within the scavenging areas as defined in those Villages charged in accordance with the provisions of Section 496 of the Local Government Act 1993.
- iv) A minimum Domestic Waste Management charge of \$39.00 for vacant lots in the scavenging areas of the Villages of Ardlethan, Coolamon, Ganmain, Matong, Beckom and Marrar. Such charges being levied in accordance with the provisions of Section 496 of the Local Government Act 1993.
- v) A Domestic Waste Tip Access Charge of \$54.00 (inc. GST) for occupied assessments. Such charges being levied in accordance with the provisions of Section 501 of the Local Government Act 1993.
- vi) A Commercial Waste Management charge of \$265.00 (inc. GST) for weekly service rendered in Villages of Coolamon, Ganmain, Ardlethan, Marrar, Matong and Beckom for Commercial Properties. Such charges being levied in

accordance with the provisions of Section 501 of the Local Government Act 1993.

E. STORMWATER MANAGEMENT CHARGES

- i) A Residential Stormwater Management Charge of \$25.00 per assessment for occupied properties categorised as residential within the urban land of Coolamon, Ganmain and Ardlethan charged in accordance with the provisions of Section 496A of the Local Government Act 1993. The urban areas being those areas zoned RU5 in the Coolamon Local Environmental Plan 2011.
- ii) A Business Stormwater Management Charge of \$25.00 per 350m² of land up to a maximum of \$300.00 per assessment for occupied properties categorised as business within the urban land of Coolamon, Ganmain and Ardlethan charged in accordance with the provisions of Section 496A of the Local Government Act 1993. The urban areas being those areas zoned RU5 in the Coolamon Local Environmental Plan 2011.

F. SEWERAGE SERVICE CHARGES

The Sewerage Service Charges in respect of non-rateable land within the sewered areas of Coolamon and Ganmain shall be \$130.00 for each water closet and urinal.

G. EXTRA CHARGE (INTEREST) ON OVERDUE RATES

That in accordance with Section 566 (3) of the Local Government Act 1993 interest on overdue rates and charges shall accrue on a daily simple basis at the maximum rate of 7.5% per annum as allowed by the Office of Local Government for the period 1st July, 2019 to the 30th June, 2020.

RESOLVED on the motion of Clr Crocker and seconded by Clr Maslin that:

114/06/2019

- 1) The Delivery Program 2019-2023 and Operational Plan 2019-2020 (including the Organisational Structure) be formally adopted by Council.**
- 2) The list of fees for all principle activities as detailed in the Delivery Program 2019-2023 and Operational Plan 2019-2020 being the fees applicable for the year 2019-2020 be likewise adopted by Council.**

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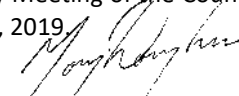
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MAYOR


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GENERAL MANAGER.

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That in accordance with Section 566 (3) of the Local Government Act 1993 interest on overdue rates and charges shall accrue on a daily simple basis at the maximum rate of 7.5% per annum as allowed by the Office of Local Government for the period 1st July, 2019 to the 30th June, 2020.

**GM6) FORMALISATION OF THE ADOPTION OF THE MODEL CODE OF CONDUCT
(C.14-01, SC150)**

Councillors have been provided with information and will participate in a Workshop to understand and develop a Policy for the Model Code of Conduct. This Workshop will be conducted prior to the Council Meeting. At the time of the meeting, the Policy as discussed at the Workshop, will be provided for endorsement.

Recommendation

That Council adopt the Code of Conduct as presented at the meeting.

RESOLVED on the motion of Clr McCann and seconded by Clr White that Council adopt the Code of Conduct. 115/06/2019

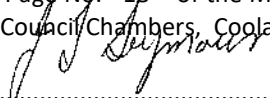


MODEL CODE OF CONDUCT

2019

ADOPTED: Council Meeting held 20 June, 2019 (Minute No. 115/06/2019)

This is Page No. 18 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019.


..... MAYOR

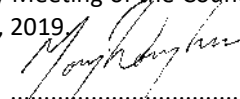

.....GENERAL MANAGER.

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PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.


Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

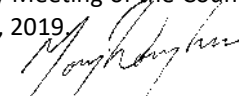
Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.



..... MAYOR



..... GENERAL MANAGER.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation

joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and

b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly.

You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

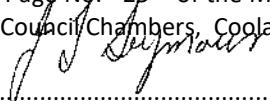
- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

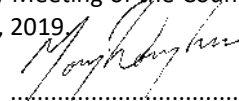
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or

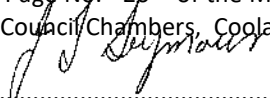


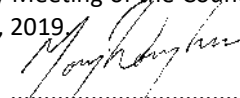
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- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.


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PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

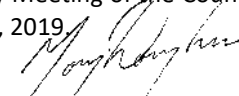
- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is




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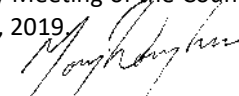


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- offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person



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- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

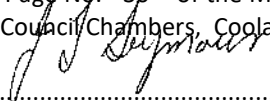
4.20 A councillor:

- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

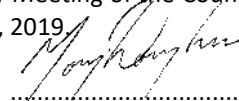
Disclosure of interests in written returns

4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:

- (a) becoming a councillor or designated person, and
- (b) 30 June of each year, and
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).



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- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

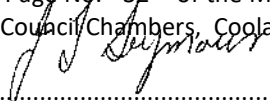
- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council

committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

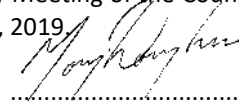
- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
 - (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
 - (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.



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- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

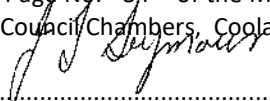
PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

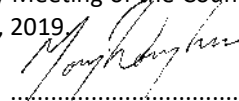
- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly



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close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household


- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

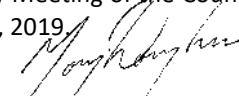
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken



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to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

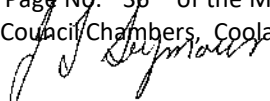
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

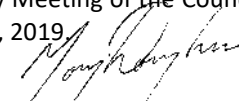
- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary



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conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

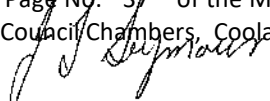
Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

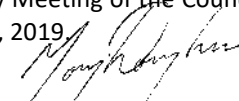
5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.



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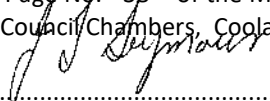


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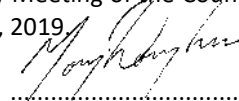
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.


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PART 6 PERSONAL BENEFIT


- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
 - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

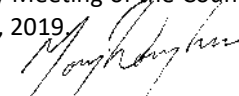
- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9



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- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

- 6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.

7.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
- b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
- c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.


7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

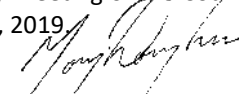
7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them



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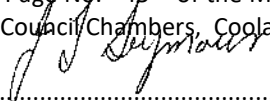
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- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

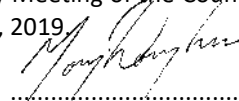
Inappropriate interactions

7.5 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



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PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information


- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

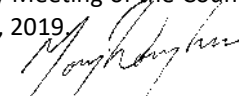
- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.



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Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

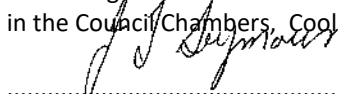
Personal information

8.12 When dealing with personal information you must comply with:

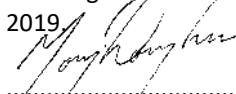
- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.



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- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

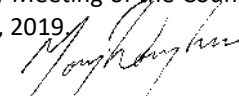
- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of



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whether the original intention was to create the information for personal purposes.

- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

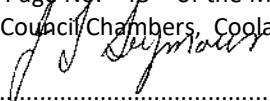
- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

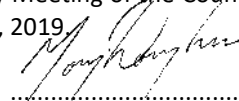
- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral



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submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the Procedures

9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN
WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

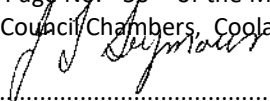
disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

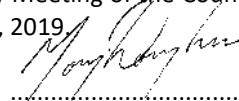
gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or



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- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

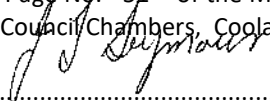
relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

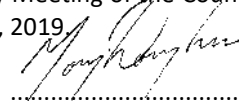
travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

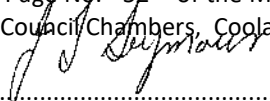


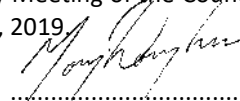
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or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.


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Part 2: Pecuniary interests to be disclosed in returns

Real property


5. A person making a return under clause 4.21 of this code must disclose:
- the street address of each parcel of real property in which they had an interest on the return date, and
 - the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
- as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

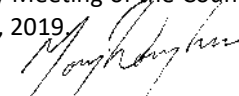
9. A person making a return under clause 4.21 of this code must disclose:
- a description of each gift received in the period since 30 June of the previous financial year, and
 - the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
- it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - the donor was a relative of the donee, or
 - subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
- the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - the dates on which the travel was undertaken, and



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- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

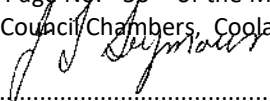
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

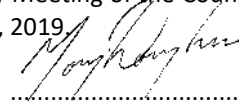
26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:



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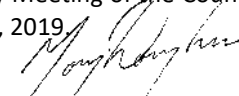
- (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.



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**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED
UNDER CLAUSE 4.21**

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June
[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
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D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
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E. Interests and positions in corporations

Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June	Nature of (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
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H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY
INTEREST SUBMITTED UNDER CLAUSE 4.37**

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of council or council committee (as the case requires)]

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

GM7) MODEL CODE OF MEETING PRACTICE (C.14-01, SC150)

Councillors have been provided with information and will participate in a Workshop to understand and develop a Policy for the Model Code of Meeting Practice. This Workshop will be conducted prior to the Council Meeting. At the time of the meeting, the Policy as discussed at the Workshop, will be provided for endorsement.

Recommendation

That Council adopt the Code of Meeting Practice as presented at the meeting.

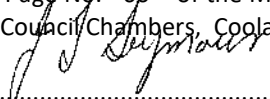
RESOLVED on the motion of Clr McCann and seconded by Clr Crocker that Council adopt the Code of Meeting Practice. 116/06/2019



MODEL CODE OF MEETING PRACTICE

2019

ADOPTED: Council Meeting held 20 June, 2019 (Minute No. 115/06/2019)


..... MAYOR

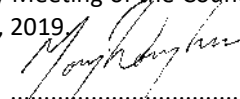

.....GENERAL MANAGER.

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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 The council shall, by resolution at the September Meeting, set the frequency, time, date and place of its ordinary meetings.

Meetings of Committees, other than the Committee of a Whole, may be held at places and times as determined by Council, provided that in absence of a determination to the contrary, all such meetings shall be held in the Council Chambers, Coolamon.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.5 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings


- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted five (5) business days before the meeting is to be held.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

Questions with notice

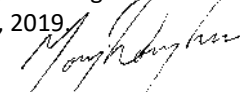
- 3.12 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.15 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.



..... MAYOR



..... GENERAL MANAGER.

- 3.16 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.18 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**
- 3.20 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.

- 3.22 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.24 reflects section 9(2A)(b) of the Act.

- 3.23 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.25 reflects section 9(3) of the Act.

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

- 3.26 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 3.27 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.28 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.

- 3.29 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.30 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.


- 3.31 Pre-meeting briefing sessions are to be held in the absence of the public.

- 3.32 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.

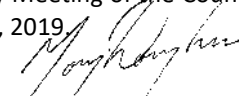
- 3.33 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.34 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 DEPUTATIONS TO COUNCIL

- 4.1 The council may receive a deputation prior to the ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums Deputations may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Any deputation is to be chaired by the mayor or their nominee. Deputations are specific to identified issues and are not an open invite to discuss matters of general interest to individuals or groups. Deputations can be invited or by application.
- 4.3 To speak to Council, a person must first make an application to the council in the approved form. Applications to speak at the meeting must be received five (5) business days before the date on which the Council Meeting is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 Legal representatives acting on behalf of others are not to be permitted to speak at a Council Meeting unless they identify their status as a legal representative when applying to speak.
- 4.5 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.6 No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.7 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council.



..... MAYOR



..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.9 Approved speakers at the meeting are to register with the council any written, visual or audio material to be presented in support of their address to the council at the meeting, and to identify any equipment needs no more than three (3) days before the meeting. The general manager or their delegate may refuse to allow such material to be presented.
- 4.10 The general manager or their delegate is to determine the order of speakers.
- 4.11 Each speaker will be allowed three (3) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.12 Speakers at meetings must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.13 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address to the Meeting. Questions put to a speaker must be direct, succinct and without argument.
- 4.14 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to two (2) minutes.
- 4.15 Speakers cannot ask questions of the council, councillors or council staff.
- 4.16 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to three (3) minutes in response to an address to the council, after the address and any subsequent questions and answers have been finalised.
- 4.17 Where an address made as a result of a deputation raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.18 When addressing the council, speakers must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.19 If the chairperson considers that a speaker has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the

chairperson's request, the chairperson may immediately require the person to stop speaking.

- 4.20 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at Council Meetings in accordance with the provisions of Part 15 of this code.
- 4.21 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at Council Meetings for such a period as the general manager or their delegate considers appropriate.
- 4.22 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made and how the conflict of interest was managed by the councillor who made the declaration.

Note: Deputations should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a deputation is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5 COMING TOGETHER

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 5.7 reflects section 234(1)(d) of the Act.**
- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.
- Note: Clause 5.9 reflects section 368(1) of the Act.**
- 5.9 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.
- Note: Clause 5.10 reflects section 368(2) of the Act.**
- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by

attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.14 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

- 5.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.16 reflects section 10(1) of the Act.

- 5.16 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.18 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website.

Webcasting will be via an audio only recording of the meeting, uploaded to council's website a maximum of one week after the meeting is held. This will commence after the 14th December, 2019.

- 5.19 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for twelve (12) months. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.23 reflects section 376(1) of the Act.

- 5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.24 reflects section 376(2) of the Act.

- 5.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.25 reflects section 376(3) of the Act.

- 5.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

6 THE CHAIRPERSON

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 A member shall on all occasions when in the Council, address and speak of the other members by their official designation, as Mayor, Chairperson or Councillor, as the case may be.

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 For all Ordinary Meetings of Council, except the meeting held in September for the election of Mayor, the general order of business shall be:
- a) (i) Confirmation of Minutes
 - (ii) Matters arising out of Minutes
 - b) Apologies
 - c) Mayoral Minute
 - d) Correspondence
 - (i) Agenda A (Information Only)
 - (ii) Agenda B
 - e) General Manager's Report
 - Executive Manager, Corporate & Community Services
 - Executive Manager, Engineering & Technical Services
 - Manager, Planning & Environmental Services
 - (f) Reports: Delegates/Mayor/Councillors
 - (g) Notice of Motion
 - (h) Recommendations of Committee of a Whole Meeting
- 8.2 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council, or
 - (e) is identified as items of late business, as warranted by the Mayor or General Manager, for information or expediency in the operation of Council.

- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.14 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.15 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Amendments to motions

- 10.9 An amendment to a motion must be moved and seconded before it can be debated.
- 10.10 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.11 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.12 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.13 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.14 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.15 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

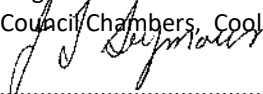
Foreshadowed motions

- 10.16 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

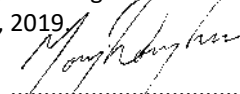
- 10.17 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.18 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.19 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.20 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.21 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.22 Despite clause 10.21, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.23 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.24 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.25 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.24. A seconder is not required for such a motion.
- 10.26 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.



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- 10.27 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.28 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.29 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.
- Note: Clause 11.1 reflects section 370(1) of the Act.**
- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
- Note: Clause 11.2 reflects section 370(2) of the Act.**
- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic

voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Voting on planning decisions

- 11.10 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,

- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public


- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

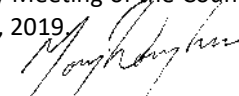
- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by three (3) business days before the meeting at which the matter is to be considered.

- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.



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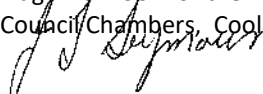
- 14.13 No more than two (2) speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two (2) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

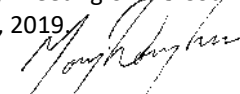
- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning



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particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.15 Clause 15.15 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.22 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove

the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

17 DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than seven (7) days after the meeting at which the resolution was adopted.

