



BUSINESS PAPER

Ordinary Council Meeting Wednesday, 13 July 2022

Date: Wednesday, 13 July 2022

Time: 4.30pm

**Location: Shire Chamber
Coonamble**

**Bruce Quarmby
Acting General Manager**

Notice is hereby given that an Ordinary Meeting of Council will be held in the Shire Chamber, Coonamble on Wednesday, 13 July 2022 at 4.30pm.

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1 OPENING MEETING

The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website and a person's image and/or voice may be broadcast;

- Attendance at the meeting is to be taken as consent by a person to their image and /or voice being webcast (time will be allowed by the Chairperson for people to leave the meeting before it starts);
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent;
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending the meetings – all liability will rest with the individual who made the comments;
- The recording will be available on Council's website for a minimum of 12 months and retained as a Council record;
- Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice;
- The meeting must not be recorded by others without the prior written consent of the Council in accordance with the Council's Code of Meeting Practice

2 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the traditional custodians of this land on which we meet today, the Wailwan people and the Gamilaroi people and recognise their continuing connection to land, water and culture. We pay our respects to Elders past, present and emerging.

3 COMMUNITY CONSULTATION

4 APOLOGIES/APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

5 DEPUTATION/DELEGATIONS

6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Coonamble Shire Council held on Wednesday, 15 June 2022 be confirmed as a correct record of the proceedings of the meeting.



MINUTES

**Ordinary Council Meeting
Wednesday, 15 June 2022**

**MINUTES OF COONAMBLE SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE SHIRE CHAMBER, COONAMBLE
ON WEDNESDAY, 15 JUNE 2022 AT 9.00 AM**

PRESENT: Mayor Tim Horan, Deputy Mayor Karen Churchill, Cr Adam Cohen, Cr Pat Cullen, Cr Barbara Deans, Cr Bill Fisher, Cr Ahmad Karanouh, Cr Terence Lees, Cr Brian Sommerville

IN ATTENDANCE: Bruce Quarmby (Acting General Manager), Daniel Noble (Executive Leader Infrastructure), Noreen Vu (Executive Leader - Environment, Strategic Planning & Community), David Levick (Acting Manager Economic Development & Growth), Deborah Tatton (Manager of Finance).

1 OPENING MEETING

The Mayor opened the meeting at 9.05 am, advising the attendees of the following:

- The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website and a person's image and/or voice may be broadcast;
- Attendance at the meeting is to be taken as consent by a person to their image and /or voice being webcast (time will be allowed by the Chairperson for people to leave the meeting before it starts);
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent;
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending the meetings – all liability will rest with the individual who made the comments;
- The recording will be available on Council's website for a minimum of 12 months and retained as a Council record;
- Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice;
- The meeting must not be recorded by others without the prior written consent of the Council in accordance with the Council's Code of Meeting Practice

2 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the traditional custodians of this land on which we meet today, the Wailwan people and the Gamilaroi people and recognise their continuing connection to land, water and culture. We pay our respects to Elders past, present and emerging.

3 COMMUNITY CONSULTATION

1. Mr Peter Gibbs – General Manager of REDI-E

- Mr Gibbs spoke on the possibilities of the following:

- Establishment of a Shearing School facility at Coonamble
- Working with farmers
- Re-development of the CDEP

2. Mr Steve Butler – Secretary Coonamble Rodeo & Campdraft Assoc

- Mr Butler spoke on the recent success of the Coonamble Rodeo & Campdraft acknowledging Councils donation toward the event and said he will forward in writing to Council some suggestions.

4 APOLOGIES/APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Nil

5 DEPUTATION/DELEGATIONS

Nil

6 CONFIRMATION OF MINUTES

RESOLUTION 2022/111

Moved: Cr Pat Cullen

Seconded: Cr Bill Fisher

That the minutes of the Ordinary Meeting of the Coonamble Shire Council held on Wednesday, 11 May 2022 be confirmed as a correct record of the proceedings of the meeting.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

7 DISCLOSURES OF CONFLICTS OF INTEREST

Cr Barbara Deans declared a conflict of interest with item 10.14 Tooraweenah Road Upgrade – Monthly Status Update, as her property and place of residence is on the Tooraweenah Road also she has an interest in the Inland Rail. She indicated that she will remain in the room and participate in the discussion on the item.

Mayor Horan declared a conflict of interest with item 12.2 Information report on the Coonamble Waste Management Facility in the Confidential Business Paper as he has a family member with interests in Robbo's Earthworks. He indicated he would leave the room when discussions start regarding the contract negotiations but will remain and participate in discussion on the service level.

D Noble declared he has a pecuniary interest in item 10.18 the General Manager – Temporary

B Quarmby declared he has a pecuniary interest in item 10.18 the General Manager – Temporary Appointment as well as item 12.8 which deals with the recruitment of a General Manager for Council.

8 MAYORAL MINUTE

MAYORAL MINUTE

RESOLUTION 2022/112

Moved: Mayor Tim Horan

Seconded: Cr Terence Lees

That the Mayoral Minute be received.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

RESOLUTION 2022/113

Moved: Mayor Tim Horan

Seconded: Deputy Mayor Karen Churchill

That an appropriate organisational review of Council's structure be undertaken in order for Council to consider the structure within our first 12 months of office. As such Council requests that the Acting General Manager makes the necessary arrangements to have the review completed and tabled for Council's consideration within the legislated time frame.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

SUPPLEMENTARY BUSINESS - MAYOR'S SUPPLEMENTARY REPORT

RESOLUTION 2022/114

Moved: Mayor Tim Horan

Seconded: Cr Adam Cohen

That Council accepts the following item, 8.1 - Mayor's Supplementary Report, as Supplementary Business.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

RESOLUTION 2022/115

Moved: Mayor Tim Horan

Seconded: Cr Terence Lees

That the current Mobile Food Vending Vehicles Policy be reviewed, being mindful of State legislation and Council's own requirements and the draft document be placed on public exhibition for public comment AND FURTHER that a copy of the draft document be forwarded to the Coonamble Chamber of Commerce inviting feedback.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

RESOLUTION 2022/116

Moved: Mayor Tim Horan

Seconded: Cr Terence Lees

That Council when drawing up the Plan of Management for the Coonamble Sportsground incorporate the future use of the Coonamble Sportsground as a one-off camping facility in the case of an overflow from the caravan park and other camping venues AND FURTHER Council should now pursue use of the land opposite the showground to provide adequate camping and parking prior to the 2023 June long weekend.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**RESOLUTION 2022/117**

Moved: Mayor Tim Horan

Seconded: Cr Terence Lees

That for a period of six (6) months commencing with the July 2022 Ordinary meeting that the start time for Council meetings be changed to 4.30pm on a trial basis.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**SECTION A - MATTERS FOR CONSIDERATION BY COUNCIL****SECTION B - MATTERS FOR INFORMATION ONLY****9 COMMITTEE REPORTS**

Nil

10 REPORTS TO COUNCIL**10.1 COUNCIL RESOLUTIONS UPDATE****RESOLUTION 2022/118**

Moved: Cr Ahmad Karanouh

Seconded: Cr Bill Fisher

That Council notes the contents of Annexure 1 attached to the report on the status of Council resolutions.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.2 STATUS REPORT REGARDING COUNCILLOR ENQUIRIES

RESOLUTION 2022/119

Moved: Cr Ahmad Karanouh

Seconded: Cr Barbara Deans

That Council notes the information in this report.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.3 CORRESPONDENCE

RESOLUTION 2022/120

Moved: Cr Ahmad Karanouh

Seconded: Cr Brian Sommerville

That the correspondence listed in the body of the report be noted.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.4 REVIEW OF SOCIAL MEDIA POLICY**RESOLUTION 2022/121**

Moved: Deputy Mayor Karen Churchill

Seconded: Cr Adam Cohen

1. That Council place the draft Social Media Policy, as attached to the report, on public exhibition for a period of 28 days for the purpose of inviting submissions from the community.
2. That Council request the Acting General Manager to make the necessary arrangements to deliver training to both Councillors and staff alike on the Draft Social Media Policy and its implications.
3. That Council resolve that following the delivery of the training and the completion of the Public exhibition period that the Acting Manager, Economic Development and Growth, is to present a further report, together with all submissions received, for Council's consideration and adoption.
4. That Council note the information contained in the 'House Rules', as an appendix to the draft Social Media Policy.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.5 COUNCILLOR FEES 2022/23 - LOCAL GOVERNMENT RENUMERATION**RESOLUTION 2022/122**

Moved: Cr Ahmad Karanouh

Seconded: Cr Adam Cohen

That Council increases Councillor fees for the 2022/23 financial year by 2.0%, with effect from 1 July 2022, noting that the fees will be as follows:

- Mayor: \$11,106 plus \$21,074 = \$32,180 per annum.**
- Councillor: \$11,106 each per annum.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.6 ECONOMIC DEVELOPMENT & GROWTH - PROGRESS REPORT

RESOLUTION 2022/123

Moved: Cr Brian Sommerville

Seconded: Deputy Mayor Karen Churchill

That Council note the contents of this report.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.7 RATES AND CHARGES COLLECTIONS - MAY 2022

RESOLUTION 2022/124

Moved: Cr Terence Lees

Seconded: Cr Ahmad Karanouh

That Council notes the information provided in the report.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.8 REVIEW OF PROCUREMENT POLICY AND DRAFT LOCAL PREFERENCE PURCHASING POLICY**RESOLUTION 2022/125**

Moved: Cr Bill Fisher

Seconded: Cr Pat Cullen

- 1. That Council notes the information in this report.**
- 2. That Council places the draft Sustainable Procurement and Contracts Policy, as attached to the report, on public exhibition for a period of 28 days for the purpose of inviting submissions from the community.**
- 3. That Council places the draft Local Preference Purchasing Policy, as attached to the report, on public exhibition for a period of 28 days for the purpose of inviting submissions from the community.**
- 4. That, in the event of any submissions being received, that the Manager of Finance and Procurement presents a further report, together with the contents of those submissions received, to Council at the conclusion of the public exhibition period for Council's further consideration and adoption of both draft Sustainable Procurement and Contracts Policy and the draft Local Preference Purchasing Policy (with or without changes) at its August 2022 Ordinary Meeting due to the compliance of the 28 day exhibition period the policy cannot be presented at the July 2022 Ordinary Meeting**
- 5. That, in the event of no submissions being received within the prescribed 28 days, Council formally adopts both draft Sustainable Procurement and Contracts Policy and the draft Local Preference Purchasing Policy without any changes as policies of Council.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.9 STATUS OF INVESTMENTS - 31 MAY 2022**RESOLUTION 2022/126**

Moved: Cr Terence Lees

Seconded: Cr Ahmad Karanouh

That Council notes the list of investments as at 31 May 2022 and that these investments comply with section 625(2) of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment Policy.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**10.10 SALEYARDS REPORT- 31 MAY 2022****RESOLUTION 2022/127**

Moved: Cr Ahmad Karanouh

Seconded: Cr Terence Lees

- 1) That Council notes the information provided in this report.**
- 2) That the Acting General Manager arranges Council staff to undertake a request for quotation to provide a design and construct communal kitchen space at the Coonamble Regional Livestock Market to understand the costs associated with the concept.**
- 3) That Council staff confirms the budget shortfall for the project, noting the \$20,000 set aside for the canteen to be utilised as part of this project and provide costings to Council for agreement on its expenditure.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.11 URBAN SERVICES - WORKS IN PROGRESS**RESOLUTION 2022/128**

Moved: Cr Pat Cullen

Seconded: Cr Bill Fisher

That Council notes the information in this report.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**10.12 DRAFT MASTERPLAN FOR THE COONAMBLE POOL AND MCDONALD PARK PRECINCT****RESOLUTION 2022/129**

Moved: Cr Bill Fisher

Seconded: Cr Pat Cullen

- 1. That Council notes the information in this report.**
- 2. That Council places the draft Masterplan for the Coonamble Pool and McDonald Park Precinct as attached to the report, on public exhibition for a period of 28 days for the purpose of inviting submissions from the community.**
- 3. That Council request the Executive Leader of Infrastructure to prepare a further report, detailing the results of the Intrusive Leak Testing that is to be carried at the Coonamble Facility, together with the contents of any submissions received during the public exhibition period for Council's further consideration and adoption of the Masterplan for the Coonamble Pool and McDonald Park Precinct (with or without changes) at its August 2022 Ordinary Meeting due to the compliance of the 28 day exhibition period the policy cannot be presented at the July 2022 Ordinary Meeting.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.13 INFRASTRUCTURE SERVICES - WORKS IN PROGRESS

RESOLUTION 2022/130

Moved: Deputy Mayor Karen Churchill

Seconded: Cr Pat Cullen

That Council notes the information in this report.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.14 TOORAWEEAH ROAD UPGRADE - MONTHLY STATUS UPDATE

RESOLUTION 2022/131

Moved: Cr Terence Lees

Seconded: Cr Bill Fisher

That the information be received and noted.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.15 COMMUNITY STRATEGIC PLAN, DELIVERY PROGRAM AND OPERATIONAL PLAN**RESOLUTION 2022/132**

Moved: Cr Barbara Deans

Seconded: Cr Pat Cullen

1. That Council notes the information contained in this report.
2. That Council adopts the:
 - a. Community Strategic Plan 2022-2032
 - b. Delivery Program 2022 to 2026
 - c. Operational Plan 2022-2023.
3. That Council notes the Community Engagement Report.
4. That, should Council's application for a permanent single year Special Rate Variation of 1.3% for 2022/2023 be approved, that Council of in accordance with the provisions of Section 535 of the *Local Government Act 1993 (NSW)*, Council makes, fixes, and levies the Rates and Charges for the 2022/23 financial year as follows be adopted:

Residential – Coonamble:

A Residential – Coonamble rate of 1.60273 cents in the dollar on the current land values of all rateable land in the town of Coonamble, with a minimum rate of \$500.00 per annum;

Residential – Gulargambone:

A Residential – Gulargambone rate of 1.30560 cents in the dollar on the current land values of all rateable land in the town of Coonamble, with a minimum rate of \$500.00 per annum;

Residential – Village:

A Residential – Village rate of 1.2800 cents in the dollar on the current land values of all rateable land in the village of Quambone, with a minimum rate of \$490.00 per annum;

Farmland:

A Farmland rate of 0.300400 cents in the dollar on the current land values of all rateable land in the Local Government Area being farmland, with a minimum rate of \$398.00 per annum;

Small Rural Holdings:

A Small Rural Holding rate of 0.85680 cents in the dollar on the current land values of all rateable land in the Local Government Area

being small rural holdings, with a minimum rate of \$520.00 per annum;

Rural Residential:

A Rural Residential rate of 0.74460 cents in the dollar on the current land values of all rateable land in the Local Government Area being rural residential, with a minimum rate of \$490.00 per annum;

Business:

A Business rate of 2.40720 cents in the dollar on the current land values of all rateable land in the Local Government Area being Business, with a minimum rate of \$551.00 per annum.

5. That, should Council's application for a permanent single year Special Rate Variation of 1.3% for 2022/2023 not be approved, that Council of in accordance with the provisions of Section 535 of the *Local Government Act 1993 (NSW)*, Council makes, fixes, and levies the Rates and Charges for the 2022/23 financial year as follows be adopted:

Residential – Coonamble:

A Residential – Coonamble rate of 1.60273 cents in the dollar on the current land values of all rateable land in the town of Coonamble, with a minimum rate of \$500.00 per annum;

Residential – Gulargambone:

A Residential – Gulargambone rate of 1.30560 cents in the dollar on the current land values of all rateable land in the town of Coonamble, with a minimum rate of \$500.00 per annum;

Residential – Village:

A Residential – Village rate of 1.2800 cents in the dollar on the current land values of all rateable land in the village of Quambone, with a minimum rate of \$490.00 per annum;

Farmland:

A Farmland rate of 0.295400 cents in the dollar on the current land values of all rateable land in the Local Government Area being farmland, with a minimum rate of \$398.00 per annum;

Small Rural Holdings:

A Small Rural Holding rate of 0.85680 cents in the dollar on the current land values of all rateable land in the Local Government Area being small rural holdings, with a minimum rate of \$520.00 per annum;

Rural Residential:

A Rural Residential rate of 0.74460 cents in the dollar on the current land values of all rateable land in the Local Government Area being rural residential, with a minimum rate of \$490.00 per annum;

Business:

A Business rate of 2.40720 cents in the dollar on the current land values of all rateable land in the Local Government Area being Business, with a minimum rate of \$551.00 per annum.

6. That the Schedule of Fees and Charges for the 2022/23 financial year be made, fixed, and charged by Council be adopted.
7. That Council makes, fixes, and levies the amounts contained within the Water Supply Charge Schedule for the 2022/23 financial year be adopted. FURTHER, that Council makes, fixes, and levies the following charges in accordance with the provisions of Section 552 and Section 501(1) and Section 502 of the Local Government Act 1993 on such land which water is connected or able to be connected to for the year ending June 2023:

Town/Village	Access Charge (\$20mm)	Usage Charge – 1st Tier (c/kl)	2nd Tier Pricing Limit (kl)	Usage Charge 2nd Tier (c/kl)
Coonamble	380	130	450	200
Gulargambone	490	115	450	180
Quambone	490	140	430	230

The Access Charges as above are for 20mm services, the charges below allow for the size of the water meters as required by best practice pricing. The resulting charges are shown in the table following:

Item	Coonamble (\$)	Gulargambone (\$)	Quambone (\$)
Access charge (20mm meter)	380	490	490
Access charge (25mm meter)	597	769	769

Access charge (40mm meter)	1,520	1,960	1,960
Access charge (50mm meter)	2,375	3,063	3,063
Access charge (75mm meter)	5,343	6,889	6,889
Access charge (100mm meter)	9,500	12,250	12,250

8. That the Sewer Supply Charge Schedule for the 2022/23 financial year be approved by Council and adopted. FURTHER, that Council makes, fixes and levies the following charges in accordance with the provisions of Section 501(1), Section 502 and Section 552 of the Local Government Act 1993 on such land which sewer is connected or able to be connected to for the year ending June 2023.

Residential Sewerage – Coonamble

Sewerage availability charge of \$680.00 per annum per assessment.

Residential Sewerage – Gulargambone

Sewerage availability charge of \$850.00 per annum per assessment.

Sewerage – Coonamble Flats

Sewerage availability charge of \$570.00 per annum per unit.

Sewerage – Gulargambone Flats

Sewerage availability charge of \$770.00 per annum per unit.

Non-residential Sewerage - Coonamble

Sewer charge for Non-residential Sewerage – Coonamble is not less than a minimum charge of \$680.00 per annum per assessment. Non-residential services are also subject to sewer discharge factor (usage charge) related to water consumption. The treatment charge to be applied is 216 cents per kilolitre.

Non-residential Sewerage - Gulargambone

Sewer charge for Non-residential Sewerage – Gulargambone is not less than a minimum charge of \$850.00 per annum per assessment. Non-residential services are also subject to sewer discharge factor (usage charge) related to water consumption. The treatment charge to be applied is 216 cents per kilolitre.

9. That the Waste Collection Service Schedule for the 2022/23 financial year be approved by Council and adopted FURTHER, that Council makes,

fixes and levies the following charges in accordance with the provisions of Section 496 and Section 502 of the Local Government Act 1993 for the Waste Collection Services (with the understanding that one (1) Waste Collection Service entitles a property owner to a 240-litre weekly garbage service per assessment – unless otherwise indicated):

Particulars	2022/23 Charge per annum (\$)
Domestic – Coonamble Occupied	280.00
Domestic Coonamble – additional Service (per additional service)	140.00
Commercial – Coonamble Occupied	280.00
Commercial Coonamble – additional Service (per additional service)	140.00
Domestic – Gulargambone Occupied	365.00
Domestic Gulargambone – additional Service (per additional service)	140.00
Commercial – Gulargambone Occupied	365.00
Commercial Coonamble – additional Service (per additional service)	140.00
Domestic – Quambone Occupied	315.00
Domestic Coonamble – additional Service (per additional service)	140.00
Commercial – Quambone Occupied	315.00
Commercial Quambone – additional Service (per additional service)	140.00
Coonamble/Vacant Land – within scavenging area	48.00
Gulargambone/ Vacant Land – within scavenging area	48.00
Quambone/Vacant Land – within scavenging area	48.00

10. That Council, in accordance with the provisions of Section 566(3) of the

Local Government Act 1993, determines that the extra interest charges on overdue rates and charges will be levied at the maximum rate allowable and as advised by the Office of Local Government on a daily simple interest basis for the financial year ending 30 June 2023. The rate for the 2022/23 financial year is 6.0% per annum (6.00% for 2021/22).

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.16 ENVIRONMENT AND STRATEGIC PLANNING PROGRESS REPORT

RESOLUTION 2022/133

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

That Council notes the contents of this report.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.17 COMMUNITY SERVICE PROGRESS REPORT

RESOLUTION 2022/134

Moved: Cr Adam Cohen

Seconded: Cr Barbara Deans

That Council notes the information contained in this report.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

At this point Acting General Manager Bruce Quarmby and Executive Leader Daniel Noble left the room for the discussions on item 10.18

10.18 GENERAL MANAGER - TEMPORARY APPOINTMENTS**RESOLUTION 2022/135**

Moved: Cr Ahmad Karanouh

Seconded: Cr Pat Cullen

That Council adopts the following:

- 1. Upon the vacancy of the General Manager, or the General Manager is on leave for a period of more than two weeks, the following remuneration, under Clause 11 (iii) of the Local Government (State) Award 2020, shall apply:**
 - (a) The Executive Leader – Corporate & Sustainability will act in the role of General Manager.**
 - (b) In the absence of the above, the Executive Leader – Infrastructure will act in the role of General Manager.**
 - (c) That should either the Executive Leader – Corporate & Sustainability and Executive Leader – Infrastructure be unable to fulfill the duties of the General Manager then Council will be required to appoint an alternate.**
 - (d) To compensate for the additional duties and responsibilities associated with acting as General Manager, an additional 20% of the current wage component only for the reliving staff member will be paid, excluding any allowance other than the Civil Liability Allowance.**
 - (e) Any other non-cash benefits, or terms and conditions that might apply to the General Manager's role are not applicable.**

- 2. As Council did not have a current policy when the General Manager's position became vacant on the 1 April 2022, this policy if approved, should be applied retrospectively from the 1 April 2022.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

Acting General Manager Bruce Quarmby and Executive Leader Daniel Noble returned to the room.

11 NOTICES OF MOTIONS/QUESTIONS WITH NOTICE/RESCISSION MOTIONS**11.1 NOTICE OF MOTION - COUNCILLOR CHURCHILL****RESOLUTION 2022/136**

Moved: Deputy Mayor Karen Churchill

Seconded: Cr Terence Lees

1. That Council resolves that once the necessary objective data has been collected that a detailed report be prepared investigating the installation of electronic slow down signs on both the north and south entrances on the Castlereagh Highway at Gulargambone be prepared for Council's consideration. The report is to address the processes that will need to be followed to allow for the installation to occur as well as the associated costings and possible funding sources for the requested works
2. That Council resolves to request the Acting General Manager to enter discussions with representatives of the Coonamble Preschool with a view to facilitating the installation of a new front fence for the Tully Park Crown Land Reserve that is currently leased to the Preschool. Following the completion of these discussion a detailed report is to be prepared for Council's consideration. The report is to address the estimated costs of works as possible funding sources for the works.
3. That Council resolves to request the Acting General Manager to enter discussions with representatives from the Coonamble Men's shed with a view to facilitating the following matters:
 - (a) A review of the current electricity supply configuration for the Coonamble Men's Shed be undertaken.
 - (b) That following the conclusion of the review into the electricity supply that Council investigates the possibility and costings associated with the installation of solar panels for the Coonamble Men's shed facility.
 - (c) The improvement of security at the Coonamble Men's shed by the installation of perimeter fences along the back and southern side of the facility.

Following the completion of these discussion a detailed report is to be prepared for Council's consideration. The report is to address the estimated costs of works as possible funding sources for the works.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

11.2 NOTICE OF MOTION - COUNCILLOR COHEN**RESOLUTION 2022/137**

Moved: Cr Adam Cohen

Seconded: Cr Terence Lees

That Council resolves that the funding that is being made available under the Reconnecting Regional NSW – Community Events program of \$119,000 be allocated to the Coonamble Youth Fest and be managed by Council in conjunction with the Coonamble High School Youth Fest Committee and that the Mayor and Councillor Cohen be Council’s representatives on the above-mentioned committee.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**12 CONFIDENTIAL MATTERS****RESOLUTION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

12.1 Closed (Public Excluded) Council Meeting of the Coonamble Shire Council - 11 May 2022**12.2 Information Report on the Coonamble Waste Management Facility**

This matter is considered to be confidential under Section 10A(2) - a, c, d(i) and e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors), information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, prejudice the maintenance of law.

12.3 Offer to purchase land in Hooper Drive, Coonamble

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

12.4 SPT562122COO - Provision of Drilling and Blasting for Mt Magometon Quarry

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open

meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

12.5 SPT652122COO - Provision of Water Main Replacement

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

12.6 RFQ220429 - Flood Damage Project Manager

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

12.7 Mt Magometon Operational Review

This matter is considered to be confidential under Section 10A(2) - a, d(i), d(ii) and d(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors), commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret.

12.8 Recruitment of General Manager

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

12.1 CLOSED (PUBLIC EXCLUDED) COUNCIL MEETING OF THE COONAMBLE SHIRE COUNCIL - 11 MAY 2022

RESOLUTION 2022/138

Moved: Cr Bill Fisher

Seconded: Cr Pat Cullen

That the minutes of the Closed (Public Excluded) Council Meeting of the Coonamble Shire Council held on Wednesday, 11 May 2022 be confirmed as a correct record of the proceedings of the meeting.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

12.2 INFORMATION REPORT ON THE COONAMBLE WASTE MANAGEMENT FACILITY

Noting Mayor Horan remained in the Chair whilst Council discussed the service levels in place at the Coonamble Waste facility. Following the completion of these discussions and prior to the discussions commencing on the Contract negotiations, the Mayor vacated the chair and left the room, with Deputy Mayor taking the Chair.

RESOLUTION 2022/139

Moved: Cr Barbara Deans

Seconded: Cr Adam Cohen

- 1. That Council notes the contents of this report.**
- 2. That Council approves for the General Manager to enter contract negotiations with Robbo's Earthworks and Constructions Pty Ltd on the management of the Coonamble Waste Management Facility to September 2023 on establishing a temporary transfer station to stop public access and Council staff access to the site and implement Option 1 including:**
 - a. The Coonamble Tip is continued to operate under SPT101617COO and Robbo's Earthworks and Constructions Pty Ltd issued instructions to operate the site in accordance with the recommendations of the Enviro Science Report and the LTPoM for a period of 12 months through a contract variation.**
 - b. Cell 1 is prohibited from any further access with landform and cover to be applied.**
 - c. Where isolated pieces of bonded asbestos have been observed on access roads / tracks on site, they should be hand picked up / collected and disposed of at the toe of the current operating landfill leading face and covered with 1m of soil as per the EPA Guidelines and EnviroScience's recommendation. The Guidelines relating to the proper disposal of asbestos were included in our LTPoM.**
 - d. Where specific locations of asbestos have been identified within existing areas of waste already in place, these local exposures should be covered with 1m of soil.**
 - e. Where no asbestos has been detected in the currently exposed waste surfaces, these areas should be covered with an intermediate cover of 300mm of soil.**
 - f. The extensive waste concrete stockpiles should be inspected (surface inspection only) by EnviroScience and areas of exposed asbestos clearly flagged for immediate local covering with 1m of soil. Where practicable, large voids within these stockpiles should be flattened using an excavator mounted jack pick and then covered with 300mm of soil without riding over the stockpiles. This will require the use of a large excavator to place the soil from the edges of the stockpiles without unduly disturbing them**
 - g. All of the areas containing asbestos will be later overtopped by**

further general waste advancing from above in the form of a 2m or so high leading face before daily cover is applied

- h. A review is undertaken for the first two quarters to ensure that the landforming is occurring at the active tipping cell and correct instructions are being followed.**

3.If contract negotiations fail or costings is cost prohibitive, then a further report be brought back to Council for consideration.

4.That Council prohibits the acceptance of any waste containing asbestos until a new contract is executed and the rectification and remediation works are begun and done in accordance with recommendations 3(a) to (h).

5.That Council approves for the \$80,000 budget that was set aside for the bulk waste collection be revoted towards a communication strategy and designs for a waste transfer station for the site to inform the new tender for the management of the site for the period of 2022 to 2023.

6.That the cost for a permanent waste transfer station at the entrance of the Coonamble Waste Management Facility is brought back to Council for consideration and subsequent funding.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Terence Lees and Brian Sommerville

Against: Cr Ahmad Karanouh

CARRIED 8/1

Mayor Horan returned to the room and returned in the role of the Chair.

12.3 OFFER TO PURCHASE LAND IN HOOPER DRIVE, COONAMBLE**RESOLUTION 2022/140**

Moved: Cr Ahmad Karanouh

Seconded: Deputy Mayor Karen Churchill

1. That Council resolves to adopt the following valuations as the market price for the remaining four (4) blocks located in the Hooper Drive, Coonamble and that these values be provided to the real estate agents with whom the industrial blocks are listed.

Lot and DP	Valuation (inc. GST)
Lot 4, DP1169793	\$62,810
Lot 25, DP1159279	\$63,690
Lot 26, DP1159279	\$51,480
Lot 27, DP1159279	\$51,645

2. That Council resolves to reject the current offer for the purchase of land at Hooper Drive, Coonamble with a counter offer of \$55,000 gst inclusive is to be put forward to the proponent. Further Council requests that the basis of the rejection of the offer, be communicated to the interested party and that they be given seven (7) days to make a further offer. Should no further offer be received within this timeframe then this offer will have been deemed to have lapsed.
3. That Council advise all interested parties, and the public, that several blocks remain in the industrial estate and offers are welcome through Council's agents, being clear that permanent development will not be possible until amendments to the Coonamble Local Environmental Plan are adopted.
4. That for the purpose of considering any future offers for the purchase of Council land in Hooper Drive Coonamble that Council resolves to establish a committee of Council to consider any such offers received. This committee will consist of the General Manager, the Mayor and one other nominated Councillor. Further the committee will have the delegated authority to accept or decline any offer for the purchase land within Hooper Drive, Coonamble.
5. That Council have the Acting General Manager prepare a report to a future meeting of Council on all vacant land in Coonamble LGA, zoned General Industrial (IN1), both Council-owned and privately owned, and recommend a site for future development of three or four lots.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

12.4 SPT562122COO - PROVISION OF DRILLING AND BLASTING FOR MT MAGOMETON QUARRY**RESOLUTION 2022/141**

Moved: Deputy Mayor Karen Churchill

Seconded: Cr Bill Fisher

1. That the **tenderer's receiving a combined score greater than 84 points** be awarded this contract as the Panel Source suppliers to Coonamble Shire Council for the period 1 July 2022 to 30 June 2024, specifically:
 - (a) Drill Concepts
 - (b) Impact Drill and Blast
 - (c) Premier Drill and Blast
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2025.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

12.5 SPT652122COO - PROVISION OF WATER MAIN REPLACEMENT**RESOLUTION 2022/142**

Moved: Deputy Mayor Karen Churchill

Seconded: Cr Bill Fisher

That Moe Jacobs Plumbing Pty Ltd be awarded this contract until the satisfactory practical completion of all works is achieved.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

12.6 RFQ220429 - FLOOD DAMAGE PROJECT MANAGER**RESOLUTION 2022/143**

Moved: Cr Ahmad Karanouh

Seconded: Cr Pat Cullen

That Council reject all offers received for the provision of project management services for Council's flood damage restoration works.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**12.7 MT MAGOMETON OPERATIONAL REVIEW****RESOLUTION 2022/144**

Moved: Cr Ahmad Karanouh

Seconded: Cr Pat Cullen

That

- 1. The Operational Review of the Mt Magometon Quarry be received and noted, and**
- 2. That the Executive Leader Infrastructure bring back a future report to Council detailing a plan to transition from the fixed plant to mobile crushing and screening, including the incorporation of an inhouse Quarry Manager.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

Acting General Manager Bruce Quarmby left the room for the discussions on the Recruitment of the General Manager.

12.8 RECRUITMENT OF GENERAL MANAGER

RESOLUTION 2022/145

Moved: Cr Terence Lees
Seconded: Cr Ahmad Karanouh

- 1. That Council receive and note the General Manager recruitment update report by the Mayor.**
- 2. That Council endorse the continued temporary placement of Bruce Quarmby as Acting General Manager for a maximum 12-month period to 31 March 2023, or until Council determines the appointment of a General Manager from a recruitment campaign due to commence in the latter part of 2022.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

Acting General Manager Bruce Quarmby returned to the room.

RESOLUTION 2022/146

Moved: Deputy Mayor Karen Churchill
Seconded: Cr Terence Lees

That Council moves out of Closed Council into Open Council.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

13 CONCLUSION OF THE MEETING

The Meeting closed at 3.20pm.

The minutes of this meeting were confirmed at the Council held on 13 July 2022.

