



BUSINESS PAPER

Ordinary Council Meeting Wednesday, 13 November 2024

Date: Wednesday, 13 November 2024

Time: 9.00 AM

**Location: Shire Chamber
Coonamble**

The Mayor and Councillors are bound by the Oath / Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of Coonamble Shire and to faithfully and impartially carry out the functions, powers, authorities, and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement. It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.

**Daniel Keady
Mayor**

Notice is hereby given that an Ordinary Meeting of Council will be held in the Shire Chamber, Coonamble on Wednesday, 13 November 2024 at 9.00 AM.

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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, 9 October 2024 be confirmed as a correct record of the proceedings of the meeting.



MINUTES

**Ordinary Council Meeting
Wednesday, 9 October 2024**

**MINUTES OF COONAMBLE SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE SHIRE CHAMBER, COONAMBLE
ON WEDNESDAY, 9 OCTOBER 2024 AT 3.00 PM**

PRESENT: Cr Steven Butler, Cr Karen Churchill, Cr Adam Cohen, Cr Paul Fisher, Cr Margaret Garnsey, Cr Ahmad Karanouh, Cr Daniel Keady, Cr Phillipa Goldsmith, Cr Paul Wheelhouse

IN ATTENDANCE: Paul Gallagher (General Manager), Bruce Quarmby (Director Corporate Services), Kerrie Murphy (Director Infrastructure), Barry Broe (Director Community, Planning, Development & Environment), Jennifer Maundrell (Executive Manager Corporate Governance), Marina Colwell (Executive Support Officer), Deborah Tatton (Manager Finance), Kylie Kerr (Manager Roads), David Levick (Manager Economic Development & Growth)

1 OPENING MEETING

The General Manager opened the meeting at 3.00 pm, 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**4 APOLOGIES/APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

Nil

5 DEPUTATION/DELEGATIONS

Nil

6 CONFIRMATION OF MINUTES**RESOLUTION 2024/218**

Moved: Cr Adam Cohen

Seconded: Cr Daniel Keady

That the minutes of the Ordinary Meeting of the Coonamble Shire Council held on Wednesday, 11 September 2024 be received and noted.

Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

7 DISCLOSURES OF CONFLICTS OF INTEREST

Cr Phillipa Goldsmith declared a non-pecuniary conflict of interest with:

Item 10.16 Economic Development & Growth – as the Harvest Luncheon is mentioned in the report, the event was held on her property and was financially supported by Council. She indicated that she would remain in the room and participate in the discussion on the item; and

Item 10.20 Infrastructure Report – as the Killara Lane is mentioned in the report for recent grading works and her property is on that road. She indicated that she would remain in the room and participate in the discussion on the item.

Cr Paul Wheelhouse declared a pecuniary conflict of interest with:

Item 12.2 Coonamble Sportsground Construction of new Amenities Building – as his company lodged a tender application for the project. Cr Wheelhouse will leave the room for the discussion on the item.

8 MAYORAL MINUTE

A Mayoral Minute was not presented due to the new Council and pending election of a Mayor.

SECTION A - MATTERS FOR CONSIDERATION BY COUNCIL

SECTION B - MATTERS FOR INFORMATION ONLY

9 COMMITTEE REPORTS

Nil

10 REPORTS TO COUNCIL**10.1 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS****RESOLUTION 2024/219**

Moved: Cr Margaret Garnsey

Seconded: Cr Paul Fisher

- 1. That each Councillor takes an oath or makes an affirmation of office in the prescribed format commensurate with the provisions of Section 233A of the *Local Government Act 1993* (as amended) as the first item of business.**
- 2. That each Councillor reads out loud the prescribed wording of the oath or affirmation of office in front of the General Manager and signs a statement containing this oath or affirmation of office for Council's records.**

Cr Paul Wheelhouse read and signed the Oath of Office in front Council and the General Manager.

Cr Steven Butler read and signed the Oath of Office in front Council and the General Manager.

Cr Karen Churchill read and signed the Oath of Office in front Council and the General Manager.

Cr Paul Fisher read and signed the Oath of Office in front Council and the General Manager.

Cr Margaret Garnsey read and signed the Oath of Office in front Council and the General Manager.

Cr Ahmad Karanouh read and signed the Affirmation of Office in front Council and the General Manager.

Cr Phillipa Goldsmith read and signed the Affirmation of Office in front Council and the General Manager.

Cr Daniel Keady read and signed the Oath of Office in front Council and the General Manager.

Cr Adam Cohen read and signed the Oath of Office in front Council and the General Manager.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.2 ELECTION OF MAYOR AND DEPUTY MAYOR (METHOD OF VOTING)**RESOLUTION 2024/220**

Moved: Cr Phillipa Goldsmith

Seconded: Cr Daniel Keady

- 1. That Council notes the contents of the report.**
- 2. That Council appoints the General Manager as Returning Officer to oversee the election of the Mayor and Deputy Mayor.**
- 3. That Council resolve the method of voting for Mayor and Deputy Mayor to be by secret ballot.**
- 4. That Council resolve the method of voting for Mayor and Deputy Mayor to be by ordinary ballot - by placing an "X" on the paper.**
- 5. That the General Manager and Director Corporate Services conducts the election of the Mayor and Deputy Mayor.**
- 6. That Council resolves to appoint Cr. Daniel Keady as Mayor.**
- 7. That Council resolves to appoint Cr. Steven Butler as Deputy Mayor.**

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

SUSPENSION OF STANDING ORDERS**RESOLUTION 2024/221**

Moved: Cr Paul Fisher

Seconded: Cr Ahmad Karanouh

A motion was moved that Council suspend standing orders at 3.29 for a short recess to allow the General Manager to brief the Mayor and Deputy Mayor.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

RESUMPTION OF STANDING ORDERS**RESOLUTION 2024/222**

Moved: Cr Ahmad Karanouh

Seconded: Cr Paul Fisher

A motion was moved that Council resume standing orders at 3.45pm.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Paul Wheelhouse and Phillipa Goldsmith

Against: Nil

CARRIED 9/0

The General Manager handed the chair of the meeting to Mayor Keady at 3.45pm.

One minute of silence was held to recognise the recent passing of Ex councillor Len Scott.

Mayor Keady congratulated the Councillors on their election to office and thanked them for electing him to Mayoral role along with the community of Coonamble for his election to office.

10.3 ELECTION OF MAYOR FOR THE MAYORAL TERM ENDING SEPTEMBER 2026**RESOLUTION 2024/223**

Moved: Cr Karen Churchill

Seconded: Cr Adam Cohen

- 1. That Council elects a Mayor for the Mayoral Term, noting that this term will end in September 2026.**
- 2. That the General Manager advises Local Government NSW and the NSW Office of Local Government of the results of the Mayoral election.**

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.4 ELECTION OF A DEPUTY MAYOR

RESOLUTION 2024/224

Moved: Cr Margaret Garnsey

Seconded: Cr Karen Churchill

That Council elects a Deputy Mayor for a one-year term noting that this term will end in September 2025.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.5 USING COUNTBACKS TO FILL CASUAL VACANCIES

RESOLUTION 2024/225

Moved: Cr Karen Churchill

Seconded: Cr Steven Butler

1. That Council receive and note the report to fill casual vacancies .
2. That Council resolves to exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the ordinary election.
3. That Council resolves to comply with the requirements of the NSW Electoral Office, being:

“That pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act) Coonamble Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at the election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council’s decision within seven (7) days of the decision.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.6 FIXING OF DATES FOR COUNCIL MEETINGS FOR THE 2024/2025 MAYORAL TERM

RESOLUTION 2024/226

Moved: Cr Karen Churchill

Seconded: Cr Ahmad Karanouh

1. That Council resolve to fix the dates and times for the 2024 / 2025 Ordinary Meetings as follows:

<u>Date</u>	<u>Location</u>	<u>Time</u>
13/11/2024	Council Chamber – Admin Building	9.00 am.
11/12/2024	Council Chamber – Admin Building	9.00 am.
12/02/2025	Council Chamber – Admin Building	9.00 am.
12/03/2025	Gulargambone Memorial Hall	9.00 am.
09/04/2025	Council Chamber – Admin Building	9.00 am.
15/05/2025	Council Chamber – Admin Building	9.00 am.
18/06/2025	Council Chamber – Admin Building	9.00 am.
09/07/2025	Council Chamber – Admin Building	9.00 am.
13/08/2025	Quambone Community Hall	9.00 am.
10/09/2025	Council Chamber – Admin Building	9.00 am.