17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

Recommitting resolutions to correct an error

17.12 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution,
or
- (b) to confirm the voting on the resolution.

17.13 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.14 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.15 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.16 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

- 17.17 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 AFTER THE MEETING

Minutes of meetings

- 18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 18.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

- 18.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.


- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 18.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

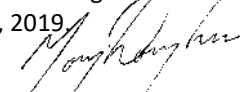
Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 18.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.



..... MAYOR



..... GENERAL MANAGER.

18.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

18.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

18.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

18.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

19 COUNCIL COMMITTEES

Application of this Part

19.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

19.2 The council may, by resolution, establish such committees as it considers necessary.

19.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

19.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

19.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 19.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 19.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 19.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 19.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 19.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 19.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

- 19.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 19.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

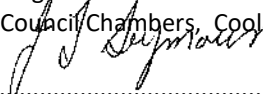
- 19.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 19.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

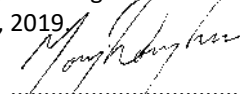
- 19.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 19.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.



..... MAYOR



..... GENERAL MANAGER.

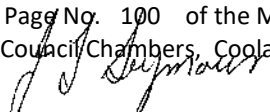
Minutes of council committee meetings

- 19.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 19.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

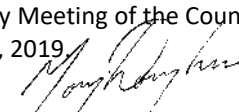
20 IRREGULARITIES

- 20.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.



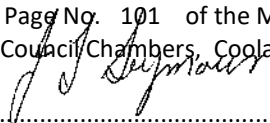
..... MAYOR



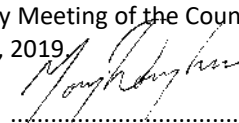
.....GENERAL MANAGER.

21 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act



..... MAYOR

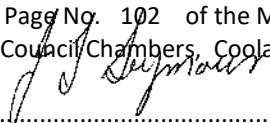


..... GENERAL MANAGER.

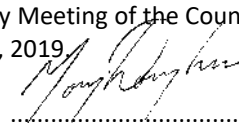
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
 HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

This is Page No. 102 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019.



..... MAYOR



.....GENERAL MANAGER.

**GM8) LAND ACQUISITION OF RAILWAY LAND AT ARDLETHAN - LOT 91 DP
1253005 (R.03-01, SC319; SC1078)**

- Council has been provided with the Plan of Subdivision for the proposed Community Land to the south of Ariaah Street, Ardlethan. This is the land that is subject to acquisition for community purposes associated with the Park and the Ardlethan Men's Shed. [Attachment No. 9](#)

As part of the process Council must formally resolve to proceed with this compulsory acquisition and make application to the Minister and the Governor for approval to acquire.

Recommendation

- 1) That Council proceed with the compulsory acquisition of the land described as Lot 91 DP 1253005 for the purpose of the provision of public infrastructure to support the local community (Ardlethan Park and Men's Shed) in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 2) That Council make an application to the Minister and the Governor for approval to acquire Lot 91, DP 1253005 by compulsory process under Section 186 of the *Local Government Act 1993*.
- 3) That the Seal of Council be affixed to any documents as required.

RESOLVED on the motion of Clr Maslin and seconded by Clr Jones: [117/06/2019](#)

- 1) That Council proceed with the compulsory acquisition of the land described as Lot 91 DP 1253005 for the purpose of the provision of public infrastructure to support the local community (Ardlethan Park and Men's Shed) in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*, and
- 2) That Council make an application to the Minister and the Governor for approval to acquire Lot 91, DP 1253005 by compulsory process under Section 186 of the *Local Government Act 1993*, and
- 3) That the Seal of Council be affixed to any documents as required.

GM9) KAMARAH TANK ROAD – LOT 1 DP 1252447 (R.09-10, SC344)

- ➔ This land has been subject to numerous Council Reports involving and authorizing the sale of this land to Graincorp. This land has now been formally gazetted and listed in Coolamon Shire Council as Operational Land. Council now needs to proceed with the sale to Graincorp. Attachment No. 10

Recommendation

- 1) That Council formally proceed with the transfer of land of Lot 1, DP 1252447 known as portions of Kamarah Tank Road to Graincorp Operations Limited.
- 2) That Council approve all appropriate Applications and forms to facilitate the sale.
- 3) That the Seal of Council be affixed to any documents as required.

RESOLVED on the motion of Clr McCann and seconded by Clr McKinnon:
118/06/2019

- 1) **That Council formally proceed with the transfer of land of Lot 1, DP 1252447 known as portions of Kamarah Tank Road to Graincorp Operations Limited, and**
- 2) **That Council approve all appropriate Applications and forms to facilitate the sale, and**
- 3) **That the Seal of Council be affixed to any documents as required.**

GM10) LOCAL GOVERNMENT NSW ANNUAL CONFERENCE (L.07-04, SC484)

This year the Conference will be held from Monday, 14th October, 2019 to Wednesday, 16th October, 2019 at Warwick Farm.

Normally Council send the Mayor, Deputy Mayor and their partners together with the General Manager.

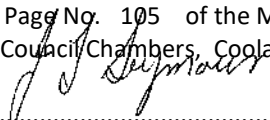
At this Conference Council will have one Voting Delegate and in order to formalize this, it is recommended that the Mayor be given this role.

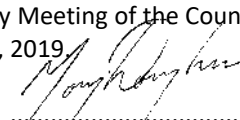
More information associated with the Conference will be provided as it arrives.

Recommendation

That Council approve the Mayor, John Seymour as its Voting Delegate.

RESOLVED on the motion of Clr Crocker and seconded by Clr McKinnon that Council approve the Mayor, John Seymour as its Voting Delegate. 119/06/2019


..... MAYOR


.....GENERAL MANAGER.

4.2 EXECUTIVE MANAGER, CORPORATE & COMMUNITY SERVICES' REPORTS

CS1) FINANCE REPORT AS AT 31ST MAY, 2018

RESOLVED on the motion of Clr McCann and seconded by Clr Maslin that the report be received. 120/06/2019

DATE INVESTED	INSTITUTION	RATING	INVESTMENT TYPE	AMOUNT INVESTED	TERMS (days)	RATE	MATURITY DATE
24/09/2018	Bankwest	A2/BBB	Term Deposit	\$ 1,000,000	270	2.70%	21/06/2019
21/01/2019	AMP	A1/A	Term Deposit	\$ 1,000,000	182	2.75%	22/07/2019
22/01/2019	AMP	A1/A	Term Deposit	\$ 500,000	181	2.75%	22/07/2019
1/02/2019	AMP	A1/A	Term Deposit	\$ 1,000,000	182	2.75%	2/08/2019
15/02/2019	AMP	A1/A	Term Deposit	\$ 2,000,000	182	2.80%	16/08/2019
30/08/2018	NAB	A1+/AA-	Term Deposit	\$ 1,000,000	365	2.70%	30/08/2019
9/09/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	2.70%	9/09/2019
14/09/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	2.70%	14/09/2019
23/09/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	2.70%	23/09/2019
24/10/2018	NAB	A1+/AA-	Term Deposit	\$ 1,000,000	365	2.70%	24/10/2019
2/11/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	2.70%	2/11/2019
10/11/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 2,000,000	365	2.70%	10/11/2019
21/12/2018	Beyond Bank	A2/BBB	Term Deposit	\$ 1,700,000	365	2.80%	21/12/2019
4/02/2019	NAB	A1+/AA-	Term Deposit	\$ 1,000,000	365	2.70%	4/02/2020
TOTAL INVESTED				\$ 16,200,000			

I hereby certify that the above Investments have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policies.



(Samantha Jennings, Finance Manager)

RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS

EXTERNAL RESTRICTIONS AS AT 30TH JUNE, 2018

Allawah Lodge - Accommodation Bonds/Payments	\$ 4,049,012.71
Allawah Village - Loan-Licence	\$ 3,688,781.28
Developer Contributions	\$ 3,398.37
Specific Purpose Unexpended Grants & Contributions & Other Funding	\$ 559,206.24
Sewerage Fund	\$ 2,044,259.35
Waste Management	\$ 1,106,984.12
	<u>\$ 11,451,642.07</u>

INTERNAL RESTRICTIONS AT 30TH JUNE, 2018

Asset/Plant Replacement	\$ 1,000,000.00
Employees Leave Entitlements	\$ 1,160,000.00
Deferred Works	\$ 195,800.00
Ardlethan Preschool	\$ 47,101.19
Asset Management (inc. unrestricted cash)	\$ 2,083,751.22
Allawah Lodge Asset Mgt Reserve	\$ 536,927.45
Allawah Village Asset Mgt Reserve	\$ 325,655.84
CECC Asset Mgt Reserve	\$ 263,052.78
Financial Assistance Grant	\$ 1,766,160.00
Swimming Pools	\$ -
Rehabilitation of Gravel Pits	\$ 162,000.00
	<u>\$ 7,540,448.48</u>
	<u>\$ 18,992,090.55</u>

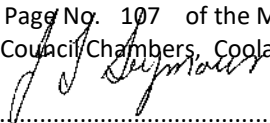
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

COOLAMON SHIRE COUNCIL
INCOME STATEMENT

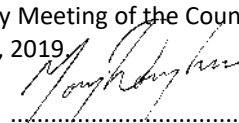
for the period 1st July 2018 to 30th June 2019

	MAY 2019	APRIL 2019	MARCH 2019	2018/2019 BUDGET	2017/2018 ACTUAL
Income from continuing operations					
Revenue:					
Rates & annual charges	3,522,606.85	3,523,256.85	3,523,256.85	3,483,000.00	3,418,398.58
User charges & fees	3,393,164.76	3,012,451.85	2,708,837.85	3,473,000.00	3,571,344.54
Interest and investment revenue	228,077.16	204,718.05	201,907.63	463,000.00	447,205.86
Other revenues	573,474.73	504,519.92	466,870.24	780,000.00	834,547.58
Grants & contributions provided for operating purposes	4,862,391.04	4,335,159.27	4,271,545.64	6,054,000.00	6,592,101.64
Grants & contributions provided for capital purposes	1,665,440.73	1,492,400.73	1,661,562.41	6,047,000.00	2,408,411.30
Internals	(1,200.00)	(1,200.00)	(1,200.00)		
Other income:					
Net gain from the disposal of assets	595,671.26	564,017.62	489,822.83	145,000.00	258,633.44
Total revenues from continuing operations	14,839,626.53	13,635,324.29	13,322,603.45	20,445,000.00	17,530,642.94
Expenses from continuing operations					
Employee benefits and on-costs	5,518,345.66	5,029,209.25	4,566,938.89	5,977,000.00	5,571,764.55
Borrowing costs	15,744.57	15,744.57	15,744.57	21,000.00	5,848.71
Materials & contracts	3,121,748.73	2,682,262.15	2,287,558.70	3,071,000.00	3,410,283.95
Depreciation, amortisation & impairment	3,419,203.59	3,185,828.84	2,952,454.09	3,617,000.00	2,965,294.87
Other expenses	1,362,742.67	1,275,356.36	1,153,993.43	1,497,000.00	1,499,968.07
Net loss from the disposal of assets					
Total expenses from continuing operations	13,437,785.22	12,188,401.17	10,976,689.68	14,183,000.00	13,453,160.15
Operating result from continuing operations	1,401,841.31	1,446,923.12	2,345,913.77	6,262,000.00	4,077,482.79
Net operating result for the year before grants and contributions provided for capital purposes					
	-263,599.42	-45,477.61	684,351.36	215,000.00	1,669,071.49

This is Page No. 107 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019



..... MAYOR



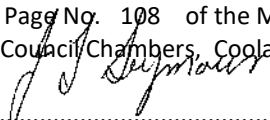
..... GENERAL MANAGER.

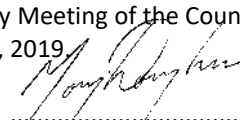
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

COOLAMON SHIRE COUNCIL
INCOME STATEMENT BY FUND

	May 2018		
	CONSOLIDATED		
	GENERAL FUND	SEWERAGE FUND	TOTAL
Income from continuing operations			
<i>Revenue:</i>			
Rates & annual charges	2,973,683.14	548,923.71	3,522,606.85
User charges & fees	3,384,632.76	8,532.00	3,393,164.76
Interest and investment revenue	225,839.08	2,238.08	228,077.16
Other revenues	566,972.28	6,502.45	573,474.73
Grants & contributions provided for operating purposes	4,673,833.58	188,557.46	4,862,391.04
Grants & contributions provided for capital purposes	1,623,303.18	42,137.55	1,665,440.73
Internals	85,135.00	(86,335.00)	-1,200.00
<i>Other income:</i>			
Net gain from the disposal of assets	595,671.26	0.00	595,671.26
Total revenues from continuing operations	14,129,070.28	710,556.25	14,839,626.53
Expenses from continuing operations			
Employee benefits and on-costs	5,360,739.25	157,606.41	5,518,345.66
Borrowing costs	15,744.57		15,744.57
Materials & contracts	2,830,567.05	291,181.68	3,121,748.73
Depreciation & amortisation	3,293,188.97	126,014.62	3,419,203.59
Other expenses	1,312,086.70	50,655.97	1,362,742.67
Total expenses from continuing operations	12,812,326.54	625,458.68	13,437,785.22
Operating result from continuing operations	1,316,743.74	85,097.57	1,401,841.31
Net operating result for the year before grants and contributions provided for capital purposes	-306,559.44	42,960.02	-263,599.42

This is Page No. 108 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019


..... MAYOR


..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

COOLAMON SHIRE COUNCIL
BALANCE SHEET

for the period 1st July 2018 to 30th June 2019

	MAY 2019	APRIL 2019	MARCH 2019	2018/2019	2017/2018
				BUDGET (ADJ FOR OPENING BALS)	ACTUAL
ASSETS					
Current assets					
Cash and cash equivalents	2,749,908.04	1,840,891.48	2,711,389.33	2,985,638.30	2,792,090.55
Investments	16,200,000.00	17,200,000.00	17,200,000.00	15,200,000.00	16,200,000.00
Receivables	(42,755.78)	756,720.48	1,135,982.95	895,702.48	896,111.55
Inventories	579,712.47	587,066.34	589,316.23	1,520,583.28	605,810.67
Other					
Total current assets	19,486,864.73	20,384,678.30	21,636,688.51	20,601,924.06	20,494,012.77
Non-current assets					
Investments					
Receivables	0.00	0.00	0.00	294,231.87	0.00
Inventories	102,397.55	102,397.55	102,397.55	102,000.00	102,397.55
Infrastructure, property, plant & equipment	228,965,319.63	228,194,041.82	227,552,513.54	234,211,291.56	224,642,652.60
Accumulated Dep'n - Infrastructure, PP&E	(51,603,743.93)	(51,370,369.18)	(51,136,994.43)	(52,429,415.10)	(48,814,098.80)
Accumulated Imp't - Infrastructure, PP&E	(486,730.78)	(486,730.78)	(486,730.78)	(486,730.78)	(486,730.78)
Other	(142.79)	(170.97)	(199.15)		
Total non-current assets	176,977,099.68	176,439,168.44	176,030,986.73	181,691,377.55	175,444,220.57
Total assets	196,463,964.41	196,823,846.74	197,667,675.24	202,293,301.61	195,938,233.34
LIABILITIES					
Current liabilities					
Payables	7,232,171.21	7,545,094.78	7,479,169.16	8,069,457.89	8,072,600.76
Overdraft					0.00
Interest bearing liabilities	0.00	0.00	0.00	(1,157.00)	0.00
Provisions	1,574,178.01	1,575,904.96	1,586,818.43	1,658,910.58	1,582,184.61
Total current liabilities	8,806,349.22	9,120,999.74	9,065,987.59	9,727,211.47	9,654,785.37
Non-current liabilities					
Payables	1,603.25	1,603.25	1,603.25	1,612.34	1,603.25
Interest bearing liabilities	0.00	0.00	0.00	(291.86)	0.00
Provisions	1,100,129.30	1,100,129.30	1,100,129.30	1,149,849.63	1,127,803.39
Total non-current liabilities	1,101,732.55	1,101,732.55	1,101,732.55	1,151,170.11	1,129,406.64
TOTAL LIABILITIES	9,908,081.77	10,222,732.29	10,167,720.14	10,878,381.58	10,784,192.01
Net assets	186,555,882.64	186,601,114.45	187,499,955.10	191,414,920.03	185,154,041.33
EQUITY					
Retained earnings	90,181,798.89	90,226,880.70	91,125,871.35	95,041,296.02	88,779,957.58
Reserves	96,374,083.75	96,374,083.75	96,374,083.75	96,373,624.01	96,374,083.75
Internal Assets/Liabilities	0.00	0.00	0.00		0.00
Trust Transfer					
Total equity	186,555,882.64	186,600,964.45	187,499,955.10	191,414,920.03	185,154,041.33