.....
CHAIRPERSON

7 DISCLOSURES OF CONFLICTS OF INTEREST

8 MAYORAL MINUTE

MAYORAL MINUTE

File Number: M3
Author: Tim Horan-Mayor
Authoriser: Tim Horan, Mayor
Annexures: Nil

MAYORAL MINUTE

Councillors

I submit below my Mayoral Report for the month of July 2022:

1. Formulation of a Local Housing Strategy

When I attended the meeting of the Alliance of Western Councils' Board in Nyngan on Friday 1 July 2022, I was interested to hear from one of the speakers, Mr Ash Albury, the Executive Director of Regional Housing Supply regarding the significant investment both the State and Federal Governments are making into all types of housing in NSW. I understand that Local Government will be an important part of the strategy and be able to provide input significant to their LGAs.

With this in mind, it is my opinion that Council needs to formulate a Housing Strategy that addresses Coonamble Shire's local needs so that we are in a position to benefit from the Governments' investment. If we have a strategy on what is and will be required, I believe we will obtain maximum benefit from this hugely important approach.

Recommendation:

That Council take immediate action to formulate a Housing Strategy as a priority to take every opportunity to benefit from the significant investment being undertaken by all tiers of Government into all types of housing within NSW.

2. Investigation into Availability of Industrial Land

In view of the fact that Council has limited blocks available for sale in its current Hooper Estate Industrial area, it may be practical to investigate further suitable areas for industrial use that will sustain the Shire into the future and not hinder any possible development that may be proposed for the Shire as prospective businesses come to light.

We are all very aware of how long it takes to prepare a green site in readiness for sale and occupation by new owners and with this in mind, I think that Council should be taking action to be able to meet any future needs

Recommendation:

That Council begin investigating options available to establish further industrial land areas for prospective businesses wanting to expand and/or invest in the Shire so that there will be ongoing availability of suitably zoned land.

3. Monthly Activities:

I have represented Council in my role as Mayor at the following functions, meetings and events since the June meeting and I list them for Council's information:

a) Opening of Gulargambone Pre School Building

I was unable to attend this function due to an unexpected urgent commitment, however Council was represented by Deputy Mayor Karen and the former Executive Leader – Environment, Strategic Planning and Community, Noreen Vu. My thanks to both, especially Cr Churchill who attended this function at late notice. Council worked closely with the Gulargambone Pre School Committee in the early stages of the process, and it is good to see the project come to fruition. Cr Churchill may wish to speak, giving Councillors a brief outline of the day.

b) Alliance of Western Councils

I travelled to Nyngan on 30 June 2022 to attend the Dinner on the eve of the Alliance of Western Councils' Board Meeting which was held on Friday 1 July 2022. The event was initially booked at the Aussie Hotel, however, was transferred to the Nyngan Caravan Park which was a perfect setting. The set-up there is very impressive for a smaller-type function, and I congratulate Bogan Council and management.

At the meeting on Friday, there were several Guest Speakers - Mr Ian George, the new Telstra Regional Engagement Manager was introduced and provided a brief summary of his role, part of which is to work collaboratively with external stakeholders to enhance the regional customer experience and drive Telstra's regional strategy.

Another speaker was Fiona Nash, the Regional Education Commissioner, Department of Education, Skills and Employment. She advised that they are undertaking a review of the education system in Australia which will address issues that have been raised over recent times. One of the main concerns is shortage of adequately qualified teachers to guide our students through the various stages of education.

The Hon Dugald Saunders, MP, Minister for Agriculture and Minister for Western NSW provided an update on Western NSW Boundaries, spoke about the State Budget and had a question-and-answer session.

As Councillors are aware there has been a huge challenge thrown at Council since the awarding of the tender to construct the new SES headquarters building in Coonamble was awarded. This matter will be further discussed elsewhere in the business paper. However, I had the opportunity to have a private discussion with Mr Saunders concerning the funding short-fall and have now put Council's concerns in writing, requesting him to lobby for additional money to allow this much needed facility to go ahead. I also had the opportunity to discuss the matter with Roy Butler, Member for Barwon.

The final speaker was Mr Ash Albury, Executive Director Regional Housing Supply, who discussed the budget and housing / infrastructure opportunities for the region. It is interesting to note that there will be significant investment into all types of

housing in NSW – which will be in a partnership arrangement between the State and Federal Governments, with Local Government being an important part of the strategy.

Please see above for my thoughts and recommendation on this issue.

c) NAIDOC Community Celebrations

The Coonamble Local Aboriginal Land Council, on behalf of the NAIDOC Working Group, has organised a week of celebrations for NAIDOC Week 2022 within the community. Over 10 local organisations have had input into planning of the celebrations, and it is a great opportunity to showcase Aboriginal culture, history and achievements. The events run from 3 – 10 July, with a Disco

Monday 4 July, I attended the Coonamble Local Aboriginal Land Council for the Official Opening of the Celebrations, which included a Flag Raising Ceremony, followed by morning tea and a barbeque lunch.

Friday 8 July a big Community Day is planned in MacDonald Park commencing from 11 a.m. The day will include traditional Indigenous games, jewelry making, and activities for the kids as well as judging of the NAIDOC Art Competition entries.

On Friday 15 July a Disco has been planned for the young people at the Bowling Club, starting from 6.00 p.m. to 9.00 p.m. Dinner will be provided for the kids.

A lot of work has gone into organising this week of activities and although only one event has been held at the time of writing my report, I would like to congratulate the organising committee and hope all events are well attended.

d) *Christmas in July – Service Clubs' Changeover Dinner*

I have accepted the invitation to attend the 18th Combined Coonamble Service Clubs' Changeover Dinner at the Bowling Club on Saturday evening 9 July 2022. The theme is Christmas in July, and the dinner is to be hosted by Coonamble Quota Ladies.

Conclusion

I submit to you my Mayoral Report and recommend it be received and noted.

Tim Horan

MAYOR

RECOMMENDATION

That the Mayoral Minute be received.

SECTION A - MATTERS FOR CONSIDERATION BY COUNCIL

SECTION B - MATTERS FOR INFORMATION ONLY

9 COMMITTEE REPORTS

Nil

10 REPORTS TO COUNCIL

10.1 COUNCIL RESOLUTIONS UPDATE

File Number: C17; C20

Author: Marina Colwell-Executive Support Officer

Authoriser: Bruce Quarmby, Acting General Manager

Annexures: 1. Council Resolutions Update Table - July

PURPOSE

The purpose of this report is to enable Council to keep track of important Council resolutions.

BACKGROUND

Important and significant Council resolutions will be added to the list of items below, and a monthly update on the status will be provided by the responsible officer.

(a) Relevance to Integrated Planning and Reporting Framework

Adopted Council resolutions should ideally link in with Council’s suite of Integrated Planning and Reporting Framework documents.

(b) Financial Considerations

The financial considerations relating to each item mentioned below would have been considered by Council as part of the original report that dealt with the matter.

COMMENTARY

A table with information about outstanding Council resolutions is attached as Annexure 1 to the report, in the following format:

Item No.	Date	Resolution No.	Matter/Action Required/Update	Responsible Officer	Status

RECOMMENDATION

That Council notes the contents of Annexure 1 attached to the report on the status of Council resolutions.

Council Resolutions Update - Annexure 1

Item No.	Date	Resolution No.	Matter Description	Action Required	Responsible Officer	Status/Update
1.	11.1.22	2022/7	Delegates to Committees	Donations Committee – Frequency to be determined	ELCS (Bruce)	Addressed as part of the March Meeting Business Paper. Applications to be considered quarterly
2.1	11.1.22	2022/11	Priority Items to be Pursued	IP&R – CSP & DP by 30.6.22	ELESPC (Noreen)	Progress report included with the March Meeting Business Paper
2.2	Ditto	Ditto	Ditto	Induction & Refresher Training – within 6 months	AGM (Bruce)	Initial training has been provided by the GM and ELs. Norm Turkington has also presented a day’s training on “Working Together” and the Code of Conduct
2.3	Ditto	Ditto	Ditto	Additional training for Mayor – within 6 months	AGM (Bruce)	Not yet addressed
2.4	Ditto	Ditto	Ditto	Review & Adoption of Approvals & Order Policies – within 12 months	Manex (Executive Management Team)	Progressing
2.6	Ditto	Ditto	Ditto	Review of Organisation Structure – within 12 months	AGM (Bruce)	A request for quotations of the provision of this service has been called for
2.8	Ditto	Ditto	Ditto	Review of Delegations – within 12 months	AGM (Bruce)	No progress
2.9	Ditto	Ditto	Ditto	Review of Code of Conduct – within 12 months	AGM/MPRI (Bruce/Amanda)	No progress
4	9.2.22	2022/21	Youth Services in LGA	Determine current services, coordination and possible duplication and gaps analysis	ELESPC (Noreen)	Ongoing. Youth Forum on 5 April 2022 heard from the

Item No.	Date	Resolution No.	Matter Description	Action Required	Responsible Officer	Status/Update
						Youth on current gaps, needs and wants
5	9.2.22	2022/22	Councillor Workshop on Masterplan	Explain and relay info about Masterplan to Councillors – within 3 months	GM/Casual MED&G (Hein/Pip)	Due to Council workshops being held following the April and May Council meetings this workshop has been postponed until the June Council meeting
6	9.2.22	2022/26	Coonamble Weir’s accessibility to the public	Stakeholder consultation about the future operations and possibilities of the operations and management	New MED&G or revised position (Vacant)	Brief has been done for a Plan of Management to be developed for this important Crown Reserve
7	9.2.22	2022/28	Quarry operations and future	Quarry Committee – Terms of Reference	ELI (Daniel)	To be presented in conjunction with the Quarry Operational Review at the June Meeting. To be presented at the August Ordinary Meeting
8	9.2.22	2022/29	LEP Amendments	Availability of suitable residential land – including small rural blocks, larger rural subdivisions, restrictions on acreage size in RU1 zoning	ELESPC (Noreen)	LEP Amendment for housekeeping amendments tabled at 13 May 2022 meeting
9	9.2.22	2022/30	CDEP-like community employment and training program	Discussions with Federal MP and other stakeholders	Mayor/GM (Tim/Hein)	Redi.e are administrating similar funding and they have indicated that they are interested in applying for this funding for Coonamble – with a letter of support from Council
10	9.2.22	2022/32	Improved maintenance at Gulargambone and Quambone cemeteries	Investigate improved maintenance – report to be prepared	ELCS (Bruce)	Ongoing

Item No.	Date	Resolution No.	Matter Description	Action Required	Responsible Officer	Status/Update
11	9.2.22	2022/37	Membership of Country Mayors Ass	Mayor to attend next two meetings, after which membership will be reconsidered	Mayor (Tim)	To be considered
12	9.2.22	2022/43	Concept Design for Main Street Upgrade	Concept plans to be put on public exhibition – further report	Project Manager (David)	In process
13	9.2.22	2022/44	Compulsory Acquisition of land – Bore Baths	Legal processes to be followed	Casual MED&G (Pip)	Processes are ongoing
14	9.2.22	2022/56	40km zone on the Castlereagh Highway in Coonamble	Letter to be addressed to TfNSW on the implementation progress	ELI (Daniel)	Waiting on reply
15	9.3.22	2022/44	Council investigates options to better manage maintenance of the streets, lanes and public areas within the whole Shire		ELI (Daniel)	Will commence when Manager Urban Services appointed.
16	9.3.22	2022/53	report be prepared for Council's consideration - available Council owned or controlled land as well as information on the Native Title status of the land adjoining the Coonamble Jockey Club.	Report be prepared for Council's consideration, including the community feedback gathered, so that it can be used to inform the future direction and progress of the project	MEDG (David)	Ongoing
17	9.3.22	2022/59	Council amends its current Donations Policy to four times per year.		AGM (Bruce) AMFP (Deb.T)	The amended policy will be presented for consideration and adoption at the August Ordinary Meeting

Item No.	Date	Resolution No.	Matter Description	Action Required	Responsible Officer	Status/Update
18	13.4.22	2022/106	Rural Roads Reconstruction Program	Report is to identify not only the recommended budgetary allocation but also to include the various funding methods available to Council to fund the proposed works	ELI (Daniel)	Progressing
19	13.4.22	2022/111	4WD Ambulance Service	Letter addressed to Roy Butler and requesting 4WD NSW Ambulance Service	AGM (Bruce)	Letters sent – waiting for reply
20	15.6.22	2022/115	Mobile Food Vending Vehicles Policy	Review Policy	AGM	Progressing – Report tabled to Council’s August Council meeting.
21	15.6.22	2022/116	Plan of Management – Sports Oval	Inclusion of ‘one off camping facility’ at the sports oval - plan	AGM	Progressing – update provided to the consultant preparing the plan of management for the facility
22	15.6.22	2022/117	Council Meeting Start time – six (6) month trial	For a period of six (6) months Councils regular monthly meeting will start at 4.30pm	AGM & ESO (Marina)	On-going

Item No.	Date	Resolution No.	Matter Description	Action Required	Responsible Officer	Status/Update
23	15.6.22	2022/121	Review of Social Media Policy	Review the policy, place on public exhibition for required time inviting submissions from the community before adoption	AMED (David)	progressing
24	15.6.22	2022/125	Review of Procurement Policy and Draft Local Preference Purchasing Policy	Review the policy, place on public exhibition for required time inviting submissions from the community before adoption	AMF (Debbie) & AGM	progressing
25	15.6.22	2022/129	Draft Masterplan for the Coonamble Pool & McDonald Park Precinct	That Council places the Masterplan on public exhibition for required time inviting submissions from the community before adoption	Exec Inf (Daniel)	Plan currently on exhibition with responses to be presented to the August 2022 Ordinary Meeting.
26	15.6.22	2022/136	Notice of Motion (Cr Churchill): 1. Collection of information regarding 'slow down signs' at Gulargambone	Collection of required data	MR (Dirk)	Traffic monitoring to be undertaken during 2022 harvest period.
			2. Fence – Tully Park & Preschool	Meet with representatives to discuss the possibility of a new fence, prepare a report to be bought back to Council with estimated costs	AGM	On Hold – pending consideration of a further request received from the Preschool

Item No.	Date	Resolution No.	Matter Description	Action Required	Responsible Officer	Status/Update
			3. Coonamble Mens Shed	Prepare a report to be bought back to Council with the estimated costs & likelihood of facilitating the following: *Improved security *Installation of Solar Panels	AGM	Initial discussion held with representative from the Men's shed. The installation of Solar Panels has been identified as a priority
			Notice of Motion (Cr Cohen): Reconnecting Regional NSW – Community Events Program	Funds be managed by Council and allocated to Coonamble Youth Fest. That Mayor Horan & Cr Cohen be Council's representatives	AGM	
27	15.6.22	2022/139	Waste Management Facility - Robbo's Earthworks – Contract renewal	*AGM to enter contract negotiations *Asbestos control	AGM	
28	15.6.22	2022/140	Offer to purchase land in Hooper Drive	That the AGM offers the proponent a counteroffer	AGM	Progressing – a counteroffer tabled with a conditional acceptance being received by Council
29	15.6.22	2022/141	Provision of Drilling & Blasting for Mt Magometon Quarry	Successful contracts awarded	Exec Infr (Daniel)	Deeds of agreement currently being executed with successful tenderers
30	15.6.22	2022/142	Provision of Water Main replacement	Successful contract awarded	Exec Infr (Daniel)	Contract awarded.
41	15.6.22	2022/143	Flood Damage Project Manager	Rejection of offers received	Exec Infr (Daniel)	Unsuccessful tenderers advised.
42	15.6.22	2022/144	Mt Magometon Operational Review	*Review of Operational Plan *Future report on plan transition	Exec Infr (Daniel)	Report to August 2022 Closed Meeting of Council.

Item No.	Date	Resolution No.	Matter Description	Action Required	Responsible Officer	Status/Update
43	15.6.22	2022/145	Recruitment of General Manager	Endorsement of continued temporary placement of B Quarmbly as Acting General Manager to 31 March 2023.	AGM	

10.2 STATUS REPORT REGARDING COUNCILLOR ENQUIRIES

File Number: R6
Author: Marina Colwell, Executive Support Officer
Authoriser: Bruce Quarmby, Acting General Manager
Annexures: Nil

PURPOSE

The purpose of this report is to provide an update on the status of Councillor enquiries.

BACKGROUND

Following the adoption of the *Councillor Access to Staff and Premises Policy* in August 2019, Councillors are best advised to lodge their enquiries with the General Manager on the *Councillors' Enquiry Form*.

(a) Relevance to Integrated Planning and Reporting Framework

P2.1 Encourage an inclusive, active community where people look out for each other.

(b) Financial Considerations

Financial considerations for each enquiry will be taken into consideration during the assessment / investigation process.

COMMENTARY

Shown below is a list of outstanding enquiries received from Councillors since implementation of this procedure up to the end of June 2022:

Date Received	Councillor	Enquiry	Enquiry No Referred to	Comments/Status
21/07/2021	Cr Karanouh	Clean up block – 24 Coonamble Street, Gulargambone	0051/2022 Environmental Services.	The contractor has been requested to revisit the site, but no action has been taken yet.

Note: Once matters have been reported to Council as being completed, they will be removed from the list.

(a) Governance/Policy Implications

In line with the *Councillor Access to Staff and Premises Policy*, Councillors are required to lodge enquiries on the *Councillors' Enquiry Form* or the *Councillors' Request for Maintenance Form*.

(c) Legal Implications

There are no legal implications arising from this report.

(d) Social Implications

There may be social implications, depending on the nature of individual enquiries.

(e) Environmental Implications

There may be environmental implications, depending on the nature of individual enquiries.

(f) Economic/Asset Management Implications

There may be economic and/or asset management implications, depending on the nature of individual enquiries.

(g) Risk Implications

There may be risk implications, depending on the nature of individual enquiries.

CONCLUSION

The current status of Councillors' enquiries to the end of June 2022 is documented above.

RECOMMENDATION

That Council notes the information in this report.

10.3 CORRESPONDENCE

File Number: C20

Author: Marina Colwell-Executive Support Officer

Authoriser: Bruce Quarmby, Acting General Manager

Annexures:

1. LGNSW Local Government Week Awards Dinner
2. MDA - Notice of AGM
3. MDA - AGM Agenda
4. MDA - Nomination Form
5. MDA - Consitution
6. Circular 22-17 - Increase in tendering threshold for natural disaster response and recovery related contracts.
7. Circular 22-18 - Updated statutory forms under the Land Acquisition (Just Terms Compensation) Act 1991
8. IPART Media Release - ASV determination
9. Email - Inland Rail Project Update.

CORRESPONDENCE

1. Notification – LGNSW Local Government Week Awards Dinner – Tickets available.
2. Murray Darling Association
 - 2.1 Notice of AGM
 - 2.2 AGM Agenda
 - 2.3 Nomination Form
 - 2.4 MDA Constitution
3. Office of Local Government Circulars Received
 - 3.1 Circular 22-17 – Increase in tendering threshold for natural disaster response and recovery related contracts
 - 3.2 Circular 22-18 – Updated statutory forms under the *Land Acquisition (Just Terms Compensation) Act 1991*
4. Media Release from IPART approving Council’s ASV application.
5. Inland Rail – An email was received confirming Inland Rail acceptance of Council’s invitation to attend Council and provide a project update for Council. The email confirmed the topics that will be covered during public forum.

RECOMMENDATION

That the correspondence listed in the body of the report be noted.

From: LGNSW Events Team <events@lgnsw.org.au>
Sent: Friday, 17 June 2022 12:49 PM
To: Marina Colwell
Subject: Tickets are now on sale for the Local Government Week Awards Dinner!



Celebrate Excellence in Local Government

Dear Marina,

We are thrilled to announce that registrations are now open for the highly coveted **LGNSW Local Government Week Awards Dinner**, which will be held on **Thursday 4 August** at The Fullerton Hotel, Sydney.

Single tickets are \$250 each (incl. GST) OR \$2410 for a table of 10 (incl. GST).

Join us as we recognise and celebrate in-person for the first time in two years the outstanding achievements made by councils and individuals within local government. The awards dinner is the perfect opportunity to network with your industry peers and learn what other councils are doing within the sector.

Watch a [special video message](#) from MC Andrew Klein on why you should attend.



The night will include the presentation of the Awards categories that recognise excellence within communications, planning and arts and culture, including:

- RH Dougherty Awards
- Leo Kelly OAM Arts and Culture Awards
- LGNSW Planning Awards, sponsored by the NSW Department of Planning & Environment, and
- The Department of Communities and Justice (DCJ) NSW Youth Awards

For more information about the awards, visit our [event website](#).

How to Register?

To register, click on the "Register Now" button below and login with your username and password.

Your username is: ESO@COONAMBLESHERE.NSW.GOV.AU

[REGISTER NOW](#)

If you have any questions, please email the team at events@lgnsw.org.au.

We look forward to seeing you there.

Warm regards,
LGNSW Events Team

IN APPRECIATION OF OUR SPONSORS FOR LG WEEK AWARDS 2022

Elite Sponsor



LGNSW Planning Awards Sponsor



Sustainability Sponsor



RH Dougherty Award Category Sponsor - Excellence in Communication



Youth Week Award Category Sponsor - Advocate for Children + Young People



Questions?

Feel free to send us an enquiry regarding any details for this event.

[Contact us today](#)

Follow Us



[Unsubscribe](#) | [Preferences](#)



Murray Darling Association Inc.

Region 11

Chairperson:
Cr Jamie Chaffey, Mayor
Ph: 0467 402 412

Hosting Council:
Gunnedah Shire Council

Ph: (02) 6740 2115

www.mda.asn.au
Ph: (03) 5480 3801
ABN: 64 636 490 491
P.O. Box 1268, Echuca VIC 3561
553 Kiewa St, Albury NSW 2641

MURRAY DARLING ASSOCIATION REGION 11 NOTICE OF ANNUAL GENERAL MEETING FRIDAY 12 AUGUST 2022

The Murray Darling Association **Region 11 Annual General Meeting** will be held on

Friday 12 August 2022, commencing at **11:00am**
Gunnedah Shire Council, Council Chambers, 63 Elgin Street, Gunnedah
or **Via Zoom**

<https://us02web.zoom.us/j/88562889851?pwd=QnhjYnhFUWJZbUJYvakpsMzZkZGNLZz09>

Meeting ID: 885 6288 9851

Passcode: 948383

Nominations are now invited for the position of Chair and Executive committee members for those wishing to serve on the **Region 11** Executive committee.

Nominations should include:

- a) a completed [Nomination Form](#);
- b) a copy of the extract of council minutes including the resolution of council acknowledging their commitment to and endorsement of their delegate's nomination;
- c) a brief biography or CV of the nominating delegate;
- d) a statement of commitment from council acknowledging the obligations of the Region Chair under Part 5, 16 (5) of the [MDA Constitution](#) (for nominations to Region Chair).

Nominations must be lodged with the Returning Officer by email to ceo@mda.asn.au **no later than 12.00pm on Friday 29 July 2022**.

All nominations will be distributed to member councils with the meeting papers and agenda on *Friday 5 August 2022*, for your consideration in advance of the election at the AGM.

All councils within MDA Region 11 are warmly invited and encouraged to consider the importance of your council's active participation.

For further information, please contact the CEO Mark Lamb on [03 5480 3805](tel:0354803805) or m.lamb@mda.asn.au, or your Region Chair Mayor Jamie Chaffey on 02 6740 2115 or visit www.mda.asn.au.

Kind regards

Mayor Jamie Chaffey
Chair - Region 11



Murray Darling Association Inc.

admin@mda.asn.au
www.mda.asn.au
T (03) 5480 3805
ABN: 64 636 490 493

463 High Street
P.O. Box 1268
Echuca, Vic 3564

Region 11 ANNUAL GENERAL MEETING - AGENDA

Venue: Gunnedah Shire Council - Council Chambers
63 Elgin Street, Gunnedah NSW 2380

Video Link: <https://us02web.zoom.us/j/88562889851?pwd=QnlhYnhFUWJZbUYvakpsMzZkZGhLZz09>
Meeting ID: 885 6288 9851
Passcode: 948383

Time/Date: 11:00am – Friday 12 August 2022

1. **ATTENDANCE**
 - 1.1 Present:
 - 1.2 Apologies:
2. **DECLARATIONS**
3. **MINUTES**
 - 3.1 Last recorded AGM minutes Thursday 11 June 2020
Recommendation that the minutes be noted.
4. **ELECTION OF CHAIR AND REGION EXECUTIVES**

Part 5 s16

(4) Regions must elect annually at a Region Meeting a Region Executive made up of:

 - (a) a chair; plus
 - (b) not less than 2 and not more than 5, other Region Executive Members
5. **NEXT MEETING**

Date and Venue to be advised
6. **CLOSE**

*The Murray Darling Association acknowledges and thanks
Gunnedah Shire Council for its support in hosting this meeting of Region 11.*



Murray Darling Association Inc.

admin@mda.asn.au
www.mda.asn.au
 T (03) 5480 3805
 ABN: 64 636 490 493

463 High Street
 P.O. Box 1268

**Region 11 Annual General Meeting
 11am, Thursday 11 June, 2020
 Gunnedah Shire Council and Via ZOOM**

MINUTES – June 2020

1. ATTENDANCE

1.1 Present

Cr John Campbell – Chair	Gunnedah Shire Council
Emma Bradbury#	Chief Executive Officer, Murray Darling Association
Cr Greg Sauer#	Tenterfield Shire Council
Cr Jamie Chaffey	Gunnedah Shire Council
Mr Andrew Johns	Gunnedah Shire Council
Cr Doug Hawkins #	Liverpool Plains Shire Council
Annabelle Guest*	Regional Engagement Officer, Murray-Darling Basin Authority

Alexandra

* Non-member– attendance by invitation

Attendance by teleconference

1.2 Apologies

Cr Cathy Redding	Narrabri Shire Council
Cr Andrew Hope	Liverpool Plains Shire Council
Mayor Ian Woodcock	Walgett Shire Council
Cr Manuel Martinez	Walgett Shire Council
Cr Frances Young	Gwydir Shire Council
Cr John Coulton	Gwydir Shire Council
Cr David Coulton	Gwydir Shire Council
Cr Peter Petty	Tenterfield Shire Council
Cr Don Forbes	Tenterfield Shire Council
Cr Philip O'Connor	Brewarrina Shire Council
Acting General Manager	Brewarrina Shire Council

Action: That the apologies be accepted

Move G Sauer/J Campbell

Carried

2 DECLARATIONS OF INTEREST

Nil

3 MINUTES

That the minutes of the Murray Darling Association Inc. held on 14 June 2019 as typed and circulated, be confirmed as a true record of the proceedings of that meeting.

Action: **Move G Sauer/ A Guest** **Carried**

4 ELECTION OF CHAIR AND REGIONAL EXECUTIVE

All positions were declared vacant by the Chair.

The Chief Executive Officer confirmed there was only one nomination for Region Chair so Cr Campbell was elected unopposed.

The following positions were confirmed for the coming 12 month period:

Chair – Cr John Campbell

Region Executives – Cr Jamie Chaffey and Cr Greg Sauer

5 NEXT MEETING

TBA

6 CLOSE

The meeting closed at 11:07am



NOMINATION FORM
FOR POSITION ON the
MURRAY DARLING ASSOCIATION INC.
REGIONAL EXECUTIVE

I, (name of nominee) _____
 of: (postal address) _____

 Ph: _____
 Email: _____

Hereby nominate for the following position on the executive of Region _____ (please indicate the region for which you are standing)

Region Chair* Committee member

** I am aware that under the Constitution, the Board of the MDA comprises the Chairs of each Region, and as such a Regional Chair becomes a Board Member by extension.*

Proposed by Name _____
 Signed _____

Seconded by Name _____
 Signed _____

Nominee and nominator must be members or a council delegate of the Murray Darling Association Inc.

All nominations to the chair by serving councilors must be accompanied by a resolution of the member council for which the nominee is a delegate. The resolution must reflect that the delegate's nomination has been endorsed by the council they represent.

Please attach a brief bio and statement (not more than 500 words) addressing the skills and attributes you feel you have that will make a positive contribution to your region and to the MDA. This information will be distributed to members and posted on the MDA website.

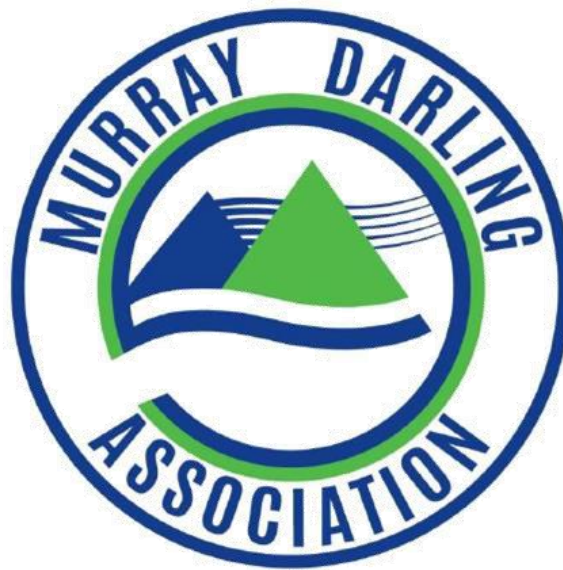
DECLARATION

I _____ (the nominee) accept this nomination and declare that if elected I accept the responsibilities and obligations of the Murray Darling Association Inc. I declare that I have read and understood the Constitution, the Region Chair/ Board Member Duty Statement and the Board Member Code of Conduct.

Signed _____ Date: _____

NOMINATION FORMS must be forwarded seven days prior to the date set down for the AGM TO:

The Returning Officer
Murray Darling Association
PO Box 1268, Echuca. 3564
Or email: ceo@mda.asn.au



It's in the Balance

Murray Darling Association Inc.

An incorporated association under the *Associations Incorporation Act 2009* (NSW)

Incorporation No: Y0431747

CONSTITUTION

v. 2020

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CONSTITUTION

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Constitution

Part 1 – Preamble

1. **Origins and Background**

The Murray Darling Association Incorporated is the name adopted for the organisation named “Murray Valley League for Development and Conservation Incorporated” (1979) which itself derived from the “Murray Valley Development League” which was established by resolution of the Yarrawonga Conference (August 1944) and the South Australian Regions at the Murray Bridge Conference (December 1944).

2. **Vision**

The MDA works to achieve a healthy and environmentally balanced Basin river system that supports thriving communities, economic development and sustainable productivity.

3. **Purpose**

To provide effective representation of local government and communities at state and federal level in the management of Basin resources by:

- (1) providing information;
- (2) facilitating debate; and
- (3) seeking to influence government policy.

4. **Objectives**

The objectives of the MDA are to:

- (1) advocate on behalf of Basin communities;
- (2) use local knowledge and expertise to fully understand regional issues;
- (3) act as a two-way conduit for information and discussion between our communities and governments;
- (4) encourage and facilitate debate about relevant issues that matter for the Basin’s future;
- (5) explore options to achieve sound solutions to regional issues;
- (6) test information to ensure a sound base for those options;
- (7) be an educational resource for the Basin.

Part 2 – Definitions

5. **Definitions**

(1) In this Constitution:

Act means the *Associations Incorporation Act 2009* (NSW).

Basin means the Murray-Darling Basin.

Board means the governing body of MDA and which is the committee for the purposes of the Act.

Board Meeting means a meeting of the Board of the MDA.

CEO means the chief executive officer of the MDA.

Constitution means this constitution as amended from time to time.

Code means a code prepared and adopted by the Board in respect of MDA processes, membership, conduct or like matters.

Delegate means a person who may attend, participate, represent and vote at a MDA Meeting, including:

- (i) a Member Council Delegate; or
- (ii) a Region Delegate; or
- (iii) a Life Member.

Individual Member means a person accepted as a Member.

Life Member means a Member appointed as a Life Member as described in this Constitution.

MDA means the association incorporated under the Act known as "Murray Darling Association Inc".

MDA Meeting means a general meeting, special general meeting or the annual general meeting of the MDA.

Member means a financial member for the time being of the MDA and includes:

- (i) Member Council;
- (ii) Organisation Member;
- (iii) Individual Member;
- (iv) Life Member.

Member Council means a local government municipal entity which has satisfied and maintains the requirements for membership of the MDA.

Organisation means a company, corporation, association, body corporate, partnership, government or statutory authority, community service or not for profit organisation or other legal body (other than a Member Council).

Organisation Member means an Organisation accepted as a Member.

Proxy means the authority to represent, act and vote on behalf of a Delegate at a MDA Meeting or Representative at a Region Meeting.

Region Meeting means a meeting of Members located in a Region.

Public Officer means the person holding office under this Constitution as the public officer of the MDA.

Region means an area made up of particular local government municipalities so determined, from time to time in accordance with this Constitution.

Region Executive means the managing executive of the Region as detailed in this Constitution.

Regulation means the *Associations Incorporation Regulation 2010* (NSW).

Representative means a person who may attend, represent and vote on behalf of a Member Council or Member Organisation at a Region Meeting, including a Representative who is:

- (i) a Member Council Representative;
- (ii) an Organisation Representative.