2. That the General Manager communicates the dates and venues of Council Meetings for the November 2024 to September 2025 period to staff and arranges for the times, dates and venues of future meetings, as listed in paragraph one (1) above, to be advertised on Council's website and in Council's column in the Coonamble Times in accordance with Section 9 of the *Local Government Act 1993*.

In Favour: Crs Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Crs Steven Butler, Karen Churchill and Adam Cohen

CARRIED 6/3

10.7 DELEGATES TO COMMITTEES

RESOLUTION 2024/227

Moved: Cr Ahmad Karanouh

Seconded: Cr Phillipa Goldsmith

1. That Council receives and notes this report.
2. That Council nominates the following Councillors and staff as delegates to various committees for the term of this Council as follows:

COMMITTEE	DELEGATE	STAFF
General Manager’s Recruitment and Selection Committee (As required)	All Councillors	Shortlisted Applicants
General Manager’s Performance Management Committee (Annually)	All Councillors	General Manager
Donations Committee	All Councillors	Director Corporate Services
Saleyards Management Committee (Twice per Year)	Cr Fisher / Cr Wheelhouse	Director Infrastructure/ Director Community, Planning, Development & Environment, Staff as required (Rangers)
Significant Development Proposals Committee (As required)	Mayor, Deputy Mayor, Cr Karanouh / Cr Goldsmith	General Manager, Director Infrastructure, Manager Economic Development & Growth
Youth Council	Mayor / Cr Cohen / Cr Churchill	Director Community, Planning, Development & Environment
Local Traffic Committee (Quarterly)	Local members representative. TfNSW representative NSW Police	General Manager/Director Infrastructure, Manager Roads
Bush Fire Management	Mayor / Cr Butler	Director Corporate Services
Local Emergency Management	Mayor (Observer only)	Director Infrastructure
Outback Arts	Mayor / Cr Goldsmith	Director Community, Planning, Development & Environment Manager Economic

		Development & Growth
Coonamble Together Partnership Group (Interagency)	Mayor / Cr Karanouh	Director Community, Planning, Development & Environment
North Western Library Cooperative	Cr Churchill	Director Community, Planning, Development & Environment
Castlereagh Macquarie Weeds County Council	Crs Fisher / Garnsey Cr Churchill (alternate)	Nil
Chamber of Commerce	Cr Goldsmith / Cr Cohen (Observer only)	General Manager and/or Director Community, Planning, Development & Environment, Manager Economic Development & Growth
Quambone Resources	Cr Garnsey	Nil

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.8 RETURNS DISCLOSING PECUNIARY INTEREST

RESOLUTION 2024/228

Moved: Cr Phillipa Goldsmith

Seconded: Cr Ahmad Karanouh

That all newly elected Councillors provide completed primary disclosure of interest forms to the General Manager by the end of December 2024, for these returns to be publicly tabled at the February 2025 Council meeting.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.9 RELATED PARTY DISCLOSURE POLICY**RESOLUTION 2024/229**

Moved: Cr Steven Butler

Seconded: Cr Phillipa Goldsmith

That all newly elected Councillors provide the General Manager with their completed “Related Party Disclosure by Key Management Personnel” forms by Friday, 8 November 2024.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.10 PROPOSED CLOSURE OF OFFICE - CHRISTMAS/NEW YEAR**RESOLUTION 2024/230**

Moved: Cr Phillipa Goldsmith

Seconded: Cr Paul Fisher

- 1. That Council closes its administrative office, libraries, Service NSW agency, the Visitor Information & Exhibition Centre, Council depots and quarry from close of business on Friday 20 December 2024 and re-open on Monday 6 January 2025.**
- 2. That Council staff avail themselves of accumulated leave provisions for the annual festive period closedown on days not covered by public holiday provisions, namely Monday 23, Tuesday 24, Friday 27, Monday 30 Tuesday 31 December and Thursday 2 and Friday 3 January.**

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.11 STATUS OF INVESTMENTS - SEPTEMBER 2024

RESOLUTION 2024/231

Moved: Cr Ahmad Karanouh
Seconded: Cr Paul Fisher

That Council receives and notes the list of investments from 1 September 2024 to 27 September 2024 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 Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.12 RATES AND CHARGES COLLECTIONS - SEPTEMBER 2024

RESOLUTION 2024/232

Moved: Cr Paul Fisher
Seconded: Cr Adam Cohen

That Council receives and notes the information provided in the rates and charges collections report.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.13 APPLICATIONS FOR FINANCIAL ASSISTANCE UNDER COUNCIL'S DONATIONS POLICY

RESOLUTION 2024/233

Moved: Cr Phillipa Goldsmith

Seconded: Cr Adam Cohen

1. That Council receives and notes the information contained within applications for financial assistance report.
2. That Council provides the following financial assistance:

(a) Coonamble/Castlereagh Landcare / Coonamble Neighbourhood Centre	\$1,000.00
(b) Coonamble Amateur Theatre Society	\$2,000.00
(c) Gulargambone Working Dogs	\$1,000.00
(d) Coonamble Meals on Wheels	\$2,500.00
(e) Gulargambone Showground Trust	\$1,500.00
(f) Coonamble Cottage Industries	\$2,000.00
(g) Coonamble Golf Club	\$1,000.00
(h) Gulargambone Bowling Club	\$1,000.00
3. That Council resolves to request the Director Corporate Services to write to the unsuccessful applicants and advise them of the outcome of their requests.
4. That the Applications for Financial Donation Policy be reviewed and a report brought back to Council.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

Mayor Keady declared a non-pecuniary interest in Item 10.14 as he a member of the Coonamble Show Society committee.

10.14 COONAMBLE ANNUAL SHOW - APPLICATION FOR PUBLIC HOLIDAY**RESOLUTION 2024/234**

Moved: Cr Ahmad Karanouh

Seconded: Cr Steven Butler

- 1. That Council receives and notes the contents of this report.**
- 2. That Council authorises the General Manager to make application to the Department of Premier & Cabinet for a full day public holiday for the whole Coonamble Shire Local Government Area to be declared for the second day of the Coonamble Show in 2025, being Wednesday, 14 May 2025.**

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.15 COMMUNITY DEVELOPMENT**RESOLUTION 2024/235**

Moved: Cr Ahmad Karanouh

Seconded: Cr Paul Fisher

That Council receives and notes the information in the Community Development report.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.16 ECONOMIC DEVELOPMENT & GROWTH - PROGRESS REPORT**RESOLUTION 2024/236**

Moved: Cr Ahmad Karanouh

Seconded: Cr Paul Fisher

That Council receives and notes the Economic Development and Growth report.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0**10.17 WASTE OPERATIONS REPORT SEPTEMBER 2024****RESOLUTION 2024/237**

Moved: Cr Phillipa Goldsmith

Seconded: Cr Paul Fisher

That the monthly report on waste activities be received and noted.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0**10.18 PLANNING, REGULATORY & COMPLIANCE PROGRESS REPORT****RESOLUTION 2024/238**

Moved: Cr Phillipa Goldsmith

Seconded: Cr Steven Butler

That the Planning, Regulatory and Compliance Progress Report be received and noted.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.19 TOORAWEEAH ROAD UPGRADE - MONTHLY STATUS UPDATE**RESOLUTION 2024/239**

Moved: Cr Ahmad Karanouh

Seconded: Cr Paul Fisher

1. That the report be received and noted on the progress of the Tooraweenah Road Upgrade Project.

That the General Manager write to the Federal Member Mark Coulton MP to request his support to gain further funding to complete the project.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

10.20 INFRASTRUCTURE SERVICES - WORKS IN PROGRESS**RESOLUTION 2024/240**

Moved: Cr Ahmad Karanouh

Seconded: Cr Karen Churchill

That the information be received and noted on the works in progress within Council's Infrastructure Directorate.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

11 NOTICES OF MOTIONS/QUESTIONS WITH NOTICE/RESCISSION MOTIONS

Nil

12 CONFIDENTIAL MATTERS**RESOLUTION 2024/241**

Moved: Cr Phillipa Goldsmith

Seconded: Cr Adam Cohen

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 TEN240929CF - Coonamble and Gulargambone Youth Accommodation

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.