This is Page No. 109 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019

..... MAYOR

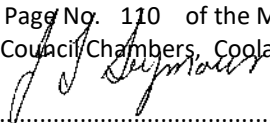
..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

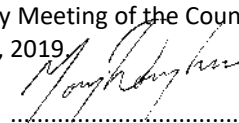
COOLAMON SHIRE COUNCIL
BALANCE SHEET BY FUND

	May 2018		COOLAMON SHIRE TOTAL
	CONSOLIDATED GENERAL FUND	SEWERAGE FUND	
ASSETS			
Current assets			
Cash and cash equivalents	625,066.72	2,124,841.32	2,749,908.04
Investments	16,200,000.00		16,200,000.00
Receivables	(116,924.58)	74,168.80	(42,755.78)
Inventories	579,712.47		579,712.47
Other			0.00
Total current assets	17,287,854.61	2,199,010.12	19,486,864.73
Non-current assets			
Investments			0.00
Receivables	0.00		0.00
Inventories	102,397.55		102,397.55
Infrastructure, property, plant & equipment	212,490,560.33	16,474,759.30	228,965,319.63
Accumulated Depreciation	(44,853,799.63)	(5,749,944.30)	(51,603,743.93)
Accumulated Impairment	(486,730.78)		(486,730.78)
Other	(142.79)		(142.79)
Total non-current assets	167,252,284.68	9,724,815.00	176,977,099.68
Total assets	184,540,139.29	11,923,825.12	196,463,964.41
LIABILITIES			
Current liabilities			
Payables	7,232,171.21	0.00	7,232,171.21
Interfunding			0.00
Interest bearing liabilities	0.00		0.00
Provisions	1,574,178.01		1,574,178.01
Total current liabilities	8,806,349.22	0.00	8,806,349.22
Non-current liabilities			
Payables	1,603.25		1,603.25
Interest bearing liabilities	0.00		0.00
Provisions	1,100,129.30		1,100,129.30
Total non-current liabilities	1,101,732.55	0.00	1,101,732.55
TOTAL LIABILITIES	9,908,081.77	0.00	9,908,081.77
Net assets	174,632,057.52	11,923,825.12	186,555,882.64
EQUITY			
Retained earnings	83,902,308.04	6,279,490.85	90,181,798.89
Reserves	90,729,749.48	5,644,334.27	96,374,083.75
Internal Assets & Liabilities			
Trust Transfer	0.00		0.00
Total equity	174,632,057.52	11,923,825.12	186,555,882.64

This is Page No. 110 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019



..... MAYOR



..... GENERAL MANAGER.

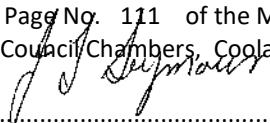
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

COOLAMON SHIRE COUNCIL
INTERNAL & EXTERNAL RESTRICTIONS

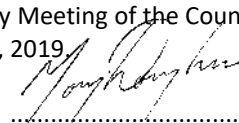
for the period 1st July 2018 to 30th June 2019

	2018/2019				2017/2018
	MAY 2019	APRIL 2019	MARCH 2019	BUDGET (ADJ FOR OPENING BAL)	ACTUAL
GENERAL FUND					
<i>EXTERNALLY RESTRICTED</i>					
Grants & Subsidies & Other	702,771.25	668,929.05	824,895.92	304,948.24	559,206.24
Developer Contributions	41,855.54	41,855.54	41,855.54		3,398.37
Waste Management	792,292.97	842,730.07	848,878.51	974,652.08	1,106,984.12
Allawah Lodge Accommodation Payments	3,797,282.82	3,798,275.82	3,799,860.02	4,045,371.71	4,049,012.71
Allawah Village Loan-Licence	3,579,912.28	3,575,912.28	3,575,912.28	3,688,781.28	3,688,781.28
	8,914,114.86	8,927,702.76	9,091,402.27	9,013,753.31	9,407,382.72
<i>INTERNALLY RESTRICTED</i>					
Plant Replacement Reserve	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00
Employees Leave Entitlements Reserve	1,160,000.00	1,160,000.00	1,160,000.00	1,206,000.00	1,160,000.00
Stormwater Management Reserve	108,923.05	108,923.05	111,840.62	7,600.00	0.00
Swimming Pools Reserve	15,000.00	15,000.00	15,000.00	0.00	0.00
Deferred Works Reserve	121,895.00	128,019.44	135,791.95	85,800.00	195,800.00
Ardlethan Preschool	79,838.50	90,183.78	22,601.94		47,101.19
Financial Assistance Grant	0.00	0.00	0.00	0.00	1,766,160.00
Community Housing Programme Reserve	0.00	0.00	0.00	0.00	0.00
Allawah Lodge Asset Mgt Reserve	715,693.91	780,413.23	788,743.84	730,505.37	536,927.45
Allawah Village Asset Mgt Reserve	221,879.49	263,035.40	282,535.81	321,449.13	325,655.84
CECC Asset Mgt Reserve	249,211.50	248,567.59	249,472.68	262,502.78	263,052.78
Gravel Pits Rehabilitation Reserve	162,000.00	162,000.00	162,000.00	192,000.00	162,000.00
	3,834,441.45	3,956,142.49	3,927,986.84	3,805,857.28	5,456,697.26
Asset Management/Available for Working Funds	4,076,510.41	3,978,995.03	4,683,731.52	2,016,061.75	2,083,751.22
Total Cash Balance - General Fund	16,825,066.72	16,862,840.28	17,703,120.63	14,835,672.35	16,947,831.20
SEWERAGE FUND					
Sewerage Fund	2,124,841.32	2,178,051.20	2,208,268.70	1,528,588.95	2,044,259.35
	2,124,841.32	2,178,051.20	2,208,268.70	1,528,588.95	2,044,259.35
Total Cash Balance - Sewerage Fund	2,124,841.32	2,178,051.20	2,208,268.70	1,528,588.95	2,044,259.35
TOTAL CONSOLIDATED CASH	18,949,908.04	19,040,891.48	19,911,389.33	16,364,261.30	18,992,090.55

This is Page No. 111 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019



MAYOR



GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

RATE COLLECTIONS

	ARREARS BFWD	LEVIES INC. INTEREST	TOTAL	COLLECTIONS TO DATE	% TO TOTAL	ADJUSTMENTS INC. PENS CONCESSIONS	ADJ TOTAL	% TO TOTAL	COLLECTABLE BALANCE
31/05/2004	280,098.47	2,045,302.43	2,325,400.90	1,888,683.81	81.22%	120,229.66	2,205,171.24	85.65%	316,487.43
31/05/2005	181,374.69	2,092,592.29	2,273,966.98	1,927,319.56	84.76%	108,041.34	2,165,925.64	88.98%	238,606.08
31/05/2006	163,566.58	2,176,435.35	2,340,001.93	1,934,571.99	82.67%	107,793.79	2,232,208.14	86.67%	297,636.15
31/05/2007	185,519.90	2,262,041.00	2,447,560.90	2,036,562.24	83.21%	109,260.30	2,338,300.60	87.10%	301,738.36
31/05/2008	236,912.33	2,429,275.62	2,666,187.95	2,166,314.80	81.25%	124,273.08	2,541,914.87	85.22%	375,600.07
31/05/2009	277,343.62	2,508,993.83	2,786,337.45	2,250,587.90	80.77%	126,121.57	2,660,215.88	84.60%	409,627.98
31/05/2010	239,371.45	2,636,020.57	2,875,392.02	2,247,247.58	78.15%	123,622.81	2,751,769.21	81.67%	504,521.63
31/05/2011	309,194.09	2,747,900.55	3,057,094.64	2,535,677.11	82.94%	171,970.32	2,885,124.32	87.89%	349,447.21
31/05/2012	239,162.46	2,882,996.94	3,122,159.40	2,654,843.72	85.03%	129,310.61	2,992,848.79	88.71%	338,005.07
31/05/2013	207,935.41	3,047,958.51	3,255,893.92	2,760,305.60	84.78%	128,237.52	3,127,656.40	88.25%	367,350.80
31/05/2014	230,807.22	3,156,297.08	3,387,104.30	2,836,485.73	83.74%	125,373.22	3,261,731.08	86.96%	425,245.35
31/05/2015	263,562.88	3,307,233.59	3,570,796.47	2,941,005.00	82.36%	124,151.75	3,446,644.72	85.33%	505,639.72
31/05/2016	335,520.44	3,423,317.00	3,758,837.44	3,213,321.79	85.49%	125,293.18	3,633,544.26	88.43%	420,222.47
31/05/2017	300,944.76	3,514,542.49	3,815,487.25	3,241,994.09	84.97%	123,996.02	3,691,491.23	87.82%	449,497.14
31/05/2018	303,728.87	3,584,975.35	3,888,704.22	3,317,771.64	85.32%	119,119.80	3,769,584.42	88.01%	451,812.78
2018-2019									
31/07/2018	319,410.16	3,661,117.73	3,980,527.89	3,21,821.40	8.08%	113,914.23	3,866,613.66	8.32%	3,544,792.26
31/08/2018	319,410.16	3,661,932.07	3,981,342.23	1,222,999.11	30.72%	114,757.98	3,866,584.25	31.63%	2,643,585.14
30/09/2018	319,410.16	3,664,590.37	3,984,000.53	1,417,736.71	35.59%	114,981.86	3,869,018.67	36.64%	2,451,281.96
31/10/2018	319,410.16	3,669,568.75	3,988,978.91	1,488,272.81	37.31%	115,319.36	3,873,659.55	38.42%	2,385,386.74
30/11/2018	319,410.16	3,677,190.88	3,996,601.04	1,994,532.91	49.91%	115,488.11	3,881,112.93	51.39%	1,886,580.02
31/12/2018	319,410.16	3,680,819.26	4,000,229.42	2,144,059.11	53.60%	116,456.86	3,883,772.56	55.21%	1,739,713.45
31/01/2019	319,410.16	3,684,008.34	4,003,418.50	2,203,946.62	55.05%	117,886.86	3,885,531.64	56.72%	1,681,585.02
28/02/2019	319,410.16	3,687,013.32	4,006,423.48	2,669,939.74	66.64%	118,055.62	3,888,367.86	68.66%	1,218,428.12
31/03/2019	319,410.16	3,689,035.22	4,008,445.38	2,851,671.64	71.14%	117,993.12	3,890,452.26	73.30%	1,038,780.62
30/04/2019	319,410.16	3,691,794.29	4,011,204.45	2,891,796.23	72.09%	117,993.12	3,893,211.33	74.28%	1,001,415.10
31/05/2019	319,410.16	3,694,691.79	4,014,101.95	3,405,230.57	84.83%	118,643.12	3,895,458.83	87.42%	490,228.26

4.3 EXECUTIVE MANAGER, ENGINEERING & TECHNICAL SERVICES' REPORTS

ES1) SHIRE ROADS RESHEETING, STABILISATION AND MAINTENANCE

The following roads have received attention:

1) MAINTENANCE

- Bradley's Lane (Millwood Road to Lesterfield Lane)
- East West Road (Rannock Road to Mary Gilmore Way)
- Leahs Lane (Mary Gilmore Way to Methul Road)
- Willows Road (SH17 to Narrandera)
- Allens Lane (East West Road to Springwood Road)
- East West Road (Old Wagga Road to Rannock Road)
- Ceelys Lane (Matong North Road to Durrain North Road)
- East West Road (Rannock Road to Old Wagga Road)
- Old Wagga Road (Springwood Road to Boundary)
- Langtrys Lane (Canola Way to Woodens Lane)
- McIntyres Lane (Marrar South Road to Boundary)

2) RESHEETING

- Bradley's Lane (Millwood Road to Lesterfield Lane)
- East West Road (Rannock Road to Old Wagga Road)
- East West Road (Old Wagga Road to Rannock Road)
- Woodens Lane (Canola Way to McIntyres Lane)

ES2) TOWN WORKS

CAINS LANE (JERRICKS LANE TO LANDFILL ENTRANCE)

Construction works to this section of Council's Road Network has been completed with a two coat bitumen seal applied and street furniture placed.

ES3) DROUGHT RELIEF HEAVY VEHICLE ACCESS PROGRAMME – SPRINGWOOD ROAD

Council and Contractors have progressed well with extending roadside shoulders and are now complete. Council have allocated funds under the 2019/2020 Roads to Recovery Programme for 1.0m seal widening and these works will be incorporated into upcoming sealing programme over summer.

ES4) STRONGER COUNTRY COMMUNITIES

BECKOM BASKETBALL COURT AND HALL PATH

- ➔ Council's concrete contractor has completed construction of court and path which was followed by backfilling and cleanup of sites. Basketball backboards and fencing are scheduled to be completed by meeting day. See photos attached.

Attachment No. 17

Recommendation

That the Executive Manager, Engineering & Technical Services' Reports (ES1 to ES4) be noted.

RESOLVED on the motion of Clr McKinnon and seconded by Clr White that the Executive Manager, Engineering & Technical Services' Reports (ES1 to ES4) be noted. 121/06/2019

ES5) NOXIOUS WEEDS OFFICER'S REPORT (N.02-01, SC284)

Noxious Weeds Officer Reports

Weeds Report June 2019

- Training, R Ferguson & J Crocker completed training with Riverina LLS, gaining qualification to use approved vertebrate pest baits and ejector devices.
- Coolatai grass controlled in Old Junee/Marrar area.
- Inspections- 165 carried out since March across 3 shires. Next series in CSC about to commence.
- High risk pathways monitored.
- No new incursions of previously unknown weeds discovered.
- Intramaps BIS system upgraded.
- Tablet upgrades, cost & specification is being investigated by TSC.
- Staff supported a Landcare pest animal/ weeds peri urban project meeting.
- Staff manned a weeds information/advisory stand at a Griffith farm fair largely to support Ferguson Managements Leeton contract and spoke with reasonable numbers of Coolamon & Temora residents as well.
- The Glyphosate usage, health concerns continue with the first Australian court challenge underway and emotive media coverage continuing.
- Contact has been made with Rail spraying contractor Eddies Davis regarding Coolatai Grass at Old Junee and Marrar, John Holland Rail, the line managers have a new vegetation officer and Jeremy is seeking to contact him to get control under way.

- Jeremy continues to attend and work with Local Landcare Coordinator Annie Jacobs, they will possibly be a source of ongoing funding or partnerships in outside grant applications.
- I will be on leave 22/7/19 -20/8/19. Available for contact if necessary.

RESOLVED on the motion of Clr McCann and seconded by Clr Logan that the report be received. 122/06/2019

ES6) ROAD SAFETY OFFICER'S REPORT

Road Safety Officer Reports

Road Safety Officer – Activity Report - May 2019 Bland, Coolamon, Junee & Temora Shire Councils

- Relocated (2) x VMS trailers from West Wyalong to Wagga (deployed for Easter/Anzac period) – saving over \$600 in transport charges.
- Approached by Little Blue Dinosaur Foundation to establish 'Hold My Hand' signage program in all (4) x Councils & assisted Council Engineering staff to determine best locations for signage. Liaised between LBDF and Council's for artwork on signage – approved by all (4) x Councils & site's being identified.
- Commenced engagement with all (4) x Council's to identify roads that may be eligible for funding under Saving Lives on Country Roads Program (SLCRP) for FY20/21 funding.
- Extensive work with Bland and Junee Shire Councils on SLCRP funding applications process on Lake Cargelligo Rd and Gundagai Rd respectively. Established teams and provided support via RMS to said teams to progress funding application process.
- Identified road section appropriate for SLCRP funding applications at Coolamon (Canola Way) and working with Engineering team from Coolamon Shire Council on possible joint funding submission with Junee Shire Council.
- Identified road section appropriate for SLCRP funding applications by Temora Shire Council (Mary Gilmore Way). Joint funding submission with Coolamon, Temora, Bland and Weddin Shire Council's (Bland Shire Council as Lead Council) in Late June 2019.
- Initiated Social Media campaign for 'National Road Safety Week' 6th-12th May.
- Initiated Social Media campaign for 'Walk Safely to School Day' on 17th May with all (4) x Council's admins.
- Initiated Social Media campaign for 'New Penalties for Drink Driving' effective 20th May.