Special Resolution means a vote of 75% of:

- (i) Delegates at a MDA Meeting; or
- (ii) Representatives and Members at a Region Meeting.

(2) In this Constitution:

- (a) a reference to a function includes a reference to a power, authority and duty;
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty;
- (c) a reference to a person includes a natural person (individual), company, corporation, body corporate or other body (whether or not the body is incorporated);
- (d) a reference to an authority, institution, association or body ("**original entity**") that has ceased to exist, been reconstituted, renamed or replaced or whose powers or functions have been transferred to another entity, is a reference to the entity that most closely serves the purposes or objects of the original entity.

(3) The provisions of the *Interpretation Act 1987* (NSW) apply to and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution were an instrument made under the Act.

Part 3 – Membership Categories

6. *Membership categories and rights*

- (1) The table below sets out the categories which comprise the membership of MDA, together with particular qualifications and the rights associated with each category.

Category	Category qualification	Category rights for Region Meeting	Category rights for MDA Meeting
Member Council	Local government entity, located within a Region, which is a current Member.	To appoint 2 Representatives, plus an additional Representative for every 20,000 of population (or part thereof) of the municipality above the first 20,000, up to a further 3, for a maximum total of 5 Representatives. To have its Representatives attend, participate and vote on its behalf at a Region meeting.	To appoint 1 Member Council Delegate, plus an additional Delegate for every 20,000 (or part thereof) of population of the municipality above the first 20,000, up to a further 2, for a maximum total of 3 Member Council Delegates. To have its Delegate(s) attend, participate and vote on its behalf at a MDA Meeting.
Organisation Member	An Organisation, located within a Region, which is a current Member.	To appoint a Representative for a Region Meeting. To have its Representative attend, participate and vote on its behalf at a Region Meeting; to be eligible for election by a Region as a Region Delegate.	Its Representative may attend and participate at a MDA Meeting. If its' Representative is elected as a Region Delegate, to vote as a Region Delegate at the MDA Meeting.
Life Member	As identified in this Constitution or elected as a Life Member.	To attend, participate and vote at a Region Meeting.	To attend, participate and vote at a MDA Meeting as a Life Member.
Individual Member	A person living in a Region who is a current Member.	To attend, participate and vote at a Region Meeting. To be eligible for election as a Region Delegate.	To attend and participate at a MDA Meeting. If elected as a Region Delegate, to vote as the Region Delegate at a MDA Meeting.

- (2) A person or legal entity is eligible to be a Member of the MDA if:
- (a) the person or legal entity meets the category and qualifications set out in the table to sub clause (1) or otherwise in the Constitution for the category of membership sought, and
 - (b) the person or legal entity applies for membership in accordance with clause 21.

- (3) A person or legal entity is a Member if:
 - (a) they or it is an existing Member of the MDA at the date of adoption of this Constitution; or
 - (b) is accepted by the Board as a Member as contemplated in clause 21; and
 - (c) their or its Membership has not ended.
- (4) The Region within which the Member's rights apply is:
 - (a) for a Member Council, the Region it is located in;
 - (b) for an Individual Member or a Life Member, the Region the Member resides in;
 - (c) for an Organisation Member, the Region the Organisation is located in or if in more than one region, the Organisation may select its Region.
- (5) A Member will retain all rights in relation to the relevant membership category unless or until:
 - (a) a Member resigns as a Member;
 - (b) subject to clause 6(5)(c), the membership is suspended or ended at the direction of the Board;
 - (c) in the case of a Member Council such membership may only be suspended or ended by a vote at a MDA Meeting;
 - (d) in a case of an Individual Member or an Organisation Member, membership rights will be suspended at any time the Individual Member or Organisation Member's annual fee is overdue by more than 90 days;
 - (e) if elected as a councillor of a Member Council any Individual Members membership is suspended, whilst the person remains a councillor;
 - (f) if an Organisation Representative is elected as a councillor of a Member Council, then whilst that person is a councillor, the Organisation must nominate an alternative Organisation Representative, otherwise the Organisation Member's membership is suspended.
- (6) A serving councillor of a local government entity or a member of a Member organisation must not:
 - (a) apply to become an Individual Member; or
 - (b) allow an Organisation to apply for membership with that councillor proposed as the Organisation Representative.
- (7) In respect of Life Members:
 - (a) the current Life Members of the MDA are those set out in Schedule 1;
 - (b) the process and regulation in relation to Life Members will be subject to any Code prepared by the Board and adopted at a MDA Meeting.

Part 4 - The Board

7. Powers of the Board

Subject to the Act, the Regulation and this Constitution and to any resolution passed by the MDA, the Board:

- (a) is to control and manage the affairs of the MDA, and
- (b) may exercise all such functions as may be exercised by the MDA, other than those functions that are required by this Constitution to be exercised by a MDA Meeting, and
- (c) has power to perform all such acts and do all such things as appear to the Board to be necessary or desirable for the proper management of the affairs of the MDA, and
- (d) has the power to make policies or Codes for the proper conduct of the MDA which will be binding on Members to the extent not inconsistent with this Constitution.

Without limiting the above, the Board may, without the need for any further resolutions to be passed at a MDA Meeting:

- (a) provide, monitor and manage good governance processes;
- (b) carry out a direction from a MDA Meeting;
- (c) prepare, manage and monitor an annual budget;
- (d) take steps to obtain the necessary resources for the MDA to continue its role;
- (e) appoint, manage and if required dismiss any of a chief executive officer, Public Officer and auditor;
- (f) monitor and review the organisation's performance;
- (g) appoint any sub-committee to address issues and carry out activities on behalf of the Board;
- (h) appoint staff to address issues and carry out activities on behalf of the Board.

8. Composition of the Board

- (1) The Board will comprise each of the chairs of the Regions of the MDA existing from time to time.
- (2) On an annual basis, at a Board Meeting, the Board will elect:
 - (a) a President;
 - (b) a Vice President; and
 - (c) a Treasurer (as provided in clause 8(3));to serve for the financial year.
- (3) The Board must appoint a Treasurer of the Board. The Treasurer:
 - (a) must have, in the reasonable opinion of the Board, appropriate qualifications in accounting or a like field or otherwise have sound financial expertise;
 - (b) may be a Board member, an Individual Member or an Organisation Representative; and
 - (c) if the Treasurer is not a Board member, the Treasurer will attend Board Meetings upon request of the Board.

9. Public officer

- (1) The Public Officer of the MDA must, as soon as practicable after being appointed as Public Officer, lodge notice with the MDA of his or her address. The Public Officer may be the Chief Executive Officer.
- (2) It is the duty of the Public Officer to ensure that minutes are kept of:
 - (a) all appointments of office-bearers and Board members and its sub-committees, and
 - (b) the names of the Board members present at a Board Meeting or a MDA Meeting, and
 - (c) all proceedings at Board Meetings, sub-committee meetings and MDA Meetings.
- (3) Minutes of proceedings at a Board Meeting must be signed by the President as chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) It is the duty of the Public Officer to ensure:
 - (a) that all money due to the MDA is collected and received and that all payments authorised by the MDA are made, and
 - (b) that correct books and accounts are kept showing the financial affairs of the MDA, including full details of all receipts and expenditure connected with the activities of the MDA.

10. Casual vacancies

- (1) A casual vacancy in the office of a Board member occurs if the Board member:
 - (a) dies, or
 - (b) resigns or otherwise ceases his or her position or involvement with the Member he or she was elected to represent, or
 - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
 - (d) resigns office by notice in writing given to the Public Officer, or
 - (e) becomes a mentally incapacitated person, or
 - (f) is absent without the consent of the Board from 3 consecutive meetings of the Board, or
 - (g) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months or other indictable offence, or
 - (h) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth, or
 - (i) is prohibited from being a responsible person of a registered charity under the *Australian Charities and Not-for-profits Commission Act 2012*, or
 - (j) is removed as provided in clause 11.
- (2) Upon ceasing to be a Board member the person will also cease to be a chair of the particular Region.
- (3) In the event of a vacancy occurring in the membership of the Board, the Region may appoint a new Chair to the Region to fill the vacancy and until such time the Board will continue its activities minus that Board member.

11. Removal of Board members

- (1) A Board Meeting may, by an ordinary resolution, remove any Board member from that office before the ending of the person's term of office, provided:
 - (a) the Board (by its vote) forms the view (on proper and reasonable grounds) that the relevant Board member has acted in a manner which is substantially prejudicial to the interests of the MDA; or
 - (b) the Board member has committed a serious breach of any Code of conduct for Board, or MDA Members, adopted by the Board.
- (2) A Board Member who is removed under clause 11 (1) shall have the right of appeal. That appeal shall be addressed to the public officer and be acted upon as per clause 27 of this constitution.
- (3) A Board Member who is exercising their right of appeal in 11 (2) (a), shall be suspended from all Board responsibilities until the resolution of that appeal.

12. Board member vacancy

- (1) Upon the occurrence of a casual vacancy under clause 10 or removal of a Board member under clause 11:
 - (a) the relevant former Board member ceases to be the chair of and (if applicable) a Region Delegate on behalf of the relevant Region;
 - (b) the resulting Region vacancy must be filled by the Region as soon as practicable;
 - (c) prior to any re-appointment the Board may continue to operate otherwise in accord with the Constitution.

13. Board meetings and quorum

- (1) The Board must hold at least 8 meetings (at least 2 of which must be face to face) in each period of 12 months, at such place and time as the Board may determine.
- (2) A Board Meeting may be held with use of technology that allows a Board member using the technology and the Board members present at the meeting to clearly and simultaneously communicate with each other. A Board member in attendance using that technology will be deemed to be physically present at the meeting.
- (3) Additional (including emergency) meetings of the Board may be convened by the President (or the Vice President, in the President's absence) as considered necessary or upon the request of 3 Board members.
- (4) Written notice of a meeting of the Board must be given by the CEO or Public Officer to each member of the Board at least 14 days (or such other period as may be unanimously agreed on by the members of the Board) before the time appointed for the holding of the meeting.
- (5) Notice of a meeting given under sub clause (4) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Board members present at the meeting by a majority agree to consider.
- (6) The need for 14 days' notice of a Board Meeting will not apply in the case of an emergency, provided:
 - (a) 48 hours' notice will be sufficient;

- (b) such notice must be in writing and attempted orally with the first oral attempt more than 48 hours before the meeting, acknowledging subsequent oral attempts may occur within 48 hours;
 - (c) the only business that may be transacted at the emergency meeting is the item or items that constituted the emergency as disclosed in the notice;
 - (d) the emergency meeting by a vote of a majority present, must confirm that issue or issues for consideration did constitute an emergency for the meeting and any resolutions from it to be effective.
- (7) A quorum for a Board Meeting will be one more than half of the chairs then appointed by the Regions. (For example if only 10 Regions have a chair, then 6 present will be the quorum.)
- (8) No business is to be transacted by the Board unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (9) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting will not proceed.
- (10) At a meeting of the Board:
- (a) the President or, in the President's absence, the Vice President is to preside, or
 - (b) if the President and the Vice President are absent or unwilling to act, such one of the remaining Board members as may be chosen by the Board members present at the meeting is to preside;
 - (c) all voting shall be by ordinary resolution of the majority of the Board members present (there will be no proxy voting);
 - (d) if there is a tie in any vote, the chair of the Board Meeting may exercise an additional casting vote.

14. Sub-committees and delegation

- (1) The Board may establish sub-committees consisting of such Members Organisation Nominees, Member Council Nominees or non-members of the MDA as the Board thinks fit. Each sub-committee may be a standing or ad-hoc committee reporting to or advising the Board.
- (2) The Board may, by instrument in writing, delegate to a sub-committee or Chief Executive Officer the exercise of such of the functions of the Board as are specified in the instrument, other than:
- (a) this power of delegation, and
 - (b) a function which is a duty imposed on the Board by the Constitution, the Act or by any other law.
- (3) A Region Executive is a sub-committee of the Board of the MDA.
- (4) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (5) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

- (6) Despite any delegation under this clause, the Board may continue to exercise any function delegated.
- (7) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Board.
- (8) The Board may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (9) The Board may determine a sub-committee's terms of reference, and the sub-committee must comply with any other requirements set out in its terms of reference. The terms of reference may entitle the President or the Vice-President to be an ex-officio member or observer of the sub-committee. The sub-committee may otherwise meet and adjourn as it thinks proper.

Part 5 - Regions

15. *Role and Region composition*

- (1) The role of the Region includes:
 - (a) initiating action on Region issues within the bounds of the MDA policy and any Codes;
 - (b) encouraging support for the MDA and its policies and actions;
 - (c) initiating and facilitating discussion on Region and Basin issues;
 - (d) increasing awareness of an education in respect of the MDA and the Basin;
 - (e) recommending changes to policy to the Board or the MDA;
 - (f) encouraging financial support for the MDA;
 - (g) appointing Region Delegates to a MDA Meeting.
- (2) The Regions of the MDA shall be made up of those local government municipal areas determined and as amended from time to time, by resolution of the Board.
- (3) The details of the areas making up each Region must be maintained by the Board and made available to Members on request and published (and kept up to date) on the MDA website.
- (4) The composition of a Region and the number of Regions may be varied from time to time by the resolution of the Board, the listed Regions and their composition. Variations to the composition of the Regions may be proposed by the Regions, the Board, or the vote of a MDA Meeting.
- (5) Within each Region the Members in respect of that Region will be:
 - (a) Member Councils within the Region;
 - (b) Organisation Members located in the Region, provided if the Organisation is located in multiple Regions it must nominate one Region;
 - (c) Life Members and Individual Members, resident within that Region.

16. *Region Meetings*

- (1) In respect of a Region:
 - (a) a Member Council may appoint:
 - (i) 2 Member Council Representatives; plus
 - (ii) 1 or more additional Member Council Representatives, for each 20,000 of population (or part thereof) above the first 20,000;
up to a maximum of 5 Member Council Representatives. A Member Council Representative may be a councillor or council officer of the Member Council, or another person selected and supported by the Member Council;
 - (b) an Organisation may appoint 1 Organisation Member Representative.
- (2) Region Meetings may be attended by:
 - (a) Member Council Representatives;
 - (b) Organisation Member Representatives;
 - (c) Individual Members;
 - (c) Life Members;

- (d) people from other Regions in various capacities;
 - (e) guest speakers and other invitees and subject to the management of the meeting by the Chair, may address the meeting.
- (3) Region Meetings:
- (a) must occur at least 4 times per year;
 - (b) may be called by the Region Executive, Chair of the Region Executive or not less than 2 Member Councils within the Region; and
 - (c) require written notice of not less than 14 days to all Members located within the Region.
- (4) Regions must elect annually at a Region Meeting a Region Executive made up of:
- (a) a chair; plus
 - (b) not less than 2 and not more than 5, other Region Executive Members.
- (5) The chair of the Region Executive is the chair of the Region, provided further:
- (a) the chair must demonstrate both the initial and ongoing capacity to provide secretariat support for the activities of the Region;
 - (b) when the position of the chair becomes vacant for any reason, the Region Executive may appoint a temporary chair and a new chair must be appointed at the next Region Meeting;
 - (c) the chair must ensure minutes and other necessary records of Region Executive and Region Meetings are taken, kept and provided regularly to the MDA Board.
- (6) Voting at a Region Meeting must occur as follows:
- (a) Member Council Representatives may vote through a Proxy provided:
 - (i) not less than one Member Council Representative appointed by the same Member Council, is present; and
 - (ii) the relevant proxy has been given, in writing, to that Member Council Representatives who is present;
 - (b) one vote for each Individual Member of that Region and Life Member of that Region present;
 - (c) one vote for each Organisation Member of that Region, through its Organisation Member Representative, who must be present;
 - (d) a quorum of the Region Meeting will be not less than $\frac{1}{3}$ of Member Councils present in the Region;
 - (e) voting will be by ordinary majority;
 - (f) the chair will have an additional casting vote in the case of a tie in votes.
- (7) The Region Executive shall have responsibility to facilitate and implement the various roles of the Region and may, if it considers appropriate, seek support from Members to provide assistance including involvement through sub-committees as is thought fit.
- (8) The Region shall provide a report not less than once a year and prior to the annual general meeting of the MDA, of various business and actions dealt with by and within the Region relevant to the MDA.
- (9) Regions are encouraged to hold joint meetings with nearby Regions or Regions with common interests to discuss matters of common interest.

- (10) Each year prior to the 30th of June at a Region Meeting, the Region will elect by a vote, up to 3 Regional Delegates to attend and vote at any MDA Meeting occurring over the following 12-month period (to the next 30 June). A Region Delegate must not be a Member Council.
- (11) A Region Meeting may be held with use of technology that allows a member using the technology and the members present at the meeting to clearly and simultaneously communicate with each other. A member in attendance using that technology will be deemed to be physically present at the meeting.
- (12) To be effective, details of the elected Region Delegates must be sent (together with the minutes of the relevant meeting) to the Board of the MDA, addressed to the President or the Chief Executive Officer not less than 14 days prior to the next MDA Meeting.

Part 6 – MDA Meetings

17. *MDA Meetings*

- (1) In respect of a MDA Meeting:
 - (a) a Member Council may appoint:
 - (i) 1 Member Council Delegate; plus
 - (ii) 1 additional Member Council Delegate, for every 20,000 of population (or part thereof) above the first 20,000;
up to a maximum of 3 Member Council Delegates;
 - (b) a Member Council Delegate may be a councillor or council officer of the Member Council, or another person selected and supported by the Member Council.
- (2) The MDA must hold a MDA Meeting at least once every financial year and one of those MDA Meetings must be the annual general meeting.
- (3) The annual general meeting of the MDA must be held between 1 April and 30 September in a particular year.
- (4) The time, place and arrangements for the annual general meeting of the MDA will be set by the MDA at any preceding MDA Meeting, failing which the Board will make arrangements for the annual general meeting.
- (5) The Board or not less than 4 Member Councils, may call a general meeting or a special general meeting of the MDA, by:
 - (a) written notice of the request to the Chief Executive Officer; and
 - (b) the process as set out in clause 17(6) .
- (6) Requirements for any MDA Meeting include the following:
 - (a) must be arranged on behalf of the Board, including through the Chief Executive Officer or Public Officer;
 - (b) by sending by post or email a written notice of the MDA meeting not less than 30 days prior to the proposed MDA Meeting, to each Region chair, every Delegate of whose existence notice has been given to the MDA and each Member Council;
 - (c) by posting of the details of the proposed MDA Meeting on the MDA's website, not less than 30 days prior to the proposed MDA Meeting;
 - (d) details with notice or posting must include the date, time and place of the MDA Meeting;
 - (e) the agenda and any motions proposed, including those initiated by a Region, Member Council or any other Member must be distributed and posted on the MDA's website, not less than fourteen (14) days before the MDA Meeting.
- (7) A quorum for a MDA Meeting is 30 Delegates present at the meeting.
- (8) A MDA Meeting will be presided over by either the President of the Board or such other person appointed through a vote of Delegates present at the MDA Meeting.
- (9) Only Delegates are entitled to vote on matters considered by or at a MDA Meeting or in respect of MDA matters generally.
- (10) Voting at a MDA meeting must occur as follows:

- (a) each Delegate (that is Region Delegates, Member Council Delegates or Life Member Delegates) have a single vote;
 - (b) Member Council Delegates may vote through a Proxy provided:
 - (i) not less than one Member Council Delegate appointed by the same Member Council is present; and
 - (ii) the relevant Proxy has been given in writing to that Member Council Delegate who is present;
 - (c) Region Delegates and Life Member Delegates must be present at the MDA Meeting to vote;
 - (d) a matter the subject of a vote may be passed by an ordinary majority;
 - (e) in the case of a tied vote, the Chair appointed to preside at the MDA Meeting shall have a casting vote, in addition to any vote as a Delegate.
- (11) In any case where the Board considers a matter to be determined by the MDA is to be determined through a postal vote, the following must occur:
- (a) the Board will provide not less than 30 days' written notice of such proposal;
 - (b) the notice must contain the clear and specific detail of a matter or matters for decision by a postal vote;
 - (c) the vote must call for a yes or no response and no amendment to the nature of the question or outcome which is the subject of the proposed vote may occur;
 - (d) all and only Delegates may respond to a postal vote and those Delegates must do that personally;
 - (e) in the case of a tied postal vote, the proposal or issue for determination fails.
- (12) A MDA Meeting may be held with use of technology that allows a delegate using the technology and the delegates present at the meeting to clearly and simultaneously communicate with each other. A delegate in attendance using that technology will be deemed to be physically present at the meeting.

Part 7 – Chief Executive Officer

18. Chief Executive Officer

- (1) The Board shall appoint a Chief Executive Officer.
- (2) The Chief Executive Officer shall be responsible to the Board for the administration and operation generally of the MDA.
- (3) The Chief Executive Officer:
 - (a) shall carry out the Board's instructions;
 - (b) shall be responsible for the appointment of staff and retention of contractors.

Part 8 – Financial

19. Financial

- (1) Each Member of the MDA will contribute an annual fee based on the category of membership. Such annual fee:
 - (a) as to amount; and
 - (b) amount in respect of category of Member,will be set and potentially varied, on an annual basis, by the Board.
- (2) The Board may reduce, waive or accept instalment payments or make such arrangements as it thinks fit in relation to the application and calculation of the annual fee provided any reduction or waiver must be due to financial or other hardship, evidence of which has been provided (in confidence) to the Board.
- (3) The Board may, from time to time, provide to the Regions such funds as are considered appropriate, by the Board, to undertake activities within the particular Region.

Part 9 – Life Members

20. Life Members

- (1) A Life Member of the MDA is:
 - (a) a person named in Schedule 1; or
 - (b) any person nominated by a Member, endorsed by the Board and elected as a Life Member at a MDA Meeting.
- (2) The Board may prepare a Code for the consideration and approval of Life Members which will apply once adopted by a resolution at a MDA Meeting.
- (3) A Life Member is automatically a Delegate for the purposes of attendance, participation and voting at a MDA Meeting, provided the Life Member's voting right may not be a subject of a proxy.

Part 10 – Membership Generally

21. Application for membership

- (1) An application for membership of the MDA:
 - (a) must be made in writing in the form and in the manner determined by the Board, and
 - (b) must include an agreement by the applicant to be bound by this Constitution and any Code, and
 - (c) must be lodged with the Public Officer of the MDA.
- (2) As soon as practicable after receiving an application for membership, the Public Officer must refer the application to the Board. The Board must determine whether to approve or to reject the application in its absolute discretion. Where an applicant qualifies for multiple categories of membership, the Board may, in its absolute discretion, determine which category it deems to be most suitable for the applicant.
- (3) As soon as practicable after the Board makes that determination, the Public Officer must:
 - (a) notify the applicant, in writing, that the Board approved or rejected the application (whichever is applicable) and if the applicant was approved, the applicant's category of membership, and
 - (b) if the Board approved the application, request the applicant to pay (within the period of 28 days after receipt by the applicant of the notification) the sum payable under this Constitution by a Member as an annual fee (if applicable), and
 - (c) on payment by the applicant of the amounts referred to in sub clause 21(3)(b) within the period referred to in that provision (if applicable), enter or cause to be entered the applicant's name in the register of Members and, on the name being so entered, the applicant becomes a Member of the MDA.
- (4) The determination of the Board in respect of an applicant's application and the applicant's membership category is final. The Board is not required to provide reasons for its determination.
- (5) A Member may apply for a change of membership category. Subclasses (2) to (4), with applicable changes, will apply to an application for a membership category change.

22. Cessation of membership

A Member ceases to be a Member of the MDA if:

- (a) for Individual Members and Organisation Members, the Member annual fee is overdue for more than 90 days and the Board ends the membership,
- (b) for Member Councils, the annual fee remains unpaid after the failure to pay has been raised at a MDA meeting and the meeting decides to end the membership;
- (c) in the case of an individual – dies or is declared bankrupt, or
- (d) the Board resolves to end the membership;
- (e) the Member resigns membership,
- (f) the Member is expelled from the MDA in accordance with clause 28, or
- (g) ceases to be eligible to be a Member, or

- (h) in the case of an organisation – is insolvent, or is being wound up or deregistered, or has a receiver, administrator, manager, liquidator or other controller (howsoever described) appointed over the organisation or a substantial part of its assets.

23. *Membership entitlements not transferable*

A right, privilege or obligation which a person has by reason of being a Member of the MDA:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of membership.

24. *Register of Members*

- (1) The Public Officer of the MDA must establish and maintain a register of Members of the MDA specifying the name and postal address and principal place of business of each Member of the MDA, the date on which the Member became a Member, the category of membership, and the contact details of the Member's representatives if applicable.
- (2) The register of Members must be kept:
 - (a) at the main premises of the MDA, or
 - (b) if the MDA has no premises, at the MDA's official address.
- (3) The register of Members must be open for inspection, free of charge, by any Member of the MDA during business hours.
- (4) A Member must not use information about a person obtained from the register to contact or send material to the person. However, a Member may use information about a person obtained from the register for:
 - (a) the purposes of sending the person a notice in respect of a meeting or other event relating to the MDA or other material genuinely relating to the MDA or its management, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

25. *Members' liabilities*

The liability of Member Councils of the MDA to contribute towards the payment of the debts and liabilities of the MDA or the costs, charges and expenses of the winding up of the MDA is limited to \$1. Other Members are not required to contribute.

26. *Conduct Code or Codes*

- (1) A conduct Code or Codes will be prepared in respect of the conduct of:
 - (a) the Board and Board Meetings;
 - (b) MDA Meetings;
 - (c) Region Meetings;
 - (d) Members in the various MDA forums; and
 - (e) CEO and other staff.

- (2) Any conduct Code must be prepared (and varied) at the direction and by resolution of the Board.
- (3) A Code must be complied with by Members, Representatives and Delegates.

27. Resolution of disputes

- (1) A dispute between the MDA, or any of the Members of the MDA, or with the MDA, or with a Region, is to be referred to a mediator agreed by the parties to the dispute, or in the absence of agreement, by a mediator nominated by the President of the Law Council of Australia (or his or her nominee).
- (2) If a dispute is not resolved by mediation within 3 months of the referral under sub clause (1), any party to the dispute may commence proceedings.
- (3) A party to the dispute must not commence proceedings unless that party has complied with this clause 27, except in the case of a party seeking urgent interlocutory relief.

28. Disciplining of Members

- (1) A complaint may be made to the Board by a Member of the MDA if a Member:
 - (a) has refused or neglected to comply with a provision or provisions of this Constitution or any MDA Code, or
 - (b) in the case of individuals – has acted in a manner prejudicial to the interests or reputation of the MDA or unbecoming of a Member, or
 - (c) in the case of Members who are not individuals – the officers, employees or agents of the Member have acted in a manner prejudicial to the interests or reputation of the MDA or unbecoming of a Member.
- (2) The Board may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the Board decides to deal with the complaint, the Board:
 - (a) must cause notice of the complaint to be served on the Member concerned, and
 - (b) must give the Member at least 14 days from the time the notice is served within which to make submissions to the Board in connection with the complaint, and
 - (c) must take into consideration any submissions made by the Member in connection with the complaint.
- (4) The Board may decide to expel the Member from the MDA or suspend the Member from membership of the MDA if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the Board expels or suspends a Member, the Public Officer must, within 7 days after the action is taken, cause written notice to be given to the Member of the action taken, of the reasons given by the Board for having taken that action and of the Member's right of appeal under clause 29.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the Member is entitled to appeal against the decision concerned, or

- (b) if within that period the Member exercises the right of appeal, unless and until the decision is confirmed under clause 29, whichever is the later.

29. *Right of appeal of disciplined Member*

- (1) A Member may appeal to a disciplinary appeal committee against a decision of the Board under clause 28, within 7 days after notice of the decision is served on the Member, by lodging with the Public Officer a notice to that effect. The disciplinary appeal committee will consist of:
 - (a) an independent chair, who will be a suitably qualified lawyer nominated by the President of the Law Council of Australia (or his or her nominee), and
 - (b) at least two further persons selected by the Board who have not been involved with the original decision of the Board.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the Member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a Member under sub clause (1), the Public Officer must notify the Board which is to convene the disciplinary appeal committee and schedule a hearing within 56 days after the date on which the Public Officer received the notice.
- (4) At a disciplinary appeal committee hearing convened under sub clause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the Board (or nominee) and the Member must be given the opportunity to state their respective cases orally or in writing, or both.
- (5) The appeal is to be determined by a unanimous decision of the disciplinary appeal committee

Part 11 – General Provisions

30. *Insurance and indemnities*

- (1) In this clause “**officer**” means:
 - (a) a Member of the Board, and
 - (b) a person, such as an executive officer or chief executive officer, who makes, or participates in making, decisions that affect the whole of the MDA, or has the capacity to affect the financial standing of the MDA.
- (2) To the extent permitted by law, the MDA indemnifies every person who is or has been an officer out of the assets of the MDA against any liability incurred by the officer in or arising out of the conduct of the affairs or business of the MDA, or in or arising out of the discharge of the duties of the officer, unless such liability arises out of conduct involving a lack of good faith.
- (3) To the extent permitted by law, the MDA may (but is not obliged to) pay, or agree to pay insurance premiums for any directors or officers liability insurance which may cover liability incurred by officers in, or arising out of, the conduct of the business of the MDA, or in or arising out of, the discharge of the duties of the officer.

31. Funds - source

- (1) The funds of the MDA are to be derived from annual fees, donations, grants, contracts, service level agreements and such other sources as the Board determines.
- (2) All money received by the MDA must be deposited as soon as practicable and without deduction to the credit of the MDA's bank or other authorised deposit-taking institution account.
- (3) The MDA must, as soon as practicable after receiving any money, issue an appropriate receipt.

32. Funds - management

The funds of the MDA are to be used in pursuance of the objects of the MDA in such manner as the Board determines.

33. Custody of books etc

Except as otherwise provided by this Constitution, the Public Officer must keep in his or her custody or under his or her control all records, books and other documents relating to the MDA.

34. Service of notices

- (1) For the purpose of this Constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by email or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this Constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the device from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

35. Financial year

The financial year of the MDA is:

- (a) the period of time commencing on the date of incorporation of the MDA and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the MDA, commencing on 1 April and ending on the following 31 March.

36. Not-for-profit clause

- (1) The assets and income of the MDA are to be applied solely in the furtherance of its objects. No portion of the MDA's assets and income are to be distributed directly or indirectly to its Members by way of fee, salary, dividend, bonus or otherwise.
- (2) The Members of the Board will not be entitled to receive fees for their service on the Board (eg: sitting fees).
- (3) Nothing in sub clauses (1) and (2) prevents the payment in good faith to a Board member or Member:
 - (a) of remuneration for any services to the MDA in the ordinary and usual course of business,
 - (b) for goods supplied in the ordinary and usual course of business,provided that any such payment, or any other payment permitted by this Constitution, made or proposed to be made to a Board member, has been approved by the Board (in any generic or specific case).
- (4) Nothing in sub clauses (1) and (2) prevents the reimbursement for out-of-pocket expenses incurred in carrying out the duties of a Board member where payment does not exceed any amount approved by the Board (in any generic or specific case).

37. Dissolution clause

- (1) Subject to this Constitution, upon the MDA being dissolved or wound up, any surplus that remains (after such dissolution and the payment of all debts and liabilities) is to be transferred to another fund authority or institution.
 - (a) having objects similar to the objects of the MDA and which are charitable at law;
 - (b) whose rules prohibit the distribution of its or their income and property among its or their Members to an extent at least as great as is imposed on the MDA under this Constitution; and
 - (c) if the MDA is endorsed by the Commissioner for Taxation as income tax exempt those other institutions are also currently endorsed as income tax exempt on the same basis.
- (2) The fund, authority or institution will be determined by a vote of Delegates before the time of dissolution or winding up.

38. Amendment of constitution

The MDA may amend this Constitution and its objects by special resolution of Delegates at a MDA Meeting, subject to following sub clauses:

- (a) the amendment must be lodged with the executive twelve (12) weeks prior to the MDA Meeting;
- (b) the amendment must be listed as a motion and published in the agenda for the MDA Meeting.

39. Government grants and assets

An asset or part of an asset of the MDA consisting of property supplied by a government department, public authority or council, including the unexpended portion of a grant, must be returned to:

- (a) the department, authority or council that supplied the property, or

- (b) a body nominated by that department, authority or council.

40. Confidentiality and intellectual property

In the furtherance of the MDA’s activities, the MDA may provide Board members (and any organisation they represent under this Constitution) and Members (and their officers, employees, agents, contractors), access to sensitive, commercial-in-confidence or confidential information (“**information**”). Each Board member and Member must ensure that a recipient from them of such information:

- (a) will keep the information confidential, and will not disclose the information to any other person unless:
 - (i) the person is a permitted recipient with a need to know,
 - (ii) disclosure is required by law or government policy,
 - (iii) disclosure is with the MDA’s prior written consent, or
 - (iv) the information is already in the public domain other than by a breach of any confidentiality obligation,
- (b) will only be used for the purposes of preventing or controlling diseases, and the information must not be copied, modified, adapted or exploited for any commercial purposes, and
- (c) will comply with the MDA’s information disclosure policies as published from time to time by the Board.