12.2 Coonamble Sportsground Construction of new Amenities Building

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.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady, Phillipa Goldsmith and Paul Wheelhouse

Against: Nil

CARRIED 9/0

Cr Wheelhouse had declared a pecuniary interest in item 12.2, Cr Wheelhouse had left the meeting at 4.49 pm.

12.1 TEN240929CF - COONAMBLE AND GULARGAMBONE YOUTH ACCOMMODATION**RESOLUTION 2024/242**

Moved: Cr Phillipa Goldsmith

Seconded: Cr Paul Fisher

That

- 1. Council rejects all tenders due to insufficient funds to construct both Youth Accommodation Facilities in both Coonamble and Gulargambone.**
- 2. Council authorises the General Manager and the Mayor to enter into negotiations with any person (whether or not the person was a tenderer), with a view to entering into contract in relation to the subject matter of the tender, and**
- 3. Council notes the section of the Local Government (General) Regulations 2021:
Clause 178, (4)(a) the council's reasons for declining to invite fresh tender submissions or applications as referred to in subsection (3)(b)-(d);
and (b), the council's reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e).**

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady and Phillipa Goldsmith

Against: Nil

CARRIED 8/0

12.2 COONAMBLE SPORTSGROUND CONSTRUCTION OF NEW AMENITIES BUILDING

RESOLUTION 2024/243

Moved: Cr Ahmad Karanouh
Seconded: Cr Phillipa Goldsmith

That Council

- 1. Award Tender 20240222TWC – for the Construction of the new Coonamble Sportsground Amenities Building to Winsman Group Pty Ltd to the value of \$556,000.00 Ex GST, and**
- 2. That Council approve the remaining allocation of \$100,000 from the loan funds currently allocated to the Caravan Park internal road project, to the Coonamble Sportsground Amenities Building project.**

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady and Phillipa Goldsmith

Against: Nil

CARRIED 8/0

RESOLUTION 2024/244

Moved: Cr Steven Butler
Seconded: Cr Phillipa Goldsmith

That Council moves out of Closed Council into Open Council.

In Favour: Crs Steven Butler, Karen Churchill, Adam Cohen, Paul Fisher, Margaret Garnsey, Ahmad Karanouh, Daniel Keady and Phillipa Goldsmith

Against: Nil

CARRIED 8/0

13 CONCLUSION OF THE MEETING

The Meeting closed at 6.05pm.

The minutes of this meeting were confirmed at the Council held on 13 November 2024.

.....
CHAIRPERSON

7 DISCLOSURES OF CONFLICTS OF INTEREST

8 MAYORAL MINUTE

MAYORAL MINUTE

File Number: M3
Author: Daniel Keady-Councillor
Authoriser: Daniel Keady, Councillor
Annexures: Nil

I am pleased to present to you the mayoral report for August 2024.

- **Coonamble Chamber of Commerce Business Awards**

The Chamber of Commerce hosted a highly successful Awards night on Friday 1 November. The event celebrated the numerous businesses thriving in the Coonamble Local Government Area (LGA) and highlighted the diversity within the local commerce. Congratulations to all the winners!

- **Clontarf Foundation Presentation Night**

I attended the Coonamble Clontarf Presentation ceremony on Monday 4 November and was impressed with the high standard of the students. Congratulations to the Leadership team on their dedication to the program.

- **Bumper Harvest**

Coonamble is enjoying ideal harvest weather, creating a buzz around town. With any luck, a bumper harvest will spark positivity and set the stage for a fantastic 2025 for the community.

- **Alliance of Western Councils**

I along with the General Manger, attended the Alliance of Western Councils Meeting in Dubbo Friday 8 November, where I met the new Mayors from the region and congregate. The new Chair Cr Neale from Nyngan and Deputy Chair Cr Greg Whiteley.

- **Tom Cullen OAM Official Bridge Naming Ceremony**

On Friday 8 November, the official bridge naming ceremony for Tom Cullen OAM took place. Tom, a long-serving Councillor for the Coonamble Shire, was honoured in the presence of many family members, friends, and former General Managers who had the privilege of working with him.

RECOMMENDATION

That the report be received and noted.

SECTION A - MATTERS FOR CONSIDERATION BY COUNCIL

SECTION B - MATTERS FOR INFORMATION ONLY

9 COMMITTEE REPORTS

Nil

10 REPORTS TO COUNCIL

10.1 CORRESPONDENCE

File Number: C20

Author: Marina Colwell-Executive Support Officer

Authoriser: Paul Gallagher, General Manager

Annexures: Nil

CORRESPONDENCE

Each month a list of correspondence is sent out in the Business Paper to Councillors to ensure that they have not missed any information since the last Business Paper was produced.

Date	Information Sent	Author	In	Out	Sent
11/04/24	Coulton's Catch Up – M Coulton MP 11 November 24	M Coulton	✓	✓	✓
29/10/24	Coulton's Catch Up – M Coulton MP 28 October 24	M Coulton	✓	✓	✓
23/10/24	Invitation – Tom Cullen OAM Bridge Naming	M Colwell		✓	✓
23/10/24	Email – ESO contact details	M Colwell		✓	✓
23/10/24	Forward - CMCC Business Paper – Meeting 28/10/24 (Cr Fisher, Garnseya)	M Colwell		✓	✓
23/10/24	Councillors Code of Conduct Training – session availability (Crs Churchill, Karanouh, Wheelhouse)	M Colwell		✓	✓
21/10/24	Coulton's Catch Up – M Coulton MP 21 October 24	M Coulton	✓	✓	✓
15/10/24	Coulton's Catch Up – M Coulton MP 14 October 24	M Coulton	✓	✓	✓
08/10/24	Coulton's Catch Up – M Coulton MP 8 October 24	M Coulton	✓	✓	✓

RECOMMENDATION

That the report be received and noted.

10.2 COMMUNITY DEVELOPMENT

File Number: C8

Author: Azita Sobhani-Community Services Manager
Raquel Pickering-Librarian
Nina Sands-Youth & Community Officer

Authoriser: Barry Broe, Director Community, Planning, Development and Environment

Annexures: Nil

PURPOSE

The purpose of this report is to provide information on the activities within Council's Community Development section for the month of October 2024.

BACKGROUND

The Community Development section focuses on our community and our people and the support that Council offers in the delivery of positive outcomes. A short description is provided for Councillors reference for the key areas in the Community Services section as follows:

- **Youth & Community Services**

Council provides after school activities in Gulargambone and Quambone. Council also delivers school holiday programs in Coonamble and Gulargambone and the Youth Week Program in Coonamble. Council also operates a Youth Forum/Council.

- **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 (2) 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 Council staff.

- **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 Development Report.

(a) Relevance to Integrated Planning and Reporting Framework

Community Strategic Plan - P1 Community Services and Wellbeing.

CSP1.1 – Initiate and contribute to effective and needs-based community programs which enhance engagement, cohesion, vibrancy and liveability.

(b) Financial Considerations

There are no financial considerations arising from this report.