- Met RMS Road User Safety & Network and Projects teams in Wagga and briefed same on FY18/19 project updates. Discussed ideas for FY19/20 campaigns/projects.
- After resident raised an issue with speeding vehicles on Commins & Button St, Junee near the Coinda Court Aged Care Facility, engaged Coinda Court management, deployed VMS Speed Radar Trailer and liaised with Police for Increased Visible Enforcement by Highway Patrol in an effort to educate drivers on 50km/h speed limit. Permanent signage advising of possible presence of Aged persons ordered and erected at this location by Junee Shire Council.
- Junee Shire Council (Cole Davis) have offered (2) x Pool Vehicles to carry RMS Road Safety messages (vinyl wrapping). Liaising with RMS in Wagga to arrange for these to be signwritten accordingly – approved 3/6.
- Discussed Active Transport Project opportunities with all (4) x Councils (bike paths, shared paths, pedestrian refuges, pedestrian crossings).
- Created and distributed advertising Flyers & posters for Motorised Scooter/65+ Drivers Workshops in Temora (14/5) and Coolamon (27/5) – distributed to Aged Care locations via letterbox drops, supermarkets, shop windows, libraries, post offices, medical centres and various other public locations in Temora & villages, and Coolamon & villages and sent to 355 Committees & posted on multiple Social Media channels & via Council newsletters & social media.
- Created and distributed advertising Flyers & posters for Helping Learner Drivers Become Safer Drivers Workshops in Temora (15/5) and Coolamon (22/5) – distributed to schools, supermarkets, shop windows, libraries, post offices, medical centres and various other public locations in Temora & villages, and Coolamon & villages and to 355 Committees & on multiple Social Media channels & via Council newsletters & social media.
- Ran Motorised Scooter/65+ Driver and Pedestrian Workshop in Temora on 14/5 with (19) attendees (plus (1) one to one meeting after workshop, and one further at home visit to fit flag & safety vest to scooter of resident who was unable to attend due medical appointment) – excellent feedback.
- Addressed issues raised during Temora Motorised Scooter/65+ Workshop (lighting on Victoria St Ped-X and layback design on Polaris St/Hoskins St) addressed with TSC Engineering for follow up.
- Ran Motorised Scooter/65+ Driver and Pedestrian Workshop in Coolamon on 27/5 with (12) attendees – excellent feedback.
- Follow up issues from Coolamon Scooter/65+ workshop raised to Coolamon Shire Council Engineering (laybacks in Allawah Village & Loughnan St and hedge height on roundabout on Cowabbie St).
- Engaged Coolamon Shire Men’s Sheds (via Ganmain Mens Shed) for future combined 65+ workshop with Ardlethan, Coolamon and Junee Mens Sheds in July 2019.

- Fitted safety flags and safety vests to (3) x scooters in Barmedman after request via TSC from resident who saw flyer in Temora but missed workshop.
- Ran Helping Learner Drivers Become Safer Drivers Workshop at Temora on 15/5 evening with (12) attendees – excellent feedback.
- Ran Helping Learner Drivers Become Safer Drivers Workshop at Coolamon on 22/5 evening with (5) attendees – excellent feedback.
- Assisted Temora Ex-Services Memorial Club with Social Media for Plan B: Win-a-Swag competition promotion. (158) x correct entries received and draw took place on Friday night 24/5 (winner Ken Napier).
- Engaged print media, created media release and arranged Licensing Police for photo op with Club staff for story that ran in Temora Independent newspaper 17/5 promoting Plan B and new drink/drug driving penalties.
- Negotiated Preferred Supplier pricing agreement with Kennards Hire Wagga for Variable Messaging Sign Trailers for use in Road Safety Campaigns (pricing extended across all (4) x Councils and significantly better than negotiated pricing with existing supplier (Coates Hire).
- Established FY19/20 Road Safety Campaign priorities with all (4) x Council's. These are Speed, Fatigue, Drink Driving (3 x biggest killers on NSW roads) plus addition of Mobile Phones (Distraction), Rural Cycling Safety and Rural School Bus Safety (awaiting confirmation from RMS on whether last (3) will be approved by them).
- Presented to Temora Shire Council Assets & Operations meeting on Goldfields Way after inaccurate media report raised concerns.
- Wrote & submitted funding submission under My Community Project grants program for Rural Learner Drivers to Attend Safer Drivers Courses.
- Following resident complaints about speeding vehicles on Airport St, Temora, engaged TSC Engineering who have installed Traffic Counters in (2) x locations. Downloaded data confirms resident reports. Police assistance requested for Increased Visible Enforcement on Airport St. Speed Radar VMS trailer to be deployed once available on return from Junee location – deployed Friday 31/5.
- Advised Council's on Parkitect Mobile Skate Park after noting same installed by Bland and Coolamon Shire Council's.
- Advised Council's re: NRMA Electric Vehicle Charging Station after noting same installed at West Wyalong.
- Investigating portable Radar Traffic Counters for Bland Shire Council for use on unsealed rural roads (to capture heavy vehicle speed data to pass onto RMS Heavy Vehicle Inspectors and Highway Patrol for increased enforcement) following numerous reports of Heavy Vehicles speeding on back roads to avoid RMS Safety Cameras on Newell Hwy (attempting to access funding for these units).
- Advised RMS Network & Projects (Wagga) on concerns about Heavy Vehicles not stopping at intersection of Newell Hwy & Showground Road, West Wyalong (numerous near misses noted daily).

- Assisted Temora Antique Car Club to write submission to relocate Temora Driver Reviver to Springdale Memorial Club carpark as present site is ineffective (drivers are crashing on Burley Griffin Way <10km East of Temora). Present location also has many access and parking issues that will be resolved with the new location.
- Plan B: Win a Swag competition has been very well supported at Temora Ex-Services Club. Drawn Friday 24/5 with XXX correct entries received.
- Attended WHS Committee meeting at Coolamon Shire Council 22/5.
- Toolbox Talk (Road Safety) for Coolamon Shire Council Engineering Depot staff scheduled for 6.30am Friday 14/6.
- Toolbox Talk (Road Safety) for Bland Shire Council staff arranged for 6am Monday 24/6.
- Toolbox Talk (Road Safety) for Temora Shire Council staff arranged for 7am Thursday 27/6.
- Toolbox Talk (Road Safety) delivered to Junee Shire Council staff 30/5 – (43) attended – excellent feedback.
- Contacted by Junee resident about possibly relocating bus stop at Junee North Public School. Met resident and presented with petition. Visited site with Council Engineer. Request for formal site review sent to Engineering Director.
- Investigated incident (child struck by car) at St Anne’s Catholic School, Temora on 27/5. Formal meeting scheduled for 6/6 with RMS, TSC and St Anne’s reps’.
- Commended update/rewrite of Temora, Bland, Coolamon and Junee Shire Council’s Road Safety Action Plan (2019-2021). Significant update of Plan to include latest (2013-2017) ratified data – completed 3/6.

FY18/19 RMS Project Status

Child Restraints – Project Completed by Michelle Doolan

Speeding – Project Completed by Michelle Doolan

Fatigue

- Artwork & printing of Fatigue Brochures – completed by Michelle Doolan
- Brochures distributed to strategic locations in each LGA (work in progress - continuing)
- VMS Trailers & banners to be used in place of paid print media advertising as they are a more targeted and effective means of reaching the correct audience (planning to request significant RMS funding increase in this area for FY19/20)

GLS/Helping Leaner Drivers Become Safer Drivers

- One workshop per Council delivered by Michelle Doolan in 2018
- One workshop delivered Temora (15/5) and Coolamon (22/5)

- One workshop each planned for Bland and Junee for late June

65+ Drivers, Pedestrians and Motorised Scooter Safety

- One workshop delivered Temora (14/5) and Coolamon (27/5)
- One workshop each planned for Bland and Junee for late June

Recommendation

For Council information.

RESOLVED on the motion of Clr Maslin and seconded by Clr McKinnon that the report be received. 123/06/2019

ES7) LYNHAM LANE – ROAD CLOSURE – LOTS 1, 2 & 3 DP 1253317 (R.09-24, SC1140)

Council is in the final stages of closing Lots 1, 2 and 3 DP 1253317, Lynham Lane as per Council resolution obtained at the Meeting held 18th October, 2018 and now need to gazette the Notification of Closing of a Road. For this to occur Council is required to identify if the purpose of any land is for Community or Operational purposes. As Council intend to sell the land to surrounding landholders, it is recommended that it be identified as Operational Land.

Recommendation

On closing the land within Lots 1, 2 and 3 DP 1253317, it remains vested in Coolamon Shire Council as Operational Land for the purpose of the Local Government Act 1993.

RESOLVED on the motion of Clr Crocker and seconded by Clr White that on closing the land within Lots 1, 2 and 3 DP 1253317, it remains vested in Coolamon Shire Council as Operational Land for the purpose of the Local Government Act 1993. 124/06/2019

ES8) FARM GATE ACCESS PILOT (R.10-01, SC351)

Initially raised as a concern by the Livestock, Bulk and Rural Carriers Association (LBRCA) to remove or limit barriers in obtaining HML and 4.6m high vehicle access to farm gate, the NSW State Government is now requesting Councils to participate in the new Farm Gate Access Project.

Coolamon Shire Council was identified as one to conduct the trial.

- The project will be assessed over an initial twelve months from 1st June, 2019 and as the Government explains is designed to make it easier and quicker for Councils to approve access for heavy vehicles travelling on low volume, low risk roads. The Government has provided key messages of the Project and is attached for Council's information. I have also attached copies of the proposed Self Assessment Procedure and Practitioners Guide. Attachment No. 11

As can be seen the information is quite detailed and technical, Council will be accepting information from a third party without the understanding if they have the knowledge/expertise to satisfactorily complete the assessment form. If accepting an assessment application and where this places Council with regard to litigation raises some concerns. The NHVR already has a procedure in place for oversize and over mass vehicles and why these particular operators should be exempt from the remainder of the Heavy Vehicle Industry is unknown.

The proposal is only in its initial Pilot Stage and for Council to gain a greater understanding of its operation and have the ability to provide experienced feedback, it may be appropriate to participate in the Pilot Stage. During this Pilot phase, Council will perform their own Restricted Access Vehicle Assessment to remove any liability issues that may arise.

Recommendation

That Council accept involvement in the Farm Gate Access Pilot Project and provide feedback to the NSW Government at the end of the 12 month term.

RESOLVED on the motion of Clr Maslin and seconded by Clr McCann that Council accept involvement in the Farm Gate Access Pilot Project and provide feedback to the NSW Government at the end of the 12 month term. 125/06/2019

ES9) NHVR – CLASS 1 DOLLY COMBINATION NOTICE ALL TERRAIN MOBILE CRANE AND 4 AXLE AND 5 AXLE ALL TERRAIN MOBILE CRANE NOTICE (R.09-05, SC339)

- As with the Class 1 Agricultural Vehicle and Combination Notice presented at the March Ordinary Meeting of Council, the NHVR is proceeding with other Class 1 vehicles to be approved under an exemption Notice. Currently operators of these vehicle types are required to submit applications directly to Council for annual consent and the new notice will remove this requirement with consent achieved via the Exemption Notice. The NHVR has provided information sheets, operators guide and Exemption Notices for Road Authorities consideration. Attachment No. 12

In essence, the new Notice outcomes are:

- Provides one single point of call and standard for operators.
- Removes requirement of Road Authorities providing annual permits for individual operators and provides 5 years of certainty for Industry.
- Council has ability to nominate approved routes and restrict passage where infrastructure is unable to accept the vehicle mass or size.

The passage of these vehicle on Council's Road Network is generally for a specific project, through traffic is near non-existent and the impact is considered to be minimal.

Recommendation

That Council provide consent to allow Mobile Crane access to Council GML/CML 25/26m B-Double Approved roads under the conditions of the following Notices:

- NSW Class 1, 4 Axle and 5 Axle All Terrain Mobile Crane Mass and Dimension Exemption Notice 2019;
- NSW Class 1, All Terrain Mobile Crane and Dolly Mass and Dimension Exemption Notice 2019; and
- Redbank Creek Bridge located on Matong North Road be identified as a Restricted Structure.

RESOLVED on the motion of Clr Crocker and seconded by Clr Logan that Council provide consent to allow Mobile Crane access to Council GML/CML 25/26m B-Double Approved roads under the conditions of the following Notices: 126/06/2019

- **NSW Class 1, 4 Axle and 5 Axle All Terrain Mobile Crane Mass and Dimension Exemption Notice 2019;**
- **NSW Class 1, All Terrain Mobile Crane and Dolly Mass and Dimension Exemption Notice 2019; and**
- **Redbank Creek Bridge located on Matong North Road be identified as a Restricted Structure.**

**ES10) ARDLETHAN SEWERAGE SCHEME - PROJECT STATUS REPORT - 14 JUNE
2019 (S.03-02, SC361)**

Project Status

Construction of the sewerage treatment plant commenced on 7 June 2019. To date the topsoil has been stripped from the site, trees removed as required as a dam located in the northwest corner has been dewatered and backfilled.



The decision to postpone construction until substantial rainfall had occurred has proven beneficial with soil conditions currently at or very close to optimum moisture content.

The reticulation contractor commenced on site on 11 June 2019, undertaking service locations and potholing. Construction of the first gravity mains will commence during the week of 17 June 2019. Construction is to commence to the south of the rail line.

A meeting is planned with the Ardlethan Sewerage Committee later this month.

Time

The duration of the construction program for the gravity reticulation system, rising main and pump station installation is 44 weeks from commencement of works.

The duration of the construction program for the sewerage treatment plant is 18 weeks from commencement of works.

The following are some estimated key milestone dates:

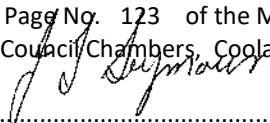
Construction of treatment plant completed	September 2019
Construction of reticulation, rising main and pump station completed	March 2020
Ardlethan Sewerage Scheme completed and commissioned	April 2020
Payment of capital contribution by ratepayers	end May 2020

Quality

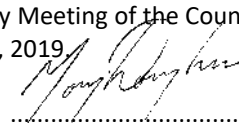
The design for the Ardlethan Sewerage Scheme has been based on the applicable Water Services Association Codes, Australian Standards, contemporary best practice and Council standards. These requirements have been incorporated into the design and technical specification. It will be a requirement of the construction contract(s) that the contractor prepare a comprehensive Project Quality Plan reflecting these requirements and inclusive of an Inspection and Test Plan. Some elements of compliance testing will be undertaken by Council via independent specialists as required.

Risk

Issues Register	
Issue	S60 Approval
Actions to Date	Contact made with NSW DOI Water Manager Water and Sewerage and Regional Manager Water and Sewerage Nil feedback or input provided to date despite numerous attempts to make further contact S60 approval process requirements incorporated into design brief Relevant NSW DPI Water contact details provided to the design consultant Concept design forwarded to DoI Water Positive contact made with DoI Water confirming receipt of concept design Feedback received from DoI Water on the concept design Detailed design forwarded to DoI Water Discussions held with DoI Water on the detailed design and opportunities for improvements Feedback received from DoI Water on the detailed design



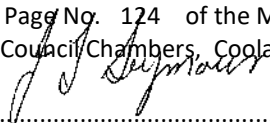
..... MAYOR



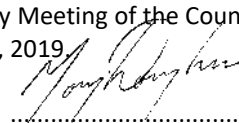
.....GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

Further Actions	Prepare correspondence to DoI Water formally requesting S60 approval on the basis of incorporation of DoI feedback into the detailed design
Issue	Rail Crossing
Actions to Date	Contact made with John Holland Rail regarding requirements for rail line service crossings Engineering standards provided to the design consultant John Holland Rail contact details provided to the design consultant Application made for in principal approval of rail crossing Application made for the installation of the rail crossing Ongoing discussions and negotiations with John Holland Rail to obtain the required approval
Further Actions	Provide additional detail on methodology and timing of works to support application for rail line service crossing Ongoing discussions and negotiations
Issue	Burley Griffin Way Crossing(s)
Actions to Date	Contact to be made with NSW Roads and Maritime Services to ascertain engineering standards and requirements Application made for in principal approval of road crossings Application made for the installation of the road crossings
Further Actions	Provide additional detail on methodology and timing of works as required to support the application for the road crossings
Issue	Acquisition of Land for Pump Station
Actions to Date	Critical dates for finalisation of pump station location incorporated into design brief The proposed location of the pump station site has been amended to refine the design, reduce cost and use already available land negating the requirement for further acquisition
Further Actions	Confirm site and Council ownership
Issue	Bygoo Road Realignment Project
Actions to Date	Design requirements around the road realignment project, including critical dates, incorporated into design brief Image of road realignment plan overlaid on aerial imagery incorporated into the design brief Project deferred due to land acquisition issues Refinements made to the concept design to minimise the number of crossings of the new road alignment Further adjustments made to sewer alignment and property service connections to minimise interaction with and impact on/by the future road
Further Actions	No further action
Issue	Flood Works Approval for Treatment Plant
Actions to Date	Research requirements for flood works approval Local analysis of flood extent and depth at treatment plant location Advice obtained from GHD regarding flood behaviour at treatment plant site (flood fringe low hazard and flood free) Concept process design and layout indicate that the treatment plant can be accommodated on the available land outside of the 1 in 100 year flood extent Concept design layout completed confirming that the treatment plant lies outside of the 1 in 100 year flood extent Council resolution obtained confirming the floodplain extent for the purposes of project planning and environmental impact assessment
Further Actions	No further action



..... MAYOR



.....GENERAL MANAGER.