41. List of amendments

AGM 2016	Motion 5.1	Adoption of Constitution (2016).
AGM 2017	Motion 1A	Part 6 s17 (6).
AGM 2018	Motion 5.15	Part 11 s38 (a)(b).
AGM 2019	Motion 5.1	Part 35 (b); Part 6 s17 (3).
AGM 2020	Motion 5.1	Part 5 s16 (11); Part 6 s17 (12).

Schedule 1 - Life Members

Surname	First Name	Title	Location	
Camac	Graham		Meningie	
Frost	Pauline		Adelaide	
Gorman	Bill		Yarrawonga	
Grogan	Brian	OAM	Mildura	
Hill	Les		Berri	
Hillman	Terry		Lavington	
Hullick	Jim	OAM	Adelaide	
Mecham	J Bede		Wagga Wagga	
Moor	Max		Barmah	
Moore	Phillip		Melbourne	
Oberin	Don		Echuca	
Pell	Kevin	OAM	Nathalia	
Rogers	Ken		Dubbo	
Reichler	Wulf	OAM	Brewarrina	*
Anderson	Stuart	OAM	Moama	*
Dalzell	David		Whyalla	*
Davies	Peter		Adelaide	*
Gemmell	James Wallace		Cobram	*
Heslop	Albert		Swan Hill	*
Jacobi	Ralph		Adelaide	*
Killmister	Ian		Nathalia	*
Larkin	Jack James	OAM	Kooloonong	*
Lawrence	Gunnar Vernon	AM	Hawthorn	*
Joseph	John		McGuire	*
McKinnon	Neil	OAM	Jerilderie	*
Martin	T Norm		Wodonga	*
Mengler	Reg		Balranald	*
Merrylees	William Andres		Carrathool	*
Pearsall	Thomas Ernest		Albury	*
Alfred	Percival		Yeomans	*
Perry	Wal		Port Elliot	*
Potter	Phillip		Narooma	*
Robertson	Agnes Isabel		Albury	*
Schmidt	Max		Paringa	*
Rankin	Robert Starritt	OBE	Rochester	*
Tredinnick	HG		Murray Valley	*
Tume	Allen		Adelaide	*
Smith	Henry Lester	MBE	Kerang	*
Wilhelm	Maurice	OAM	Murray Bridge	*
Weston	Percy		Eurobin	*

* Passed

Circular Details	Circular No 22-17 / 10 June 2022 / A824946
Previous Circular	N/A
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Increase in tendering threshold for natural disaster response and recovery related contracts

What’s new or changing

- The *Local Government (General) Regulation 2021* has been amended to prescribe a tendering threshold of \$500k for contracts entered into by councils for the purpose of responding to, or recovering from, a declared natural disaster within 12 months of the declaration of the natural disaster.

What this will mean for your council

- The amendment means that councils are not required to tender prior to entering into a contract with a value of less than \$500k where the contract:
 - is primarily for the purpose of response to or recovery from a “declared natural disaster”, and
 - is entered into within 12 months after the date on which the natural disaster is declared.

Key points

- The phrase, “*declared natural disaster*”, is defined in the Regulation to mean a natural disaster that has been declared in relation to the area of a council by either:
 - a Natural Disaster Declaration for the purposes of the Natural Disaster Relief and Recovery Arrangements jointly administered by the Commonwealth and the States and Territories, or
 - a declaration under the *State Emergency and Rescue Management Act 1989*, section 33.

Where to go for further information

- For further information please contact the Council Governance Team on 4428 4100 or by email at olg@olg.nsw.gov.au.



Melanie Hawyes
Deputy Secretary, Crown Lands and Local Government

Office of Local Government
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Circular Details	Circular No 22-18 / 14 June 2022 / A824952
Previous Circular	
Who should read this	General Managers / Staff responsible for land acquisitions
Contact	Performance Team
Action required	Information

Subject

Updated statutory forms under the *Land Acquisition (Just Terms Compensation) Act 1991* to take effect from 8 June 2022

What's new or changing

- New versions of the statutory forms have been developed by the Department of Planning and Environment.
- The updated statutory forms are designed to be easier for both acquiring authorities and property owners to use, and contain more detail and instructions.
- The new statutory forms will supersede all previous versions and are to operate from 12:00 am on Wednesday, 8 June 2022.

What this will mean for your council

- Councils carrying out property acquisitions under the *Land Acquisition (Just Terms Compensation) Act 1991* are required to use these updated statutory forms from 12:00 am on 8 June 2022.
- Previous versions of the statutory forms should be archived in line with the council's information management policies and their usage should cease as from 12:00 am on 8 June 2022.
- Updated statutory forms should be issued to property owners and interest holders who are in possession of previous versions that are yet to be submitted.

Key points

- The updated statutory forms have been approved by the Minister for Lands and Water, the Hon. Kevin Anderson MP. Notice of Minister Anderson's approval was published in NSW Government Gazette No. 148 of 8 April 2022.
- The Department of Planning and Environment worked in consultation with the Centre for Property Acquisition, acquiring authorities, and the NSW Valuer General to update the statutory forms.
- The updates have been made to align with the recommendations from the Pratt Review of Housing Acquisition completed by the then Customer Service Commissioner, Mike Pratt, in 2016 that communications and collateral be reviewed to ensure they are clear, accurate, and current.
- The updated statutory forms will be made available to the general public on the [Property Acquisition NSW website](#) from 8 June 2022.

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 E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Where to go for further information

- The updated forms can be viewed at the Centre for Property Acquisition's Property Acquisition Portal, a resource available to all NSW acquiring authorities, including councils. You may register for access to the Property Acquisition Portal by [emailing the Centre for Property Acquisition](#).
- Enquiries about the new statutory forms may be directed to the Centre for Property Acquisition by [email](#) or by phone on 1300 029 146.
- Further information about the compulsory acquisition process can be found on the [Office of Local Government website](#).

Karin Bishop
Director, Sector Performance & Intervention

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Media Release

20 June 2022

NSW councils increase rates

IPART has approved applications by eighty-six NSW councils to increase their rates above the level of the annual rate peg.

The modest increases were approved following an additional special variation process.

"The latest rate peg was determined in the low inflation environment at the beginning of the COVID-19 pandemic.

"Since then, high inflation and global uncertainty increased councils' costs. Some councils have demonstrated that without additional funds they will not be able to deliver the projects they have already consulted on and included in their budgets," says Tribunal member Deborah Cope.

The modest increases for councils are between 1.6% and 2.5% including the rate peg (table below).

Each year we calculate a rate peg which sets how much councils can increase the revenue they collect from rates.

This year the rate peg was set at a minimum of 0.7%, with some further increases allowed in councils with growing populations. The rate peg was lower than many councils expected. The additional special variation process gave councils an opportunity to increase this figure.

"We were careful to balance the need of councils to maintain the services and investment they had already committed to against the need to keep rates affordable for the community," said Ms Cope.

Applications were assessed against guidelines provided by the Office of Local Government. The guidelines require councils to show that they had budgeted for higher income than that provided by the rate peg and that they need the additional money to deliver on the projects they have already planned and included in their budgets.

IPART is reviewing the rate peg methodology to deal with volatility in economic conditions. The review will also look at the timing of the calculations in a fast-changing economic climate.

"Our review will be looking at how to deal with this challenge in the future," said Ms Cope

Media Contact: Adrian Flood



0427 105 865

- media@ipart.nsw.gov.au

Media Release

Table 1 Additional Special Variations approved

Council	Rate peg	ASV proposed (incl rate peg)	ASV approved (incl rate peg)
Albury City Council	1.10%	2.00%	2.00%
Armidale Regional Council	0.70%	2.50%	2.50%
Ballina Shire Council	0.70%	2.00%	2.00%
Bathurst Regional Council	0.90%	2.50%	2.50%
Bayside Council	1.60%	2.50%	2.50%
Bega Valley Shire Council	0.70%	2.50%	2.50%
Bellingen Shire Council	1.30%	2.50%	2.50%
Berrigan Shire Council	0.90%	2.00%	2.00%
Blacktown City Council	0.70%	1.60%	1.60%
Bland Shire Council	0.70%	2.40%	2.40%
Blayney Shire Council	0.70%	2.50%	2.50%
Bogan Shire Council	0.70%	2.00%	2.00%
Broken Hill City Council	0.70%	2.30%	2.30%
Cabonne Council	0.90%	2.00%	2.00%
Cessnock City Council	0.70%	2.50%	2.50%
City of Canada Bay Council	1.20%	2.50%	2.50%
City of Parramatta Council	0.70%	2.50%	2.50%
City of Sydney Council	1.40%	2.50%	2.50%
Clarence Valley Council	0.70%	2.50%	2.50%
Coffs Harbour City Council	0.70%	2.50%	2.50%
Coolamon Shire Council	0.70%	2.50%	2.50%
Coonamble Shire Council	0.70%	2.00%	2.00%
Cowra Shire Council	0.70%	2.40%	2.40%
Cumberland City Council	1.20%	2.50%	2.50%
Dubbo Regional Council	0.70%	2.30%	2.30%
Edward River Council	0.70%	2.50%	2.00%
Federation Council	1.60%	2.50%	2.50%
Forbes Shire Council	0.70%	2.50%	2.50%
Gilgandra Shire Council	0.70%	2.50%	2.50%
Glen Innes Severn Council	0.70%	2.00%	2.00%
Goulburn Mulwaree Council	0.70%	2.50%	2.50%
Greater Hume Shire Council	0.70%	2.00%	2.00%
Griffith City Council	0.70%	2.00%	2.00%
Gunnedah Shire Council	0.80%	2.50%	2.50%
Hawkesbury City Council	0.80%	2.50%	2.50%
Hilltops Council	0.70%	2.50%	2.50%
Hornsby Shire Council	0.70%	2.28%	2.28%
Inner West Council	1.30%	2.00%	2.00%

Media Release

Council	Rate peg	ASV proposed (incl rate peg)	ASV approved (incl rate peg)
Inverell Shire Council	0.70%	2.00%	2.00%
Junee Shire Council	0.70%	2.50%	2.50%
Kempsey Shire Council	0.80%	2.00%	2.00%
Kiama Municipal Council *	1.60%	2.50%	2.50%
Ku-ring-gai Council	0.70%	2.50%	2.50%
Lachlan Shire Council	0.70%	1.80%	1.80%
Lake Macquarie City Council	0.70%	2.50%	2.50%
Lane Cove Council	0.70%	2.00%	2.00%
Leeton Shire Council	0.70%	1.80%	1.80%
Lithgow City Council	0.70%	2.50%	2.50%
Liverpool City Council	1.00%	2.00%	2.00%
Lockhart Shire Council	0.70%	2.00%	2.00%
Mid-Coast Council	0.90%	2.25%	2.25%
Moree Plains Shire Council	0.70%	2.28%	2.28%
Mosman Council	0.70%	2.30%	2.30%
Murray River Council	1.50%	2.00%	2.00%
Murrumbidgee Council	0.70%	2.50%	2.50%
Muswellbrook Shire Council	0.70%	2.50%	2.50%
Narrandera Shire Council	0.70%	2.00%	2.00%
Newcastle City Council	1.20%	2.50%	2.50%
North Sydney Council	0.90%	2.00%	2.00%
Northern Beaches Council	0.70%	2.40%	2.40%
Oberon Council	0.70%	2.10%	2.10%
Orange City Council	0.70%	2.50%	2.50%
Parkes Shire Council	0.70%	2.50%	2.50%
Penrith City Council	1.40%	2.50%	2.50%
Port Stephens Council	1.30%	2.50%	2.50%
Queanbeyan-Palerang Regional Council	0.70%	2.50%	2.50%
Randwick City Council	1.30%	2.50%	2.50%
Singleton Council	0.70%	2.00%	2.00%
Snowy Monaro Regional Council	0.80%	2.30%	2.30%
Sutherland Shire Council	0.70%	2.50%	2.50%
Tamworth Regional Council	0.70%	2.00%	2.00%
Temora Shire Council	0.70%	2.00%	2.00%
The Hills Shire Council	1.60%	2.50%	2.50%
Upper Hunter Shire Council	0.70%	2.00%	2.00%
Uralla Shire Council	0.70%	2.50%	2.50%
Wagga Wagga City Council	0.70%	2.00%	2.00%
Walgett Shire Council	0.70%	2.00%	2.00%

Media Release

Council	Rate peg	ASV proposed (incl rate peg)	ASV approved (incl rate peg)
Warren Shire Council	1.30%	2.50%	2.50%
Warrumbungle Shire Council	0.70%	2.50%	2.50%
Waverley Council	0.80%	2.50%	1.75%
Weddin Shire Council	0.70%	2.50%	2.50%
Willoughby City Council	0.80%	2.10%	2.10%
Wingecarribee Shire Council	1.20%	2.00%	2.00%
Wollongong City Council	1.00%	1.80%	1.80%
Woolahra Municipal Council	0.70%	2.00%	2.00%
Yass Valley Council	1.30%	2.30%	2.30%

a Kiama Municipal Council applied for and was approved for a temporary additional special variation. All other additional special variations are permanent which allows the council to keep the additional income in its rate base going forward.

Bruce Quarmby

From: Louise Johnson
Sent: Tuesday, 5 July 2022 6:14 PM
To: Bruce Quarmby
Subject: FOLLOW UP: Project Update Meeting - Coonamble Shire Council [COUNCILLORS]
Attachments: 220705 Letter_Invitation.pdf

Bruce,

As per our previous discussion, and attached correspondence from Mayor Tim Horan, we would like to confirm the details of our presentation at the July meeting of Coonamble Shire Council at 4:30pm next Wednesday, 13 July 2022.

We would like to provide an update presentation on the project including:

- General project update and status
- Overview of recent activities, including:
 - Preferred Contractor progress
 - Project approvals
 - Property acquisition
 - Meet the Preferred Contractor Sessions
 - Business Capability Workshops
 - Community consultation and engagement
- Information regarding upcoming activities, including:
 - EIS approval
 - Property acquisition process – next steps
 - Detailed design phase
 - Field investigations
 - Finalisation of Third Party Agreements
 - Continuation of collaborative phases
 - Getting Inland Rail ready
 - Early works
 - Full construction
- Other specific items including:
 - Grade separations
 - Level crossings

If you have any questions in relation to this, require further information or would like additional information / items added to the presentation, please let me know.



Louise Johnson
Stakeholder Engagement Lead



| 150 Wingewarra Street, Dubbo NSW 2830 | inlandrail.com.au



The Australian Government is delivering Inland Rail through the Australian Rail Track Corporation (ARTC), in partnership with the private sector.

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10.4 ADOPTION OF THE 2021 REVISED MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW

File Number: P15; C20

Author: Bruce Quarmby-Acting General Manager

Authoriser: Bruce Quarmby, Acting General Manager

Annexures: 1. Code of Meeting Practice

PURPOSE

The purpose of this report is to provide Council with the amended Model Code of Meeting Practice for Coonamble Shire for consideration and adoption.

BACKGROUND

At its March 2022 meeting, Council was presented with a revised Model Code of Meeting Practice for its consideration and adoption. The revised code tabled for Council's consideration was based on the Model Code of Meeting Practice developed by the Office of Local Government (OLG) that was updated towards the end of 2021. Following discussions on the matter Council passed the following resolution.

RESOLUTION 2022/49

Moved: Cr Pat Cullen

Seconded: Cr Terence Lees

1. That Council in principle adopts those sections printed in red ink of the Model Code of Meeting Practice as were discussed at the Council Meeting, with the exception of the General Manager having sole responsibility for approving and/refusing applications for Public Forums (Clause 4.7), and further for the Attendance of Meetings by Audio-Visual Link only to be permissible in exceptional circumstances (Clauses 5.16 to 5.30), for a discussion point of Urgent Matters to be added to the General Order of Business (Clause 8.2), for Motions Requiring the Expenditure of Funds not to be included (Clauses 9.10 and 10.9), and for Time Limits on Council Meetings not to be included (Clauses 18.1 to 18.5).
2. That the General Manager amends the Model Code of Meeting Practice to reflect the preferences and guidance of Council obtained at the Meeting as is mentioned in paragraph one above, as well as with regards to other ancillary matters, and that this amended version be brought back to Council for formal adoption – including clarification around Council's ability to change the wording of the non-mandatory Clause 4.7.

CARRIED

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

In accordance with above resolution, guidance has been sought and obtained from the OLG with regards to Council's ability to change the wording of the non-mandatory Clause 4.7. A copy of this guidance has been attached as annexure 1 to this report.

(a) Relevance to Integrated Planning and Reporting Framework

There is not direct relevance to the IP&R Framework but is a necessary governance mechanism to ensure the decision-making function of Council functions well – in order for the strategic objectives in the Community Strategic Plan and strategies and actions in the Delivery Program to be pursued in a structured and thoughtful manner.

(b) Financial Considerations

There are no direct financial considerations associated with this report.

COMMENTARY

The draft Model Code of Meeting Practice as tabled for Council's consideration, has been amended as per Council Resolution 2022/49. Also, in accordance with the resolution, guidance was sought and obtained for the proposed wording of the non-mandatory Clause 4.7. For Council's information, Council was able to seek advice on the proposed wording and subsequent effect on this clause, as the public forum provisions contained in Part 4 of the Model Code of Meeting Practise are non-mandatory provisions.

In examining the advice provided to Council, it should be noted that the whilst the wording of the non-mandatory provisions are "*designed to set a benchmark for what the Office of Local Government considers to be best practice for these areas of practice they govern*", that there may also be a need for some variation in practice between Councils. As such Council, may at its discretion modify and adopt these provisions in an amended form. This is the case in point surrounding the wording of clause 4.7 where the wording of the Model Code of Meeting Practise reads.

- 4.7 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.

Council enquired on the possibility that the wording be amended to reflect the following.

- 4.7 The general manager or their delegate, in consultation with the mayor, 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.

Whilst the advice provided to Council, has indicated that this change in the wording is indeed possible, it suggested a stronger view be taken when it came to the scope of topics that the public forums should be limited to in addressing Council. The advice provided, emphasised that public forums should be limited to addressing the Council on items of business that are on the agenda for the relevant meeting. It cited the following logic for this stance.

Council meetings are the forum for debate and decision making by the community's elected representatives on the business on the agenda for that meeting. As such, public forums should be used to inform the councillors' decision making on items on the agenda and should not operate in a way that allows the community to discuss matters that are not being considered by the council at the meeting in question.

This view is strongly supported by Council Senior Executive, for several reasons. In summary these reasons are as follows.

- It provides a structured approach for members of the community to raise issues for Council's consideration.
- It allows for the opportunity for information to be gathered to allow Council to make a fully considered decisions in an open and transparent manner.
- By identifying the subjects / issues to be discussed it streamlines the chairing of the Council meeting and its discussions.

One further fact for Council's consideration is that dependant on the outcome of the upcoming 6-month trial of Council meeting's commencing at 4.30pm, it will possibly need to review and amend its adopted Code of Meeting Practice to reflect the amended starting time.

(a) Governance/Policy Implications

The Model Code of Conduct as developed by the OLG provides Councils with a document which incorporates the relevant provisions of both the *Local Government Act 1993* and the *Local Government (General) Regulation 2021* into a single document that is easier to reference than all the separate sections in the mentioned legislation.

(b) Legal Implications

By adopting the Model Code of Meeting Practice, Council ensures that its policy document in regard to how it conducts its meetings, meets all the relevant requirements.

(c) Social Implications

A Council-adopted Code of Meeting Practice sends the message to the community that Council conducts orderly Council Meetings during which Council and community business is considered in an open and transparent manner.

(d) Environmental Implications

There are no direct environmental implications associated with this report.

(e) Economic/Asset Management Implications

There are no direct economic or asset management implications associated with this report

(f) Risk Implications

If Council does not adopt the Model Code of Meeting Practice, it runs the risk of being viewed by the OLG of not being a cooperate partner.

CONCLUSION

The Model Code of Meeting Practice as tabled for Council's consideration, has been amended in accordance with Council Resolution 2022/49. Further, advice has been sought and obtained from the OLG with regards to the wording of the non-mandatory Clause 4.7. Whilst the advice provided to Council outlined that the wording of the

non -mandatory clauses has been designed to promote best practice it also recognises that may be a need for some variation in practice.

RECOMMENDATION

- 1. That Council notes the content of this report.**
- 2. That Council identifies its preferred option for the wording of Clause 4.7 to be included within the Model Code of Meeting Practice from the two identified options that have been outlined in the body of this report.**
- 3. That Council instructs the Acting General Manager to amend the Model Code of Meeting Practice to reflect the preferences and guidance of Council, and that this amended version be formally adopted by Council as its revised Code of Meeting Practice policy document.**



**CODE OF MEETING PRACTICE
OF THE
COONAMBLE SHIRE COUNCIL**

BASED ON THE

**MODEL CODE OF MEETING PRACTICE
FOR LOCAL COUNCILS IN NSW 2021**

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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting 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.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

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 Ordinary meetings of the council will be held on the following occasions: The second Wednesday of each month, except for the January Meeting when Council is in recess and the June Meeting which is being held on the third Wednesday of the month, with the meetings starting at 9.00am. Meetings are being held at the Shire Offices in Coonamble, except for the March Meeting which is held in Gulargambone at the Memorial Hall and the October Meeting which is held in Quambone at the Community Hall.

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 3.3, 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 3.3, 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 seven (7) business days before the meeting is to be held (i.e. by close of business on the Monday of the week before the week the Council Meeting is being 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.

- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or

- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 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.
- 3.15 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

- 3.16 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.
- 3.17 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.
- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.19 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.
- 3.20 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.

- 3.21 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.

Statement of ethical obligations

- 3.22 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

- 3.23 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 3.24 reflects section 9(2) and (4) of the Act.

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.20 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

- 3.25 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 3.26 reflects section 9(3) of the Act.

- 3.26 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

- 3.27 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.
- 3.28 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.
- 3.29 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.
- 3.30 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.
- 3.31 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.

4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each 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 may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by close of business two days before the council meeting at which the public forum is to be held (i.e. the Monday before the scheduled Wednesday council meeting date), 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.
- 4.5 A person may apply to speak on no more than two items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

- 4.7 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.
- 4.8 No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 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 at the public forum.
- 4.10 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.
- 4.11 Approved speakers at the public forum 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 public forum, and to identify any equipment needs no more than by the close of business two days before the council meeting at which the public forum is to be held (i.e. the Monday before the scheduled Wednesday council meeting date). The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed 10 minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums 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.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to five minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to five minutes in response to an

address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

- 4.19 Where an address made at a public forum 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.
- 4.20 When addressing the council, speakers at public forums 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.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, 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.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 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 at a public forum, 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 public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums 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 public forum 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, unless permitted to attend the meeting by audio-visual link under this code.
- 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

- 5.9 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.**
- 5.10 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.**
- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, 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.
- 5.15 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.

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
 - (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the

public may view the meeting.

- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee in exceptional circumstances.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons of the exceptional circumstances why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The

council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link, however, bearing in mind that it is the council's policy statement for councillors to physically attend meetings unless exceptional circumstances prevail. The council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.31 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 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.33 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 5.33 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.

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.**
- 5.39 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

- 5.40 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 5.40 reflects section 376(1) of the Act.**
- 5.41 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 5.41 reflects section 376(2) of the Act.**
- 5.42 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 5.42 reflects section 376(3) of the Act.

- 5.43 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.
- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link in exceptional circumstances. Attendance by council staff at meetings by audio-visual link (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 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business for an ordinary meeting of the council shall be:
- 01 Opening meeting
 - 02 Acknowledgement of Country
 - 03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
 - 04 Confirmation of minutes
 - 05 Disclosures of interests
 - 06 Mayoral minute(s)
 - 07 Reports of committees
 - 08 Reports to council (including a report on major/important outstanding council resolutions and a report on correspondence which is of an important or strategic nature and/or from Ministers/Politicians and/or Members of Parliament)
 - 09 Notices of motions/Questions with notice
 - 10 Urgent Matters
 - 11 Confidential matters
 - 12 Conclusion of the meeting
- 8.3 The order of business as fixed under clause 8.1 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.

- 8.4 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.
- 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

- 9.11 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

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

Questions

- 9.14 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.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 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.
- 9.17 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 information. 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.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 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

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 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.

- 10.12 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.
- 10.13 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.
- 10.14 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.
- 10.15 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.
- 10.16 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

- 10.17 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.
- 10.18 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.
- 10.19 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

- 10.20 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.
- 10.21 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.

- 10.22 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.
- 10.23 Despite clause 10.22, 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.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 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.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 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.
- 10.28 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.
- 10.29 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.
- 10.30 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

- 11.5 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.
- 11.6 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.
- 11.7 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 11.12 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.
- 11.13 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.
- 11.14 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 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 13.1 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 13.1 reflects section 10A(1) and (2) of the Act.

- 13.2 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 13.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:
- (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 13.3 reflects section 10B(1) of the Act.

- 13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(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 13.4 reflects section 10B(2) of the Act.

- 13.5 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 13.5 reflects section 10B(3) of the Act.

- 13.6 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 13.6 reflects section 10B(4) of the Act.

- 13.7 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 Departmental Chief Executive of the Office of Local Government.

Note: Clause 13.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 13.8 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 13.1, and

- (b) the council or committee, after considering any representations made under clause 13.9, 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 13.8 reflects section 10C of the Act.

Representations by members of the public

- 13.9 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 13.9 reflects section 10A(4) of the Act.

- 13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 13.11 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 13.9, members of the public must first make an application to the council in the approved form. Applications must be received by close of business two days before the council meeting at which the matter is to be considered (i.e. the Monday before the scheduled Wednesday council meeting date).
- 13.12 The general manager (or their delegate) may refuse an application made under clause 13.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 13.13 No more than two speakers are to be permitted to make representations under clause 13.9.
- 13.14 If more than the permitted number of speakers apply to make representations under clause 13.9, 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 13.9, the general manager or their delegate is to determine who will make representations to the council.
- 13.15 The general manager (or their delegate) is to determine the order of speakers.
- 13.16 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 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.
- 13.17 Each speaker will be allowed 10 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

- 13.18 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.
- 13.19 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.

Obligations of councillors attending meetings by audio-visual link

- 13.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 13.21 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 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 13.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 13.22 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.
- 13.23 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 14.22 during a part of the meeting that is webcast.

14 KEEPING ORDER AT MEETINGS

Points of order

- 14.1 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.
- 14.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 14.3 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

- 14.4 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.
- 14.5 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.
- 14.6 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.
- 14.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 14.8 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.
- 14.9 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.
- 14.10 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

- 14.11 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, the Regulation 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, makes unfavourable personal remarks about, 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.

Note: Clause 14.11 reflects section 182 of the Regulation.

- 14.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a), (b), or (e), or
 - (b) to withdraw a motion or an amendment referred to in clause 14.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 14.11(d) and (e).

Note: Clause 14.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

- 14.13 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

- 14.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 14.15 Clause 14.14, 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.
- 14.16 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 14.12. 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.

Note: Clause 15.17 reflects section 233(2) of the Regulation.

- 14.17 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.
- 14.18 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.
- 14.19 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.

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 14.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 14.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 14.22 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.
- 14.23 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.
- 14.24 Without limiting clause 14.17, a contravention of clause 14.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 14.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 14.25 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.

15 CONFLICTS OF INTEREST

- 15.1 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.
- 15.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

16 DECISIONS OF THE COUNCIL

Council decisions

- 16.1 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 16.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

- 16.2 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

- 16.3 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 16.3 reflects section 372(1) of the Act.

- 16.4 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 16.4 reflects section 372(2) of the Act.

- 16.5 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 16.5 reflects section 372(3) of the Act.

- 16.6 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 16.6 reflects section 372(4) of the Act.

- 16.7 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 16.7 reflects section 372(5) of the Act.

- 16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 16.8 reflects section 372(7) of the Act.

- 16.9 A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 16.10 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 two hours after the meeting at which the resolution was adopted.

- 16.11 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 16.11 reflects section 372(6) of the Act.

- 16.12 Subject to clause 16.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 16.13 A motion moved under clause 16.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 16.12(b) can speak to the motion before it is put.

- 16.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.12(c).

Recommitting resolutions to correct an error

- 16.15 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.
- 16.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.15(a), the councillor is to propose alternative wording for the resolution.
- 16.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.15(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.
- 16.18 A motion moved under clause 16.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 16.15 can speak to the motion before it is put.
- 16.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.15.
- 16.20 A motion moved under clause 16.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

17 AFTER THE MEETING

Minutes of meetings

- 17.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.
- Note: Clause 17.1 reflects section 375(1) of the Act.**
- 17.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a council meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 17.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 17.3 reflects section 375(2) of the Act.

17.4 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.

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

Note: Clause 17.5 reflects section 375(2) of the Act.

17.6 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.

17.7 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

17.8 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 17.8 reflects section 11(1) of the Act.

17.9 Clause 17.8 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 17.9 reflects section 11(2) of the Act.

17.10 Clause 17.8 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 17.10 reflects section 11(3) of the Act.

17.11 Correspondence or reports to which clauses 17.9 and 17.10 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

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

Note: Clause 17.12 reflects section 335(b) of the Act.

18 COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all councillors

- 18.2 The council may, by resolution, establish such committees as it considers necessary.
- 18.3 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.
- 18.4 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

- 18.5 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

- 18.6 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.
- 18.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 18.8 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.
- 18.9 Clause 18.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 18.10 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

- 18.11 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.
- 18.12 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.
- 18.13 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.
- 18.14 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

- 18.15 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.
- 18.16 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 18.15.
- 18.18 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

- 18.19 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.
- 18.20 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.
- 18.21 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 18.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 18.22 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.

Minutes of council committee meetings

- 18.23 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) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 18.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 18.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 18.26 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.
- 18.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 18.28 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.

- 18.29 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.

19 IRREGULARITIES

- 19.1 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 19.1 reflects section 374 of the Act.

20 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
audio-visual link	means a facility that enables audio and visual communication between persons at different places
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 18.11 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 18.2 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

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</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

Title: Code of Meeting Practice 2021 of the Coonamble Shire Council		
Department: Governance		
Version	Date	Author
Revised Model Code of Meeting Practice	June 2019	OLG
Amendment	July 2020	GM
Amendment	April 2021	GM
Revised Code	March 2022	OLG
Review Date: 2024/5		
Annexure Attached: No		
Hein Basson GENERAL MANAGER		

10.5 MOBILE FOOD VENDING VEHICLE AND STALLS POLICY**File Number: H2****Author: Bruce Quarmby, Acting General Manager****Authoriser: Bruce Quarmby, Acting General Manager****Annexures:**

- 1. Mobile Food Vending Vehicles and Stalls Policy (Revised)**
- 2. Procedure for Mobile Food Vending Vehicles and Stalls (Updated)**

PURPOSE

The purpose of this report is to present the Revised Mobile Food Vending Vehicles and Stalls Policy for public exhibition and to provide Council the updated Procedure for Mobile Food Vending Vehicles and Stalls for information.

BACKGROUND

At the February 2021 Meeting, Council agreed to the development of a Mobile Food Vending Vehicles Policy, as follows:

12.14 ENVIRONMENT AND STRATEGIC PLANNING PROGRESS REPORT**RESOLUTION 2021/17**

Moved: Cr Bill Fisher

Seconded: Cr Pat Cullen

- 1. That Council notes this report.**
- 2. That Council requests the Executive Leader Environment, Strategic Planning and Community to develop a draft Mobile Food Van Policy for consideration at its monthly meeting scheduled for 14 April 2021.**

CARRIED

The draft Mobile Food Vending Vehicles Policy (2021) was considered at the 14 April 2021 Council meeting. Council endorsed that the draft policy be placed on public exhibition for a period of 28 days. The draft policy and draft procedure were placed on Council's website and the Coonamble Chamber of Commerce were contacted through the Coonamble Times through two emails on 15 April and 16 April 2021 for circulation to the Chamber.

On 16 June 2021, Council adopted the policy and noted the procedure after no submissions were received.

On 19 July 2021, Council received a letter from the Coonamble Chamber of Commerce requesting Council to review the policy (Annexure 1).

On 26 August 2021, Council responded to the letter (Annexure 2).

More recently, there has been conjecture on mobile food vending vehicles and stalls operating in the local government area (LGA) that are registered from outside of the LGA from local business owners. At the other spectrum, support by the community was also evident during the June long weekend.

The review of the Policy is timely, given the recent changes to the NSW *State Environmental Planning Policy (Exempt and Complying Development) 2008*.

Ensuring public health and safety is a function of local government and the revised Mobile Food Vending Vehicles and Stalls Policy ('draft Policy') provides provisions for this function. Council is required to administer requirements under the *Public Health Act 2010*, *Food Act 2003* and *Local Government Act 1993*. The revised policy has set direction and guidance on Council's expectations for vendors, event and market organisers, Council staff and the community. The revised Policy is supported with the updated Procedure for Mobile Food Vending Vehicles and Stalls document. The Procedure describes the step-by-step actions to take in specific instances.

It is recommended that Council places the revised Policy on public exhibition for a period of 28 days for the purpose of inviting submissions from the community.

The updated Procedure will be put on public display for noting. However, public comment on the draft Procedure is also welcomed for possible improvement thereof.