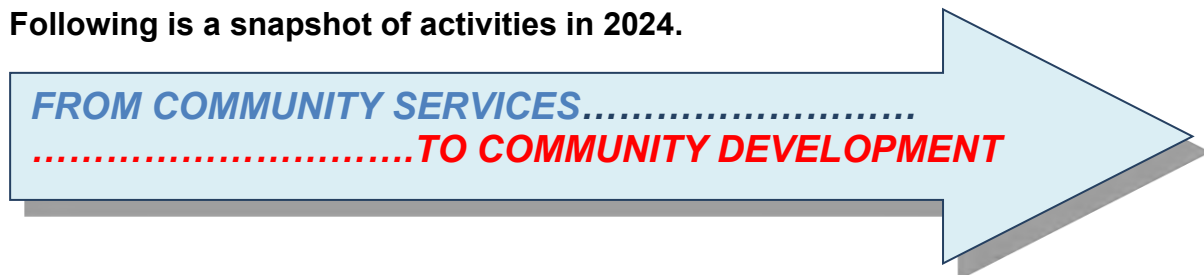
COMMENTARY

In line with Council’s 2023/2024 Operational Plan, this report presents a summary of community service progress and activities for the month previous.

COONAMBLE SHIRE PROVIDES THE FOLLOWING COMMUNITY SERVICES

- Holiday Program – Coonamble & Gulargambone
- Youth Centre Gulargambone (After School & Holiday Activity)
- After School Care Quambone
- Library Services (Coonamble, Gulargambone, Quambone)
- Creating, coordinating and supporting events e.g. Seniors Week Luncheon
- Funding events e.g. the Interagency Resilience Day, October Wellbeing Day
- Youth Empowerment Program (First Light) – Edraak Insights

Following is a snapshot of activities in 2024.



The Community Development Department now has several staff undertaking varying roles.

Based in Coonamble: Manager Community Development (PT), Youth and Community Services Officer (FT) along with Librarian, Library Officer (PT), and two Library Casuals.

An employee is based at Gulargambone youth centre who runs the after-School Care and Holiday activities.

Two employees are based in Quambone and run the After School Care for two days a week.

Over the past eight months, the Community Services Department made a welcome shift in how we work with and for our community – the change from being solely a service-provider department into becoming one focussed on facilitating, partnering and coordinating community initiatives. The strategic focus is more on outcomes than processes.

The transition from the Community Services Department to the Community Development Department represents a strategic evolution in our approach to supporting and enhancing our community.

Development initiatives are designed to address the root causes of issues, leading to more sustainable improvements in community well-being.

By focusing on development rather than solely on service delivery, we anticipate a more profound and lasting impact on the community, and we aim to achieve more sustainable, impactful results and foster long-term growth.

The shift to a development-oriented approach encourages greater collaboration with other organisations, businesses, and government entities. It positions Council as a key player in driving collective efforts towards community advancement, leading to enhanced partnerships and resource sharing.

The following have been areas of focus for the department in the month of October.

Planning for school holiday activities alongside community services has created a great opportunity for collaboration where services came together to think about the community as a whole, rather than their respective clients. The focus of the activities is educational whilst being embedded in fun and entertainment.

There are a number of advantages in inviting Community organisations to partner and facilitate the activities. They often have access to resources (facilities, volunteers, equipment) that councils may not. By pooling these resources, both parties can run a more effective overall program.

COONAMBLE OCTOBER HOLIDAY PROGRAM

MONDAY 30TH SEPTEMBER
MOVIE MORNING
Coonamble Shire Library
82 CASTLEREAGH STREET
10:30 am - 12pm

TUESDAY 1ST OCTOBER
FUN DAY
with Mission Australia
McDonald Park
11am-1pm

WEDNESDAY 2ND OCTOBER
SAND ART
Coonamble Shire Library
82 CASTLEREAGH STREET
10:30 am -12pm

THURSDAY 3RD OCTOBER
LEGO MASTERS
Coonamble Shire Library
82 CASTLEREAGH STREET
10:30 am -12pm

FRIDAY 4TH OCTOBER
BRING THE DRAMA
Plaza Theatre 11am with
Outback Arts & Alyce. Free
games, skill building &
workshop. To REGISTER
call 68222484
FUN WITH REDIE
at Youth Centre 10am - 3pm
Light Refreshments provided

MONDAY 7TH OCTOBER
PUBLIC HOLIDAY

TUESDAY 8TH OCTOBER
FUN WITH REDIE
at the Youth Centre
10am - 3pm
Light refreshments provided

WEDNESDAY 9TH OCTOBER
ARTS AND CRAFTS
MacKillop Family Services
23 NAMOI STREET
10am -12pm

THURSDAY 10TH OCTOBER
**MINDFULNESS CRAFTS FOR
WORLD MENTAL HEALTH
DAY**
Interrelate Offices
54/51-55 CASTLEREAGH STREET
10am -12pm

FRIDAY 11TH OCTOBER
FUN WITH REDIE
at the Youth Centre
10am - 3pm
Light refreshments provided

SATURDAY 12TH OCTOBER
COONAMBLE CARP BUSTER
FREE event, PRIZES to be won
Warrena Weir 7am - 3pm
REGISTER HERE:
<https://ozfish.org.au/coonamble-carp-muster-nsw-registration-form-12-october-2024/>

Call Council for more info: 68 271 900 &
CHECK FACEBOOK FOR ANY UPDATES

UNDER 10S TO BE ACCOMPANIED BY A PARENT/GUARDIAN

caring for country

We hope that involving stakeholders as partners will promote program longevity as programs co-managed with community partners are often more sustainable. They leverage a combination of council and community support, reducing reliance on a single source. This is especially important during staff shortages. It can also empower the stakeholders' ownership of the program and becoming invested in the program's success. This in turn contributes to cohesive community programs.

It also builds trust with the different sectors of our community. Those not comfortable about going to an activity with people they don't

know or in a venue they are not familiar with, may be happy to participate with people they already know, making it easier to attract participants.

We now try to have most of the activities revolve around increasing the knowledge and skill levels of participants while also being entertaining.

The theme this October was “*Caring for Country*”, and the program ended with the whole community invited to a get together to the **Carp buster** event by the Warrena Weir through our local Land Care coordinators.

GULARGAMBONE OCTOBER HOLIDAY PROGRAM

MONDAY 30TH SEPTEMBER
FUN WITH REDIE
at the Youth Centre
10am – 3pm
Light Refreshments provided

MONDAY 7TH OCTOBER
PUBLIC HOLIDAY

TUESDAY 8TH OCTOBER
FUN WITH MISSION AUSTRALIA
at Lions Park
11am – 1pm

TUESDAY 1ST OCTOBER
FUN WITH REDIE & MACKILLOP
at the Youth Centre
10am – 3pm
Light Refreshments provided

WEDNESDAY 9TH OCTOBER
FUN WITH REDIE & MACKILLOP
at the Youth Centre
10am – 3pm
Light Refreshments provided

WEDNESDAY 2ND OCTOBER
FUN WITH REDIE & MACKILLOP
at the Youth Centre
10am – 3pm
Light Refreshments provided

THURSDAY 10TH OCTOBER
FUN WITH REDIE & MACKILLOP
at the Youth Centre
10am – 3pm
Light Refreshments provided

THURSDAY 3RD OCTOBER
FUN WITH REDIE & MACKILLOP
at the Youth Centre
10am – 3pm
Light Refreshments provided

FRIDAY 11TH OCTOBER
FUN WITH REDIE
at the Youth Centre
10am – 3pm
Light Refreshments provided

FRIDAY 4TH OCTOBER
FUN WITH REDIE
at the Youth Centre
10am – 3pm
Light Refreshments provided

SATURDAY 12TH OCTOBER
COONAMBLE CARP BUSTER
FREE event, PRIZES to be won
Warrena Weir 7am – 3pm
REGISTER HERE:
<https://ozfish.org.au/coonamble-carp-muster-nsw-registration-form-12-october-2024/>

Call Council for more info: 68 271 900 & CHECK FACEBOOK FOR ANY UPDATES

UNDER 10s TO BE ACCOMPANIED BY A PARENT/GUARDIAN

caring for country

Both Coonamble and Gulargambone have individualised Holiday Programmes created and supported by the Coonamble Shire Council either financially or through staff and resources. These programs could not have been held without the help of external stakeholders such as REDIE, Mission Australia, Interrelate, MacKillop and Landcare. They help with running the sessions, providing a venue and staffing them.