Issue	Availability of Suitable Contractors
Actions to Date	Contact made with potential design consultants to ascertain interest in bidding for and completing the work Design contract awarded to a suitably qualified and experienced consultant Construction contracts awarded to appropriately qualified and experienced contractors
Further Actions	No further action
Issue	Construction Cost vs Available Budget
Actions to Date	Discussions held with DoI Water on opportunities to reduce cost Further design refinements made to reduce complexity and cost of pump station, rising main and treatment plant Some elements of the reticulation system deferred for later construction as development occurs Construction of the third evaporation basin at the treatment plant deferred until required by load and/or climatic conditions Construction contract broken into three (3) components, resulting in lower cost than appointing a single contractor Some materials and services required for the project to be provided by Council
Further Actions	Ongoing cost control during construction Identify any further opportunities for cost savings during construction

Procurement

With the main contracts for construction and the supply of the packaged pump station awarded, procurement activities are now limited to the items to be supplied by Council such as trench fill material, rock for treatment plant lining, road base, tree removal, utility connections, fencing and geotechnical testing. These minor procurements have commenced and will be undertaken on an ongoing basis throughout the duration of the project.

Activities Since Last Report

- Review of documentation provided by construction contractors.
- Ongoing discussions and negotiations with John Holland Rail and RMS regarding approvals to underbore the rail line and Burley Griffin Way.
- Commencement of construction.

Upcoming Activities

- Meeting with Ardlethan Sewerage Committee.....
- Ongoing discussions and negotiations with John Holland Rail and RMS regarding approvals to underbore the rail line and Burley Griffin Way.

Recommendation

For Council information.

RESOLVED on the motion of Clr McCann and seconded by Clr McKinnon that the report be received. 127/06/2019

ES11) NATIONAL CLASS 1 SPECIAL PURPOSE VEHICLE AUTHORISATION NOTICE 2016 (R.09-05, SC339)

- The Class 1 SPV Notice is the third and final Class 1 Notice and addresses vehicles up to 40 tonnes. As can be seen in the attached NHVR information sheet, and like the other Class 1 Notices, Council will no longer receive consent requests from operators with pre-approval being provided by the Notice. This particular Notice addressed SPV's up to 40 tonnes, these vehicle types are utilized for specific projects, traffic passage is minimal and impact on Council's Road Network is considered negligible. Attachment No. 18

Recommendation

That Council provide consent to the National Class 1 Special Purpose Vehicle Notice 2016 for passage on Council's Sealed and Unsealed Road Network (Hierarchy 1-3).

RESOLVED on the motion of Clr White and seconded by Clr McKinnon that Council provide consent to the National Class 1 Special Purpose Vehicle Notice 2016 for passage on Council's Sealed and Unsealed Road Network (Hierarchy 1-3). 128/06/2019

ES12) NHVR A-DOUBLE ROAD TRAIN CONSENT REQUEST (R.09-05, SC339)

- Council is in receipt of a 30m Tri-dolly A-Double Road Train Consent request from Michael Whatman for passage from Burley Griffin Way to the Grain terminals on Kamarah Tank Road. Attachment No. 19.1

The route is currently approved for vehicles up to 25/26m B-Doubles at HML, the axle loading of the proposed vehicle are no greater than that of existing vehicles and pavement wear is not expected to be accelerated. The main concern of the proposed vehicle type was the ability for it to manoeuvre through the proposed route in addition to accessing grain terminals. To assess the vehicles suitability a field trial was arranged for 17th June, 2019.

The field trial was held in conjunction with RMS as they were assessing the intersection with Burley Griffin Way (State Road). Outcomes of the field trial are that the vehicle was able to successfully traverse the route without detrimental impact on Council infrastructure. Whilst the vehicle was able to successfully exit

the grain terminals, it is recommended that Graincorp extend the egress culvert and increase fence opening to avoid damage, these issues will be relayed to Graincorp.

The vehicles ability to manoeuvre through the route was very impressive and thought that the configuration tracks better than a B-Double and will impart reduced wear on the pavement.

- Previous A-Double requests have been declined due to stacking distance restrictions north of the rail crossing and inability of the vehicle to clear the Mullins Street/Mirrool Street intersection when required to stop at Crossing. Now that the crossing has been upgraded to active controls, vehicles will be able to exit the intersection knowing that they will not be required to stop at crossing. A route assessment has been performed as per RMS guidelines and concluded that the route is suitable for the proposed 30m A-Double Road Trains. Attachment No. 19.2

Recommendation

- 1) That the consent request from Michael Whatman be approved.
- 2) That the proposed route be pre-approved for all operators of vehicles up to 30m tri-dolly A-Double Road Trains.
- 3) That Graincorp be notified of recommended upgrades at terminal egress.

RESOLVED on the motion of Clr Crocker and seconded by Clr Maslin: 129/06/2019

- 1) **That the consent request from Michael Whatman be approved.**
- 2) **That the proposed route be pre-approved for all operators of vehicles up to 30m tri-dolly A-Double Road Trains.**
- 3) **That Graincorp be notified of recommended upgrades at terminal egress.**

4.4 EXECUTIVE MANAGER, DEVELOPMENT & ENVIRONMENTAL SERVICES' REPORTS

HS1) DEVELOPMENT ACTIVITY REPORT FOR THE PERIOD ENDING 31ST MAY, 2019 (B.05-03, SC58)

Summary

This report advises of the Development Application activity for the month of May 2019.

Development Activity Table

Application Number	Type	Address	Determination	Value
CDC 2019/05	New In ground Swimming Pool	60 Learys Lane, Coolamon	Approved	\$41,350.00
DA 2019/19	New Tennis Club Shed & Awning	Lewis Street North, Coolamon	Approved	\$17,000.00
DA 2019/24	Replacement of Roof on Existing Dwelling	44 Lewis Street South, Coolamon	Approved	\$16,000.00
DA 2019/23	New Roof over Existing Deck	2677 Coolamon Road, Coolamon	Approved	\$12,500.00
DA 2019/29	New Garage	30-32 Langham Street, Ganmain	Approved	\$12,350.00
DA 2019/20	New Shed	100 Methul Street North, Coolamon	Approved	\$9,500.00
DA 2019/22	Rural Subdivision	Berry Jerry Lane, Berry Jerry	Approved	N/A
DA 2019/26	New Garage	46 Waterview Street, Ganmain	Approved	\$10,979.00
TOTAL:			8	\$119,679.00

Financial Implications

There are nil financial implications to Council as a result of this report.

Consultation

Applications have been notified and exhibited in accordance with Council's Development Control Plan as required.

Recommendation

That Council receive and note this report on development activity for the period up to 31st May, 2019.

RESOLVED on the motion of Clr McCann and seconded by Clr White that Council receive and note this report on development activity for the period up to 31st May, 2019. 130/06/2019

HS2) COOLAMON SHIRE COUNCIL DRAFT GENERIC PLAN OF MANAGEMENT FOR CROWN RESERVE LAND GENERAL COMMUNITY USE, PARKS, SPORTSGROUNDS AND NATURAL AREAS (S.11-05, SC391)

Summary

This report provides to Council a draft Crown Reserve Generic Plan of Management for land categorised as General Community Use, Parks, Sportsgrounds and Natural Areas.

Background

The new Crown Land Management Act 2016 came into force on 1st July 2018 which created changes to the way Councils manage and operate Crown Land.

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

Generally, Council Managers will manage land as if it were community land. Under the LG Act, a 'plan of management' must be adopted for all community land. The plan categorises the land and governs its use and management.

Plans of Management

Upon endorsement of Initial Crown Land Categorisation, which Council has now obtained, Council must proceed to develop plans of management for all Crown Land that it manages.

Under the Local Government Act, a 'plan of management' (PoM) must be adopted by Council for all community land. The plan categorises the land and governs its use and management.

Council Managers must ensure that there is a compliant PoM for all Crown land that they manage as community land within three years of the commencement of Part 3 of the CLM Act (i.e.: by 30 June 2021). A compliant PoM must be in place before the deadline to ensure that the Crown land is lawfully used and occupied.

Ensuring lawful use and occupation is an essential part of Councils' role as the Manager of Crown land.

Council staff have now developed a draft generic plan of management for all crown land for which it is now responsible that includes the categories of General Community Use, Parks, Sportsgrounds and Natural Areas.

Next Steps

Section 39 of the Local Government Act 1993 requires that a first PoM prepared for land that does not alter the initial category must be referred to the Department of Industry – Crown Lands on behalf of the owner of the land, in draft form prior to Council placing the plan on public exhibition.

The attached draft PoM does not alter initial categorisation.

Council must publicly exhibit the PoM before adopting it. However, the public hearing requirement of the LG Act is waived as the PoM is not altering the initial categorisation or requiring an additional purpose for the Reserve.

Subject to Councils endorsement of this report, Council staff will refer the plan to the NSW Department of Industry – Crown Lands.

Consultation

Consultation has been undertaken with relevant internal Council stakeholders, NSW Department of Industry: Crown Lands and Water Division and the NSW Office of Local Government.

While all PoMs must be developed in accordance with the public exhibition requirements of the Local Government Act 1993, if the draft first PoM results in the land being categorised by reference to categories assigned as provided by under the Act, the council manager will not be required to hold public hearings under the relevant provisions of the LG Act, but must give public notice of it as required by section 38 of that Act.

The draft PoM has utilised categories assigned under the Act without change and thus there is no requirement for a public hearing.

Section 38 of the LG Act 1993 requires that:

- A Council must give public notice of a draft PoM for a period of not less than 28 days.

- The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.
- The Council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

Financial Implications

There are no adverse financial implications resulting from this report.

The preparation of this Plan of Management for Crown Land has been funded by the NSW Office of Local Government. The Office of Local Government have provided a one off funding allocation of \$65,687.00 to assist in the implementation of the new Crown Land Management Act 2016 reforms.

Council staff have utilised over 160 hours to date in the preparation of the draft Plan of Management with such hours being billed against grant funding allocation.

Attachments

- ➔ Coolamon Shire Council Draft Plan of Management for Crown Reserve Land Generic Plan of Management for General Community Use, Parks, Sportsgrounds and Natural Areas. Attachment No. 13

Recommendation

- 1) That Council note the Report titled Coolamon Shire Council Draft Generic Plan of Management for Crown Reserve Land for General Community Use, Parks, Sportsgrounds and Natural Areas;
- 2) That Council formally resolve to refer the Draft Plan of Management to Department of Industry – Crown Lands on behalf of the owner of the land for comment; and
- 3) That Council upon receipt of comment from Department of Industry – Crown Lands publicly exhibit the Draft Plan for a period of 28 days, allowing a 42 day submission period, prior to receiving a further report from Council Staff recommending the Plans formal adoption.

RESOLVED on the motion of Clr Maslin and seconded by Clr Jones: 131/06/2019

- 1) That Council note the Report titled Coolamon Shire Council Draft Generic Plan of Management for Crown Reserve Land for General Community Use, Parks, Sportsgrounds and Natural Areas; and
- 2) That Council formally resolve to refer the Draft Plan of Management to Department of Industry – Crown Lands on behalf of the owner of the land for comment; and
- 3) That Council upon receipt of comment from Department of Industry – Crown Lands publicly exhibit the Draft Plan for a period of 28 days, allowing a 42 day submission period, prior to receiving a further report from Council Staff recommending the Plans formal adoption.

HS3) DEVELOPMENT APPLICATION 2019/30: SECONDARY DWELLING (INSTALLATION OF MANUFACTURED HOME) - 1 COOPERS LANE, COOLAMON (RT1004161)

Applicant	Patrick and Julie Lyons and Mark and Megan Ewing
Owner	Patrick and Julie Lyons and Mark and Megan Ewing
Development Cost	\$195,000.00
Development Description	The proposal involves the installation of a single storey transportable dwelling with a floor area of 139.06 m2 which will create a secondary dwelling on the subject site.

Key Considerations

- The development is permitted in the RU4 (Rural Small Holdings) Zone with Council consent.
- The Development Proposal complies with all Statutory (Local Environmental Plan) and Non Statutory (Development Control Plan) Development Controls.
- The application is identified as being located in a 'Designated Area' under CDCP 2015 and manufactured homes that are proposed to be located within the Designated Areas are required to be approved by the elected Council.

Assessment

Criteria for the Development Application Report

Determination Body Reason

The application has been referred to Council for determination as it is located in a 'Designated Area' as identified in the Coolamon Development Control Plan 2015 and must be considered by the elected Council.

Council has traditionally supported the concept of one dwelling per rural residential allotment and generally not endorsed additional dwellings on such allotments. This view was to promote and maintain amenity and lifestyle expectations associated and desired within such zones. The introduction of the standard Local Environmental Plan included provisions that permitted the location of secondary dwellings in such zones.

Whilst the current local environmental plan permits secondary developments within rural residential zones, the challenge for Council is to ensure that they remain subservient to existing dwellings which will serve to maintain lifestyle and amenity expectations of the people who seek to reside in these areas.

The development proposal will rely on the existing access that serves the main dwelling, incorporates approximately half the floor area of primary dwelling and will utilize landscaping to soften any visual impacts along the Coolamon Road.

Designated Areas

Throughout the strategic planning process associated with the development of the Coolamon Development Control Plan 2015, several streetscapes and thoroughfares were identified as having a unique and recognisable character. A portion of the Coolamon Road / entry way into the township of Coolamon was identified as one such area – and the subject site falls into this area.

Designated areas require developments to have additional design consideration prior to Council granting an approval for a relocatable dwelling or manufactured home, ensuring that the strategic visions of the community have been met and to maintain and improve the street amenity of these areas.

It is considered that the development, which incorporates a setback from the Coolamon Road property boundary of approximately 43 m, and combined with the imposition of a condition of consent to plant some vegetative screening – will ensure that there will be no adverse effects on the streetscape or compromising of strategic visions for designated areas.

Consultation

The application was notified to adjoining land owners in accordance with Section 14.3 of the CDCP 2015.

No submissions were received.

Reasons for Approval (Summary)

The Staff assessment has identified that:

- The application is for a use which is permitted in the RU4, Rural Small Holdings Zone.
- The Development Proposal complies with all Statutory (Local Environmental Plan) and Non Statutory (Development Control Plan) Development Controls.
- The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought for the Coolamon Local Environmental Plan 2011 and Coolamon Development Control Plan 2015.
- It is considered that the proposal will have no adverse effect on the aims and objectives of the 'Designated Area' provisions contained within the Coolamon Development Control Plan 2015 as significant setback and landscaping measures will be implemented for the development.

Site Location

The subject site is located at, 1 Cooper's Lane, Coolamon, (Lot 2 DP 1214527) Coolamon, NSW.

The site is located on RU4 Rural Small Holdings zoned land. The site is 1.99 Ha in area and houses an existing dwelling and associated outbuildings on the land. Surrounding properties consist of a combination of RU1 Primary Production land and Rural Small Holdings Zoned Land.

Power and water are available and currently service the land.

The site is generally flat and devoid of vegetation and is identified as being subject to overland flooding at the south eastern most corner of the land.

Diagram: Site and Locality Plan



Policy

Coolamon Local Environmental Plan 2011
Coolamon Development Control Plan 2015

Quadruple Bottom Line Analysis

For a complete analysis of the social, environmental, economic and governance considerations please refer to s 4.15 Report, attached.

Risk Management Issues from the Council

Refusal of the application on unjustified grounds or approval of the application without adequate statutory planning or impact considerations may result in an appeal process in the Land and Environment Court which will have to be defended by Council.

Internal / External Consultation

See the Section 4.15 Assessment report for full details of all consultation.