(a) Relevance to Integrated Planning and Reporting Framework

L1.4.4. Governance is open and transparent.

L1.4.5. Review Council policies.

P3.1.2. Inspection of food premises.

EN1.1.1. Enforcement of environmental regulations.

(b) Financial Considerations

There are no financial considerations attached to this report.

COMMENTARY

The current Policy covers the following areas that were identified by management as requiring policy parameters:

- The relevant legislative requirements for safe food handling and preparation practices including food vehicle compliance with the provisions of the *Food Act 2003*, *Food Regulation 2010*, Food standards Code and NSW Food Authority's Guideline.
- Provision for vending on public roads, parks, or other public spaces.
- Provision for vending at approved community events, sporting events or markets.
- Provision for vending on private land (e.g. commercial property).
- Fees and charges.

The current Policy and Procedure applies to the whole of the Coonamble LGA, and while it focuses on mobile vending vehicles operating on Council owned land or public land, there are notification requirements for mobile food vending vehicles operating on private land as exempt development under the *State Environmental Planning Policy (Exempt and Complying Development) 2008*.

Potential Applicants wishing to operate, trade and / or sell on a public road or a public place require a local approval referred to as a Section 68 Local Approval under the *Local Government Act 1993*.

Local Government Act 1993**Section 68 What activities, generally, require the approval of Council?**

Part F Other Activities

....

(7) Use a standing vehicle or any article for the purpose of selling any article in a public place.

CHANGES**CHANGE IN TITLE**

Council will note that the revised policy now includes an updated title. “Mobile Food Vending Vehicles and Stalls Policy”. This provides clarity to the operator and the community that it also includes stalls (or otherwise known as articles) that do not operate from a mobile vending vehicle and is inline the *Local Government Act 1998*, s. 68 approval Part F(7):

(7) Use a standing vehicle or any article for the purpose of selling any article in a public place.

Examples include shipping container bars or shipping container food vending.

CHANGE IN THE STATE GOVERNMENT LEGISLATION

Under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (‘the SEPP’), vendors can be classified as an exempt development on private land, not requiring Council approval if they satisfy the development standards set out under Subdivision 27A Mobile Food and Drink Outlets Sections 2.54A and 2.54B. At the time of drafting the policy in 2021, the SEPP allowed for the following to occur without Council’s approval, if the vendor had the landowner’s consent:

2.54B(f) if carried out on land within or immediately adjacent to a residential zone—only be carried out between 7.00 am and 7.00 pm on any day.

On 18 February 2022, the SEPP was amended and provision 2.54B(f) changed to:

2.54B(f) if carried out on land in a residential zone—only be carried out between 7am and 7pm.

In addition, the SEPP now includes the provision 2.54B(f1):

2.54F(f1) if carried out on land immediately adjacent to a residential zone—only be carried out between 7am and 10pm.

Generally, when mobile food vendors come to Coonamble, they operate from a block that is zoned B6 Enterprise Corridor and B2 Local Centre. This means that the SEPP now allows for these vendors to operate on these blocks between 7am to 10pm without Council’s approval so long as they have the landowner’s consent.

The SEPP does also list out other standard provisions like ensuring that the roads and footpaths are not blocked.

FOOD SAFETY NOTIFICATION

Council requires vendors to provide notification to Council so it can administer its requirements from a public health and food safety perspective. The notification requirement does not change with the revised policy. Council should note that food vendors notification to Council, can be misinterpreted by others as Council providing approval to operate, however as explained above and in the revised Policy, if a vendor operates within the state government legislation, then Council cannot override this.

FREE MARKET PRINCIPLES

It is suggested that flexibility rather than prohibition should be applied for mobile food vendors to operate within the LGA, subject to several local provisions. Legally, Council cannot prohibit mobile food vendors coming to our local government area if they have approval to operate from a private landowner and comply with the provisions set out in the SEPP.

Free market principles will determine the supply and demand and whether a mobile food vendor would be a successful venture to locally engage in for any entrepreneur. Visiting vendors are likely to engage with other local businesses for accommodation and/or other food and drink supplies.

CONSIDERATION OF THE PUBLIC INTEREST

The public interest is described as referring to considerations affecting the good order and function of the community and government affairs for the wellbeing of citizens (NSW Ombudsman, 2016). The revised policy considers the new provisions outlined in the state provisions and considers local provisions that Council does have control over.

(a) Governance/Policy Implications

Once adopted by Council, the Mobile Food Vending Vehicles and Stalls Policy will become a revised policy of Council.

(b) Legal Implications

There are no direct legal implications arising from this report, other than those which have already been addressed above.

(c) Social Implications

Mobile food vending vehicles and stalls are a great way to encourage business operators to move from place-to-place and once adopted, the revised Policy will provide positive social implications for the community.

(d) Environmental Implications

The revised Policy provides provisions for environmental management, and this is stepped out in how to comply with the provisions in the Procedure document.

(e) Economic/Asset Management Implications

The economic implications of this policy are potentially positive, in that these types of services deliver an addition service to the community and may support other businesses from time to time. Once adopted by Council, the Mobile Food Vending Vehicle and Stalls Policy will continue to provide positive economic implications.

(f) Risk Implications

There are no risks arising from this report.

CONCLUSION

Council's Mobile Food Vending Vehicle and Stalls Policy has been revised and is now proposed for public exhibition. The supporting procedure has also been updated to reflect the revised changes.

For ease of reading, the changes are in red text.

RECOMMENDATION

- 1. That Council places the revised Mobile Food Vending Vehicles and Stalls Policy, as attached to the report, on public exhibition for a period of 28 days for the purpose of inviting submissions from the community.**
- 2. That Council requests the Acting General Manager to present a further report, together with all submissions received, to Council at the conclusion of the public exhibition period for Council's further consideration and adoption of the Regulatory and Enforcement Policy (with or without changes) at its September 2022 Ordinary Council Meeting.**
- 3. That Council, in the event of it not receiving any submissions during the public exhibition period, formally adopts the Mobile Food Vending Vehicles and Stalls Policy without any changes as a policy of Council.**
- 4. That Council notes the information provided in the draft Procedure for Mobile Food Vending Vehicles and Stalls including the two forms for:**
 - (a) Notification of Mobile Food Vending Vehicle Form (Private land); and**
 - (b) Application to Operate Mobile Food Vending Vehicle on Public Road or Council Landform.**

1. BACKGROUND

Ensuring public health and safety is a function of local government. Council is required to administer requirements under the *Public Health Act 2010* and the *Food Act 2003*. Mobile food vending vehicles are a registered vehicle under the *Road Transport Act 2013* and can include trucks and vans and are used for the sale of food and drinks. The Mobile Food Vending Vehicles Policy **was adopted by Council on 16 June 2021 and was supported with the Procedure for Mobile Food Vending. The Revised Policy has been changed to the Mobile Food Vending Vehicles and Stalls Policy and Procedure for Mobile Food Vending and Stalls and the two should be read in conjunction with each other.** Section 68, Part F (7) of the *Local Government Act 1993* applies to the use of a standing vehicle or any article for the purpose of selling any article in a public place.

2. PURPOSE

The Mobile Food Vending Vehicles **and Stalls** Policy provides the Coonamble Shire Council's local approval requirements for the operation of mobile food vending vehicles within our local government area. The Policy sets out:

- a. The relevant legislative requirements for safe food handling and preparation practices including food vehicle compliance with the provisions of the *Food Act 2003, Food Regulation 2010, Food standards Code and NSW Food Authority's Guideline*.
- b. Provision for vending on public roads, parks, or other public spaces.
- c. Provision for vending at approved community events, sporting events or markets.
- d. Provision for vending on private land (e.g., commercial property).
- e. Fees and charges.

3. POLICY OBJECTIVE

The policy aims to:

- a. Ensure that food sold through mobile food vending vehicles **and/or stalls** are safe and fit for human consumption.
- b. Guide and assist people wanting to operate a mobile vending vehicle **and/or stalls** in the local government area.

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- c. Minimise any potential adverse impacts of mobile food vending vehicles **and/or stalls** including surrounding sensitive land uses such as residential areas.
- d. Protect the safe operation of mobile food vending vehicles **and/or stalls**.
- e. Ensure that mobile food vending vehicles **and/or stalls** operate in accordance with the rules and regulations on lawful parking spaces on Council-owned roads.
- f. Protect the local environment by ensuring no increased litter or waste in or from the trading location and minimise pollution.

4. LEGISLATION

This policy relates to the *Food Act 2003* and *Food Regulation 2010*, the *Local Government Act 1993*, *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *Road Transport Act 2013* and *Roads Act 1993*.

5. APPLICATION/SCOPE

The Mobile Food Vending Vehicles **and Stalls** Policy applies to the whole Coonamble Shire local government area (LGA). The focus of the policy is for mobile food vending vehicles **and/or stalls** operating on public land and provides some requirements for those operating on private land and community events, sporting events or markets.

5.1 Exemptions under the Policy

There are no exemptions under the Policy for mobile food vending vehicles **and/or stalls**.

Note: Section 158(3) of the *Local Government Act 1993* requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to bring a particular approval to Council.

To ensure the safety of food for human consumption, no exemptions for compliance with the Policy in relation to mobile food vending vehicles applies.

5.2 Relationship with this Policy

The Mobile Food Vending Vehicles **and Stalls** Policy is supported with the Procedure for Mobile Food Vending Vehicle **and Stalls**. The Procedure for Mobile Food Vending Vehicle **and Stalls** provides operating protocols and procedures to guide applicants in understanding this policy.

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6. POLICY

6.1 Establishing a mobile food vending vehicle **and/or stall**

- 6.1.1 Applicants must seek Council approval to establish a mobile food vending vehicle **and/or stall** in which it wishes to establish the registered food business and have its home garaging address within the local government area.
- 6.1.2 Mobile food vending vehicles **and/or stalls** will be subject to vehicle **and/or stall** inspections for food safety requirements prior to issue of an approval of establishing a mobile food vending vehicle **and/or stall** that is to be a registered food business in the local government area.
- 6.1.3 Mobile food vending vehicles **and/or stalls** that require a mobile kitchen and have a separate fixed food handling premises will be subject to a separate application for the food handling premises, dependent on the land use zoning.

6.2 Council approval on public road network and Council owned land (public place)

- 6.2.1 Approval under section 68, Part F (7) of the *Local Government Act 1993* is required for the use of a standing vehicle or any article for the purpose of selling any article in a public place.
- 6.2.2 The operation of any mobile food vending vehicle **and/or stalls on public land** without the required approval is an offence.
- 6.2.3 Approvals under this policy does not exempt the mobile food vending vehicle **and/or stalls** from complying with other relevant approvals and provisions set out in other legislation such as those set out in section 4 and the Food Standards Code.
- 6.2.4 Approvals will be issued subject to conditions, including but not limited to compliance with the Policy.
- 6.2.5 A section 68 approval can be issued for a period of up to twelve months subject to conditions.
- 6.2.6 Only the sale of foodstuffs and drinks will be allowed from mobile food vending vehicles **and/or stalls**. No sale cigarettes or other products from mobile food vending vehicle **and/or stalls** will be approved.

6.3 Council approval and/or notification for community events, sporting events or markets

- 6.3.1 Where events or markets are organised by Council, the applicant will be required to obtain approval to operate the mobile food vending vehicle **and/or stalls**.
- 6.3.2 Where events or markets are organised by a third party, depending on the trading location, the applicant will be required to:
 - (i) Notify council as per section 6.4 of this policy if trading on private land.
 - (ii) Obtain approval as outlined in this policy if trading on public land or a public road.

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6.4 Notification to Council on private land

- 6.4.1 Mobile food vending vehicle **and/or stalls** trading in accordance with the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* on private land will need to notify Council at least 2 business days prior to their intended trading.
- 6.4.2 **Under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle that operates under Subdivision 27A Mobile Food and Drink outlets can operate as exempt development, so long as it is carried out in accordance with those development standards.**
- 6.4.3 **Council requires vendors to notify Council to allow Council to administer its delegative authority in relation to food safety.**
- 6.4.4 **At the time of revising this Policy, the SEPP included the following times to be considered as exempt development**

6.5 Approval categories

- 6.5.1 There are two categories of mobile food vending vehicle **and/or stall** approvals issued by the Coonamble Shire Council.

6.5.1.1 **Category 1 – Mobile Food Vending Vehicle and/or Stall**

- (i) Menu items: Foods that are not potentially hazardous with the exception of processes that have a minimal food safety risk. The vehicle must meet relevant design and layout standards to ensure food safety requirements are met.
- (ii) Stopping time: Each food van can trade for a maximum period of 2 hours in one location at one time on Council owned road. For council owned land the stopping time is to occur in the approved hours of operation. At all times, the vehicle must comply with relevant kerbside parking restrictions and road rules. The maximum stopping time include set up and pack down times.

6.5.1.2 **Category 2 – Mobile Food Vending Vehicle and/or Stall**

- (i) Menu items: Includes the service of any potentially hazardous food, excluding those low-risk processes that have a minimal food safety risk. The vehicle includes, but not limited to, mobile kitchen and have access to a separate fixed food handling premises or commercial kitchen.

- (ii) Stopping time: Each vehicle **or stall** can trade for a maximum period of 5 hours in one location at one time on Council owned roads. For council owned land the stopping time is to occur in the approved hours of operation. At all times, the vehicle must comply with relevant kerbside parking restrictions and road rules. The maximum stopping time include set up and pack down times.

6.6 Applications for approval

6.6.1 Applicants are required to complete forms and provide any supporting documentation required as outlined in the application form or requested by Council Officers.

6.7 Mandated requirements

6.7.1 Proximity to existing comparable premises

- (i) Mobile food vending vehicles **and/or stalls** cannot be positioned or trade within 200m radius of an operating food and drink premises or kiosk or special event selling food, unless it is in conjunction with an event, market, or sporting event. The minimum distance requirement is measured in a straight line from the closest point of the mobile food vending vehicle (location) to the main entrance of a food and drink premises or kiosk or boundary of a licensed event area.
- (ii) **This mandated requirement will not be applied if the vendor is operating in accordance with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. That is because local approvals do not overwrite state government legislation.**

6.7.2 Vehicle inspections

- (i) As outlined at 6.1.2, mobile food vending vehicles **and/or stall** will be subject to inspections for food safety requirements prior to issue of an approval before its establishment as a food registered business in the local government area.
- (ii) Mobile food vending vehicles **and/or stall** that are not registered in the local government area maybe subject to random inspections which will be charged back to the business owner.

6.7.3 Furniture

- (i) No tables or chairs or other seating or furniture is permissible with the mobile food vending vehicle **and/or stall** operation.
- (ii) **Council may consider this under a separate application through the Street Trading Policy.**

6.7.4 Signage or standalone items

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- (i) An approval under the Policy does not refer any approval for the erection or display of any sign or sign structure not directly attached to the mobile food vehicle **and/or stall**. The Policy does not allow the use of any temporary signage (e.g., in association with the operation of any mobile food vehicle) or standalone items.
- (ii) **Council may consider this under a separate application through the Street Trading Policy.**

6.7.5 Other matters relating to approvals for mobile vending vehicles **and/or stall**

- (i) This policy is supported by the Procedure for Mobile Food Vending Vehicle **and Stall** and provides a list of operating protocols that must be considered.

6.8 Submission of Applications

6.8.1 Under S. 68, Part F (7) approval, applications must be submitted 10 business days prior to trading.

6.9 Fees and charges

- 6.9.1 A fee applies for the assessment of an application and for the approval to operate a mobile food vending vehicle **and/or stall** in accordance with Council's fees and charges.
- 6.9.2 Other charges may be applicable and will be outlined in accordance with Council's fees and charges. This may include inspection fees.
- 6.9.3 Under s. 610D (3) of the *Local Government Act*, an additional fee will be charged for an expedited service provide, for example, in a case of urgency. This is outlined in the Council's fees and charges.

7. DEFINITIONS

The following table includes the definitions associated with this Policy. The Procedure for Mobile Food Vending Vehicle provides further definitions.

Term	Definition
Category 1 – Mobile Food Vending Vehicle and/or Stall	Mobile food vending vehicles and/or stalls which serve foods that are not potentially hazardous. Food vans or stalls do not require a separate fixed food handling premises associated with the business. Preparation may involve low risk practices such as frothing milk. Refer to the Procedure for Mobile Food Vending Vehicle and Stall for further information.
Category 2 – Mobile Food	Mobile food vending vehicles and/or stalls which serve foods that are potentially hazardous, with the exclusion of the low-

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Term	Definition
Vending Vehicle and/or Stall	risk practices. These vehicles or stalls can be a mobile kitchen and have a separate fixed food handling premises that is approved for the food handling premises. This may include vehicle or stall preparing hot food made to order. Refer to the Refer to the Procedure for Mobile Food Vending Vehicle and Stall for further information.
Council	Coonamble Shire Council
Council owned road or public road or land	Council owned road or public road or land includes all the land used for vehicle traffic and parking, as well as any footway, shoulder, kerb, and gutter.
Exempt development	Exempt development is very low impact development. As long as the proposed operations meets all the development standards identified in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> , Council approval is not required.
Procedure for Mobile Food Vending Vehicle and Stall	Supporting document to this Policy which provides guidance material for mobile food vending vehicles wishing to establish and/or operate and trade in the local government area.
Mobile Food Vending Vehicle	<p>Mobile food vending vehicles are a registered vehicle under the <i>Road Transport Act 2013</i>. Any registered vehicle used on land that is either self-drive or that can be towed down Council-owned or public roads and that is used in connection with the sale of food. They do not include push bikes, carts or any moveable or fixed structure that cannot be registered for use on a road.</p> <p>Mobile food vending vehicles are used for onsite food preparation and one step food preparation and the sale of any type of food which includes pre-packaged food. There are two categories of mobile food vending vehicles:</p> <ul style="list-style-type: none"> • Category 1 – Mobile Food Vending Vehicle • Category 2 – Mobile Food Vending Vehicle.
Mobile Food Vending Stall	Articles that include a cart, shipping container, trailer etc that sell food or drinks or any other related articles. The categories apply as per the vehicles.

Title: Mobile Food Vending Vehicles Policy		
Department: Environmental Services		
Version	Date	Author
0.1	5 March 2021	Executive Leader Environment, Strategic Planning and Community
1.0	9 April 2021	General Manager
2.0	16 June 2021	Executive Leader Environment, Strategic Planning and Community
2.1	17 July 2022	Acting General Manager
<p>This policy may be amended or revoked at any time and must be reviewed at least three (3) years since its adoption (or latest amendment). The Executive Leader of Environment, Strategic Planning and Community will be responsible for the review of this policy. Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.</p> <p>Review Date: June 2024</p>		
Amendments in the release:		
Section Title	Section Number	Amendment History
Title change		To allow for articles referred to as stalls to be acknowledged.
Several	Several	Several references to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Annexure Attached:		
Bruce Quarmby A/g General Manager		

**PROCEDURE
FOR MOBILE
FOOD
VENDING
VEHICLES
AND STALLS**



PROCEDURE FOR MOBILE FOOD VENDING VEHICLES AND STALLS

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1 INTRODUCTION

Mobile food vending vehicles **and/or stalls** are a great way to encourage business operators to move from place-to-place selling food and/or drinks. Mobile food vending vehicles are any means of transport whether self-propelled or not. They include road registered including vehicles and trailers. **Articles such as shipping containers and trailers are considered as mobile food vending stalls.**

Ensuring public health and safety is a function of local government. Council is required to administer requirements under the *Public Health Act 2010* and the *Food Act 2003*. Mobile food vending vehicles are a registered vehicle under the *Road Transport Act 2013*.

Section 68, Part F (7) of the *Local Government Act 1993* applies to the use of a standing vehicle or any article for the purpose of selling any article in a public place and outlines the need for the local council to approve.

2 BACKGROUND

On 16 June 2021 Coonamble Shire Council ("Council") adopted the Mobile Food Vending Vehicles Policy ("Policy"). The purpose of the Policy was to provide the Council's local approval requirements for the operation of mobile food vending vehicles within the local government area. The Procedure for Mobile Food Vending Vehicles ("Procedure") developed to provide a framework and assist applicants in understanding their obligations under the relevant legislations such as the *Public Health Act 2010*, the *Food Act 2003*, the *Local Government Act 1993* and the *Road Transport Act 2013*.

Nothing in this Procedure should replace any legislative requirements and compliance.

The Procedure has been updated to reflect the changes in legislation and provide further details to support the revised Policy. This includes changing the titles to:

- **Mobile Food Vending Vehicles and Stalls Policy**
- **Procedure for Mobile Food Vending Vehicles and Stalls.**

The Policy and Procedure applies to the whole for the Coonamble Shire local government area and while it focuses on mobile vending vehicle **and/or stalls** operating on council owned land or public land, there are notification requirements for mobile food vending vehicles operating on private land as exempt development under the *State Environmental Planning Policy (Exempt and Complying Development) 2008*.

2.1 THE MOBILE FOOD VENDING VEHICLES POLICY **AND STALLS** OBJECTIVE (Section 2 of the Policy)

The policy aims to:

- a. Ensure that food sold through mobile food vending vehicles **and/or stalls** are safe and fit for human consumption.

- b. Guide and assist people wanting to operate a mobile vending vehicle **and/or stalls** in the local government area.
- c. Minimise any potential adverse impacts of mobile food vending vehicles **and/or stalls** including surrounding sensitive land uses such as residential areas.
- d. Protect the safe operation of mobile food vending vehicles **and/or stalls**.
- e. Ensure that mobile food vending vehicles **and/or stalls** operate in accordance with the rules and regulations on lawful parking spaces on Council-owned roads.
- f. Protect the local environment by ensuring no increased litter or waste in or from the trading location and minimise pollution.

2.2 RESPONSIBILITIES

Coonamble Shire Council has the general responsibilities for the management of public roads and public places. Under the *Local Government Act 1993*, Council has specific powers and responsibilities to control street vending activities. The *Roads Act 1993* allows Council to have control over footway restaurants and structures on public roads. The *Local Government Act 1993* allows Council to make local approval policies to establish formal criteria for street vending approvals and led to the adoption of the Mobile Food Vending Vehicles **and Stalls** Policy. Council has delegated authority to administer the *Food Act 2003* to ensure food safety for human consumption.

Road and Maritime Services (RMS), in principle, does not favour street vending activities on classified roads for traffic flow and safety reasons. However, RMS encourage mobile food vendors to utilise rest areas on highways in accordance with the Mobile Vending in Rest Areas Policy (PN 271). Note that under RMS Mobile Vending in Rest Areas Policy outlines co-approval is required from the local council and RMS.

NSW Police may undertake enforcement of the road legislation in relation to street vending activities. NSW Police may also enforce COVID-19 public health orders or any public health orders that may be implemented into the future.

Mobile Food Vending Vehicle **and/or Stalls Operator/Vendor**, in the first instance need to discuss with Council their mobile food vending proposal which is outlined in this procedure. It is the operator's responsibility to provide Council with the correct written documentation and a fully self-contained vendor not requiring power, water, or sewer services.

2.3 THE PROCEDURE'S PURPOSE

The Procedure has been developed to provide a framework and assist applicants in understanding their obligations under the relevant legislations such as the *Public Health Act 2010*, the *Food Act 2003*, the *Local Government Act 1993*, and the *Road Transport Act 2013*. The procedure supports the policy and describes the "how to do". The procedure helps in determining the suitability of the mobile food vending vehicle's **and/or stalls'** location and operation in relation to:

- Land use zoning and permissible uses within that zone (compatibility considerations)

- Proximity to residential properties (the potential residential amenity impacts)
- Proposed hours of operation
- Consideration of other food and drink premises within its proximity
- Road, user safety and pedestrian safety
- Availability of alternative locations
- Adherence to the relevant operational requirements such as waste management, pollution control, water supply, disposal of wastewater etc.
- Compliance with relevant legislation.

3 GETTING STARTED

3.1 DIFFERENT CATEGORIES OF MOBILE FOOD VENDING VEHICLES

The policy makes provision for two types of categories of mobile food vending vehicles **and/or stalls** and includes:

Category 1 – Mobile Food Vending Vehicle **and/or Stalls**

The vehicle **and/or stalls** sells foods that are not potentially hazardous with the exception of processes that have a minimal food safety risk. The vehicle **and/or stalls** must meet relevant design and layout standards to ensure food safety requirements are met.

Low risk processes include frothing milk or equipment to serve soft serve icecream. Overall, they vehicle sells low risk food categories such as tea, coffee, drinks, cakes, sweets or other similar foods. They also include vehicles **and/or stalls** which sell fruits and vegetables.

Category 2 – Mobile Food Vending Vehicle **and/or Stalls**

The vehicle **and/or stalls** includes the service of potentially hazardous food and excludes those low-risk processes that have a minimal food safety risk such as frothing milk. The vehicle **and/or stalls** includes, but not limited to, mobile kitchen and have access to a separate fixed food handling premise or commercial kitchen.

A separate fixed food handling premise may require a separate approval.

3.2 ESTABLISHING A MOBILE FOOD VENDING VEHICLE **AND/OR STALL**

(Section 6.1 of the Policy)

Applicants wishing to establish a mobile food vending vehicle **and/or stalls** where they will be based in the Coonamble Shire local government area or provide the home garaging address in this area are required to notify Council in writing of their intention to operate at a retail level.



By registering your business with Council will ensure that both you and Council can work together in ensuring the safety of food for human consumption being produced from your business.

In the instances where you are setting up a mobile food vending vehicle **and/or stalls** that requires some medium to high-risk food handling processes and/or preparing food from a separate kitchen such as your home will require Council development approval depending on the zoning of you land and your kitchen set up.

3.2.1 VEHICLE SPECIFICATIONS (NEW AND EXISTING)

The vehicle specifications apply to new and existing mobile food vending vehicles:

- (i) Food vehicles must be no wider than 2.5m
- (ii) Vehicles 7.5m or greater in length may require separate Road Occupancy Permits from the RMS.

3.3 LOCAL APPROVALS ON PUBLIC ROADS OR PUBLIC PLACE

(Section 6.2 of the Policy)

Applicants wishing to operate, trade and/or sell on a public road or a public place require a local approval. This is referred to as a Section 68 Local Approval under the *Local Government Act 1993*.

Local Government Act 1993

s. 68 What activities, generally, require the approval of Council?

Part F Other Activities

....

- (7) Use a standing vehicle or any article for the purpose of selling any article in a public place.

For the purposes of this procedure, a standing vehicle includes any food vehicle **and/or stalls** that has stopped to make a sale, or with the intention to sell.

3.3.1 REQUIREMENTS OF MOBILE FOOD VENDORS ON COUNCIL OWNED ROAD OR PUBLIC PLACE

The following information applies to mobile food vendors who have an established business and depending on your home-garaging local government area, the appropriate approvals. In seeking a Section 68 Local Approval for trading and/or selling on a public road or public place, Council will be requiring the following information and an explanation has been provided to help vendors understand the importance of providing this information.

If the vendor is intending to book a council owned property such as the showgrounds or sporting oval, fees and charges may apply. Please visit Council's Fees and Charges.



3.3.1.1 Location

(Section 6.7.1 of the Policy)

Mobile food vendors are permitted to operate on Council-owned roads and public places except for the excluded areas outlined in the Mobile Food Vending Vehicles Policy, i.e., within 200m radius of an operating food and drink premises or kiosk or special event selling food, unless it is in conjunction with an event, market, or sporting event.

Mobile food vendors must:

- (a) Be located within existing lawful parking spaces.
- (b) Comply with the local parking restrictions.
- (c) Comply with relevant road rules.

Mobile food vendors cannot:

- (a) Sell to any person that is standing on a roadway (this includes an active carpark and other areas where customers could be standing in active vehicle pathways).
- (b) Sell to any person that is within five (5) metres of an intersection and this includes making a sale or attempting to make a sale.
- (c) Impact on bicycle lanes, pedestrian ramps, footpaths, public street furniture, fire hydrants, telephone booths and post boxes, or the like
- (d) Impact or restrict on the access or ingress from any building.
- (e) Impact on residential properties including the potential to impact on residential amenity.
- (f) Be longer than 7.5m unless a separate Road Occupancy Permit is sought (Refer to the RMS regarding this)
- (g) Remain in any public, on road location overnight.
- (h) Provide tables or chairs, or other seating furniture.

The Mobile Food Vendor will be asked to provide a site plan drawing on their set up.

Note, that where the vendor is operating in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the 200m radius does not apply if they comply with the state government legislation.

3.4 REQUIREMENTS FOR COMMUNITY EVENTS, SPORTING EVENTS OR MARKETS

(section 6.3.2 of the policy)

Whether an event is organised by Council or a third party, vendors are required to obtain their own approval, notify, or seek confirmation that the event approval includes approval for the vendor to operate. If Vendors are unsure if event organisers have obtained the relevant approvals, you should contact Council's Environmental Services section on (02) 6827 1900.



Events or markets organised by a third party or Council will need to comply with the above requirements if parking on public land or a public road unless there are temporary traffic management measures such as a road closure to allow for the standing of vehicles.

Vendors operating at an event or market organised by a third party on private land will need to notify the Council to ensure food safety compliance.

3.5 NOTIFICATION TO COUNCIL ON PRIVATE LAND

(Section 6.4 of the policy)

Council requires all mobile vending vehicles trading in accordance with the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ('SEPP')* on private land are to notify Council at least 2 business days prior to their intended trading. Exempt development conditions are provided in Subdivision 27A Mobile Food and Drink Outlets s. 2.54A Specified Development and 2.54 B Development Standards of the SEPP. Notification allows Council to administer its requirements from a public health and food safety perspective by checking with the local Council where the van is home garaged for evidence of the last food safety inspection if the vendor is unable to provide this and ensuring insurances are valid.

A notification form is provided.

Where the vendor is intending to operate and trade on private land outside of the provisions of the SEPP (Exempt and Complying Development Codes) 2008, an approval process is required from Council. Council would need to consider the compatibility of the:

- the land use zoning and the permissible uses within the zone
- proximity to residential properties.

There are no fees and charges to notify council if the mobile food vending vehicle is operating within the provisions of the SEPP (Exempt and Complying Development Codes) 2008 as exempt development.

3.6 GENERAL REQUIREMENTS

3.6.1.1 Hours of operation

The use of Council owned roads and public places for the purposes of operating a mobile food vending vehicle is restricted to 6:00am to 10:00pm each day. However, consideration will be given to the compatibility of the hours of operation outside of this time depending on the location and proximity to other residential properties or businesses or if it is part of an event or market that has approval to operate with different hours. The hours of operation include the time to set up and pack up. Mobile food vending vehicles cannot remain in any on-road location overnight.

The hours of operation are restricted to prevent noise pollution as outlined under the *Protection of the Environment Operations Act 1997 ('POEO Act')*.

Procedure for Mobile Food Vending Vehicles **and/or Stalls**

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Note: For mobile food vending vehicles operating on private land as exempt development, the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides a requirement to operate between **7am to 7pm on residential land**. For land immediately adjacent a residential zone, the SEPP allows the hours of operation between 7am to 10pm. This is a NSW legislation mandate.

3.6.1.2 *Serving*

Mobile food vending vehicles cannot operate with their serving window opened onto any part of a vehicular carriageway or a cycleway.

The Mobile Food Vendor will be asked to provide a site plan drawing on their set up including the positioning of the serving window.

3.6.1.3 *Customer seating*

(Section 6.7.3 of the policy)

Mobile food vendors cannot provide tables, chairs, or other seating apparatus as part of their operation.

3.6.1.4 *Standalone items not permitted*

(Section 6.7.4 of the policy)

The placement of any standalone items such as advertising boards, stands, heaters, tables, chairs, or other apparatus, is not permitted at any time.

3.6.1.5 *Waste management and recycling*

Provisions for waste management are in alignment with the POEO Act and its provisions relating to waste and include the following:

- (a) Mobile food vendors are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged, or contained and stored and disposed of at the cost of the operator.
- (b) All waste produced by the operation of the mobile food vendor is to be removed from the site via the mobile food vending vehicle **and/or stalls** at the end of the trading period.
- (c) The trading area includes 20 metres radius from the standing vehicle and needs to be left clean and in a tidy condition at the end of each trading interval. The vendor is required to collect rubbish produced from the operation within this 20m radius.
- (d) The trading approval holder is liable to reimburse Council for any cleaning cost incurred by Council during the duration of the trading period because of the operation of the mobile food vending vehicle **and/or stalls**.
- (e) Disposal of all liquid waste generated within the mobile food vending vehicle **and/or stalls** is to be discharged to the sewer or as approved by an authorised



Council Officer. Under no circumstances is liquid waste to be discharged to the ground or in the stormwater drain.

- (f) The mobile food vendor will be asked to provide details of the liquid waste and garbage disposal arrangements at the time of application.
- (g) Council currently does not operate a recycling service for our Shire; however, food drink containers can be deposited at a local container deposit scheme also known as "return and earn" visit <https://returnandearn.org.au/>.

3.6.1.6 Control of pollution

Mobile food vendors are to comply with the POEO Act, which contains provisions relating to pollution, including prevention of offensive noise, smoke, odour, and wastewater discharges.