The Gulargambone program was also fully attended and made possible by the generous collaboration between the Gular REDIE Youth Centre staff, and Council’s facilities at the Gulargambone Youth Centre. This was combined with fantastic & heightened engagement from McKillop family services and Mission Australia for which we are extremely grateful.

This year, Mission Australia went to Quambone for a Fun Day. Council has been instrumental in helping with a venue and promoting the day.

COONAMBLE CARP BUSTER

FREE EVENT ...GET HOOKED

SATURDAY 12TH OCTOBER

\$1000'S WORTH OF PRIZES TO BE WON

SCAN ME TO REGISTER

Coonamble Castlereagh Landcare

Coonamble Castlereagh Landcare

Ozfish POWERED BY CCL



Photos provided to Council.

***FIRST LIGHT Youth Empowerment Program
Coonamble: Holiday Program - CAMP 4th –
8th October 2024***

The *Third Youth Empowerment Program Camp* took place from 4-8 October at Lake Keepit Sports and Recreation Centre during the October school holidays. These

campus have become a regular feature of the program, providing participants with a space to form deep bonds of friendship, engage in fun and educational activities, and study program materials at a concentrated pace. They enhance literacy development and encourage deeper exploration of meaningful concepts while supporting positive life choices and enhancing their character development. The camp's holistic approach included learning sessions, arts and crafts, reflection, and recreation.



Participants were organised into two cohorts: the Junior Youth Cohort (ages 11-13), who focused on the program's curriculum, and the Youth Champions Cohort (ages 14-17), who received training to become community-building practitioners. The Youth Champions went through the program's curriculum and developed co-facilitation skills alongside trained facilitators to help Junior Youth explore how to apply their understanding of concepts in real-life situations.



The Junior Youth Cohort completed two texts from the program curriculum: *Wellspring of Joy* and *Glimmerings of Hope*. Achieving this in a single camp is a significant accomplishment, reflecting the youth’s growing focus and enthusiasm.



Wellspring of Joy: The story follows a 12-year-old character who faces challenges such as adapting to a new country, overcoming academic difficulties, and coping with the emotional strain of frequent change. Through this journey, youth learned the importance of resilience, perseverance, and joy in difficult situations.



The material highlights sense of joy to be an inner condition that is not affected by the external environment; rather, it is nurtured through reflection on one’s sense of identity and purpose. It emphasizes that when we put forth a strong effort toward a noble or positive goal, we can view challenges as opportunities to grow stronger, build determination, and develop the patience needed to navigate complex life circumstances.

Glimmerings of Hope: In this text, Junior Youth explored the power of making thoughtful & often hard choices, short circuiting violence and the importance of working toward a united, compassionate world. The story highlighted that everyone has unique struggles and that we have the power to either add to these struggles or help alleviate them, fostering a mindset of oneness, empathy, reducing judgment, and encouraging helpfulness toward others.



A core lesson emphasised the importance of maintaining hope, as this mindset inspires positive choices that improve the community’s well-being. Additionally, the text taught youth to be mindful of who they listen to, as words shape attitudes and influence actions. This story encouraged them to approach decisions with compassion



and a sense of responsibility, empowering them to positively impact their lives and communities.

The Youth Champions Cohort also studied the material, with a focus on developing facilitation skills to guide the Junior Youth through its themes while they themselves reflected on the implications of concepts they were presented. This training prepared them to co-facilitate discussions alongside trained animators, empowering them to strengthen their mentorship roles and foster a sense of ownership within the program. They explored the real-life impact of the story's concepts, learning to help Junior Youth connect the material to daily experiences and decision-making.



In addition to co-facilitating sessions, the Youth Champions organised morning exercises and recreational activities, demonstrating responsibility, leadership, and a proactive ownership of the program. Their engagement reinforced the values of service, responsibility, and leadership development, which are essential for their growth as future community practitioners.



Within the sessions, Junior Youth engaged in arts and crafts projects, such as origami, canvas painting, and clay design, to reflect on the stories they studied. In the origami activity, for example, youth learned that just as a paper crane can be formed from a single sheet of paper, they, too, have the potential to shape their futures through mindful choices. Canvas paintings and clay designs served as visual expressions of the insights they gained from *Wellspring of Joy* and *Glimmerings of Hope*, allowing them to creatively illustrate the importance of resilience, empathy, and unity.



On the final day, both cohorts collaborated to dramatise *Glimmerings of Hope*, showcasing the character’s journey and the choices he made when faced with challenges. This dramatisation underscored the lessons learned and provided an opportunity for reflection on the power of choices in shaping one’s path.



The camp provided a transformative experience for all participants. The Junior Youth left with a deeper understanding of resilience, empathy, and the importance of



making conscious, positive choices. The Youth Champions demonstrated leadership and responsibility, preparing them for future roles as mentors and facilitators. Overall, the camp reinforced the Youth Empowerment Program’s mission to equip young people with the skills and values needed to build a unified, compassionate society.

COONAMBLE LIBRARY - OCT 2024 SCHOOL HOLIDAYS

The library hosted three activities during the October school holidays. We had a **Movie Day**, **Sand Art** and **Lego days**. It was great to see kids in the library during the holidays, bringing their parents and guardians along with them.

There were a number of fantastic artworks done by the participants and we had a visit from the Coonamble Times to take photos and check out what was happening for the holidays. A number of parents and carers also came and were glad for the opportunity to sit down in a comfortable space and enjoy a couple of hours with their children.



Photos taken by Council staff with permission from parents/carers.

STATE LIBRARY NSW

The State Library of NSW (SLNSW) administers annual funding to NSW councils that have adopted the Library Act and provide services in accordance with that Act on behalf of the State Government. This annual subsidy is paid at \$2.85 per capita and is released after paperwork is completed by each council. Coonamble Shire Council completed their paperwork on time and submitted it to the SLNSW. From this payment, as well as the allocation provided by Council the Library purchases books, DVDs, and other items.

SENIORS CINEMA



Our Seniors Cinema is going strong, with between 8-16 people attending monthly. This program is very fulfilling as it promotes social connection and wellbeing in the seniors who attend. It is a comfortable environment with great seating, appropriate

lighting and sound levels tailored to their needs. It gives attendees an opportunity to gather, socialise and engage in shared experiences, that they can then talk about afterwards, which can be especially valuable for those who feel isolated or disconnected. It can spark conversations within the group, nurturing closer ties and provides an enjoyable and free outing that they look forward to.

GULARGAMBONE LIBRARY

The Librarian is working with the Council, Gulargambone Rural Transaction Centre and the Gulargambone Mechanics Hall Committee to enable library volunteers at the Gulargambone Library access to the Hall for the use of the toilets. As the 2828 Café is no longer regularly opened, the volunteers at the library have welcomed this access.

(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 in this report provide information to Council on the key activities recently undertaken in Council's Community Development section.

RECOMMENDATION

That Council receives and notes the information in the Community Development report.

10.3 MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING - 2 OCTOBER 2024

File Number: C-6-19

Author: Jenni Maundrell-Executive Manager Corporate Governance

Authoriser: Paul Gallagher, General Manager

Annexures: 1. Minutes - ARIC 20241002 [↓](#) 

PURPOSE

To present Council with minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on Wednesday 2 October 2024.

EXECUTIVE SUMMARY

The quarterly ARIC meeting was held via Teams at the Coonamble Shire Council administration building on Wednesday 2 October 2024. Minutes of the meeting are attached to this report.

BACKGROUND

The Audit, Risk and Improvement Committee was established by Council resolution 2023/58 (13 September 2023)

(a) Relevance to Integrated Planning and Reporting Framework

CSP L1.3 Deliver successful strategies and operations which increase the community's confidence in the integrity and capability of Coonamble Shire Council.

(b) Financial Considerations

Nil

COMMENTARY

Council is in an agreement with Gilgandra Shire Council to share a common ARIC.