Attachments

1. Site Plan **Attachment No. 14.1**
2. Statement of Environmental Effects **Attachment No. 14.2**

3. Plans Attachment No. 14.3
4. Section 4.15 Assessment Report Attachment No. 14.4

Recommendation

That Council approve Development Application 2019/30 for a Secondary Dwelling (Installation of Manufactured Home), at 1 Coopers Lane (Lot 2 DP 1214527), Coolamon, subject to the conditions listed in the attached Section 4.15 Assessment Report.

RESOLVED on the motion of Clr McCann and seconded by Clr Logan that Council approve Development Application 2019/30 for a Secondary Dwelling (Installation of Manufactured Home), at 1 Coopers Lane (Lot 2 DP 1214527), Coolamon, subject to the conditions listed in the attached Section 4.15 Assessment Report. 132/06/2019

The Mayor called for a division

Those voting in favour of the motion: All present

Those voting against the motion: Nil

HS4) VARIATION TO HORNBY SUBDIVISION COVENANT (S.16-03, SC499; LD195, LF427)

Summary

Council has lodged a development application for the construction of a new dwelling on Council's Hornby subdivision at 155 Wallace Street North, Coolamon. The exterior of the dwelling is proposed to be constructed using a combination of vertical cladding (weathertex) and stone cladding. The development is not compliant with one of the covenants that were created by Council as part of the subdivision.

Background

A 28 lot Council subdivision located on the corner of Wallace and Mirrool Streets was approved by Council and is commonly referred to as the Hornby subdivision. The original subdivision was approved in 2006 and amended in 2016. The Subdivision Certificate was released in April 2017.

As part of the abovementioned subdivision, Council created a number of covenants. The covenants include:

- a) No dwelling shall be used other than as a single private dwelling house.
- b) No dwelling shall be of a transportable or relocatable type.

- c) No dwelling shall have inner floor space of less than 160 square metres inclusive of the interior space of any carport or garage which is under the main roof.
- d) No dwelling shall be erected of other than new materials.
- e) No dwelling shall be erected of any material other than brick, brick veneer, stone or concrete or like material with or without walls or panels of glass.
- f) No roof of any dwelling shall be of material other than slate, tiles, shingles or colorbond roofing material.
- g) No shed or other outbuildings shall be erected of other than new materials.
- h) No shed or other outbuildings shall be erected of materials other than stone, brick, brick veneer or non-reflective metal.
- i) No shed or other outbuilding shall have a roof of material other than slate, tiles, shingles or non-reflective metal.
- j) No shed or other outbuilding shall have walls or roof with different coloured materials in the wall or the roof.
- k) No fence shall be of other than new materials.

The above covenants were created to promote good design and to promote positive streetscape outcomes. The creation of such covenants also eliminates the possibility of poor built form that would detract from expectation of purchasers in the subdivision.

Clause 1.9 A of the Coolamon Local Environmental Plan 2011 refers to the suspension of covenants, agreements and instruments. It states that 'For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

Whilst the clause ensures that private covenants cannot be considered in the development assessment process, Council imposed covenants must be considered and applied.

Council has previously endorsed the suspension of the covenant on another dwelling located on a lot located in the Hornby subdivision that was clad in weatherboard.

Development Application 2019/34

An application has been lodged by Council for the construction of a five-bedroom single storey dwelling with an attached double garage. The external part of the dwelling is proposed to be clad in a combination of vertical 'weathertex' cladding and stone cladding.

The design of the dwelling meets all of the covenants with the exception of one. The non-compliant covenant is that no dwelling shall be erected of any material other than brick, brick veneer, stone or concrete or like material with or without walls or panels of glass. The dwelling is proposed to be constructed using 'weathertex' cladding and stone cladding and therefore does not comply with the covenant.

It is considered that the subject development should proceed in non-compliance with the covenant for the following reasons:

- The plans were architecturally designed and provide for a modern aesthetically pleasing design;
- Since the creation of the subdivision covenants, design trends have changed and lightweight cladding has become a common construction trend;
- Even though the building is not clad in brick the lightweight cladding is still a form of veneer construction and meets all energy efficiency targets; and
- It is also considered that the development promotes good design and promotes positive streetscape outcomes.

Future Use of Covenant

It is recommended that Council consider applying the brick cladding/construction covenant on an individual assessment basis, i.e. where an applicant can demonstrate that:

- Good built form will be created by development;
- Positive Streetscape outcomes will be achieved by alternate construction type; and
- Where all other development controls and covenants will be met.

Attachments:

- 1) Site Plan and Elevations for DA 2019/34 **Attachment No. 15.1**
- 2) Section 4.15 Assessment Report **Attachment No. 15.2**

Recommendation

- 1) That Council note the Report titled Variation to Hornby Subdivision Covenant; and
- 2) That Council endorse the removal of the application of the covenant that no dwelling shall be erected of any material other than brick, brick veneer, stone or concrete or like material with or without walls or panels of glass for DA 2019/34 for the reasons identified in the above report.

RESOLVED on the motion of Clr McCann and seconded by Clr Maslin: 133/06/2019

- 1) That Council note the Report titled Variation to Hornby Subdivision Covenant; and
- 2) That Council endorse the removal of the application of the covenant that no dwelling shall be erected of any material other than brick, brick veneer, stone or concrete or like material with or without walls or panels of glass for DA 2019/34 for the reasons identified in the above report.

The Mayor called for a division

Those voting in favour of the motion: All present

Those voting against the motion: Nil

**HS5) REQUEST FOR TENDER SUBMISSIONS - ALLAWAH LODGE STAGE 1 WORKS
(RFT 2019/04) (LF596)**

Summary

This report provides information and recommendations to Council in regards the submissions received to Councils Request for Tenders for proposed Stage 1 building works to Allawah Lodge located, on the corner of Stinson and Mirrool Streets, Coolamon (Lot 241 DP 1064913).

Background

The proposed works involve the re - development of an existing residential care facility known as Allawah Lodge.

The proposed redevelopment of the facility will occur in three (3) stages as follows:

- Stage 1 will consist of an addition to the existing sunroom, installation of new fencing, landscaping and footpaths.

The extension to the existing sunroom will be approximately 4 metres by 7 metres. The extension will match in with the existing building (i.e. the bricks and tiles will match existing).

Approximately 118 metres of new fencing is proposed to be installed on the front boundary of Mirrool Street and Stinson Street. The fence is 1.8 metres high and will be constructed out of brick and wrought iron.

A significant amount of internal landscaping and footpaths.

- Stage 2 will include the alterations and upgrading of the existing kitchen and laundry area and the provision of a new loading/unloading area for goods in and out.
- Stage 3 includes the proposed addition to the existing residents lounge, upgrade of existing courtyard, construction of new residents dining area, internal alterations to provide a new centrally located nurse's station and upgrading of the office/reception area.

An overall concept plan for the redevelopment was created in conjunction with detailed architectural plans and specifications for proposed stage 1 works. A development approval was issued for both overall concept and for stage 1 works on 17 April 2019 and a construction certificate for stage 1 works was issued for stage 1 works only on 17 April 2019.

The works have recently been advertised as a tender.

Consultation

Internal consultation has been undertaken with relevant council staff in regards to the creation of tender documents, advertising and the evaluation of tenders.

The Request for Tender was advertised in the:

- Daily Advertiser - on 5, 12 and 25 May 2019
- Temora Independent - on 17 May 2019.

Tenders marked 'RFT 2019/04 Allawah Lodge Stage 1 Works' were received by Council until 5.00 p.m., 7 June, 2019.

All contractors will be notified by telephone and in writing of Council's decision after the report has been determined by Council.

Tender Submissions

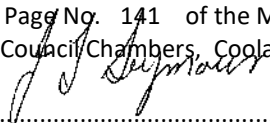
Council received seven (7) quotations during the submission period.

Tenderers and tender prices are listed in the following table from lowest to highest tender received.

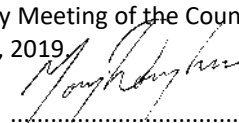
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

Tenderer	Tender Price (Incl. GST)		Comments
	Component	Lump Sum	
Jaques and Co	Sunroom \$228,736.20	\$371,140.00	The tender submission included all three project components. The tender was comprehensive and appears to have included and priced all applicable project items. The tenderers appear to have relevant experience in regards to items for which they tendered. The tender has not allowed for removal or reinstating of solar panels, relocating or lowering of existing services, altering electrical consumer mains or service pole, relocating of flag pole, fixing of signage or blinds that are PC items nor any of the required fires safety upgrades. 100 working days has been allowed for project completion.
	Fence \$84,291.90		
	Landscaping \$58,111.90		
Coolamon Carpentry	Sunroom \$123,572.00	\$378,719.00	The tender submission included all three project components. The tender was comprehensive and appears to have included and priced all applicable project items. The tenderers appear to have relevant experience in regards to items for which they tendered. The tenderer has proposed an alternate bench seating/picnic tables – different brand which would reduce the cost of tender by \$12,200.00 GST in) and would bring the tender price to \$366,519.00 GST Incl. The proposal was submitted with the tender documentation and if accepted would be a non-conforming tender (i.e. different seating and table component). The tender also submitted costs for works to Councils nature strip (irrigation system and top dress nature strip lawn / only to reinstate existing lawn – total additional cost of \$8855.00. 50 working days have been nominated for project completion.
	Fence \$95,715.00		
	Landscaping \$144,432.00		
	Contingency \$15,000.00		
Coverite Projects	Sunroom \$279,872.47	\$818,948.59	The tender submission included all three project components. The tender appears to have included and priced all applicable project items. The tenderers appear to have relevant experience in regards to items for which they tendered. 80 working days have been
	Fence \$207,485.11		
	Landscaping \$268,979.76		

This is Page No. 141 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019.



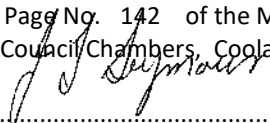
..... MAYOR



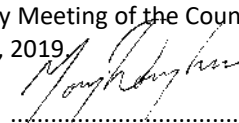
..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

			nominated for project completion. Please note that the combined component costs do not equate to the lump sum cost – but these were the figures submitted by the tenderer and have been captured in this report accordingly.
AJ Grant Group	Sunroom \$290,134.35	\$706,980.58	The tender submission included all three project components. The tender was comprehensive and appears to have included and priced all applicable project items. The tenderers appear to have relevant experience in regards to items for which they tendered. This tender includes additional Provisional Costing Sums for items such as lintels/support beams over windows, plumbing works, ag drain works and landfill fees – total additional PC sum is \$14000.00. 100 working days have been nominated for project completion.
	Fence \$170,911.02		
	Landscaping \$230,935.21		
	Contingency \$15,000.00		
Adaptive Interiors	Sunroom \$180,400.00	\$473,340.00	The tender submission included all three project components. The tender was comprehensive and appears to have included and priced all applicable project items. The tenderers appear to have relevant experience in regards to items for which they tendered. 75 working days have been nominated for project completion.
	Fence \$108,900.00		
	Landscaping \$159,500.00		
	Contingency \$24,540.00		
Stephen Lawrence Constructions	Sunroom \$186,003.40	\$500,339.40	The tender submission included all three project components. The tender was comprehensive and appears to have included and priced all applicable project items. The tenderers appear to have relevant experience in regards to items for which they tendered. 67 working days have been nominated for project completion.
	Fence \$150,590.00		
	Landscaping \$163,746.00		
Creative Outdoors and More	Sunroom No price tendered	\$331,508.10	The tender submission excluded the sunroom component of the project. The submission for the fence and landscaping. The tender was comprehensive and appears to have priced all applicable fencing and landscaping items. The tenderers appear to have relevant experience in regards to items for which they tendered. No project completion days were included.
	Fence and Landscaping \$331,508.10		



..... MAYOR



..... GENERAL MANAGER.

Table 1: Tenderers and Tender Prices

Evaluation

Submitted tenders have been evaluated on the following criteria:

- Price
- Experience and
- Inclusions

All of the above contractors are considered to have relevant experience in both commercial and residential construction projects and it appears that all contractors have included all inclusions listed in plans and specifications for the project (either within lump sum or as separate component cost).

The preferred option of many organisations is the 'traditional working' process which involves sequential lowest price tendering.

Whilst price is one of the common criteria used in the assessment of quotations, it should not be considered as the key determining factor in quotation selection. The lowest quotation is not always necessarily the 'best'.

The use of lowest price quotation / tendering may seriously damage an organisations 'financial health and reputation' and may have undesirable and unexpected side effects in the event that a contractor has quoted too low which creates project management and adverse financial outcomes for an organisation. It is not suggested that if Council endorses the lowest quotation referenced in this report that there will be adverse project management and financial outcomes for Council but it is suggested that as an organisation we need to consider the consequences during the decision making process.

Staff have had conversations with the two (2) lowest tenderers to ascertain appetite for splitting of project components so as to ensure the lowest price for the project in totality. For example, the tender prices from Jaques and Co for fencing and landscaping were by far the lowest prices for these items (Fence \$84,291.90 and landscaping \$58,111.90) and the lowest price for the sunroom component was received from Coolamon Carpentry (\$123,572.00). The total project price when combining / splitting these prices is \$265,975.80. The responses from contractors was generally not supportive of such a proposal and whilst both tenderers would consider such an option they have both requested that they be allowed to review their prices. A review of the prices after tender submissions is not in the spirit of the tender process and irrespective would undoubtedly increase the respective project components or the contractors would simply withdraw their offers.

Internal conversation has been undertaken with Councils Engineering Section to confirm capacity of Council staff to undertake landscaping works that are included in stage 1 works. It has been confirmed that at this point in time there is no capacity to undertake such works and that the works programs are full. There is also a query as to whether such landscaping works could be undertaken by Council at a cheaper price than what has been tendered.

After an assessment by Council staff and based on the tender assessment criteria it is recommended that Council consider engaging Coolamon Carpentry for the Stage 1 Project works. The submission by the tenderer, as a non-conforming tender was the lowest price, and a conforming tender was the second lowest price. The tenderer has a proven track record for delivering quality works within agreed upon timeframes.

Financial Implications

Council has a budget available for the project and there are no adverse financial implications resulting from this report.

Recommendation

- 1) That Council note the report Request for Tender Submissions Allawah Lodge Stage 1 Works (RFT 2019/04); and
- 2) That Council identify and appoint a preferred contractor to undertake the Stage 1 Works at Allawah Lodge.

RESOLVED on the motion of Clr Logan and seconded by Clr McCann: 134/06/2019

- 1) **That Council note the report Request for Tender Submissions Allawah Lodge Stage 1 Works (RFT 2019/04); and**
- 2) **That Council award the Contract 2019/04 to Coolamon Carpentry.**

HS6) LOCAL HERITAGE FUND COMMITTEE MEETING (H.04-09, SC235)

Summary

This report provides information to Council in regards to the Local Heritage Fund Committee Meeting held on 11 June 2019.

Background

The Office of Environment and Heritage (OEH) offers funding to local Councils to set up a Local Heritage Fund. Councils can then offer small grants for heritage projects. Funding should be used as an incentive to assist heritage-listed items in Local Environmental Plans (LEPs) as a first priority, over non-listed heritage items.

Funding can be used for a wide range of projects which will deliver good heritage and urban design outcomes that fit within the scope of these guidelines.

Projects funded through a Local Heritage Fund may include (and not be limited to):

- Conservation Works and Maintenance Works Projects
- Adaptive Reuse Projects
- Urban Design Projects that support Heritage
- Interpretation Projects
- Conservation Management Plans.

Generally funding should not be provided for:

- new buildings
- routine maintenance (e.g. lawn mowing, gutter cleaning or carpet cleaning)
- projects where adequate funding is available from the applicant or other sources
- new commemorative monuments or works
- purchasing heritage buildings
- relocating buildings or work done to relocated buildings
- private headstones, unless there is no possibility of descendent support for the project
- floodlighting of heritage buildings
- purchasing equipment
- moveable railway heritage items.

Council's Local Heritage Fund Committee met on 11th June, 2019 to assess the 2019/20 Local Heritage Fund applications.

The 2019/20 Grant Applications

Council received a total of 5 applications for local heritage funding this year with 4 applications receiving funding.

Total funding allocation is \$11,500.00 and comprises the following:

	Details of Funding	Amount Requested \$	Amount Allocated \$
1	Coolamon Post Office 88 Cowabbie Street, Coolamon <i>Disabled Access Ramp</i>	1,800.00	1,800.00
2	Ganmain Hall, 92 Ford Street, Ganmain <i>Painting</i>	4,200.00	4,200.00
3	Ardlethan Hall, 46 Ariaah Street, Ardlethan <i>Roof Repair</i>	3,538.62	3,538.62
4	Beckom Hall <i>Roof and Gutter Repairs</i>	22,000.00	1961.38
5	Ganmain Men's Shed Repairs to Floor	8,000.00	Nil
	Total	39,538.62	11,500.00

NOTE: A total funding amount of \$11,500.00 has been allocated to these projects.