The use of the vehicle **and/or stalls** must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined by the POEO Act.

If Council receives any noise complaints and is substantiated by an authorised Council Officer, the Officer may direct that the use of the food vehicle/business is to be suspended or moderated to prevent nuisance until attenuation measures are completed and Council has confirmed in writing to them that the use may resume.

The operation of a mobile food vending vehicle **and/or stalls** is not to involve the use of any bell, music, or other sound device to attract customers, nor while the vehicle is stationary.

3.6.1.7 Animal and pests

All practicable measures are to be taken to prevent pests (including birds, spiders, flying insects and vermin) from entering or remaining in the vehicle. No animal is permitted to enter any vehicle, whether the vehicle is in operation or not.

3.6.1.8 Water supply

The vehicle **and/or stalls** must be provided with an adequate supply of potable water and the capacity of tanks must be appropriate for intended use and stored in food grade water storage containers and suitably protected against contamination for handwashing, cleaning equipment and for use of food preparation. Adequate supply of hot water is also required for these purposes.

3.6.1.9 Wastewater

The vehicle **and/or stalls** must be equipped with a wastewater tank of sufficient capacity to contain all stored potable water with extra capacity for the containment of other discarded liquid waste, with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

Disposal of all liquid wastes generated within the food van must be through the sewer (and grease trap where necessary). The application form is to specify the disposal



method and location. Under no circumstances is liquid waste to be discharged upon the ground or to a stormwater drainage system.

3.6.1.10 *Preparing food at home*

A separate application and approval will be required for the preparation of food as part of a home business.

3.6.1.11 *Use of a separate premise*

Where the operation of the mobile food vending vehicle **and/or stalls** involves the use of premises within the Coonamble Shire, for the storage or preparation of food in conjunction with a mobile food vending vehicle **and/or stalls**, a development consent for such use may be required under the *Environmental Planning and Assessment Act 1979*. Any change in the permanent facilities is to be notified to Council.

3.6.1.12 *Maintenance*

The vehicle **and/or stalls** must be kept in clean and in a good state of repair and working order, ensuring road worthiness and that noise, fumes, smoke, foul odours and other contaminants are not generated.

4 NON-COMPLIANCE

Council's Authorised Officers may take issue penalty infringement notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with the Mobile Food Vending Vehicles **and Stalls** Policy and all related offences. Serious pollution incidences can also be prosecuted by state agencies such as the NSW Environment Protection Authority.

5 APPLICATION PROCESS

(Section 6.6 of the policy)

Applicants who wish to operate a mobile food vending vehicle **and/or stalls** must provide sufficient information to Council as outlined above. This information has been provided in the forms linked to the procedure and policy.

A S. 68, Part F (7) approval requires the application to be submitted 10 business days prior to the intended trading.

Any applications received within the 10 business days of the intended trading date will be charged a fee to expedite the service provided as per Council's Fees and Charges, however this is no guarantee that the application will be approved. This is in accordance with s. 610D (3) of the *Local Government Act 1993*.

5.1 APPLICATION PROCESS FOR EVENTS

Council suggests to anyone looking at holding an event to plan well in advance of the intended operating date. This includes other Council departments and third-party events. It is everyone's responsibility to ensure public and food safety. Council's Environmental Services section can work with proposed organisers leading up to the event.

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At a minimum, the same turnaround times for a s. 68 Part F (7) approval is to be submitted 10 business days prior to the intended trading.

6 APPROVAL

6.1 APPROVAL PROCESS

An application made under section 68 for Council approval on the public road network and Council owned land (public place) can be issued for a period of up to 12 months and be subject to conditions. This means a once off payment every 12 months.

If you are wishing to apply to operate on a public place such as the Coonamble Sportsground or Coonamble Showgrounds, a section 68 approval can be issued for a period of up to 12 months but you will still need to undergo the booking process to secure the venue ahead of time. This will be subject to fees and charges per booking in alignment with Council's fees and charges.

6.2 APPROVAL PROCESS FOR EVENTS

Council's preference is to deal with the event organiser for all approvals for events however acknowledges there has been a number of instances where approvals for mobile food vending vehicles **and/or stalls** has not been applied for or thought through in the initial planning stages and requires individuals to make certain that you have approval to operate.

An application made under section 68 for Council approval on the public road network and Council owned land (public place) associated for an event will be issued and subject. Council will endeavour to issue the approval or reject the application and ensure that the vendor and organiser have a copy of the approval.

6.3 PRIVATE LAND NOTIFICATION

In the instance that a mobile food vending vehicle is operating on private land in alignment as an "exempt development" under the SEPP, Council will endeavour to respond in writing on the acknowledgement of the notification, however there may be instances that the acknowledgement does not occur prior to the operation of the business due to Council's other competing priorities.



7 DEFINITIONS

The following table includes the definitions associated with this Policy. The Mobile Food Vending Vehicle Procedures provides further definitions.

Term	Definition
Category 1 – Mobile Food Vending Vehicle and/or Stall	Mobile food vending vehicles and/or stalls which serve foods that are not potentially hazardous. Food vans and/or stalls do not require a separate fixed food handling premises. Preparation may involve low risk practices such as frothing milk.
Category 2 – Mobile Food Vending Vehicle and/or Stall	Mobile food vending vehicles and/or stalls which serve foods that are potentially hazardous, with the exclusion of the low-risk practices. These vehicles and/or stalls can be a mobile kitchen and must have a separate fixed food handling premises that is approved for the food handling premises. This may include vehicle preparing hot food made to order.
Council	Coonamble Shire Council
Council owned road or public road or land	Council owned road or public road or land includes all the land used for vehicle traffic and parking, as well as any footway, shoulder, kerb, and gutter.
Exempt development	Exempt development is very low impact development. As long as the proposed operations meets all the development standards identified in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> , Council approval is not required.
Mobile Food Vending Vehicle	Any registered vehicle used on land that is either self-drive or that can be towed down Council-owned or public roads and that is used in connection with the sale of food. They do not include push bikes, carts or any moveable or fixed structure that cannot be registered for use on a road. Mobile food vending vehicles are used for onsite food preparation and one step food preparation and the sale of any type of food which includes pre-packaged food. There are two categories of mobile food vending vehicles: <ul style="list-style-type: none"> • Category 1 – Mobile Food Vending Vehicle • Category 2 – Mobile Food Vending Vehicle
Mobile Food Vending Stall	Articles that include a cart, shipping container, trailer etc that sell food or drinks or any other related articles. The categories apply as per the vehicles.
SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Vendor	An operator/business owner of a mobile food vending vehicle.



OFFICE USE ONLY	
Notification no:	
Date received:	

COONAMBLE SHIRE COUNCIL

**NOTIFICATION OF MOBILE FOOD VENDING VEHICLE
AND/OR STALL FORM (PRIVATE LAND)**

Personal information collected as a result of this application will only be used for the purpose of assessing eligibility under Council’s Mobile Food Vending Vehicle **and Stall** Policy and will not be used for any other purpose, or disclosed to any person, unless required by law to do so, or authorised to do so by the person to whom that personal information relates. Privacy will be maintained in accordance with the *NSW Privacy and Personal Information Protection Act 1998*.

USING THIS FORM: Council requires all mobile vending vehicles trading in accordance with the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* on private land are to notify Council at least 2 business days prior to their intended trading.

APPLICANT DETAILS (Must be mobile food vending vehicle owner)

Salutation: (please tick)	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Other
First Name:			Surname:		
Street Address:					
Suburb:			Postcode:		
Postal Address: (if different to street address)					
Phone No:			Mobile:		
Email:					

MOBILE FOOD VENDING VEHICLE AND/OR STALL DETAILS

Vehicle registration:			State registered:		
Type of vehicle:					
Insurance information (Policy number)			Insurance information (Type)		
Council area/name where Food Business is registered:					



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Notification no:	
Date received:	

P. 2 - NOTIFICATION OF MOBILE FOOD VENDING VEHICLE AND/OR STALL FORM (PRIVATE LAND)

OPERATING DETAILS (where the vehicle will be parked and trading)

Street Address:		Suburb:	
Lot and DP (if known):			
Owner of property First Name:		Owner of property Last Name:	
Signature of landowner consent:	IT IS YOUR RESPONSIBILITY TO OBTAIN THIS SIGNATURE		
Date(s) of operation:		Operating times: (start and finish)	

FOOD SAFETY – FOOD SAFETY SUPERVISOR (FSS)

FSS Certificate Name:	
FSS Certificate Number:	
FSS Certificate Expiry:	
Type of Food and Drinks:	
Mobile Food Vending Vehicle: Category 1 (low risk) Category 2 (medium to high risk, separate kitchen, or mobile kitchen)	<input type="checkbox"/> Category 1 <input type="checkbox"/> Category 2

NOTIFICATION CONFIRMATION

I/We _____ authorise
(Applicant's name)

- Coonamble Shire Council to contact the Council in which the mobile food vending vehicle **and/or stall** is registered as a food business.

I/We understand that this notification, once signed, declares that I must adhere to all the requirements under Council's Mobile Food Vending Vehicle **and Stall** Policy and the Council's Procedure for Mobile Food Vending Vehicle **and Stall**, Food Act 2003, the State Environmental Planning Policy (Exempt and Complying Codes) 2008 and all other relevant legislation that is applicable to the operations of my business.

I/We understand that this notification is for the operation of the mobile food vending vehicle **and/or stall** at the location listed above and does not relate to any operations not outlined in this notification.

Signature: _____ Date: _____



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Application No:	

COONAMBLE SHIRE COUNCIL

APPLICATION TO OPERATE MOBILE FOOD VENDING VEHICLE AND/OR STALL ON PUBLIC ROAD OR COUNCIL LAND FORM

Personal information collected as a result of this application will only be used for the purpose of assessing eligibility under Council’s Mobile Food Vending Vehicle and Stall Policy and will not be used for any other purpose, or disclosed to any person, unless required by law to do so, or authorised to do so by the person to whom that personal information relates. Privacy will be maintained in accordance with the *NSW Privacy and Personal Information Protection Act 1998*.

USING THIS FORM: Under s. 68 Part F (7) of the Local Government Act 1997, Council requires all mobile vending vehicles and/or stall to apply for approval to operate on a public road or Council owned land. Applications must be received at least 10 business days prior to the intended trading.

Mobile Food Vending Vehicles and/or Stalls operating in conjunction with an event or event organisers should use this form if the event is occurring on a public road or council owned land.

If you are intending to operate at a Council venue, such as the Coonamble Sports Oval or Showgrounds, a booking form is also required to be filled out. Separate fees and charges are applicable to book the venue.

This form is NOT for potential vendors who wish to establish a new mobile food vending vehicle and/or stall business. Contact Council for further information and advice.

APPLICANT DETAILS (Must be mobile food vending vehicle and/or stall owner)

Salutation: (please tick)	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Other
First Name:				Surname:	
Street Address:					
Suburb:				Postcode:	
Postal Address: (if different to street address)					
Phone No:				Mobile:	
Email:					

COONAMBLE SHIRE COUNCIL

OFFICE USE ONLY	
Application No:	

P. 2 - APPLICATION MOBILE FOOD VENDING VEHICLE AND/OR STALL FORM (PUBLIC AND COUNCIL OWNED LAND)

MOBILE FOOD VENDING VEHICLE AND/OR STALL DETAILS

Vehicle registration:		State registered:	
Type of vehicle:			
Insurance information (Policy number)		Insurance information (Type)	
Policy cover attached	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Council area/name where Food Business is registered:			

OPERATING DETAILS (where the vehicle will be parked and trading)

Street Address:		Suburb:	
Lot and DP (if known):			
Venue name (if applicable)			
Date(s) of operation:		Operating times: (start and finish)	
Are you operating as part of an event?	<input type="checkbox"/> Yes <input type="checkbox"/> No		Name of event:
Do you wish to have a 12-month ongoing s. 68 Local Approval	<input type="checkbox"/> Yes <input type="checkbox"/> No		

If you are intending to operate at a Council venue, such as the Coonamble Sports Oval or Showgrounds, a booking form is also required to be filled out. Separate fees and charges are applicable to book the venue, including for each time you visit the site.

FOOD SAFETY – FOOD SAFETY SUPERVISOR (FSS)

FSS Certificate Name:	
FSS Certificate Number:	
FSS Certificate Expiry:	
Type of Food and Drinks:	
Mobile Food Vending Vehicle: Category 1 (low risk) Category 2 (medium to high risk, separate kitchen or mobile kitchen)	<input type="checkbox"/> Category 1 <input type="checkbox"/> Category 2



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P. 3 - APPLICATION MOBILE FOOD VENDING VEHICLE AND/OR STALL FORM (PUBLIC AND COUNCIL OWNED LAND)

The following is a checklist, please tick what is applicable:

CONSTRUCTION AND OPERATION	✓
The vehicle's design and layout is appropriate for the intended use	
Driving compartment is separate (recommended)	
Floors are impervious and easy to clean	
Construction and finish of wall and ceiling surfaces are satisfactory	
Cupboards and counter surfaces are satisfactory	
Design of cupboards and counters facilitates easy cleaning underneath and behind	
Openings are protected to minimise entry of dust, pets, and other contaminants	
Adequate supply of potable water is available in the vehicle <i>Note: 'adequate' means enough potable water to ensure effective hand and utensil washing</i>	
The vehicle has an accessible hand wash basin at all times	
The vehicle has liquid soap, single-use towels and warm water available at the hand wash basin(s)	
Ventilation is sufficient to remove fumes, smoke, steam and vapours	
Artificial lighting is adequate	
Waste disposal systems are satisfactory	
The vehicle and equipment are in a good state of repair and working order	
GENERAL FOOD SAFETY REQUIREMENTS	✓
Food is obtained from reputable suppliers	
Food is protected from contamination during transportation	
Food is packaged in a manner and using materials that protects it from contamination	
Potentially hazardous foods are only received at the correct temperature and within date coding	
Raw food is stored separately from prepared or ready to eat food	
The refrigerator or microwave oven is used when thawing frozen food	
Cold, ready to eat, potentially hazardous food is stored at or below 5°C	
Hot, ready to eat, potentially hazardous food is stored at or above 60°C	
Frozen food to be kept frozen stored frozen	
Raw food is handled so as not to contaminate ready to eat food. Separate utensils are used during food processing	
When cooling cooked, potentially hazardous food, it is cooled: <ul style="list-style-type: none"> • From 60°C to 21°C within two hours, and • From 21°C to 5°C within a further four hours 	
When heating potentially hazardous food, it is rapidly heated to 60°C or higher	
Potentially hazardous food is kept under temperature control	



OFFICE USE ONLY	
Application No:	

P. 4 - APPLICATION MOBILE FOOD VENDING VEHICLE AND/OR STALL FORM (PUBLIC AND COUNCIL OWNED LAND)

GENERAL FOOD SAFETY REQUIREMENTS (CONTINUED)	✓
There is a thermometer available where potentially hazardous food is handled and regular temperature checks are made	
Chemicals are kept away from food handling areas	
Food handling areas are kept free from dirt, dust, flies, pests and other contaminants	
The hand wash facility is only used for hand washing	
Administrative items and personal items are stored away from food	
FOOD HANDLER HYGIENE	✓
Staff have appropriate food safety skills and knowledge	
Food handlers have been informed of their health and hygiene obligations	
Staff who are suffering from foodborne illness are to be excluded from food handling	
Staff wear clean clothing and have hygienic habits	
Food handlers wash their hands adequately and at appropriate times	
Food handlers are not contaminating food	
CLEANING AND MAINTENANCE	✓
Floors, wall, ceiling, fixtures, fittings and equipment are maintained in a clean condition	
Re-usable eating and drinking utensils are cleaned and sanitised before each use	
Food contact surfaces of benches and equipment are sanitised before use and as required	
The vehicle and equipment are kept in a good state of repair and working order	
Containers for waste have close fitting lids and are removed at least daily or as required	
The vehicle is free from animals and pests.	
Are the appropriate Workcover requirements met (i.e., fire safety, electrical and gas)	
MANDATORY - WASTE DISPOSAL	✓
All waste is to be disposed of by the vendor at the cost of the vendor.	✓
Vendors are to check the operational and trading site, including a 20m radius from the location for any rubbish or waste generated by the operation and collect and dispose of this rubbish.	✓
Please specify how waste will be disposed of: _____ _____	✓
MANDATORY – WASTEWATER	✓
Disposal of all liquid wastes generated within the food van must be through the sewer (and grease trap where necessary).	✓
Please specify proposed location of wastewater: _____	✓



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Application No:	

P. 5 - APPLICATION MOBILE FOOD VENDING VEHICLE AND/OR STALL FORM (PUBLIC AND COUNCIL OWNED LAND)

SITE PLAN

Please attach or provide site plan below of where you intend to park and ensure that road safety requirements set out in the Mobile Food Vending Vehicles and Stalls Policy are adhered to. Provide direction of vehicle and/or stall to show serving window as mobile food vending vehicles and/or stall cannot operate with their serving window opened onto any part of a vehicular carriageway or a cycleway.

Provide details of rubbish disposal locations and where applicable wastewater disposal.



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Application No:	

P. 6 - APPLICATION MOBILE FOOD VENDING VEHICLE AND/OR STALL FORM (PUBLIC AND COUNCIL OWNED LAND)

APPLICANT CONFIRMATION

I/We _____ authorise

(Applicant's name)

- Coonamble Shire Council to contact the Council in which the mobile food vending vehicle **and/or stall** is registered as a food business.

I/We understand that this application, once signed, declares that I/We must adhere to all the requirements under the Coonamble Shire Council Mobile Food Vending Vehicles **and Stalls** Policy, the Coonamble Shire Council Procedure for Mobile Food Vending **and Stalls**, Food Act 2003 and all other relevant legislation that is applicable to the operations of my business.

I/We understand that this application is for the operation of the mobile food vending vehicle **and/or stalls** at the location listed above and does not relate to any operations not outlined in this application. Other operations will be subject to further applications.

I/We consent to Coonamble Shire Council displaying and copying this application and supporting documentation for the purpose of obtaining when necessary, public comment.

I/We certify that the copyright of such supporting documentation, is vested to me/us.

Signature: _____ Date: _____

OFFICE USE ONLY

Application No.:		Ass. No.:		Fee	\$
Receipt No.:					
Date Received:		Initials:			
Date Approved:		Initials:			
Response sent:	Yes/No				

10.6 ECONOMIC DEVELOPMENT & GROWTH - PROGRESS REPORT**File Number: D5****Author: David Levick-Acting Manager Economic Development and Growth****Authoriser: Bruce Quarmby, Acting General Manager****Annexures: Nil****PURPOSE**

The purpose of this report is to provide Council with an update on recent activities and the progress of projects which contribute to the economic development and growth of the Local Government Area (LGA).

BACKGROUND

The Economic Development and Growth function is tasked with providing effective and efficient delivery of a broader economic base for the LGA, enhancing business prospects, growth, and development. The function facilitates the development of programs and activities that will stimulate economic development by assisting growth and retention of businesses, as well as aiming to reduce barriers and attract diverse, sustainable, and responsible new industry development and improve the profile of the Coonamble LGA to attract investment, industry, new residents, and tourism.

(a) Relevance to Integrated Planning and Reporting Framework

ED1.2 Develop our economy, including the visitor economy.

(b) Financial Considerations

Activities undertaken as described by this report are within approved operational budget allocations for tourism and economic development activities and capital projects or are funded through grant monies.

COMMENTARY**ARTC Inland Rail developments**

In the lead-up to representatives of ARTC Inland Rail presenting to Council at this evening's meeting, representatives also met with the Acting General Manager and Executive Leader Infrastructure in late June to discuss streamlining of the land acquisition process and other third-party agreements.

ARTC Inland Rail (through Transport for NSW (TfNSW)) wishes to enter into an agreement with Coonamble Shire Council under Section 29 of the Land Acquisition (Just Terms Compensation) Act 1991 – ie. acquisition by agreement.

This would enable some of the acquisition steps to be removed from the process – particularly the issuing of a Proposed Acquisition Notice.

ARTC Inland Rail shared a draft Section 29 Agreement with the Council representatives.

In the meeting, ARTC Inland Rail confirmed that temporary work areas required over Council roads will generally be secured by the construction contractor directly with the Council.

In terms of timing, ARTC Inland Rail seeks to secure access for construction to all of the land that is permanently required for the project as soon as possible, to provide greater certainty to all stakeholders. To this end, Inland Rail has provided Council with a draft licence, under section 138 of the Road Act, to seek construction access to the road prior to the completion of the formal acquisition process.

Suggestions were made by the Council representatives to change some of the wording of the draft agreements. Where these could not be agreed at the meeting, ARTC Inland Rail are now revising these documents for further consideration by Council.

Once these are finalised, the next step will be a review by Council’s legal representatives.

Upgrade of the Gilgandra-Coonamble line with connectivity to Inland Rail at Curban

Coonamble and Gilgandra Shire Council representatives continue to work with Ernst & Young consultants and Transport for NSW representatives to prepare a joint Strategic Business Case in order to secure funding to upgrade the Gilgandra-Coonamble line, with connectivity to Inland Rail at Curban.

Currently Ernst & Young have prepared a schedule of Capital Expenses and Operating Expenses and are using these to prepare the cost schedules for the proposed rail upgrade, however, these vary from the Capital Expense schedules used by Transport for NSW, who have not yet provided their schedule of Operating Expenses or the financial assumptions that are being made. Ernst & Young has sought the agreement of Coonamble and Gilgandra Shire Councils to move forward in preparing a budget using their own costings, noting where there is variance with those developed by Transport for NSW.

Chapters of the Strategic Business Case are still in draft format and their preparation is on schedule.

Grants

Overview

Status	This Month	Last Month	Year to Date
Grant-funded projects completed	2	1	16
Grants to be acquitted	6	5	
Grants in progress	15	15	
Grant submissions awaiting decision	5	5	
Successful grant applications	1	1	11

Detailed Status

Grants completed and awaiting acquittal	Responsibility	Comment
Coonamble Community Recycling Centre	ESM&C	
School Holiday Break Program	ESM&C	
Eat Street	ED&G	
Public Art at town entrances	ED&G	
Tooloon Street Pedestrian Crossing	INF	
Museum Under the Bridge (storage)	ED&G	

Grants in progress	Responsibility	Comment
Coonamble Sports Ground Upgrades	C&S	Nearing completion.
Solar Power installation at Warrena Weir	C&S	Awaiting invoicing.
Quambone Park Toilet (LRCI 20-21)	C&S	Extension requested.
Gulargambone Youth Centre external upgrades	ESM&C	Final stages underway.
Restore Trooper Stables at Museum	ESM&C	Awaiting DA submission.
Riverside Caravan Park roadworks	ED&G	Ongoing
Koori Knockout Participation	ESM&C	Taking expressions of interest from teams.
Volunteer Bus Driver Training	ESM&C	Taking expressions of interest.
Coonamble Transport Initiative	ESM&C	Allocated as required.
Coonamble Kids Transport Initiative	ESM&C	Allocated as required.
Youth Council re-establishment	ESM&C	Variation being drafted.
Museum Under the Bridge (signage)	ED&G	Quotation stage.
Women's Change Rooms at Sportsground	ED&G	Deed in preparation.
Walking Loop around Sportsground	ED&G	Deed in preparation.

A grant of between \$10,000 and \$50,000 is available under the Youth Opportunities Program (competitive grant funding) closing on 8 August 2022. This new opportunity must be led and organised by youth. The leadership capacity of the team of young people organising the Coonamble Family and Youth Fest series of activities – developed during the remain six months of 2022 – could be utilised to deliver a further event/activity under this new program (if the grant application is successful). It is recommended that Council apply for funding under the Youth Opportunities Program to continue the momentum of the Coonamble Family and Youth Fest series of activities to build capacity within our community's future leaders.

The Department of Regional NSW has advised informally that there will be a fifth round of the Stronger Country Communities Fund – which is an allocation to councils throughout regional NSW based on certain criteria. In round 4, Council was allocated some \$770,000, which has been allocated to the construction of women's change rooms at the Coonamble Sportsground, and to construction of a walking loop around the outer fence of the sportsground. It is likely the allocation this year will be less, given that the population has dropped since the last census. Council will need to determine one or more projects to which to allocate such funding and call for community support for such projects to be ready to justify its allocation. A preliminary list will be presented to Council in a report in the near future for its consideration.

Communications

The most frequently visited web pages of the past month have been Calls for Supply, being Tenders and Requests for Quotations (630 visits), Employment (469 visits), Contacting Council (379 visits), and Council meetings (279). The high visitation to the Calls for Supply page can be attributed to the posting of eight Requests for Quotation for jobs suited to local contractors.

Council continues to maintain its communication with the community through:

- 1 x weekly half-page advertisement, *Weekly Connect* in *The Coonamble Times*, with unique content – advertising Requests for Quotations, Tenders

and Expressions of Interest, policies and other reports currently on public exhibition and upcoming events for the community.

- Paid classified advertising for current tenders, requests for quotations, expressions of interest and positions vacant.
- Posts in the News column on the homepage of Council’s website, on various topics as required.
- Posts in the Events Calendar hosted on Council’s website.
- Posts on Council’s Facebook page, on various topics as required.
- Council’s website – sharing all policies, plans and procedures, fees and charges, and documents for public exhibition, in the spirit of open and transparent governance.
- Media releases as required – on road conditions, Local Government elections, etc.

The Facebook posts that achieved the greatest reach during June related to the alternative RV camping during the Coonamble Rodeo and Campdraft weekend (with a massive reach to 10,242 people), the discounted desexing program for pensioners’ pets (a reach to 1,322 people) and notice of the closure of the sportsground during a wet weather event (reaching 1,198 people). A further 7 posts attracted more than 500 hits, including two promoting positions vacant with Council.

Although an informal medium of communication from Council to the Community, Facebook continues to be an efficient and timely medium by which to share information quickly and widely with the community.

With a current following of just over 2,400 people on Facebook and a lessening in the rate of new followers each month, this would suggest we have potentially saturated our reach within our social media audience of people 14+ years of age. In the past 12 months (since July 2021), the number of followers has grown by about 20%.

Social Media (Facebook) Summary

Measure	This Month	Last Month	Year to Date
Number of posts	17	26	309
Increase in number of followers	16	14	+529
Total number of followers	2,463	2,447	
Reach	12,553	5,225	

Tourism Promotion

@visitcoonamble social media pages continue to increase reach. Posts on the Visit Coonamble Facebook page reached over 5000 people over the last month. Page likes and followers increased by 15 people.

The most popular post on Facebook was the *Not My First Rodeo* video.

This post reached 1000 people and had 592 engagements which means 592 people either liked, shared, commented, clicked to read the entire caption or stayed on the post for longer than 10 seconds. 588 people clicked to play video.

The audience on the Visit Coonamble Instagram page increased by 61 followers this month, with 1,165 content interactions (likes, comments, shares, and saves). A total number of 10.2K accounts were reached, with less than a quarter of that amount being followers – meaning that a much broader audience can see our posts regardless of follower size. The number of people following the Visit Coonamble Instagram is 963 people.

The most popular post on Instagram was images from the Coonamble Rodeo & Campdraft, celebrating the event. This post reached 703 people.

During June, @visitcoonamble social channels continued publishing stories which have experienced a steady increase. There is an average of about 200 people reached per post over the last month (including content engagement such as polls). Along with stories there were a few Reels posted on Instagram, which had a reach of over 3000 people per post.

Three Regions – Real Country Campaign

The Tourism and Events Officer has been working closely with the Gilgandra Shire and Warrumbungle Shire on a collaborative marketing project. Communications consultant, Enigma, was appointed to undertake a photography and content-creation project to provide the three regions with creative and attractive marketing materials. The final edit of the video has been received and will be shared at this Council meeting.

Representatives of the three regions have been meeting regularly to plan a mini campaign launch from 15 August to 15 September, in time for Term 3 school holidays. This launch will be through targeted advertising on Facebook, due to limited budget. The call-to-action for this campaign will be to visit the shared landing page www.visitrealcountry.com.au (currently being developed) which will have an interactive map of our region, with hotlinks that, for Coonamble, open various 'Visit Coonamble' webpages.

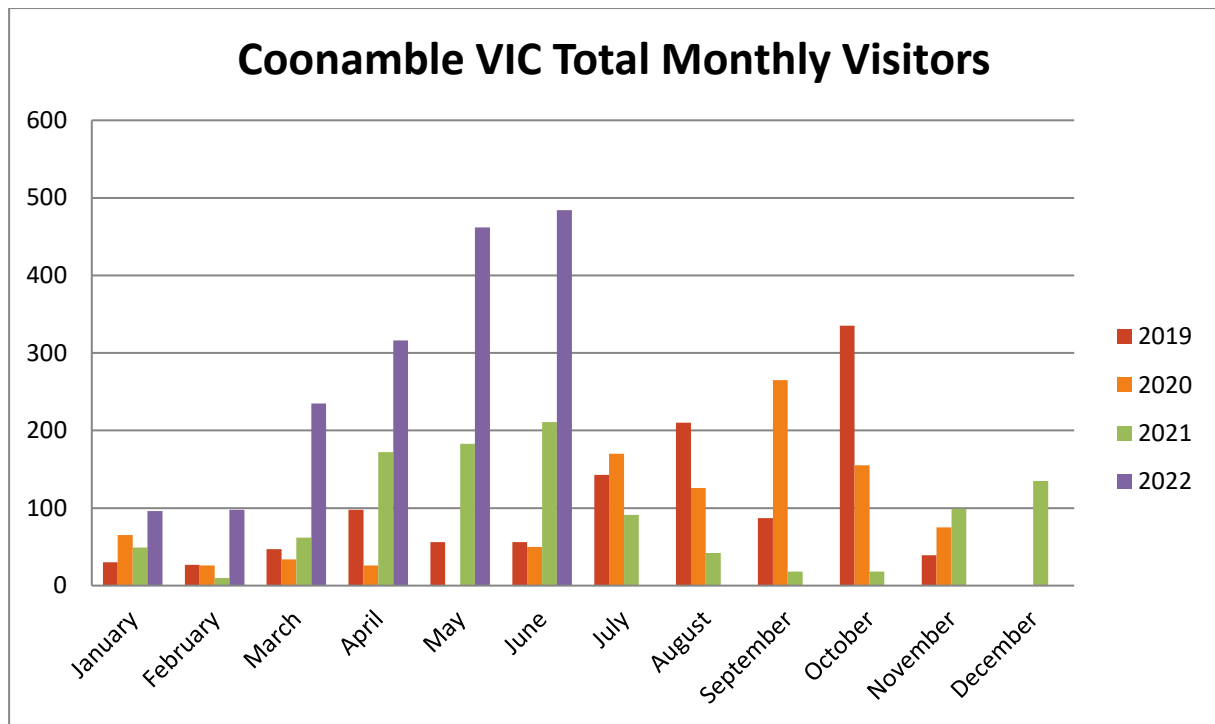
The second stage for this campaign will be on a larger scale, with Enigma engaged to provide us with a marketing proposal and quotation. This proposal will assist in our sourcing grant funding to cover the cost of the subsequent marketing campaign.

Tourism Statistics

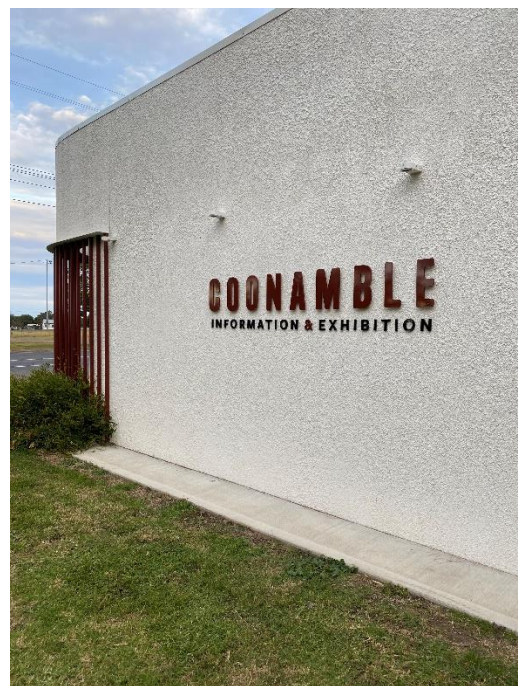
During June 2022, the Information and Exhibition Centre welcomed more visitors than ever before, with 484 visiting. During the June Long Weekend, the centre was opened 10am – 3pm Saturday, Sunday and Monday, with 131 people visiting during this period.

The District Store continues to sell products by local artists, with visitors being directed to the individual suppliers for a wider range of goods to purchase as souvenirs.

The 'School Bus' sculpture, by Brian Campbell, continues to prove a significant attraction, with many visitors coming into the centre and commenting on the craftsmanship involved.



A second ‘Coonamble Information & Exhibition sign’ was installed (as part of the original contract) on the northern side of the building this month, with visitors now able to see the name of the building from northerly and southerly approaches.



Museum Under the Bridge

During June, the Museum welcomed 27 visitors.

A grant application for \$3,000 for new Museum signage was successful. Another small grant is being used to enhance storage practices at the museum.