The ARIC meeting of 2 October 2024 was held via Teams at the respective Council buildings.

Items discussed at the meeting were:

- Risk Management and WHS
- Fraud and corruption control
- Financial management, including the draft Financial Statements
- Internal audit
- Governance
 - Policy framework
 - Gifts and benefits
 - Conflicts of interest
 - Public interest disclosures

- Insurance
- Service reviews
- Status update on Council's compliance with the OLG guidelines for risk management and internal audit.

(a) Governance/Policy Implications

The ARIC is a key component of Council's corporate governance.

(b) Legal Implications

It is a statutory requirement to have an ARIC.

(c) Social Implications

Nil

(d) Environmental Implications

Nil

(e) Economic/Asset Management Implications

Nil

(f) Risk Implications

None attached to this report.

CONCLUSION

The next ARIC meeting is due to be held on 26 November 2024.

RECOMMENDATION

That Council receives and notes the minutes of the Audit, Risk and Improvement Committee meeting held on Wednesday 2 October 2024.



**Coonamble Shire Council
ARIC Committee Meeting**

Tuesday 4 June 2024

Coonamble Shire Council Administration Building

Meeting Room

11.03am

Present

Chair – Graeme Fleming PSM (via videoconference), Sam Helweh (Independent Member - via videoconference), Meredith Caelli (Independent Member - via videoconference) General Manager – Paul Gallagher, Executive Manager Corporate Governance – Jenni Maundrell (via videoconference), Director Corporate Services – Bruce Quarmby, Director Community, Planning, Development & Environment – Barry Broe, Director Infrastructure – Kerrie Murphy.

Acknowledgement of Country

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

Apologies

Nil

No Councillor has been appointed at this time.

Declarations of interest

Chair Graeme Fleming declared a Standing Declaration of Potential Interest as an occasional provider of consultancy services to local government and as Chair of Lachlan, Warren and Gilgandra ARIC committees. He advised there were no subjects or issues which were directly affected on the current meeting agenda.

Minutes of previous meeting

RECOMMENDATION: The Committee noted the minutes of the Coonamble Shire Council Audit, Risk and Improvement Committee meeting held on Tuesday 4 June 2024.

Moved: M Caelli

2nd: S Helweh

ARIC MEETING

Thursday 2 October 2024

Page 1 of 4



Business arising

1. Paul Gallagher gives a run-down of the Waste Facility:
 - a. EPA fine on old site;
 - b. Council working with EPA to fix issues.
2. Council is currently applying for the Care for Country Grant:
 - a. Paul Gallagher to bring a report to the next meeting.
3. Paul Gallagher has highlighted the need for a Risk & Liabilities Report for Council and the ARIC.

Reports

Report 1 – Risk Management (incl. WHS)

RECOMMENDATION: The Committee notes:

Following on from adoption of the risk management framework and risk appetite statement, the status of works in the risk management area is:

- Project risk register finalised after consultation with stakeholders.
- Strategic risk register drafted and circulated for internal consultation.
- Currently drafting the operational risk register.
- Gulargambone Waste Transfer traffic management plan is complete.
- Quarry traffic management plan finalised after internal consultation.
- Coonamble Waste Facility traffic management plan to be commenced.
- Staff Safety Day.

Since the ARIC meeting of June 2024, Council has been undertaking safety improvements at its waste facilities. Works at the facilities included:

- documentation of procedures,
- creating traffic management plans,
- engineering controls implemented at the Gulargambone waste facility (steel safety barrier in front of skip bin) to control falls risks,
- asbestos management plans created to assist staff with the control of asbestos or asbestos containing material entering or found on site, and
- installation of defibrillator at Coonamble waste facility.
- M Caelli would like added
- Risk Appetite Statement,
- Risk Register twice a year.

Moved: M Caelli

2nd: S Helweh

ARIC MEETING

Thursday 2 October 2024

Page 2 of 4



Report 2 – Fraud and Corruption

RECOMMENDATION: That the committee notes the information contained in the Fraud and Corruption report.

Moved: S Helweh

2nd: M Caelli

Report 3 – Financial Management

RECOMMENDATION: That the committee notes the information contained in the Financial Management report.

Moved: M Caelli

2nd: S Helweh

Report 4 – Internal audit

RECOMMENDATION: That the committee notes the report on internal audits, including the arrangement to share the internal audit function with Gilgandra Shire Council.

Moved: S Helweh

2nd: M Caelli

Report 5 – Governance

RECOMMENDATION: That the committee notes the Governance report on policy framework, gifts and benefits, conflicts of interest, and public interest disclosures.

Moved: M Caelli

2nd: S Helweh

Report 6 – Insurance

RECOMMENDATION: That the committee notes Council's annual insurance renewals.

Moved: M Caelli

2nd: S Helweh

ARIC MEETING

Thursday 2 October 2024

Page 3 of 4



Report 7 – Service Reviews

RECOMMENDATION: That the committee notes that an external operator is engaged to coordinate and conduct service reviews for Council.

Moved: M Caelli
2nd: S Helweh

Report 8 – Status Report – Compliance with OLG Guidelines

RECOMMENDATION: That the committee notes the status of Council’s compliance with implementation of the Office of Local Government’s Risk Management and Internal Audit Guidelines.

Moved: M Caelli
2nd: S Helweh

General Business

- Set dates for future meetings,
- Next meeting Tuesday 26 November 2024.

Conclusion of the Meeting:

The meeting Closed at 12:37pm

.....
Chairperson

10.4 APPOINTMENT TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**File Number:** C-6-19**Author:** Jenni Maundrell-Executive Manager Corporate Governance**Authoriser:** Paul Gallagher, General Manager**Annexures:** 1. ARIC Terms of Reference [↓](#) **PURPOSE**

To seek appointment of a non-voting councillor member to Council's Audit, Risk and Improvement Committee.

EXECUTIVE SUMMARY

Under section 428A of the *Local Government Act 1993* (the Act) each council, county council and joint organisation in NSW must have an audit, risk and improvement committee to independently review and advise on the following aspects of the council's operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the council, and
- any other matters prescribed by the regulation.

The Audit, Risk and Improvement Committee (ARIC) comprises an independent chairperson and two independent members. Councils also have the option of appointing one non-voting councillor member to their ARIC who is not the mayor. Coonamble Shire Council's ARIC terms of reference (attached to this report for reference) include a councillor member in the composition of the committee.

BACKGROUND

The ARIC was established by Council resolution 2023/58 (13 September 2023) and is a legislative requirement for all councils.

(a) Relevance to Integrated Planning and Reporting Framework

CSP L1.3 Deliver successful strategies and operations which increase the community's confidence in the integrity and capability of Coonamble Shire Council.

(b) Financial Considerations

There are no financial considerations resulting from this report.

COMMENTARY

The ARIC is a legislative requirement of all councils and Council is guided by the Office of Local Government's *Guidelines for Risk Management and Internal Audit* to ensure compliance with all relevant legislation.

The ARIC has an advisory and assurance role only. The committee does not exercise any administrative functions, delegated financial responsibilities or any management functions. The committee provides independent advice to Council that is informed by internal audit and risk management activities and/or information and advice provided by staff, relevant external bodies and other subject matter experts.

The Coonamble Shire Council ARIC terms of reference were adopted on 19 June 2024 (Resolution 2024/123). Under the terms of reference, Council's ARIC consists of an independent chairperson and two independent members who have voting rights and one non-voting councillor. The councillor is non-voting to ensure that decision making by the committee is independent of Council.

In line with section 428B of the Act, Council shares an ARIC with Gilgandra Shire Council. Guidelines for shared committees include the requirement that the committee must operate as an individual committee for each council in any shared arrangement and exercise their functions for each council individually. To this end, the committee meets separately with both Coonamble and Gilgandra councils and then holds a joint meeting with both councils to discuss any shared issues. Further, each council must appoint its own councillor member, and that councillor does not attend the other council's ARIC meeting.