It may be viewed that the Local Heritage Fund is a great investment tool for Councils across NSW. For the relatively small dollars the Council contributes, such a fund generates positive, feel-good community attitudes and long-term on-the-ground heritage conservation outcomes.

Financial Implications

Council was allocated \$5,500.00 in funding for the 2019/20 and 2020/21 Local Place Grants, from the NSW Office of Heritage (OEH). The Funding Agreement requires a 1:1 contribution from Council, resulting in Council allocating \$6,000.00 and the total funding available for the 2019/20 Local Place Grants being \$11,500.00 (ex GST).

Council's contribution was budgeted for and it is considered that there will be no adverse financial impacts associated with this report.

Attachments

→ Heritage Committee Meeting Minutes 11 June 2019. Attachment No. 16

Recommendation

That Council note the report and adopt the Allocations of funding as per the Recommendations of the Local Heritage Fund Committee Meeting held 11th June 2019.

RESOLVED on the motion of Clr White and seconded by Clr Logan that Council note the report and adopt the Allocations of funding as per the Recommendations of the Local Heritage Fund Committee Meeting held 11th June 2019. 135/06/2019

HS7) REQUEST FOR SUSPENSION OF ALCOHOL FREE ZONE (C.09-41, SC130)

Summary

This report seeks Council approval for the suspension of the current Alcohol Free Zone within Ford Street and the Logan Park Precinct Ganmain for the Ganmain Markets. The Markets will be held on 26th October 2019 and the request seeks the suspension of the zone between the hours of 4.00pm and 8.00pm.

Background

The drinking of alcohol is prohibited in an Alcohol-Free Zone that has been established by a Council. Public places that are public roads, footpaths or public car-parks may be included in a zone. Alcohol-free zones promote the use of these roads, footpaths and car-parks in safety and without interference from irresponsible street drinkers.

Council has the ability to suspend the Alcohol Free Zone provided the appropriate advertising and notification has taken place.

Legislative Implications

Alcohol-Free Zones prohibit the drinking of alcohol in public places such as roads or car parks under Part 4 of the NSW Local Government Act 1993, Sections 642 - 649. The purpose of these zones is to create a safe environment in which individuals may move about without interference from irresponsible street drinkers. Alcohol Free Zones operate 24 hours a day, 7 days a week.

In accordance with Section 645 of the Act, Council has the power to suspend or cancel the Zone at an earlier date if deemed necessary, or to hold a specific community event. Council is required to do so via a Council resolution and must

publish a notice of suspension and/or cancellation. Section 645 *Suspension or cancellation* provides that:

- (1) *The council may, at the request of any person or body or of its own motion, suspend the operation of an alcohol-free zone by publishing notice of the suspension in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned.*
- (2) *During the period indicated in such a notice as the period of suspension, the zone does not operate as an alcohol-free zone.*
- (3) *In like manner the council may at any time cancel the operation of an alcohol-free zone.*

Prior to cancellation or suspension Council would be required to liaise with Police both prior to and after the Council resolution.

Financial Implications

There are no financial implications to Council or the community resulting from this report.

Consultation

The NSW Police were provided notification of the proposal via email (to Wagga Licencing Sergeant and Local Office) on 17 June 2019 and advised of the proposed suspension of the zone and at the time of writing this report no objection to the proposal has been received.

Further consultation is required to occur in accordance with the Local Government Act 1993 if Council resolves to support the suspension by publishing notice of the suspension in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned.

Recommendation

That Council temporarily suspends the Alcohol Free Zone in Ford Street and the Logan Park Precinct Ganmain on 26th October 2019, between the hours of 4.00pm and 8.00pm.

RESOLVED on the motion of Clr McKinnon and seconded by Clr White that Council temporarily suspends the Alcohol Free Zone in Ford Street and the Logan Park Precinct Ganmain on 26th October 2019, between the hours of 4.00pm and 8.00pm. 136/06/2019

RESOLVED on the motion of Clr Jones and seconded by Clr Maslin that Council delegate to the General Manager the ability to temporarily suspend the defined Alcohol Free Zones within the Coolamon Shire subject to application. 137/06/2019

HS8) PROPOSED EXPANSION OF THE WALLEROOBIE QUARRY: EIS REQUIREMENTS (G.04-01, SC209; SC1057)

Summary

Council has received correspondence from the NSW Department of Planning requesting that Council provides its comments to inform the preparation of an Environmental Impact Statement for a development application for a proposed expansion to operations at Milbrae Quarries Pty Ltd.

This report advises Council of the proposed development and outlines the comments that will be forwarded by Council to the Secretary of NSW Department of Planning to inform the required Environmental Impact Statement that is required to be prepared by the applicant to accompany the development application.

Background

Milbrae Quarries operates the Walleroobie Quarry located approximately 21km southeast of Ardlethan and 53km northeast of Narrandera, to recover granite material to produce a range of aggregates and road pavements products.

Access to the Quarry is provided from Walleroobie Road via Seberrys Lane.

Walleroobie Quarry currently operates in accordance with Development Consent DA21/95 issued by Coolamon Shire Council on 18 September 1995, with approval to extract up to 120 000tpa. Material is currently extracted using a drill and blast extraction method, with extracted material being processed using a fixed plant located at the Quarry Site

Proposed Development

The Applicant has identified a further 4.5 million tonnes of porphyritic granite material adjacent to and beneath the current approved extraction area which they propose to extract.

The extraction of this additional material would involve the removal of approximately 50 000m³ of overburden. It is proposed that the extraction area would be extended to the north and east of the current extraction area with the

ongoing use of three x 15m benches. Overall, the additional extraction area would increase the total area of disturbance to approximately 32.2ha, of which 0.5ha is remnant native vegetation which would be progressively cleared.

The Applicant proposes to increase the extraction rate from 120,000tpa to 300,000tpa.

The proposed expansion would involve an increase in the disturbance area and would be classified as designated development. It would also be integrated development due to the need for the operation to hold an Environment Protection Licence. The consent authority for the application would be the Southern Regional Planning Panel. Council will be the assessing authority.

The applicant has requested the requirements of the Secretary of the Department of Planning and Environment for the preparation of an Environmental Impact Statement (EIS) for the development.

Under Schedule 2 of the Environmental Planning and Assessment Regulation 2000, the NSW Secretary of the Department of Planning is now requesting Councils requirements to inform the Secretary's EIS requirements to the applicant.

Councils requirements are due by Friday, 21st June 2019.



[Signature]
..... MAYOR

[Signature]
..... GENERAL MANAGER.

Councils Requirements

Council Staff will submit the following requirements to the Secretary of the NSW Department of Planning to inform the EIS:

ENVIRONMENT

Noise and Air:

- A Noise Study should be conducted that establishes the background noise levels for different aspects of the Mining Operations including extraction methods, vehicular and plant across and into and out of the site. This Noise Study should then assess the potential noise impacts, not only on the closest dwellings but also those most likely to be impacted. This information should also include any identified potential noise attenuation or treatments.
- Air Quality: Dust management must be addressed and any EIS needs to identify how dust will be controlled on and off the site. This includes any Haul Roads, and for any extraction and processing operations. This assessment also needs to determine the estimated water quantity needed for dust suppression and where this will be collected from and disposed to.

Drainage:

- Any EIS will need to determine the ongoing treatment of stormwater runoff and drainage to ensure that the new operations do not impact on neighbouring farms and local catchments.
- Surface Water Management: Ongoing site management must ensure that there is no sediment laden runoff leaving the site and entering adjoining properties. The EIS must provide adequate information on drainage, changes to landform and outline mitigation measures to ensure no immediate or future adverse impacts.

Waste:

- Detailed waste management plan for the site that addresses how all overburden will be stored on site and details for the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity and used in the rehabilitation of site.
- Waste water impacts resulting from operations (screening, dewatering and processing) are to be adequately investigated and addressed.

REHABILITATION

- Rehabilitation Work and Bond associated with Ensuring this work is undertaken: Council needs to be confident that the bond and timing of work will be suitable to ensure that any and all rehabilitation will be able to be undertaken appropriately. A Rehabilitation Plan should be developed that identifies timeframes and triggers for activities to commence. The bond needs to be appropriate at all times to encourage complete rehabilitation of the site.
- Final Landform: The EIS will need to identify the proposed final landform and contours that will define the site upon completion including landscaping and revegetation.

COMMUNITY & STAKEHOLDER ENGAGEMENT

- Community Consultation: Council would like to see robust community and neighbour consultation/notification undertaken in respect of the development.
- Issue Management: The EIS should indicate how any issues or concerns the public may have with the operations will be dealt with in an ongoing manner. This should include an open and transparent complaint handling system that records community concerns and details any response or actions taken.

ROADS AND TRAFFIC MANAGEMENT

Road Access:

- Council has concerns over the impact of the traffic movements along Haulage Routes. Council does not accept the applicants statement in its background paper that ‘the Proposal would not increase the number of truck movements generated by the Quarry Site above the existing levels of traffic’. It is difficult to accept that a doubling in extraction rates does not create a doubling in traffic movements/impacts. The applicant has a valid approval for the removal of 120,000tpa and Council notes that the applicant confirms via its original background paper, that it has been removing at times 300,000tpa.
- As a side note and given that the existing development is being carried out not in accordance with the existing consent, Council would require adequate provisions in any consent to monitor compliance with any conditions of approval – if the application is approved.

Section 94:

- Council will require that any consent be issued subject to S 94 Haulage Rate Contributions as identified in Section 3.5 of the Coolamon Shire Council Section 94 Contributions Plan 2017.

Traffic Impact Assessment:

- A traffic impact assessment shall be undertaken to assess the existing and proposed impact on the existing local traffic network and to identify impact amelioration measures as required. Any TIA needs to identify the number and types of vehicles proposed to enter and leave the site, the capacity of these vehicles and frequency and times proposed for use on the local Road Network.
- Any increase in vehicle movements to and from the site would be required to undertake actions to reconstruct all haulage routes within the Coolamon Shire to Councils standard. Given the short period required for comment to SEARS – Council will undertake inspection of proposed/existing haulage rates to inform the development assessment once an application is lodged.
- In conjunction with the above, the EIS shall be informed by a Traffic Management Plan for all operations across the site.

BIODIVERSITY

- Any EIS will need to identify and explain how the proposal will treat any impacts on native flora and fauna and address the relevant requirements of the Biodiversity Act 2016. Any application must be accompanied by a Biodiversity Development Assessment Report at a minimum.

OTHER

- Site Security/Safety: Any EIS will need to explain how the site will remain secure throughout the duration of the operation of the facility.
- Heritage: The EIS will need to determine if there is any potential impacts on cultural heritage including Aboriginal and Non Aboriginal Heritage that must be addressed.
- Resource Sterilisation: The application should investigate any potential impact that this development may have on any future mining resource that may be present.

- Land Management: Any Environmental Impact Statement should report on how the Proponent proposes to manage potential Land Management issues such as fire hazards, noxious weeds or feral animal issues.

Coolamon Shire Council require that the above matters be identified in any EIS required to be submitted with a Development Application.

Consultation

Council will be notified once the Secretary's EIS requirements have been issued for the development and once the development application has been lodged – as Council will be undertaking the development assessment.

Recommendation

- 1) That Council note the report, 'Proposed Expansion of the Walleroobie Quarry: EIS Requirements'.
- 2) That Council forward to the Department of Planning, Council's requirements that reflect the above report in regard to this development.

RESOLVED on the motion of Clr McCann and seconded by Clr Logan: 138/06/2019

- 1) **That Council note the report, 'Proposed Expansion of the Walleroobie Quarry: EIS Requirements'.**
- 2) **That Council forward to the Department of Planning, Council's requirements that reflect the above report in regard to this development.**

The Mayor called for a division

Those voting in favour of the motion: All present

Those voting against the motion: Nil

HS9) EXPRESSIONS OF INTEREST UPDATE FOR SALVAGE AND REMOVAL OF DEMOLITION WASTE AT THE MATONG HOTEL (SC1029, RT1000942, LD196/17/328, LF546)

Summary

This report provides information to Council in regards to an expression of interest that was awarded to Gundagai Constructions for the salvage and removal of demolition waste located at the site of the former Matong Hotel, Matong.

Background

Council will recall that a report titled was presented to the February 2019 Ordinary Council Meeting, where Council resolved to:

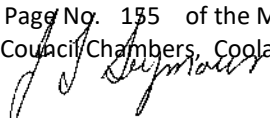
- 1) *Note the Report titled Expressions of Interest Removal of Demolition Waste Matong Hotel; and*
- 2) *Endorse the engagement of Gundagai Construction Services at a price of \$18,000.00 excluding GST to undertake demolition, waste removal and site clearing.*

The EOI specification outlined the responsibilities of the successful contractor and included:

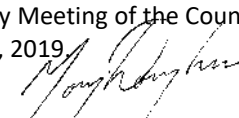
- Collection of all waste and demolition material located on the site and transportation to a new site – subject to the approval of Council.
- Obtaining an ‘Asbestos Site Clearance Report’ from a suitably qualified and practising Occupational Hygienist prior to any works occurring on the site. A copy of the Report is to be presented to Council for verification prior to any works commencing.
- Ensuring appropriate traffic signage and safety fencing is installed and operated during site clearing and salvaging operations.
- Levelling the site at completion of works.
- The successful applicant will be responsible for ensuring the necessary insurances exists to cover the removal of demolition waste and material from the site and its transportation to waste disposal facility. Copies of such insurances shall be presented to Council for verification prior to any works commencing.

Gundagai Constructions undertook actions to obtain an Asbestos Report from a suitably qualified and practising Occupational Hygienist which identified that the site contained some samples of asbestos cement sheeting. The report also communicated and confirmed that the risk to adjoining residents and the public is considered to be low.

The recommendations in the report were essentially that the site clearance should be undertaken in accordance with the relevant provisions of Work Health and Safety Regulation 2011 which essentially means that removal will require air monitoring and clearance inspection and certification.



..... MAYOR



.....GENERAL MANAGER.

Revised Quotation

Gundagai Constructions have recently submitted a revised quotation based on the costs of implementing the recommendations of the Asbestos Report and have requested that Council consider the revised quotation.

The costs associated with implementing the recommendations of the Asbestos Report and revised quotation are \$17,650.00 + plus GST. The additional costs when combined with the original quote would mean that total site clearance would be \$35,650.00.

Consultation

Internal consultation has been undertaken with relevant council staff.

Financial Implications

Council has no budget available for the project, however could fund the exercise from general revenue sources.

Recommendation

- 1) That Council note the Report titled Expressions of Interest Update Removal of Demolition Waste Matong Hotel; and
- 2) Consider the request for additional fees from Gundagai Construction Services to undertake demolition waste removal and site clearing at the Matong Hotel Site.

RESOLVED on the motion of Clr McCann and seconded by Clr White: 139/06/2019

- 1) **That Council note the Report titled Expressions of Interest Update Removal of Demolition Waste Matong Hotel; and that**
- 2) **That Council accept the additional fees from Gundagai Construction Services to undertake demolition waste removal and site clearing at the Matong Hotel Site.**

**5) MINUTES OF THE NOXIOUS WEEDS MEETING OF COOLAMON, JUNE
& TEMORA HELD 5TH JUNE, 2019.**

RESOLVED on the motion of Clr McCann and seconded by Clr McKinnon that the Minutes of the Noxious Weeds Meeting of Coolamon, June & Temora held 5th June, 2019 be adopted. 140/06/2019

**6) MINUTES OF THE LOCAL HERITAGE FUND COMMITTEE MEETING
HELD 11TH JUNE, 2019.**

This was dealt with and adopted under the Executive Manager, Development & Environmental Services Report (HS6).

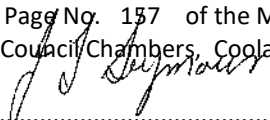
7) REPORTS: DELEGATES/MAYOR/COUNCILLORS

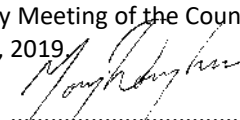
There were no reports.

Meeting Closed at 4.24pm.

Confirmed and signed during the Meeting held this 18th day of July, 2019.

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MAYOR

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..... MAYOR

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..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

MINUTES OF THE NOXIOUS WEEDS MEETING OF COOLAMON, JUNE & TEMORA HELD AT
JUNEE SHIRE COUNCIL ON WEDNESDAY, 5 JUNE 2019 AT 1.00PM.