Events

- COONAMBLE RODEO & CAMPDRAFT
 - Analytics from the *Long Weekend in Coonamble* button on the Western Plains app showed that approx. 1309 people engaged with the button with an average of 49 seconds spent within the button (for reference the average time spent for phones app is usually 30 seconds), it also showed that users returned 3-4 times.
- PAVE THE WAY TO GULAR
 - The Tourism & Events Officer has met with the organisers of Pave the Way to Gular Festival to offer assistance for the event which will be held in Gulargambone on the 10 & 11 September. This year's event is set to be another successful event for the community with a few artists already confirmed to attend.

(a) Governance/Policy Implications

Policy documents relevant to activities reported here include the Code of Conduct, Community Consultation Policy, Media Policy, Procurement Policy and Social Media Policy.

(b) Legal Implications

There are no legal implications directly associated to this report.

(c) Social Implications

Projects and initiatives described in this report are undertaken with the objective of delivering social benefits to the Coonamble LGA.

(d) Environmental Implications

There are no environmental implications directly associated to this report.

(e) Economic/Asset Management Implications

As community owned assets, the ongoing maintenance of the public amenities building, public art and VIC remains Council's responsibility. Development of the Coonamble CBD and an Artesian Bathing Experience are initiatives to meet objectives of the Coonamble Shire Masterplan 2020 and the Economic Development Strategy 2021.

(f) Risk Implications

Regular reporting to Council provides an opportunity to communicate and manage any ongoing or unexpected related risks that may emerge.

CONCLUSION

Economic Development and Growth activities and projects continue to progress according to the Economic Development Strategy 2021. Tourism activities and projects continue to progress according to the Economic Development Strategy 2021, and work towards achieving the goals of the Coonamble Shire Council Destination Management Plan.

RECOMMENDATIONS

- 1. That Council note the contents of this report.**
- 2. That Council apply for funding under the Youth Opportunities Program (up to \$50,000) to extend the number of events under the Coonamble Family and Youth Fest series of activities.**

10.7 RATES AND CHARGES COLLECTIONS - JUNE 2022**File Number: Rates - General - R4****Author: Deborah Tatton, Finance and Procurement Manager****Authoriser: Bruce Quarmby, Acting General Manager****Annexures: Nil****PURPOSE**

The purpose of this report is for Council to be updated with the most recent information pertaining to its rates and charges collections – as applicable to the month of June 2022.

BACKGROUND**(a) Relevance to Integrated Planning and Reporting Framework**

The annual rate charges are set out within Council's 2021 / 22 Operational Plan.

(b) Financial Considerations

The annual rate charges are set out within Council's 2021 / 22 Operational Plan.

	30 June 2022	30 June 2021
Rates and Charges	\$1,271,478.23	\$905,674.57
Water & Sewer Consumption	\$417,704.59	\$401,325.23
Total	\$1,689,182.82	\$1,306,999.80

COMMENTARY**Rates and Charges**

	30 June 2022	30 June 2021
Rates and charges in arrears as at 30 June 2021	\$905,674.57	\$926,256.23
Rates/charges levied & adjustments for 2021/2022	\$7,225,481.09	\$6,981,196.97
Pension Concession	(\$109,291.12)	(\$109,385.09)
Amounts collected as at 30 June 2022	(\$6,750,386.31)	(\$6,892,383.54)
Total Rates and Charges to be Collected	\$1,271,478.23	\$905,674.57

The amount levied for rates and charges for 2021 / 22 includes the current year's annual rates and charges and any interest added since the date the rates notices were issued. The amount received as at 30 June 2022 includes receipts for both arrears and the current year's amounts outstanding.

It should be noted that the rates and charges 2021 / 22 levied amount is reduced by the pensioner concession of \$109,291.12 reducing the amount of income derived from these rates and charges. Of this concession, Council's contribution is 45%, which represents an amount of \$49,181.00.

The rates and charges as at 30 June 2022 represents 15.64% of the total annual rates and charges levied and outstanding (compared with 11.45% on 30 June 2021).

Water and Sewer Consumption Charges

	30 June 2022	30 June 2021
Water & Sewer Consumption Charges and arrears as at 30 June 2021	\$401,325.23	\$399,024.06
Water & Sewer Consumption charges & adjustments 2021/22 year to date	\$741,815.46	\$954,791.56
Amounts collected as at 30 June 2022	(\$725,436.10)	(\$952,490.39)
Total Water & Sewer Consumption Charges to be Collected	\$417,704.59	\$401,325.23

The water and sewer consumption charges as at 30 June 2022 represents 36.54% of the total water consumption charges outstanding (compared to 29.64% on 30 June 2021).

(a) Governance/Policy Implications

Council staff comply with the directions provided by Council's suite of policies that govern this function of Council.

(b) Legal Implications

The collection of rates and water charges does impact on the community. For this reason, Council is always willing to negotiate payment terms with outstanding debtors. Debtors are afforded several opportunities to contact Council regarding these matters.

(c) Social Implications

The collection of rates and water charges does impact on the community. For this reason, Council is always willing to negotiate payment terms with outstanding debtors. Debtors are afforded several opportunities to contact Council regarding these matters.

(d) Environmental Implications

There are no direct environmental implications arising from this report. However, it needs to be acknowledged that Covid-19 could have an impact on Council's ability to collect its rates and charges.

(e) Economic/Asset Management Implications

If Council's rates and charges collection fall behind, it will have an impact on Council's ongoing ability to meet its operational costs and making adequate funding available for necessary asset maintenance and renewal projects.

(f) Risk Implications

As previously stated, Covid-19, more particularly the legislative changes introduced by the NSW State Government during this pandemic, have impacted on Council's ability to collect its rates and charges as demonstrated by the increase in Council rates, annual charges, interest and extra charges outstanding percentage. Strategies have been put in place to mitigate the risk of the further deterioration of this ratio. Further debt collection strategies are being implemented to follow up on outstanding debt between now and the end of June to reduce the amount of charges to be collected.

CONCLUSION

The rates and charges as at 30 June 2022 represent 15.64% of the total annual rates and charges levied and outstanding from previous years by Council (compared with 11.45% on 30 June 2021). The water and sewer consumption charges as of 30 June 2022 represents 36.54% of the total water consumption charges outstanding from previous years (compared to 29.64% on 30 June 2021).

RECOMMENDATION

That Council notes the information provided in the report.

10.8 STATUS OF INVESTMENTS - 30 JUNE 2022

File Number: Investments General - I5
Author: Saiful Islam, Finance Assistant
Authoriser: Bruce Quarmby, Acting General Manager
Annexures: Nil

PURPOSE

The purpose of the report is for Councillors to note the status of its investment portfolio.

BACKGROUND**(a) Relevance to Integrated Planning and Reporting Framework**

L1.4.10 Maintain long term financial viability.

(b) Financial Considerations

Investment levels and interest rates are currently on par with the revised estimated calculations.

COMMENTARY**INVESTMENTS REPORT TO COUNCIL - 30 June 2022**

Financial Institution	Invest Rating S&Ps	Investment Type/Maturity Date	Current Rate	Term	Amount (\$)
Commonwealth Bank	A1+	Term Deposit -12/12/2022	2.30%	210 Days	3,000,000
Commonwealth Bank	A1+	Term Deposit - 22/08/2022	0.50%	180 Days	1,000,000
Commonwealth Bank	A1+	Term Deposit - 31/08/22	1.47%	120 Days	500,000
Commonwealth Bank	A1+	Term Deposit - 27/07/2022	1.27%	90 Days	1,000,000
Commonwealth Bank	A1+	Term Deposit - 7/11/2022	2.24%	182 Days	2,000,000
Commonwealth Bank	A1+	Term Deposit - 07/09/2022	1.77%	121 Days	1,500,000
Commonwealth Bank	A1+	Term Deposit - 19/09/2022	1.78%	119 Days	1,000,000
Commonwealth Bank	A1+	Term Deposit - 27/10/2022	2.70%	120 Days	1,500,000
IMB - VRD	A2	Term Deposit - 20/07/2022	0.89%	93 Days	1,000,000
IMB - VRD	A2	Term Deposit - 04/08/2022	0.67%	91 Days	1,000,000
Bank of Queensland	A2	Term Deposit - 28/11/2022	2.40%	192 Days	1,000,000
Bank of Queensland	A2	Term Deposit - 20/02/2023	2.80%	276 Days	1,000,000
National Australia Bank	A1+	Term Deposit - 08/08/2022	0.51%	182 Days	1,000,000
National Australia Bank	A1+	Term Deposit - 07/07/2022	0.75%	90 Days	500,000
National Australia Bank	A1+	Term Deposit - 27/07/2022	0.65%	120 Days	1,500,000
National Australia Bank	A1+	Term Deposit - 04/10/2022	1.10%	183 Days	1,500,000
Westpac Banking Corporation	A1+	Term Deposit - 10/03/2023	1.08%	365 Days	1,500,000
Westpac Banking Corporation	A1+	Term Deposit - 21/03/2023	1.20%	365 Days	1,000,000
Westpac Banking Corporation	A1+	Term Deposit - 23/09/2022	0.87%	184 Days	2,000,000
Westpac Banking Corporation	A1+	Term Deposit - 26/09/2022	0.98%	185 Days	2,000,000
Westpac Banking Corporation	A1+	Term Deposit - 04/10/2022	1.03%	186 Days	1,000,000
Westpac Banking Corporation	A1+	Term Deposit - 16/11/2022	2.15%	184 Days	2,000,000
Westpac Banking Corporation	A1+	Term Deposit - 19/12/2022	2.16%	216 Days	2,000,000
Reliance C/U	Unrated	Term Deposit -18/11/2022	0.40%	184 Days	250,000
TOTAL					31,750,000

Financial Institution	Invest Rating S&Ps	% of Investment	Max per Investment Policy	Amount (\$)
Commonwealth Bank	A1+	36%	40%	11,500,000
National Australia Bank	A1+	14%	40%	4,500,000
Westpac Banking Corp	A1+	36%	40%	11,500,000
IMB	A2	6%	15%	2,000,000
BOQ	A2	6%	15%	2,000,000
Reliance C/U	Unrated	1%	10%	250,000
				\$ 31,750,000

Rating	% of Investment	Policy	Amount
A1+	87%	100%	27,500,000
A1	0%	80%	-
A2	42%	60%	4,000,000
Unrated	1%	30%	250,000
			\$ 31,750,000
General Fund Investments			24,398,350.99
Water Investment Fund			2,891,366.21
Sewerage Investment Fund			4,460,282.80
			\$ 31,750,000

Interest earned on Investments for 2021-2022 as at 30 June 2022 \$ 142,846

(a) Governance/Policy Implications

Monthly financial reporting ensures transparency of financial reporting to enable Councillors to make financially sustainable and accountable decisions.

(b) Legal Implications

All investments continue to be made in accordance with the requirements of the *Local Government Act 1993* and Council’s Investment Policy.

(c) Social Implications

Council funds are used to provide services and infrastructure to the community and, as a result, well managed funds maximise the level of financial resources available to support the community.

(d) Environmental Implications

There are no environmental implications arising from this report.

(e) Economic/Asset Management Implications

Sound economic management includes maximising Council’s return on investment, and this is achieved by closely monitoring investments in line with Council’s Investment Policy.

(f) Risk Implications

Sound economic management includes maximising Council’s return on investment, and this is achieved by closely monitoring all investments in line with Council’s Investment Policy.

CONCLUSION

Funds have been appropriately restricted to ensure all areas of Council can continue to operate in accordance with both the annual Operational Plan and the Long-Term Financial Plan. Further, all investments are continued to be made in accordance with the requirements of the *Local Government Act 1993* and Council's Investment Policy.

RECOMMENDATION

That Council notes the list of investments as at 30 June 2022 and that these investments comply with section 625(2) of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment Policy.

10.9 SALEYARDS REPORT- 30 JUNE 2022

File Number: S1
Author: Saiful Islam, Finance Assistant
Authoriser: Bruce Quarmby, Acting General Manager
Annexures: Nil

PURPOSE

The purpose of this report is to keep Council informed of monthly income and expenditure associated with the saleyards.

BACKGROUND

The following information details income and expenditure associated with the Coonamble saleyards for the month of June 2022.

(a) Relevance to Integrated Planning and Reporting Framework

14.1 Ensure long term management and protection of our community assets.

(b) Financial Considerations

The Saleyards / Truck wash unit was originally set up as a business unit for Council.

Saleyards Activities

Two sales were held at the Coonamble Saleyards during the month, with one being held on the 08/06/2022 and the second on the 22/06/2022. At the time of writing this report a sale is planned to be held on the 13/07/2022.

Regarding the upcoming planned maintenance at the saleyards, the following items have been identified with the works programmed to be carried out over the upcoming month.

- The replacement of three (3) broken troughs.
- The replacement of three (3) gates which are beyond repair.
- The repair/replacement of a section on internal fencing within the yards.

Saleyards Kiosk Upgrades

As previously reported to Council, management are in the process of seeking quotes for the design and construction of a communal space within the existing Saleyards kiosk building. The request for quotation has been advertised in both the Coonamble Times and Council's Website, with the closing date set as 5pm on Wednesday the 6 July 2022.

Following the closing date and subsequent assessment of the quotations provided, staff will prepare a report for both the Saleyard Management Committee and Council's consideration.

CATTLE: From 01.06.2022 to 30.06.2022

Date	Type	Scale	Amount (\$)	VA	Amount (\$)	Total Cattle/ Sheep	Total Amount (\$)
8/06/2022	Invoice	526	1,099.82			529	4,153.59
22/06/2022	Invoice	706	1,476.18			718	5,621.00

SALEYARDS ACCOUNT 01/07/2021 - 30/06/2022**Saleyard Operations:**

Income	93,571.16
Expenditure	98,754.81
Deficit	-5,183.65

Truck wash:

Income	35,178.78
Expenditure	41,585.17
Deficit	-6,406.39

Summary:

Income	128,749.94
Expenditure	140,339.98
Deficit	-11,590.04

Truck Wash

Following the reported issues with the functionality of truck wash pump no 2, Council staff have reset the pump and will add it to both the scheduled maintenance list and register for the site for future reference.

(c) Governance/Policy Implications

Maintenance of Council's infrastructure assets is carried out in accordance with Council's adopted management plans.

(d) Legal Implications

The Coonamble facility was visited by representative from the EPA on the 20 June 2022. Following the onsite visit discussions were held with management regarding the site and the EPA licence with several matters raised for Council's consideration. A more detailed report will be provided to a later meeting of Council.

(e) Social Implications

There are no social implications arising from this report, however, noting that the incident that occurred following the sale could have negative social implications due to how the events unfolded.

(f) Environmental Implications

There are no environmental implications arising from this report.

(g) Economic/Asset Management Implications

Works are generally scheduled in accordance with Council's adopted Operational Plan and Budget to ensure Council's assets are maintained to an appropriate standard within budget limitations. This asset needs some major maintenance works but has been running at a financial deficit for years. More favourable seasonal conditions means that this asset is currently being used on a more frequent basis, but there are risks for Council involved with knowingly using an asset that does not comply with all legislative and other industry standards. Although a difficult situation to address, Council will have to objectively consider all facts surrounding the saleyards, and the most appropriate way forward with responsibly managing this facility into the future.

Council adopted the following resolution at its Ordinary Meeting held on 15 September 2021:

RESOLUTION 2021/217

Moved: Cr Bill Fisher Seconded: Cr Karen Churchill

That Council pursues the development of an upgrade plan for the Saleyards facility to comply with the Environmental Protection Authority (EPA) and other Government Agencies' requirements and that the Executive Leader Environment, Strategic Planning obtains quotes in this regard for Council's consideration.

CARRIED

(h) Risk Implications

Maintenance works are scheduled and carried out within budgetary constraints to reduce Council's overall risk exposure.

CONCLUSION

The saleyard operations are being closely monitored to ensure a more effective and sustainable strategy for the long term.

RECOMMENDATION

1) That Council notes the information provided in this report.

10.10 COMMUNITY SERVICE PROGRESS REPORT

File Number: C8
Author: Raquel Pickering, Librarian
Authoriser: Bruce Quarmby, Acting General Manager
Annexures: Nil

PURPOSE

The purpose of this report is to provide information on the activities within Council's Community Services section for the month of June 2022.

BACKGROUND

The Community Services section focuses on our community and our people and the support that Council offers in the delivery of positive outcomes. The following topics will be included into the Council Report where there is relevant information to report on. For the purposes of the new Council, a short description is provided for your reference for the key areas in the Community Services section:

- **Community Services**
Reports on the number of services, programs, and strategies to support the community. This includes Council's involvement with the interagency meetings and committee meetings, cultural events, and activities and some events for our community (Tourism and Events will also cover other events not managed by the Community Services team.).
- **Library Services**
Coonamble Shire Council is a member of the Northwestern Library Service (NWLS). The Service covers four local government areas and encompasses the libraries therein, i.e. Bogan (Nyngan), Coonamble, Gilgandra and Warren (where the Manager is based). The Coonamble Library has two satellite branches located in the villages of Gulargambone and Quambone within the Coonamble Shire Local Government Area. The Librarian purchases stock that is rotated to all libraries and participates in book exchanges with Gulargambone and Quambone seven times per year. The Gulargambone Library is run under an agreement with the Gulargambone Rural Transaction Centre Committee. The Quambone Library is run by an employee of Council.
- **Children and Youth Services**
Council provides services in after school activities in Gulargambone and Quambone. Council also delivers school holiday programs and the Youth Week Program. Council also operates a Youth Forum/Council.
- **Integrated Planning and Reporting (IP&R) Framework**
Following the adoption of the Community Strategic Plan at the 15 June 2022 meeting, updates on the IP&R Framework will now be reported back in the Community Services Report.

(a) Relevance to Integrated Planning and Reporting Framework

The information contained in this report demonstrates the work carried out by staff in achieving the strategic objectives and delivery actions as outline in Council's recently adopted Community Strategic Plan 2032, Delivery Plan 2022-2026, and Operational Plan 2022 / 23.

(b) Financial Considerations

There are no financial considerations arising from this report.

COMMENTARY

In line with Council's 2022 / 23 Operational Plan, this report presents a summary of community service progress and activities for the period of June 2022.

COMMUNITY SERVICES**• State Library Exhibition**

The latest travelling exhibition from the State Library of NSW, titled Paintings from the Collection, features a selection of pictures from the State Library's extensive paintings collection, which is now on permanent display in the State Library Galleries. This exhibition was on display at the Coonamble Shire Library for three weeks and was visited by numerous people. The SLNSW pay and organise all freight which allows smaller libraries such as Coonamble to display art that is not readily available to our towns. Two years ago, the May Gibbs travelling exhibition came to Coonamble and was similarly well received.



In line with Council's 2022 / 23 Operational Plan, this report presents a summary of community service progress and activities for the period of June 2022.

LIBRARY SERVICES

- **Gulargambone Library Services**

The operation of the Gulargambone Library Services has been awarded to the Gulargambone Rural Transaction Centre Committee. Noreen Vu, Executive Leader Strategic Planning and Community and Raquel Pickering, Librarian, attended a meeting with the RTC Manager, Ms Tammy Nichols, in Gulargambone to finalise all outstanding paperwork. Council will use the Weekly Connect column in the Coonamble Times newspaper to inform our residents and to invite volunteers to apply to work at the Gulargambone Library.

- **Stocktake**

The Northwestern Library of which Coonamble is a member completed the annual stocktake in June. During stocktake the library was closed between Tuesday 14 to Saturday 18 June 2022. The community was notified of the closure. Following the stocktake, Coonamble received over 25 boxes of books that are now on the shelves and ready for our members to borrow.

- **Exchange**

The quarterly book exchanges with both Quambone and Gulargambone have now been completed.

- **Library Statistics** (01 June – 30 June 2022 – **CLOSED** 14-18 June Stocktake)

Service	Loans	New M/ships	Wi-Fi	Internet (hr)	Internet (ppl)	Kids Comp (children)	Junior Visits	Adult Visits
Coonamble	352	2	26	73.85	40	29	50	225
Gulargambone		290						

- **Manual Statistics** - Coonamble (numbers refer to people attending)

Library Visits	Reference Enquiries	Technology Enquiries	Local History	VIC Enquiries
275	3	33	5	2

- **Activity Statistics** - Coonamble (numbers refer to people attending)

Senior Craft	Pre-School Visits	Housebound	Meetings	Seniors Cinema	Other
20	19	0	6	5	1

CHILDREN AND YOUTH SERVICES

Council’s Children and Youth Services have been impacted with staff shortages. We have been able to deliver the After School Care in Gulargambone and Quambone. Council’s Casual Youth Workers have been instructed to partner with other service partners to deliver services.

Council was unable to delivery activities during the July School Holiday program due to staff absences and availability.

(a) Governance/Policy Implications

The delivery of community development and integrated planning functions and activities are carried out in accordance with Council's Operational Plan and Integrated Planning and Reporting Framework.

(b) Legal Implications

There are no legal implications arising from this report.

(c) Social Implications

Council's community services section delivers a broad range of support services, activities, and opportunities to all age groups. These services assist in building social capital within the Shire.

(d) Environmental Implications

There are no environmental implications arising from this report.

(e) Economic/Asset Management Implications

The economic implications of community services are positive, in that these services provide employment opportunities, delivering a service to the community and support the local business sector.

(f) Risk Implications

There are no risk implications arising from this report.

CONCLUSION

The updates provided in this report deliver information to Council on the key activities undertaken in Council's Community Services section for the months of June 2022.

RECOMMENDATION

That Council notes the information contained in this report.

10.11 ENVIRONMENT AND STRATEGIC PLANNING PROGRESS REPORT

File Number: E5
Author: Bruce Quarmby, Acting General Manager
Authoriser: Bruce Quarmby, Acting General Manager
Annexures: Nil

PURPOSE

The purpose of this report is to provide information on the activities within Council's Environmental Services section and Strategic Planning information for the month. This progress report considers town planning and strategic land use planning, compliance and regulation, environmental management, public health, and waste management matters as they arise.

BACKGROUND

The Environment Services section focuses on all town and environmental planning requirements including regulation and compliance, public health requirements, waste management, and environmental management considerations. Strategic Land Use Planning refers to updates to Council's planning instruments and are also included. This report provides a summary of June 2022.

The following topics will be included into the Council Report where there is relevant information to report on. For the purposes of the new Council, a short description is provided for reference:

- Compliance and Regulation

The *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979* ('EP&A Act') and *Protection of the Environment Operations Act 1997* are the main legislations providing provisions around environmental management. Compliance and regulation enforce individuals, organisations and businesses to comply with the relevant act or regulation. Environmental management can include, but is not limited to, atmosphere, built environment, heritage, land, and water.

- Development Applications Approved Under Delegated Authority

Under section 4.16 of the EP&A Act, under delegated authority Council Officers or Contractors can exercise the power to determine the development applications and post consent certificates such as construction certificates or final occupation certificates. The majority of applications to Council are determined under delegated authority.

- Public Health

Public health and safety relate to such areas as overgrown blocks that are a fire hazard or harbouring of vermin. Other functions include food safety. Council staff also attend forums, committees and workshops around public health and safety, and this will be provided to Council for information.

- Ranger's Monthly Report

This report provides a summary of companion animals (cats and dogs) impounded and other animals. This includes information of how many animals were rehomed and euthanised. Information on dog attacks is also provided.

- Development Application Information

Information on development applications lodged in the Coonamble local government area, however, the consent authority relates to another authority and not Council or its delegated staff/contractors. This can include the:

- Independent Planning Commission for state significant development,
- Regional planning panel for regionally significant development, or
- Public authority (other than council) depending on the type of development declared with an environmental planning instrument.

These types of development applications are rare.

- Strategic Land Use Planning

Matters relating to the potential amendments to Council's planning instruments such as the Coonamble Local Environmental Plan or Council's Development Control Plans. Council staff also attend forums, committees and workshops around strategic land use planning, and this will be provided to Council for information.

- Sustainability and Environmental Management

Opportunities exist for Council to promote ecologically and environmentally sustainable land use and development, initiatives, and programs. Information under this topic will be reported when opportunities present itself and can come from government agencies, community groups and environmental champions.

- Waste Management

Waste management may include information on the existing waste management facilities and opportunities to minimise hard waste production avenues to look at sustainable waste management.

(a) Relevance to Integrated Planning and Reporting Framework

P3.1.2. Inspection of Food Premises.

I3.3.1. Implementation Waste Management recommendations.

EN1.1.1. Enforcement of environmental regulations.

EN.1.1.2. Continue to review Local Environmental Plan.

EN.1.1.3. Ensure compliance with NSW Building Certification.

EN.1.1.4 Provide quality over counter, telephone, and email advice to customers.

EN.1.1.5 Approvals completed within timeframe required.

P2.2.4 Controlling straying animals.

(b) Financial Considerations

There are no direct financial considerations with this report.

COMMENTARY

Compliance and Regulation

Since the last reporting period only one new property has been added to the register.

The total number of properties active on our Overgrown Block Register is 27

. The split of the overgrown properties across the Shire is:

- Coonamble: 7
- Gulargambone: 11
- Quambone: 9

25 properties have complied with Council instructions and cleaned up their property, and Council has been in communication with the remaining property owners. Wet weather has hampered efforts to clean up blocks.

Blocks with unsafe levels of waste:

Since the last reporting period no additional properties have been added to this register.

Development Control Orders, Public Health Orders and Infringements

Since the last reporting period no new Orders have been issued.

Currently Council has a Request for Quotation for the Slashing and mowing of the 11 outstanding overgrown properties.

Development Application Under Delegated Authority

Information provided in this section of the report, provides Council information on what has been determined for the month and not subject to the Council's endorsement or approval.

Individual development applications that require the elected Council's approval will be under its own separate Council Business Paper Report with the recommendation to determine the application as approved or refused.

Under the *Government Information (Public Access) Act 2009* (GIPA Act), information in the form of Development Applications and its associated information is prescribed as 'open access information' by Clause 3 of Schedule 1 of the GIPA Act. This also includes staff's development assessment report that is written prior to an application's determination. This provides a high level of transparency.

Under delegated authority, the following is a summary of applications approved since June 2022.

Application Number	Description of Works	Address of Proposed Works	Approved Date
JUNE 2022			

Application Number	Description of Works	Address of Proposed Works	Approved Date
DA006/2022	Subdivision	Lot 61 DP 754275 & Lot 1 DP 1082707 3407 Castlereagh Hwy Coonamble	2/06/2022
DA011/2022	Garage	Lot 1 DP 205363, 26 Eurimie St Coonamble	7/06/2022
DA013/2022	Toilet Block	Lot 6 Sec 1 DP 758861, 10 Tucka Tucka St Quambone	7/06/2022
LA007/2022	Septic Tank	Lot 6 Sec 1 DP 758861, 10 Tucka Tucka St Quambone	7/6/2022
LA006/2022	Food Van	97 Castlereagh Street Coonamble	8/06/2022
CC011/2022	Garage	Lot 1 DP 205363, 26 Eurimie St Coonamble	15/06/2022
DA010/2022	Shed	Lot 148 DP 754227 47 McCullough Street Coonamble	23/06/2022
DA015/2022	Farm Shed	Lot 28 DP 754220, 3349 Wingadee Rd Coonamble	27/6/2022
DA016/2022	Farm Shed	Lot 80 DP 754185, 3349 Wingadee Rd Coonamble	27/6/2022
DA014/2022	Garage/Carport	Lot 1 DP77563, 4 Bimble St Coonamble	28/6/2022
CC005/2022	Garage	Lot 126 DP1184651, 91 Munnell St Gulargambone	28/6/2022
CC013/2022	Public Amenities	Lot 6 Sec 1 DP 758861, 10 Tucka Tucka St Quambone	28/6/2022

Ranger’s Report

The Ranger’s report is provided for June 2022.

The follow is a summary of companion animal statistics.

<u>CORRESPONDENCE</u>	<u>June 2022</u>	<u>Year to Date 2022/2023 Total</u>
Infringements (Animals)	0	8
Infringements (Other)	1	4
Change of Details	7	96

Microchipped dogs	15	279
Registrations	2	21
Nuisance dog declaration	0	1
Dangerous dog declaration	0	2
Menace dog declaration	0	0

Impounded animals

In June there were a total of 15 dogs impounded and 6 cats were impounded. The following provides a breakdown:

June 2022	Dogs	Cats
Returned to owners	2	0
Rehomed	10	1
Euthanised	3	5
Impounded*	15	6

*Of the total impounded for both months, 2 dog were impounded from Gulargambone and 0 from Quambone.

Dog attacks

No dog attacks this month.

Western Regional Joint Planning Panel

- At the March 2021 meeting, Council was informed of correspondence from DPIE for Council to nominate two (2) members to sit on the Western Regional Planning Panel. Planning Panels are constituted for each region of the State (other than the Greater Sydney Region), and each district of the Greater Sydney Region under sections 2.21 and 3.2 and Part 3 of Schedule 2 of the EP&A Act.
- The Planning Panels Operational Procedures set out that the Panels have two (2) Council members appointed by each Council. At least one (1) Council member is required to have expertise in one (1) or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism.
- With the recent resignation of the Executive Leader ESPC, Council is in a position where it is required to nominate a replacement representative on the Western Regional Joint Planning Panel.
- It is recommended that the Executive Leader Infrastructure be nominated as the replacement Council representative on the Panel. The Executive Leader Infrastructure possess the necessary expertise and qualifications to satisfy the requirement of having technical competencies in one (1) or more of the areas required.
- For Council's information, Ms Alanna McHugh is Council's other nominated representative on the Western Regional Joint Planning Panel.

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Waste Management

As part of a program of inspections, representatives from the NSW Environmental Protection Authority (EPA) attended the Coonamble Waste Management Facility on the 20 June 2022.

Following the completion of these inspections, a post inspection meeting was held between management and the EPA representatives.

At this meeting the EPA representatives discussed the issues that were identified at the Coonamble facility and advised Council that they intend to issue a Clean-up notice, as well as a Prevention Notice for the Coonamble Waste Management Facility. These notices will be issued consistent with the reports previously tabled to Council at its June meeting and will have milestones that Council will have to meet.

At the time of writing this report Council is yet to receive either of these notices.

(a) Governance/Policy Implications

The report provides Council with opportunities to understand governance and policy implications in the environment and strategic land use planning. There may be risk implications depending on the nature of the enquiry.

(b) Legal Implications

Whilst not yet formally received by Council, the EPA has indicated its intention to serve Council both a Clean-up and Prevention Notice in accordance with the provisions contained within the Protection of the Environment Operations Act 1997.

(c) Social Implications

Providing information that is open and transparent to the community will provide positive social implications for the community to understand the work that Council does.

(d) Environmental Implications

The progress report allows for environmental management to be an area of focus for Council and subsequently providing positive environmental benefits. This specifically relates to the area of public health, environmental sustainability, and waste management.

(e) Economic/Asset Management Implications

There may be risk implications depending on the nature of the enquiry.

(f) Risk Implications

There may be risk implications depending on the nature of the enquiry.

CONCLUSION

The Environment and Strategic Planning Progress Report has considered town planning and strategic land use planning, waste management, compliance and regulation, and environmental management and health since the last meeting.

RECOMMENDATION

- 1. That Council notes the information contained within this report.**
- 2. That Council authorises the Executive Leader of Infrastructure to represent Council on the Western Regional Joint Planning Panel.**

10.12 INFRASTRUCTURE SERVICES - WORKS IN PROGRESS

File Number: R6
Author: Daniel Noble-Executive Leader - Infrastructure
Authoriser: Bruce Quarmby, Acting General Manager
Annexures: Nil

PURPOSE

The purpose of this report is to provide Councillors with information on the works in progress within Council's Infrastructure Services Directorate.

Councillors should note that Urban Services has now formally moved into the Infrastructure Services Directorate. Subsequently the former 'Urban Services - Works in Progress' report has been consolidated with this one.

BACKGROUND**(a) Relevance to Integrated Planning and Reporting Framework**

- I1.1 Employ a strategic approach to the management of our critical road network.
- I1.2 Strengthen our strategic approach to the management of our water infrastructure and services.
- I1.3 Improve our strategic approach to the management of our sewerage infrastructure and services.
- I1.4 Strengthen our strategic approach to the management of our urban drainage infrastructure and services.
- I1.5 Adopt successful strategies which maximises our community's access to quality infrastructure and assets.
- P3.1 Provide support to our sporting, recreation and community organisations which drives improved sporting and recreational opportunities for our community.
- P3.2 Improve the quality of our parks, open spaces, sporting and recreational facilities, including the MacDonald Park Masterplan Precinct.

(b) Financial Considerations

Provision is made within the 2021 / 2022 Operational Plan and Budget to fund the associated works and programs listed in this report.

COMMENTARY

This report aims to inform Councillors of the Works in Progress in the Infrastructure Services Directorate. Updates are provided for each Departmental area which includes Roads, Water and Sewer, Urban Services, Quarry and Workshop.