Under the existing terms of reference, Council must now appoint a non-voting councillor member to the ARIC. Councillor members act as an important link between the governing body and the committee. Their role is to:

- relay to the committee any concerns the governing body may have regarding the council and issues being considered by the committee
- provide insights into local issues and the strategic priorities of the council that would add value to the committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the committee and any issues arising from it, and
- assist the governing body to review the performance of the committee each Council term.

Issues or information councillor members raise with or provide the ARIC must relate to the matters listed in section 428A of the Act, the committee's terms of reference and issues being considered by the committee.

Councillor members:

- are not entitled to receive information about ARIC activities outside of established reporting channels
- must conduct themselves in a non-partisan and professional manner, and
- must not engage in any conduct that seeks to politicise the activities of the committee or the internal audit function or that could be seen to do so.

To be appointed as a non-voting ARIC member a councillor should demonstrate the following:

- an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- a good understanding of one or more of the following: risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations
- a capacity to form independent judgements and willingness to constructively challenge/question management practices and information
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of a councillor member of the ARIC, and
- preparedness to undertake any training on the operation of ARICs recommended by the chairperson based on their assessment of the skills, knowledge and experience of the councillor member.

The mayor cannot be appointed as a councillor member of a council's ARIC.

The initial term of a councillor member of an ARIC is four years, coinciding with the term of Council. The councillor member can be reappointed for another term (ie, four years) if re-elected at the council's next ordinary election, but the total period of continuous membership on the committee cannot exceed eight years (two council terms). The councillor member's term ends at the end of the council term.

The appointment of a councillor member to an ARIC can be terminated at any time by the governing body by resolution.

(a) Governance/Policy Implications

The ARIC is a central part of Council's governance program.

(b) Legal Implications

It is a statutory requirement to have an ARIC. A councillor member is optional; however, Council's adopted ARIC terms of reference include a councillor member in the composition of the committee.

(c) Social Implications

There are no social implications arising from this report.

(d) Environmental Implications

There are no environmental implications arising from this report.

(e) Economic/Asset Management Implications

There are no economic or asset management implications arising from this report.

(f) Risk Implications

Council is compliant with the legislation, therefore the risk arising from this report is negligible.

CONCLUSION

Council is compliant with the requirement to have an audit, risk and improvement committee and should now proceed to appoint a non-voting councillor member to the ARIC.

RECOMMENDATION**That Council:**

- 1. Receives and notes the information contained in the 'Appointment to the Audit, Risk and Improvement Committee' report.**
- 2. Appoints Cr _____ as a non-voting member of the Coonamble Shire Council Audit, Risk and Improvement Committee until the next ordinary election of the council due in September 2028.**



TERMS OF REFERENCE AUDIT, RISK AND IMPROVEMENT COMMITTEE

Coonamble Shire Council (Council) has established an audit, risk and improvement committee in compliance with section 428A of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. These terms of reference set out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

1. Objective

The objective of Council's audit, risk and improvement committee is to provide independent assurance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

2. Independence

The committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide Council with robust, objective and unbiased advice and assurance.

The committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the council. The committee will provide independent advice to Council that is informed by Council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.

The committee must always ensure it maintains a direct reporting line to and from Council's internal audit function and act as a mechanism for internal audit to report to the governing body and the General Manager on matters affecting the performance of the internal audit function.

3. Authority

Council authorises the committee, for the purposes of exercising its responsibilities, to:

- access any information it needs from Council;
- use any Council resources it needs;
- have direct and unrestricted access to the General Manager and senior management of Council;
- seek the General Manager's permission to meet with any other Council staff member or contractor;
- discuss any matters with the external auditor or other external parties;
- request the attendance of any employee at committee meetings; and
- obtain external legal or other professional advice in line with Council's procurement policies and in consultation with the General Manager.

Information and documents pertaining to the committee are confidential and are not to be made publicly available. The committee may only release Council information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4. Composition and tenure

The committee consists of an independent chairperson and two independent members who have voting rights and one non-voting councillor, as required under the *Local Government (General) Regulation 2021*.

The governing body is to appoint the chairperson and members of the committee . Current committee members are*:

Graeme Fleming	Independent chairperson (voting)
Meredith Caelli	Independent member (voting)
Sam Helweh	Independent member (voting)
Cr Barbara Deans	Councillor member (non-voting)

All committee members must meet the independence and eligibility criteria prescribed under the *Local Government (General) Regulation 2021*.

Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as chairperson of the committee. Members who have served an eight-year term (either as a member or as chairperson) must have a two-year break from serving on the committee before being appointed again. To preserve the committee’s knowledge of Council, ideally, no more than one member should retire from the committee because of rotation in any one year.

The terms and conditions of each member’s appointment to the committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

Prior to approving the reappointment or extension of the chairperson’s or an independent member’s term, the governing body is to undertake an assessment of the chairperson’s or committee member’s performance. Reappointment of the chairperson or a committee member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the *Local Government (General) Regulation 2021*.

Members of the committee must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial

management of Council, the environment in which Council operates, and the contribution that the committee makes to Council. At least one member of the committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of Council's financial reporting responsibilities to be able to contribute to the committee's consideration of Council's annual financial statements.

Pursuant to section 428B of the *Local Government Act 1993* (the Act) Council has entered into an arrangement with Gilgandra Shire Council to jointly appoint a committee to exercise functions for both councils. The two councils are to mutually agree to the independent members that will be appointed to the committee. Each council is to confirm their appointment by resolution.

The committee operates as an individual committee for each council and exercises their functions for each council individually.

The committee must maintain a strong understanding of both councils' assurance needs and be able to meet these needs.

The committee must maintain an effective working and reporting relationship with the General Manager and governing body of both councils.

The councillor member will not be shared by both councils. The governing body of each council is to appoint one councillor member for that council only. The councillor member is to only attend committee meetings for their council. The councillor member is to receive information pertaining to their council only.

Secretariat support for the committee is to be shared by the two councils, that is, either Council or Gilgandra Shire Council will provide secretariat support under arrangements made by the councils. These arrangements may be changed from time to time by agreement. See section 9.3 for further detail on the functions of the secretariat.

* **Note:** The General Manager is authorised to make administrative changes to the table in clause 4 without seeking Council resolution.

5. Role

As required under section 428A of the Act, the role of the committee is to review and provide independent advice to Council regarding the following aspects of Council's operations:

- compliance;
- risk management;
- fraud control;
- financial management;
- governance;

- implementation of the strategic plan, delivery program and strategies;
- service reviews;
- collection of performance measurement data by Council; and
- internal audit.

The committee must also provide information to Council for the purpose of improving Council's performance of its functions.

The committee's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to these terms of reference.

The committee will act as a forum for consideration of Council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.

The committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The committee is directly responsible and accountable to the governing body for the exercise of its responsibilities. Council, committee members and relevant stakeholders recognise that primary responsibility for delivery of the functional areas listed in Schedule 1 to these terms of reference fall to the General Manager and the governing body. The committee is convened four to five times per annum and by its nature is limited to the strategic oversight of standing matters and those items referred to it for review.

The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

6. Responsibilities of members

6.1 Independent members

The chairperson and members of the committee are expected to understand and observe the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. Members are also expected to:

- make themselves available as required to attend and participate in meetings;
- contribute the time needed to review and understand information provided to it;
- apply good analytical skills, objectivity and judgement;
- act in the best interests of Council;
- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry;
- maintain effective working relationships with Council;
- have strong leadership qualities (chairperson);
- lead effective committee meetings (chairperson); and
- oversee Council's internal audit function (chairperson).

6.2 Councillor member

To preserve the independence of the committee, the councillor member of the committee is a non-voting member. Their role is to:

- relay to the committee any concerns the governing body may have regarding Council and issues being considered by the committee;
- provide insights into local issues and the strategic priorities of Council that would add value to the committee's consideration of agenda items;
- advise the governing body (as necessary) of the work of the committee and any issues arising from it; and
- assist the governing body to review the performance of the committee.

Issues or information the councillor member raises with or provides to the committee must relate to the matters listed in Schedule 1 and issues being considered by the committee.