BUSINESS:

- 1) Apologies.
- 2) Confirmation of the Minutes of the Meeting held 5th March 2018.
- 3) Matters arising from Previous Minutes.
- 4) Correspondence
- 5) Agenda Items:
 - 1) Rob Ferguson Management Pty Ltd – Quarterly Report
 - 2) WAP - Report
 - 3) Riverina Regional Weeds Committee/LLS
 - 4) Inspection Areas
 - 5) General Business
 - 6) Next Meeting

PRESENT: Tony Kelly, Coolamon Shire Council
David Carter, Junee Shire Council
Robert Ferguson, Robert Ferguson Management Pty Ltd
Cole Davis – Junee Shire Council

APOLOGIES: Clr John Seymour, Coolamon Shire Council
Clr Colin McKinnon, Coolamon Shire Council
Kris Dunstan, Temora
Clr Graham Sinclair, Temora Shire Council

1) **APOLOGIES**

RESOLVED that the apologies of Clr John Seymour, Coolamon Shire Council, Clr Colin McKinnon, Coolamon Shire Council, Kris Dunstan, Temora Shire Council, Clr Graham Sinclair, Temora Shire Council.

2a) **CONFIRMATION OF THE MINUTES OF THE MEETING HELD 5th MARCH 2019.**

RESOLVED that the Minutes of the Meeting held 5th March 2019 be received.

2b) **MATTERS ARISING FROM THE MINUTES HELD 15th March 2019.**

There were no matters arising.

3) **CORRESPONDENCE**

Nil.

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This is Page No. 158 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019

..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

MINUTES OF THE NOXIOUS WEEDS MEETING OF COOLAMON, JUNE & TEMORA HELD AT
JUNEE SHIRE COUNCIL ON WEDNESDAY, 5 JUNE 2019 AT 1.00PM.

4) **AGENDA ITEMS**

1) **RENWA Report**

- Training – Rob Ferguson & Jeremy Crocker have completed training with Riverina LLS, gaining qualifications to use approved vertebrate baits and ejector devices.
- Coolatai grass controlled in Old Junee/Marrar area.
- Unusual area of Wild Radish dealt with in Junee Shire on Brabins/Wantool Roads crossing. Excellent co-operation between landowner, LLS drover and Council.
- High risk pathways monitored.
- No new incursions of previously unknown weeds discovered.
- Urban rabbit management carried out in Temora Shire Council.
- IntraMaps BIS system upgraded.
- Tablet upgrades, cost & specification is being investigated by Temora Shire Council.
- Staff supported a Landcare Pest Animal/Weeds Peri Urban Project meeting.
- Staff manned a weeds information/advisory stand at a Griffith Farm Fair largely to support Ferguson Managements Leeton contract and spoke with reasonable numbers of Coolamon and Temora residents as well.
- The Glyphosate usage, health concerns continue with the fist Australian court challenge underway and emotive media coverage continuing.

2) **WAP Report**

- DPI has announced it will be conducting random capacity audits of LCA's commencing in 2020. Five criteria will be considered but are not yet finalized. It is proposed that staff training, community engagement, land inspection, records and reporting and use of regulation are the areas of interest. Councils will be notified when audit standards are finalized.
- The next Weed Action Program is reportedly under development. DPI is changing the electronic base and the reporting values to capture more data and reportedly consulting with all parties, however, not with any LCA in our region. This was raised as a concern and desire for LCA's to be involved in consulting was expressed.
- We now have a MERI framework for Regional Strategic Weed Management Plans.
- The region is proposing to hold Community Engagement training course for Weeds Officers later in the year.
- There will be an Aquatic Weeds training day and field observations in late November.
- The Henty Weeds Display for community access and information will again be supported by RENWA staff.

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This is Page No. 159 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019

..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

MINUTES OF THE NOXIOUS WEEDS MEETING OF COOLAMON, JUNEE & TEMORA HELD AT
JUNEE SHIRE COUNCIL ON WEDNESDAY, 5 JUNE 2019 AT 1.00PM.

- At the next Regional Committee meeting, guest speakers from RMS and a Spray Efficiency Group (Drift Control) have been invited to present.

3) **Riverina Regional Weeds Committee/LLS**

No matters arising

4) **Inspection Areas**

- Inspections – 165 carried out since March across three Shires. Next series in Coolamon Shire are about to commence.

5) **General Business**

- I will be on leave 22/7/2019 – 20/8/2019. Available for contact if necessary. Jeremy will be the primary contact during Rob's leave and he is to be copied in all correspondence.
- Rob is progressing with updating Coolamon Shire Council's policies and will have them finalised in coming weeks. The new policies will also be distributed to follow RENWA Councils.
- Staff and contractors are available for Engineering Spraying (roadside shoulders, suckers etc) and Councils are requested to advise of any works as soon as possible.

6) **NEXT MEETING**

RESOLVED that the next Meeting be held on Wednesday 4th September 2018 at 2.00pm at Temora Shire Council.

Meeting Closed at 2.00 p.m.

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This is Page No. 160 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 20th June, 2019

..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

RECOMMENDATIONS OF THE LOCAL HERITAGE FUND COMMITTEE MEETING HELD AT THE
COUNCIL CHAMBERS, COOLAMON ON TUESDAY, 11 JUNE, 2019 AT 11.30AM.

BUSINESS:

- 1) Apologies.
- 2) Confirmation of the Minutes of the Meeting held 5th June and 7th August, 2018.
- 3) Acquittal of previous Grant Funding.
- 4) Correspondence.
- 5) Applications for Heritage Funding 2019/2020.
- 6) General Business.
- 7) Next Meeting.

PRESENT: Clr Dave McCann, Clr Kathy Maslin, Rose Higgins, Colby Farmer,
Noel Thompson, Cliff Hamilton & Guy Purcell.

APOLOGIES: Clr John Seymour, Clr Bruce Hutcheon, Clr Alan White and Karen
Wood.

1) **APOLOGIES**

RECOMMENDATION

That the apologies of Clr John Seymour, Clr Bruce Hutcheon, Clr Alan White and
Karen Wood accepted.

Resolved: McCann/Thompson

2) **CONFIRMATION OF THE MINUTES OF THE MEETING HELD 5th JUNE AND 7th
AUGUST 2018**

RECOMMENDATION

That the Minutes of the Meeting held 5th June and 7th August 2018 as circulated
be confirmed and adopted.

Resolved: McCann/Thompson

3) **ACQUITTAL OF PREVIOUS GRANT FUNDING**

Discussion was held on the status of the 2018/19 Heritage Grant Funding Projects.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

RECOMMENDATIONS OF THE LOCAL HERITAGE FUND COMMITTEE MEETING HELD AT THE
COUNCIL CHAMBERS, COOLAMON ON TUESDAY, 11 JUNE, 2019 AT 11.30AM.

It was conveyed to the Committee that all but one of the previous year's heritage grant application projects had been completed and acquitted.

The application for works to Rannock Community Hall did not proceed as advised by the applicant. The allocated funding of \$1870.00 was distributed equally between four (4) of the successful grant applications prior to the funding being acquitted with the Office of Environment and Heritage.

The Funding provided from the NSW Office of Heritage had also been successfully acquitted.

The Committee was advised that the total funding available for the 2019/20 and 2020/21 Local Place Grants is \$11,500.00 (\$: Office of Heritage and Council).

The funding offer from NSW Office of Heritage has been reduced by \$500.00 for the next two funding periods. Council staff raised this with the Office and was advised that funding programs are done on an allocation based on the pool of funds available (as opposed to contestable grants). This means that the pool of funds available is split between the councils who apply for funding. When allocating funds things like remoteness, amalgamations, number of heritage items on LEPs and whether or not council is new to the funding round are all taken into account. Funding was not allocated based on an individual council's previous year's acquittal.

4) **CORRESPONDENCE**

No correspondence was received or discussed.

5) **APPLICATIONS FOR HERITAGE FUNDING 2019/2020**

1) **Coolamon Post Office 88 Cowabbie Street, Coolamon (Disabled Access Ramp)**

The application from the Coolamon Post Office is for the erection of a disabled access ramp to be located at the front of the premise on Cowabbie Street.

The premises is an item of Environmental Heritage and is located in the Heritage Conservation Area.

A funding allocation of \$1800.00 was recommended.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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RECOMMENDATIONS OF THE LOCAL HERITAGE FUND COMMITTEE MEETING HELD AT THE
COUNCIL CHAMBERS, COOLAMON ON TUESDAY, 11 JUNE, 2019 AT 11.30AM.

Prior to works commencing the applicant shall lodge a development application for the approval of Council.

The Ramp design does not currently comply with requirements of AS 1428.1 and Councils Heritage Advisor will work with the applicant to create a compliant design.

2) Ganmain Hall, 92 Ford Street, Ganmain (Painting of Hall Kitchen and Supper Room)

The application was received from Ganmain Hall Committee and is for the purpose of painting internal areas of the hall – Kitchen and Supper Room.

The premises is an item of Environmental Heritage and is located in the Heritage Conservation Area.

A funding allocation of \$4200.00 was recommended. Noting that Guy Purcell declared an interest and did not vote on this application.

The applicant will also be required to make application for a minor works permit under Section 5.10 'Heritage Conservation' prior to any works commencing.

3) Ardlethan Hall, 46 Aria Street, Ardlethan (Roof Repair)

The application is from the Advance Ardlethan Committee and is for repair and replacement of Gable at rear of hall.

The premises is an item of Environmental Heritage and is located in the Heritage Conservation Area.

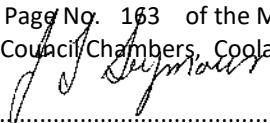
A funding allocation of \$3,538.62 was recommended.

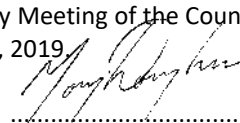
The applicant will also be required to make application for a minor works permit under Section 5.10 'Heritage Conservation' prior to any works commencing.

4) Beckom Hall, Deakin Street, Beckom (Various Works)

This application was submitted by the Beckom Hall Committee.

This project involves various works including Interior/Exterior Painting, New Ceilings, Roof, Gutter and Storm Water Works, Disabled Access Ramp).


..... MAYOR


.....GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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RECOMMENDATIONS OF THE LOCAL HERITAGE FUND COMMITTEE MEETING HELD AT THE
COUNCIL CHAMBERS, COOLAMON ON TUESDAY, 11 JUNE, 2019 AT 11.30AM.

The application sort \$22,000.00 in funding. The committee considered that the project was too large to fund but was in agreeance that there was scope to consider funding works to roof, gutters and downpipes.

The Committee recommended allocating \$1961.38 for roof, gutter and down pipe works subject to confirmation and defining of scope of works to be ascertained via on site meeting with heritage advisor.

The premises is an item of Environmental Heritage.

Prior to any work commencing the applicant shall arrange for an onsite meeting with Councils Heritage advisor to confirm scope of works. Prior to any works commencing the applicant will also be required to make application for a minor works permit under Section 5.10 'Heritage Conservation' prior to any works commencing.

5) Ganmain Men's Shed (Major Repairs to Internal Floor)

This application was submitted by the Ganmain Men's Shed.

This project involves internal repairs to concrete floors and then tiling of floors.

The premises is located in the Heritage Conservation Area.

It was considered that whilst the project definitely has merit it does not meet heritage funding criteria and the Committee thus recommended that no funding be allocated.

It was suggested that an offer of a site visit by Council staff be made to try and assist with identifying scope of works, methods to address issues and assist with identification of more appropriate funding streams. This will be conveyed in correspondence to the applicants.

Final Funding Allocations

	Details of Funding	Amount Requested \$	Amount Allocated \$
1	Coolamon Post Office 88 Cowabbie Street, Coolamon <i>Disabled Access Ramp</i>	1,800.00	1,800.00
2	Ganmain Hall, 92 Ford Street, Ganmain <i>Painting</i>	4,200.00	4,200.00
3	Ardlethan Hall, 46 Ariaah Street, Ardlethan <i>Roof Repair</i>	3,538.62	3,538.62

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

RECOMMENDATIONS OF THE LOCAL HERITAGE FUND COMMITTEE MEETING HELD AT THE
COUNCIL CHAMBERS, COOLAMON ON TUESDAY, 11 JUNE, 2019 AT 11.30AM.

4	Beckom Hall <i>Roof and Gutter Repairs</i>	22,000.00	1981.38
5	Ganmain Men's Shed Repairs to Floor	8,000.00	Nil
	Total	39,538.62	11,500.00

NOTE: A total funding amount of \$11,500.00 has been allocated to these projects.

RECOMMENDATION

It is recommended that the above final funding allocations be endorsed and adopted by Council.

Resolved: Higgins/McCann

6) **GENERAL BUSINESS**

No General Discussion.

7) **NEXT MEETING**

The next meeting will be scheduled for a date to be determined in 2020.

Meeting Closed at 12.00 pm.

ATTACHMENTS FOR THE MEETING HELD 20TH JUNE, 2019

ITEMS DISTRIBUTED WITH THE AGENDA

1) **INFORMATION PAPERS**

- 1) Minutes of the REROC Meeting held 4th April, 2019.
- 2) Minutes of the RIVJO Board Meeting held 4th April, 2019; Minutes of the RIVJO Board Extraordinary Meeting held 12th April, 2019; and Minutes of the RIVJO Board Extraordinary Meeting held 3rd May, 2019.
- 3) Minutes of the Advance Ganmain Committee Meeting held 5th June, 2019. Refer Correspondence Item (1a).

2) **ACTIVITY REPORTS**

- 1) Operating Statistics of the Coolamon Shire Library for May 2019.
 - 2) Community Development Officer's Report for May 2019.
 - 3) Tourism and Business Development Officer's Report for May 2019. Refer Correspondence Item (2a).
- 3) A copy of the new Ministry List. Refer Correspondence Item (1b), [File No. P.06-01].
 - 4) Correspondence from the NSW Rural Fire Service regarding the 2019/2020 District Estimates. Refer Correspondence Item (2b), [File No. F.03-11].
 - 5) Correspondence regarding the Financial Assistance Grants. Refer Correspondence Item (3b), [File No. G.03-02].
 - 6) A copy of the Media Release regarding the Drought Stimulus Package. Refer General Manager's Report (GM1), [File No. I.03-14].
 - 7) Correspondence from John Holland rail in regard to the Beckom Rail Crossing. Refer General Manager's Report (GM2), [File No. R.03-03].
 - 8) Correspondence from the Southern Sports Academy regarding sponsoring athletes from the Coolamon Shire. Refer General Manager's Report (GM3), [File No. S.07-01].
 - 9) Correspondence in regard to the acquisition of Railway land at Ardlethan. Refer General Manager's Report (GM8), [File No. R.03-01].
 - 10) Correspondence regarding the sale of Kamarah Tank Road to Graincorp. Refer General Manager's Report (GM9), [File No. R.09-10].
 - 11) Correspondence regarding the report on the Farm Gate Access Pilot. Refer Executive Manager, Engineering & Technical Services' Report (ES8), [File No. R.10-01].

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 20TH JUNE, 2019.

- 12) Correspondence from NHVR regarding Class 1 Dolly Combination Notice All Terrain Mobile Crane and 4 Axle and 5 Axle All Terrain Mobile Crain Notice.
Refer Executive Manager, Engineering & Technical Services' Report (ES9), [File No. R.09-05].
- 13) Correspondence in regard to the Coolamon Shire Council Draft Generic Plan of Management for Crown Reserve Land General Community Use, Parks, Sportsgrounds and Natural Areas.
Refer Executive Manager, Development & Environmental Services' Report (HS2), [File No. S.11-05]
- 14) Correspondence in regard to Development Application 2019/30: Secondary Dwelling (Installation of Manufactured Home) - 1 Coopers Lane, Coolamon.
Refer Executive Manager, Development & Environmental Services' Report (HS3), [File No. RT1004161]
- 15) Correspondence in regard to the report on the Variation to Hornby Subdivision Covenant.
Refer Executive Manager, Development & Environmental Services' Report (HS4), [File No. S.16-03, LD195].
- 16) Minutes of the Local Heritage Fund Committee Meeting held 11th June, 2019.
Refer Executive Manager, Development & Environmental Services' Report (HS6), [File No. H.04-09].
- 17) Photos of the Beckom Basketball Court and Hall Path.
Refer Executive Manager, Engineering & Technical Services' Report (ES4).
- 18) A copy of the NHVR Information Sheet regarding the National Class 1 Special Purpose Vehicle Authorisation Notice.
Refer Executive Manager, Engineering & Technical Services' Report (ES11), [File No. R.09-05].
- 19) Correspondence regarding the report on the NHVR A-Double Road Train Consent Request.
Refer Executive Manager, Engineering & Technical Services' Report (ES12), [File No. R.09-05].