Roads – Operations and Maintenance						
Project	Budget	Expenditure to Date	Comment	Start Date	End Date	Progress (%)
Urban Roads Maintenance	\$150,000	-	Nil	01/07/2022	30/06/2023	-
Sealed Roads Maintenance	\$300,000	-	Nil	01/07/2022	30/06/2023	-
Unsealed Rural Roads Maintenance	\$612,000	-	Nil	01/07/2022	30/06/2023	-
Bridge Maintenance	\$50,000	-	Nil	01/07/2022	30/06/2023	-
Regional Roads Maintenance	\$568,060	-	Nil	01/07/2022	30/06/2023	-
Roads – Capital Works						
Project	Budget	Expenditure to Date	Comment	Start Date	End Date	Progress (%)
Bertram Street Reconstruction	\$350,000	TBC next month	Works are substantially complete. Waiting for favourable conditions to clean out drain.	20/10/2022	28/10/2022	75%
Urban Renewal Program	\$200,000	-	To commence.	01/11/2022	30/01/2023	0%
Unsealed Renewal Program (Resheeting)	\$350,00	-	Projects to be nominated.	01/05/2023	30/06/2023	0%
Sealed Road Heavy Patching	\$200,000	-	To commence.	05/09/2022	30/09/2022	0%

Regional Road Capital Renewal	\$100,000	-		Project to be nominated.	01/05/2023	30/06/2023	0%
Warren Road Upgrade	\$1,267,188	-		To commence.	01/04/2023	30/06/2023	0%
Warren Road and Castlereagh Highway Intersection Upgrade	\$820,000	-		Funding variation submitted to HVSPP due to change in scope.	06/02/2023	30/06/2023	0%
Shanklin Road Renewal	\$375,000	-		To commence.	01/04/2023	26/05/2023	0%
Wingadee Road Renewal	\$150,000	-		To commence.	03/10/2022	24/02/2023	0%
Yalcogrin Street Renewal (Gular)	\$400,000	-		To commence.	05/09/2022	28/10/2022	0%
Box Ridge Road Reconstruction	\$1,859,636	-		To commence.	09/01/2023	26/05/2023	0%
Carinda Road Heavy Patching and Culverts	\$2,265,840	TBC month	next	Contractor engaged install culverts.	15/05/2022	01/04/2023	0%
Stormwater Improvement Program	\$175,000	-		Projects to be nominated.	01/07/2022	30/06/2023	0%
Tooraweenah Road Upgrade	\$13,566,000	TBC month	next	Detailed Design and Tender Schedules in development.	01/07/2022	30/06/2023	0%
Flood Restoration Works	\$2,950,226	TBC month	next	Flood restoration works have commenced despite ongoing wet weather.	01/07/2022	30/06/2023	0%

Glenhaven Culverts	\$3,500,000	TBC month	next	Revised Works Proposal to be submitted.	01/07/2022	17/02/2023	0%
Pilliga Causeway Replacement	\$350,000	TBC month	next	Tender currently underway	01/07/2022	23/12/2022	0%
Euronne Gully Causeway	\$280,000	TBC month	next	LRCI Funding Requested to be extended.	01/07/2022	23/12/2022	0%
Water – Capital Works							
Project	Budget	Expenditure to Date		Comment	Start Date	End Date	Progress (%)
Coonamble Mains Replacements	\$624,642	-		To commence.	01/07/2022	30/06/2023	0%
Coonamble Chlorine Storage Relocation	\$20,000	-		To commence.	01/07/2022	30/06/2023	0%
Coonamble Reservoir Improvements	\$24,000	-		To commence.	01/07/2022	30/06/2023	0%
Quambone Mains Replacements	\$61,170	-		To commence.	01/07/2022	30/06/2023	0%
Quambone New Chlorine Storage	\$45,000	-		To commence.	01/07/2022	30/06/2023	0%
Quambone Chlorine Residual Monitors	\$20,000	-		To commence.	01/07/2022	30/06/2023	0%

Quambone Chlorine Scales and Auto Changeover	\$12,000	-	To commence.	01/07/2022	30/06/2023	0%
Quambone Reservoir Improvements	\$15,000	-	To commence.	01/07/2022	30/06/2023	0%
Gulargambone Mains Replacements	\$317,893	-	To commence.	01/07/2022	30/06/2023	0%
Gulargambone Chlorine Residual Monitors	\$40,000	-	To commence.	01/07/2022	30/06/2023	0%
Gulargambone Scales and Auto Changeover	\$24,000	-	To commence.	01/07/2022	30/06/2023	0%
Sewerage – Capital Works						
Project	Budget	Expenditure to Date	Comment	Start Date	End Date	Progress (%)
Coonamble Mains Relining	\$535,000	-	To commence.	01/07/2022	30/06/2023	0%
Coonamble SPS1 Vent Stack	\$20,000	-	To commence.	01/07/2022	30/06/2023	0%
Coonamble STP Upgrade – Concept Design	\$250,000	-	To commence.	01/07/2022	30/06/2023	0%
Gulargambone Mains Relining	\$235,000	-	To commence.	01/07/2022	30/06/2023	0%
Gulargambone STP Maturation Pond Relining	\$60,000	-	To commence.	01/07/2022	30/06/2023	0%
Gulargambone STP Tertiary Pond Renewal	\$200,000	-	To commence.	01/07/2022	30/06/2023	0%

Gulargambone STP SCADA Upgrade	\$100,000	-	To commence.	01/07/2022	30/06/2023	0%
Urban Services – Capital Works						
Project	Budget	Expenditure to Date	Comment	Start Date	End Date	Progress (%)
Cemetery Improvement Program	\$20,000	-	To commence.	01/07/2022	30/06/2023	0%
Quambone Toilet Block	\$70,380	TBC next month	DA and CC obtained. Seeking quotations for installation.	01/07/2022	30/06/2023	0%
Coonamble Pool Upgrade Program	\$466,957	-	To commence.	01/07/2022	30/06/2023	0%
Coonamble Sportsground	\$119,450	-	To commence.	01/07/2022	30/06/2023	0%
Footpaths Reconstruction	\$45,000	-	To commence.	01/07/2022	30/06/2023	0%
Street Tree Replacement Program	\$100,000	-	To commence.	01/07/2022	30/06/2023	0%
Walking Loop Footpath Construction	\$327,083	-	To commence.	01/07/2022	30/06/2023	0%
Coonamble Showground Upgrades	\$25,000	-	To commence.	01/07/2022	30/06/2023	0%
Quarries, Pits & Crusher Operations						
Balance Sheet	Estimated	Actual to Date	Comment	Start Date	End Date	Progress (%)

Expenditure	\$2,114,325	-	Nil	01/07/2022	30/06/2023	0%
Income	\$2,625,550	-	Nil	01/07/2022	30/06/2023	0%
Net Revenue	+\$511,225	-	Nil	01/07/2022	30/06/2023	0%
Workshop Operations						
Plant Serviced or Repaired	Estimated Downtime Actual to Date (Hrs)		Comment	Start Date	End Date	Progress (%)
P6160 - CAT RM-500	646		Council's pulvi mixer has now been rebuilt and it back onsite.	08/03/2022	27/06/2022	100%

(a) Governance/Policy Implications

Maintenance of Council's infrastructure assets is carried out in accordance with Council's adopted management plans.

(b) Legal Implications

There are no legal implications arising from this report.

(c) Social Implications

Maintenance works are programmed where practical, to minimise social impacts.

(d) Environmental Implications

There are no environmental implications arising from this report.

(e) Economic/Asset Management Implications

Works are scheduled in accordance with Council's adopted 2021 / 22 Operational Plan and Budget.

(f) Risk Implications

Maintenance works are programmed to minimise the risk to Council and the public.

CONCLUSION

This report provides updated information on the projects and planned works within the Infrastructure Department for Council's information.

RECOMMENDATION

That Council notes the information in this report.

10.13 TOORAWEEAH ROAD UPGRADE - MONTHLY STATUS UPDATE**File Number:** R-8-32-1**Author:** Daniel Noble-Executive Leader - Infrastructure**Authoriser:** Daniel Noble, Executive Leader - Infrastructure**Annexures:** Nil**PURPOSE**

The purpose of this report is to provide Councillors a status update on the Tooraweenah Road Upgrade Project.

EXECUTIVE SUMMARY

In the month of June (2022) the payment for milestone 2 was received as the project continues to develop to “shovel ready” status.

BACKGROUND

Tooraweenah Road is the most direct route from the town of Coonamble to the Warrumbungles.

The section of road to be upgraded commences on the eastern outskirts of the Coonamble township and continues to the boundary with Gilgandra Shire Council.

The 56.8 km road currently consists of 30.1 km with a sealed pavement of varying width, followed by 26.7 km of unsealed earthen formation with an average width of 7m. The unsealed section includes two short-sealed sections that total 1.3km.

Most of the sealed length is in need of rehabilitation or heavy patching however some of the sections of sealed pavement are in a serviceable condition and will be retained. Unsealed sections of Tooraweenah Road will be upgraded and sealed.

The project aims to provide 56.8 km of road with a 9.9m wide pavement and 7.5m wide seal with guideposts, centreline and edge marking.

Council has resolved to complete the project in the shortest possible timeframe, preferably within a 12-month period from the time of project approval.

(a) Relevance to Integrated Planning and Reporting Framework

11.1.5 Complete the Tooraweenah Road upgrade project, on time and on budget.

(b) Financial Considerations

The capital cost of the project is fully funded by the Federal Government's Roads of Strategic Importance (ROSI) Program. The funded budget is \$22.96M.

COMMENTARY

For the month of June 2022, the second milestone payment for \$450,000 has been claimed and received. An inception meeting with the principal road design consultant was completed on 16 June 2022 and survey of the sealed section has commenced. This work is being undertaken from 30 June 2022 and is expected to be completed within one week.

The review of environmental factors (REF) for the sealed section is complete and is currently under review from the project team.

The tender specifications are all complete as are the construction specifications inclusive of some with minor adjustments.

Geotechnical testing for lime demand has also been completed with results expected to be back mid July 2022. The reason for doing this testing is that if the existing subgrade can be strengthened by lime stabilising the overall pavement thickness may be able to be reduced. This would result in a reduced pavement volume and therefore less dense graded base gravel required to complete the upgrade, reducing the impact on the Mt Magometon Quarry. A few samples were taken from Quarry and tested for lime demand as well. Dubbo Traffic Control has been engaged for all the pre-construction and used on a need-only basis.

Clearing and Grubbing is to commence as soon as a suitable supplier can be engaged.

RECOMMENDATION

That the information be received and noted.

10.14 EURONNE GULLY CULVERT FUNDING**File Number: MR129Q****Author: Daniel Noble-Executive Leader - Infrastructure****Authoriser: Daniel Noble, Executive Leader - Infrastructure****Annexures: Nil****PURPOSE**

The purpose of this report is to provide Council with an update on the funding available for the Euronne Gully Culvert project, and to recommend an additional funding source to complete the work in the 2022 / 23 Operational Plan.

EXECUTIVE SUMMARY

Councillors will recall at the June 2022 Ordinary Meeting that discussions were had regarding the budget shortfall for the Euronne Gully Culvert project.

Councillors requested that a future report be brought identifying options that could address the shortfall to enable the project to be completed in the 2022 / 23 Operational Plan.

This report has been prepared in response to this request.

BACKGROUND

The Euronne Gully Culvert project was identified as a priority in the 2020 / 21 financial year with the project being allocated \$280,000 under the Local Roads and Community Infrastructure (LRCI) Phase 2 round.

The project was expected to commence in November 2021 however competing priorities, including responding to numerous flood events, delayed the commencement of the project until February 2022.

Detailed designs were finally developed in April 2022 however the updated information indicated that the initial estimates were likely to be exceeded.

It was reported to Council in June 2022 that despite some cost savings made through reducing the scope, the revised project estimate had risen to \$453,570 and consequently there was a budget shortfall of \$173,570.

Councillors requested that Officers consider alternate funding sources to enable the project to be completed and this report has been prepared in response.

(a) Relevance to Integrated Planning and Reporting Framework

I1.1 Employ a strategic approach to the management of our critical road network.

E1.1.1 Achieve flood risk management strategies and projects.

(b) Financial Considerations

This report seeks an allocation of \$173,570 to be sourced from the Roads to Recovery (RTR) budget currently allocated to the Shanklin Road Renewal Project. The net result would be that the \$375,000 currently allocated to Shanklin Road would be reduced to \$201,430.

COMMENTARY

The Local Roads and Community Infrastructure (LRCI) Program is an Australian Government funded initiative that commenced in May 2020.

The aim of the program is to support local councils to deliver priority local road and community infrastructure projects, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Being stimulus funding the eligibility of projects which can be funded is fairly broad in comparison to other programs. However, there are still timeframes which must be complied with. Councillors should note that Phase 2 projects were due to be completed by 30 June 2022.

Staff have applied for an extension for a number of Phase 2 projects including the Euronne Gully Culverts and are hopeful an extension will be granted up until 23 December 2022. Other projects which have sought an extension include the Quabathoo Road cement causeway and the Sandy Camp Causeway stabilisation.

Despite the extension of time request there is also a budget shortfall of an estimated \$173,570.

A number of options were considered to fund this shortfall. The following table intends to detail these as well as provide commentary as to why they are not recommended:

Funding Source	Commentary
Regional Roadblock Grant	The Regional Roadblock grant for Coonamble is \$1,364,000 per annum but has to be spent on Regional Roads and includes a maintenance component. As Quambone Road is a Regional Road this was considered but dismissed as a significant proportion of this funding is currently allocated to the Warren Road upgrade (\$637,000).
Local Roads and Community Infrastructure Phase 3	The LRCI Phase 3 funding is \$1,859,000 and has been allocated to reconstructing Box Ridge Road. It was considered to reduce this allocation by \$173,570 however in reading the terms and conditions of the LRCI program, funding cannot be used from different phases for a single project i.e. Phase 2 & 3 funding cannot be combined on this project.
Floodplain Risk Management Program 22/23 Round	The Floodplain Risk Management Program was kindly suggested by a former staff member, however when the eligibility criteria for this program was reviewed the program had closed (5 May 2022). It is also notable that Stage 4a of the Levee Bank stabilisation has been funded under this program.
Council own source funding	Whilst this option was considered it was not considered the best option in the long term, with much of Council's reserve funding in term deposits and not worth accessing for this comparatively small amount.

With respect to the funding source that is recommended, Council officers are recommending that the Roads to Recovery (RTR) funding be re-allocated towards funding the shortfall.

Council's allocated budget under the RTR program is \$929,818 per annum with \$375,000 of this currently allocated to Shanklin Road. It is recommended that the scope of works on Shanklin Road be reduced by \$173,570 to fund the shortfall.

Under the Roads to Recovery Program funding recipients are responsible for choosing which road projects to spend their funding on based on their local priorities. Historically Council has elected to prioritise local roads, but it is not a strict criterion of the funding.

(a) Governance/Policy Implications

The use of Roads to Recovery (RTR) funding on local roads 'as a rule' is a sensible approach but it is not a formal policy of Council. Given this and the exceptional circumstances around the Euronne Gully Causeway project it is recommended to allocate this funding to the project.

(b) Legal Implications

There are no significant legal implications associated with this report.

(c) Social Implications

There may be some community dissatisfaction with a decision to reallocate funding from a project on Shanklin Road to this project on the Quambone Road, given it's a State Road.

(d) Environmental Implications

There are no significant legal implications associated with this report.

(e) Economic/Asset Management Implications

The extension of time for the LRCI Phase 2 funding, if granted, will be up to the maximum 23 December 2022. If the budget shortfall which currently exists for the project cannot be sourced, then the \$280,000 which has been allocated will likely be lost. Council is not able to claim its costs to date for a project that is incomplete.

(f) Risk Implications

The risk of failing to fund the budget shortfall is that the \$280,000 currently allocated could be lost with Council not able to claim its costs to date.

CONCLUSION

I commend the report to Council.

RECOMMENDATION

That the budget shortfall for the Euronne Gully Culvert Project be allocated from Council's Roads to Recovery funding currently allocated to the Shanklin Road renewal.

10.15 EXPRESSION OF INTEREST TO PURCHASE COUNCIL-OWNED LAND

File Number: PR1231-04
Author: Bruce Quarmby-Acting General Manager
Authoriser: Bruce Quarmby, Acting General Manager
Annexures: Nil

PURPOSE

To update Council with regards to the progress of discussions between Council and other parties regarding requests received by Council to purchase / lease Council owned land.

BACKGROUND

At its May 2022 meeting Council was advised of an expression of interest to purchase Council owned land for the purpose of expanding GrainCorp's grain receival site. Following deliberations Council passed the following resolution:

RESOLUTION 2022/102

Moved: Cr Adam Cohen
Seconded: Cr Terence Lees

- 1. That Council instructs the Acting General Manager to commence discussions with the current Lessee with regards to the possibility of an amendment to the current lease to facilitate the possible sale of part Lot 2, DP1254635.**
- 2. Further that should the current Lessee advise Council that they are unwilling to enter negotiations with regards to an amendment of the lease, that Council is to advise the proponent that the likelihood that any or part of Lot 2, DP1254635 would not be available for sale until at least 28 February 2023.**
- 3. That Council staff be authorised to liaise with the proponent for the identification of alternative land for the expansion of its grain receival site should a win-win outcome with the current lessee not be achievable in the short term.**
- 4. That Council staff provide a further report on the outcome of the proposed lines at a future meeting.**

In Favour: Crs Tim Horan, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 8/0

Since the passing of the resolution Council staff have been in contact with both the current Lessee and GrainCorp.

(a) Relevance to Integrated Planning and Reporting Framework

Ongoing support of the agricultural industry is implied but is not a major focus of the current Community Strategic Plan, Delivery Program or Operational Plan.

(b) Financial Considerations

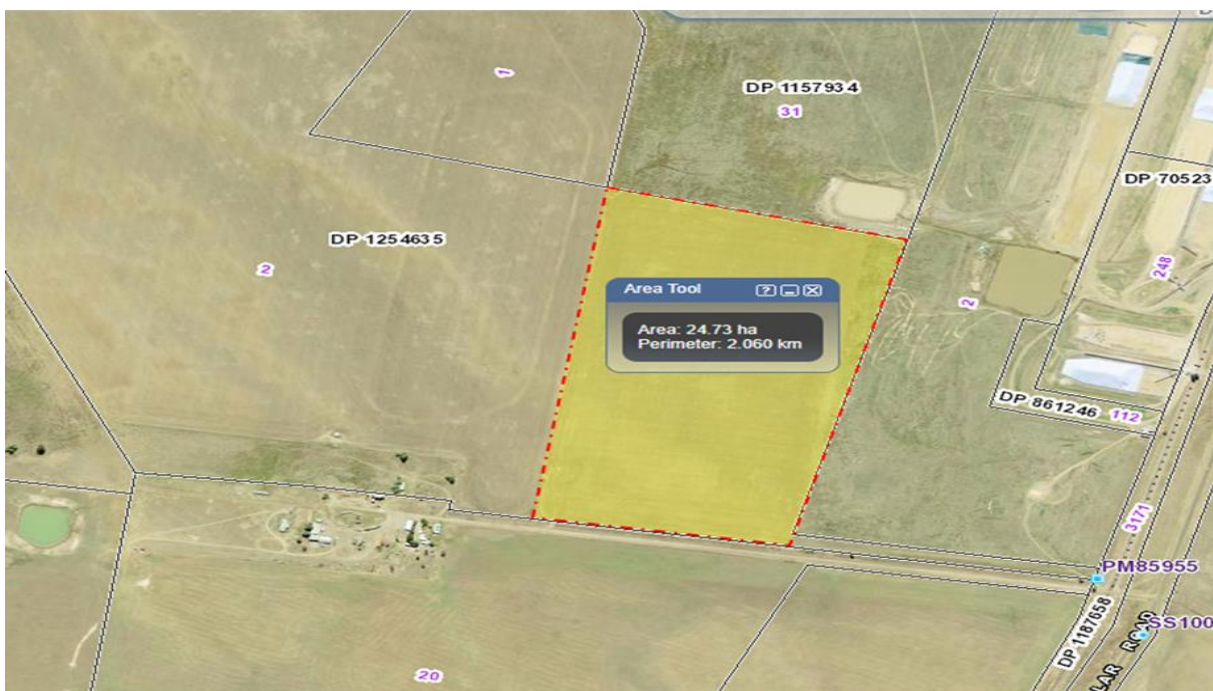
Council would lose ongoing fees for the leased 24ha but gain either an annual rental payment or alternatively a one-off payment from the proceeds of the land should it be sold. Preliminary estimates place the possible estimated income from such a rental agreement as \$5,000 per annum or alternatively a one-off sales price in the vicinity of approximately \$120,000.

COMMENTARY

In addressing the first action from Council Resolution 2022 / 102, Council staff have contacted the current Lessee and raised the possibility of amending the current lease to facilitate the possible sale of part Lot 2 DP1254635. During these discussions the following points of concern were raised.

- The need for the retention of an easement / access corridor from the Back Gular Road to the remaining portion of Lot 2 DP1254635.
- The issue of potential compensation for lost cropping income from the current season as the lessee has already commenced farming operations on this land.

Subject to these concerns being adequately addressed, the Lessee has given a verbal undertaking that he would have no objection to the proposed amendment of the lease. For Council's information, these concerns / conditions have been reiterated to GrainCorp. In seeking to address these concerns, GrainCorp have verbally undertaken to have an appraisal of the crop carried out and to fund any compensation for lost income due to the lessee. On the subject of the retention of the easement / access corridor a solution is yet to be finalised. The following map shows an approximation of the land in question.



Aside from discussions with the Lessee, Council's representative have also been in discussion with GrainCorp representatives to both discuss the concerns raised by Council and the current Lessee, as well as seeking to identify and address any planning matter or concerns that may arise for the potential development.

As part of the discussions GrainCorp raised the possibility of Council agreeing to grant a short-term licence / lease with the inclusion of an option to purchase the parcel of land in question. This approach has been suggested to be the means by which GrainCorp could potentially undertake the necessary planning and construction of the proposed expansion to their storage facility in time for the 2022 harvest. To facilitate such an agreement a market rental and subsequent purchase price would be established by the means of an appraisal by a suitably qualified valuer, which GrainCorp have agreed to provide at their costs.

It was also during these discussions that Council staff have received a further request for the establishment of another short-term licence / lease with the inclusion of an option to purchase. The land in question and is a part lot 240 DP754199 and is the unformed road that runs from the past the truck wash and if granted will be utilised as truck marshalling area. Following is a map outlining the "additional" requested land.



In regards to considering this request for this land , Council will be required to implement measures to seeking to ensure the ongoing access to truckwash for the community. This could possibly be achieved through the inclusion of clauses stating this fact within the agreement.

To ensure that there would be no unforeseen delays in the development application assessment process a pre-lodgement meeting was held between Council's Environmental and GrainCorp representatives. One of the recommendations to arise from this meeting was that should Council be in favour of the proposed development that resolve to authorise the Acting General Manager to sign the Owner's Consent Form to allow a Development Application to be lodged by GrainCorp in the Portal.

It should be noted that the basis of these discussions, were founded on the assumption that all relevant conditions would be met, and that Council would consider favourably the request to grant a land lease with an option to purchase. Having said this it would be remiss of me to remind Council that this is indeed a decision of Council and that it can indeed resolve to decline the requests from GrainCorp.

(a) Governance/Policy Implications

In accordance with Section 377(1)(h) of the *Local Government Act 1993* any decision to dispose of land must be made by resolution of Council, as the power to sell, exchange or surrender land cannot be delegated.

(b) Legal Implications

A legal agreement will be required to facilitate the lease / sale of the property. A draft agreement is currently in the process of being finalised for consideration by both parties.

(c) Social Implications

There are no direct social implications

(d) Environmental Implications

There are no environmental implications as the proposed land use for grain storage is consistent with that of the neighbouring property, currently used by GrainCorp for this purpose.

(e) Economic/Asset Management Implications

The inability of GrainCorp to receive the harvest from the Coonamble area in late spring 2022 could have serious flow-on economic implications to local grain producers.

(f) Risk Implications

The procurement of a market valuation for the property in question will help mitigate Council's exposure to risks associated with the disposal of land.

CONCLUSION

Developing GrainCorp's largest grain receival site at Coonamble creates significant nationwide prestige for the area. Failure to provide the additional land may well constrain GrainCorp's ability to receive the 2022 harvest, leading to negative economic impact to the area and for individual grain producers, who would be forced to finance development of their own on-farm storage facilities.

RECOMMENDATION

- 1. That Council notes the information in this report.**
- 2. That Council resolves to authorise the Acting General Manager to continue negotiations with GrainCorp for the establishment of a short-term lease of part Lot 2 DP1254635, noting that lease is to include an option to purchase the parcel of land.**

- 3. That once the short-term lease for part of Lot 2 DP1254635 is finalised, that the lease be tabled for Council's consideration.**
- 4. That Council resolves to authorise the Acting General Manager to continue negotiations with GrainCorp for the establishment of a short-term lease of part Lot 240 DP754199, noting that lease is to include an option to purchase the parcel of land. Further the lease is to ensure that the community has ongoing access to the Truck wash facility located on the same lot**
- 5. That once the short-term lease for part of Lot 240 DP754199, is finalised, that the lease be tabled for Council's consideration**
- 6. That the Council authorises the Acting General Manager to sign the Owners Consent Form for the proposed Development Application, for the planned works on part Lot 2 DP1254635.**

10.16 COONAMBLE SHIRE DRAFT RESOURCING STRATEGY DOCUMENTS

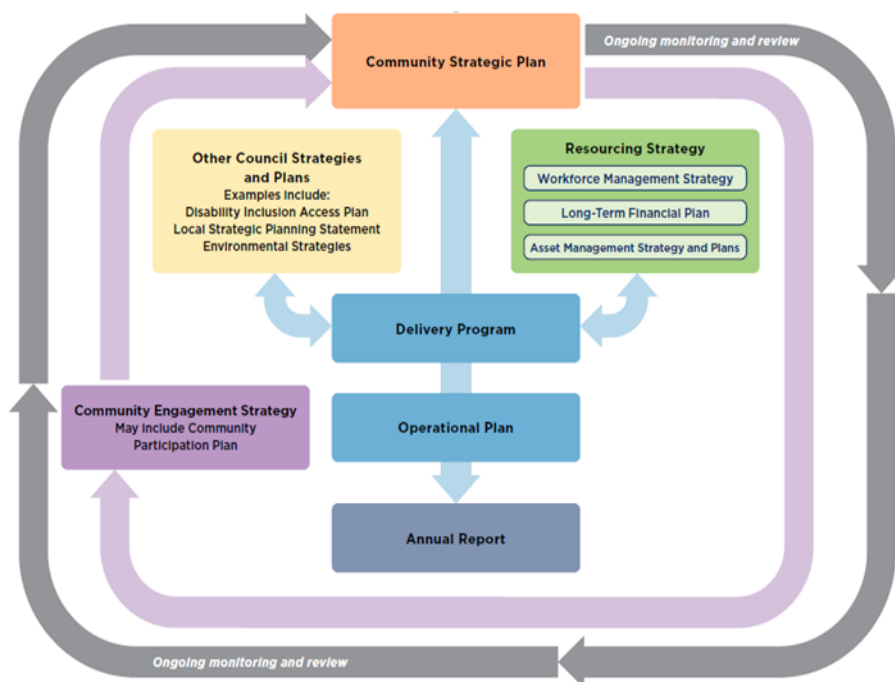
- File Number:** C8
- Author:** Bruce Quarmby-Acting General Manager
- Authoriser:** Bruce Quarmby, Acting General Manager
- Annexures:**
1. Coonamble Shire Workforce Management Strategy (under separate cover)
 2. Draft Long Term Financial Plan 2023-2032 (under separate cover)

PURPOSE

The purpose of this report is to provide Council with an update on the draft Resourcing Strategy suite of documents that underpin the Community Strategic Plan recently adopted by Council.

BACKGROUND

At its June Council Meeting, Council formally adopted its updated suite of Integrated Planning and Reporting documents. For Council’s information this suite of documents consists of the ten-year Community Strategic Plan; four-year Delivery Program; Annual Operational Plan (which includes Revenue Policy and Fees and Charges). These documents are underpinned by the Resourcing Strategy documents which include essentially three (3) components a Workforce Management Strategy, Asset Management Strategy and Plans, and Council’s Long-Term Financial Plan. This is demonstrated in the diagram below.



(a) Relevance to Integrated Planning and Reporting Framework

Council’s Resourcing Strategy demonstrates how work identified in the Delivery Program and Operational Plan will be resourced as identified

through the Long-Term Financial Plan, Workforce Management Strategy, and Asset Management Planning.

(b) Financial Considerations

There are no direct financial considerations with the proposed public exhibition of documents

COMMENTARY

As mentioned in the background of the report Council's draft Resourcing Strategy is essentially made of three (3) components. These components can be summarised as follows.

1. Workforce Management Strategy

The Workforce Management Strategy maximises the capacity of Council's workforce resources to meet the objectives of the Community Strategic Plan 2032 and Delivery program 2022-2026. The Workforce Management Plan is the mechanism by which a strategic approach is taken to this important function. Issues that are encountered are identified and strategies developed to minimise the impact of these issues.

This updated plan also has incorporated the results of the staff attraction and attention review, including actions to address any key areas identified for improvement.

The Workforce Management Strategy will be monitored, evaluated, and reported on an annual basis to ensure key outcomes are being met.

2. Long Term Financial Plan

This section is the area where the long-term community aspirations are tested against financial realities. The plan should answer the questions:

- Can we survive the pressures of the future?
- What are the opportunities for future income and economic growth?
- Can we afford what the community wants?
- How can we go about achieving these outcomes?

The plan is not intended to be a firm commitment to future expenditure. It is a valuable guide to future action. No organisation is an "island". Coonamble Shire Council will be subject to many external factors in the next 10-20 years that will impact on our plans. These are outside the control of Council. Therefore, all plans are reviewed and reported on annually

3 Asset Management Plans

The Asset Management Plans are a long-term plan that outlines the asset activities for each service. The International Infrastructure Management Manual defines Asset Management Plan as:

"a written representation of the intended asset management programs for one or more infrastructure networks based on the controlling organisation's understanding of

customer requirements, existing and projected networks and asset condition and performance”

Due to the complexity of local government assets, Council has determined to develop a separate plan for each asset type. The six (6) plans are as follows

- Transport Infrastructure
- Buildings & Facilities
- Urban Drainage
- Water Supply
- Sewerage
- Plant

For details on the individual plans, please refer to the Strategic Asset Management Plans. Council’s performance against these plans will be monitored, evaluated and reported on an annual basis to ensure key outcomes are being met.

It should be noted that over the past six (6) months these plans have undergone a significant review and revitalisation into a format that establishes clear measurable actions and benchmarks for Council. Given the significant changes to the structure of these plans, Council has arranged to the consultant who has been working with Council to provide a briefing session to Council prior to the July Council meeting.

The plans will be made available to Council at the meeting.

Whilst the completion of these documents has been delayed due to circumstances beyond Council’s control, moving forward these documents will be reviewed annually and placed on display in conjunction with Council’s annual draft Operational Plan.

(a) Governance/Policy Implications

Council’s Resourcing Strategy underpins the recently adopted Community Strategic Plan. These documents have been developed and adopted in accordance with the *Local Government Act 1993* (the Act), and the Integrated Planning and Reporting Framework Guidelines (2021).

(b) Legal Implications

Local Councils within the State of NSW have no option other than to comply with the IP&R requirements, as it is a legislative requirement.

(c) Social Implications

Council’s Resourcing Strategy underpins how Council will seek to the deliver the community’s priorities as identified through the development of the Community Strategic Plan.

(d) Environmental Implications

The potential environmental implication so the Resourcing Strategy could be positive for Council.

(e) Economic/Asset Management Implications

The Resourcing Strategy outlines Council's planned maintain and renewal of its various asset classes for the next 10 years.

(f) Risk Implications

The development of the Resourcing Strategy ensures compliance legislative requirements.

CONCLUSION

It is recommended that Council's draft Resourcing Strategy is placed on public exhibition for a minimum period of 28 days and closing on the 12 August 2022

RECOMMENDATION

- 1. That Council notes the information contained in this report.**
- 2. That Council places the draft Resourcing Strategy documents as tabled to the Council meeting held on the 13 July 2022, on public exhibition for a minimum period of 28 days for the purpose of inviting submissions from the community.**
- 3. That Council requests the Executive Leader Corporate and Sustainability to present a further report, together with all submissions received, to Council at the conclusion of the public exhibition period for Council's further consideration and adoption of the Resourcing Strategy documents (with or without changes) at its September 2022 Ordinary Meeting.**
- 4. That, in the event of no submissions being received within the prescribed number of days, Council formally adopts the suite of Resourcing Strategy documents without any changes as a plans of Council.**

**11 NOTICES OF MOTIONS/QUESTIONS WITH
NOTICE/RESCISSION MOTIONS**

Nil

12 CONFIDENTIAL MATTERS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

12.1 Closed (Public Excluded) Council Meeting of the Coonamble Shire Council - 15 June 2022

12.2 Quarry Manager Service Proposal

This matter is considered to be confidential under Section 10A(2) - a and d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors) and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

12.3 RFQ02.022 Construction of Coonamble SES Headquarters

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

13 CONCLUSION OF THE MEETING