The councillor member of the committee must conduct themselves in a non-partisan and professional manner. The councillor member of the committee must not engage in any conduct that seeks to politicise the activities of the committee or the internal audit function or that could be seen to do so.

If the councillor member of the committee engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chairperson of the committee may recommend to Council that the councillor member be removed from membership of the committee. Where Council does not agree to the committee chairperson's recommendation, Council must give reasons for its decision in writing to the chairperson.

6.3 Conduct

Independent committee members are required to comply with Council's Code of Conduct.

Complaints alleging breaches of Council's Code of Conduct by an independent committee member are to be dealt with in accordance with the Procedures for the Administration of the Code of Conduct. The General Manager must consult with the governing body before taking any disciplinary action against an independent committee member in response to a breach of Council's Code of Conduct.

6.4 Conflicts of interest

Once a year, committee members must provide written declarations to Council stating that they do not have any conflicts of interest that would preclude them from being members of the committee. Independent committee members are 'designated persons' for the purposes of Council's Code of Conduct and must also complete and submit returns of their interests.

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the

start of each meeting or as soon as they become aware of the conflict of interest. Where a committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

6.5 Standards

Committee members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and Australian Standard ISO 31000 (Australian standard for risk management) where applicable.

7. Work plans

The work of the committee is to be thoroughly planned and executed. The committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the committee.

The committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year.

The committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the committee.

When considering whether to vary the strategic or annual work plans, the committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

8. Assurance reporting

The committee must regularly report to Council to ensure that it is kept informed of matters considered by the committee and any emerging issues that may influence the strategic direction of Council or the achievement of Council's goals and objectives.

The committee will provide an update to the governing body and the General Manager of its activities and opinions after every committee meeting.

The committee will provide an annual assessment to the governing body and the General Manager on the committee's work and its opinion on how Council is performing.

The committee will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the governing body and the General Manager.

The committee may at any time report to the governing body or the General Manager on any other matter it deems of sufficient importance to warrant their attention. The Mayor and the chairperson of the committee may also meet at any time to discuss issues relating to the work of the committee.

Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual councillors are not entitled to request or receive information from the committee.

9. Administrative arrangements

9.1 Meetings

The committee will meet at least four times per year, including a special meeting to review Council's financial statements.

The committee can hold additional meetings when significant unexpected issues arise, or if the chairperson is asked to hold an additional meeting by a committee member, the General Manager or the governing body.

Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a committee member cannot attend.

A quorum will consist of a majority of independent voting members. Where the vote is tied, the chairperson has the casting vote.

The chairperson of the committee will decide the agenda for each committee meeting. Each committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the committee.

The Mayor, General Manager and the internal audit coordinator should attend committee meetings as non-voting observers. The external auditor (or their representative) is to be invited to each committee meeting as an independent observer. The chairperson can request Council's chief finance officer, head of risk management function, senior managers, any councillors, any employee/contractor of Council and any subject matter expert to attend committee meetings. Where requested to attend a meeting, persons must attend the meeting where possible and

provide any information requested. Observers have no voting rights and can be excluded from a meeting by the chairperson at any time.

The committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the committee present.

The committee must meet separately with the internal audit coordinator and Council's external auditor at least once each year.

9.2 Dispute resolution

Members of the committee and Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the committee and the General Manager or other senior managers, the dispute is to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

9.3 Secretariat

The General Manager will nominate a staff member to provide secretariat support to the committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the chairperson at least one week before the meeting and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the chairperson and circulated within three working days of the meeting to each member.

9.4 Resignation and dismissal of members

Where the chairperson or a committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give four weeks' notice to the chairperson and the governing body prior to their resignation to allow Council to ensure a smooth transition to a new chairperson or committee member.

The governing body can, by resolution, terminate the appointment of the chairperson or an independent committee member before the expiry of their term where that person has:

- breached the council's code of conduct;
- performed unsatisfactorily or not to expectations;
- declared, or is found to be in, a position of a conflict of interest which is unresolvable ;
- been declared bankrupt or found to be insolvent;
- experienced an adverse change in business status;
- been charged with a serious criminal offence;

- been proven to be in serious breach of their obligations under any legislation; or
- experienced an adverse change in capacity or capability.

The position of a councillor member on the committee can be terminated at any time by the governing body by resolution.

9.5 Review arrangements

At least once every council term, the governing body must review or arrange for an external review of the effectiveness of the committee.

These terms of reference must be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

10. Further information

For further information on the committee, contact the Executive Manager Corporate Governance on governance@coonambleshire.nsw.gov.au or by phone 02 6827 1900.

Reviewed by chairperson of the audit, risk and improvement committee

.....
[signed]

.....
[date]

Reviewed by Council in accordance with a resolution of the governing body.

.....
[signed]

.....
[date]

...2024/123.....
[Resolution reference]

Next review date: September 2025

Schedule 1 – Audit, risk and improvement committee responsibilities**1. Audit****1.1 Internal audit**

- Provide overall strategic oversight of internal audit activities.
- Act as a forum for communication between the governing body, General Manager, senior management, the internal audit function and external audit.
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions.
- Review and advise Council:
 - on whether Council is providing the resources necessary to successfully deliver the internal audit function;
 - if Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework;
 - if Council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by Council are suitable;
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by Council's internal audit function;
 - if Council's internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function;
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised;
 - of the implementation by Council of these corrective actions;
 - on the appointment of the internal audit coordinator and external providers; and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

1.2 External audit

- Act as a forum for communication between the governing body, General Manager, senior management, the internal audit function and external audit.
- Coordinate as far as is practicable, the work programs of internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations.
- Provide advice to the governing body and/or General Manager on action taken on significant issues raised in relevant external audit reports and better practice guides.

2. Risk

2.1 Risk management

Review and advise Council based on referrals and reports:

- if Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard;
- whether Council is providing the resources necessary to successfully implement its risk management framework;
- whether Council's risk management framework is adequate and effective for identifying and managing the risks Council faces, including those associated with individual projects, programs and other activities;
- if risk management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting;
- of the adequacy of risk reports and documentation, for example, Council's risk register and risk profile;
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings;
- whether appropriate policies and procedures are in place for the management and exercise of delegations;
- if Council has taken steps to embed a culture which is committed to ethical and lawful behaviour;
- if there is a positive risk culture within Council and strong leadership that supports effective risk management;
- of the adequacy of staff training and induction in risk management;
- how Council's risk management approach impacts on Council's insurance arrangements;
- of the effectiveness of Council's management of its assets; and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

2.2 Internal controls

Review and advise Council based on referrals and reports:

- whether Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective;
- whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated;
- whether appropriate policies and procedures are in place for the management and exercise of delegations;
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with;
- if Council's monitoring and review of controls is sufficient; and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

2.3 Compliance

Review and advise Council through the work program of the adequacy and effectiveness of Council's compliance framework, including:

- if Council has appropriately considered legal and compliance risks as part of Council's risk management framework;
- how Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements; and
- whether appropriate processes are in place to assess compliance.

2.4 Fraud and corruption

Review and advise Council through the work program of the adequacy and effectiveness of Council's fraud and corruption prevention framework and activities, including whether Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

2.5 Financial management

Review and advise Council based on referrals and reports:

- if Council is complying with accounting standards and external accountability requirements;
- of the appropriateness of Council's accounting policies and disclosures;
- of the implications for Council of the findings of external audits and performance audits and Council's responses and implementation of recommendations;
- whether Council's financial statement preparation procedures and timelines are sound;
- the accuracy of Council's annual financial statements prior to external audit, including:
 - management compliance/representations;
 - significant accounting and reporting issues;
 - the methods used by Council to account for significant or unusual transactions and areas of significant estimates or judgements; and
 - appropriate management signoff on the statements;
- if effective processes are in place to ensure financial information included in Council's annual report is consistent with signed financial statements;
- if Council's financial management processes are adequate;
- the adequacy of cash management policies and procedures;
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions;
 - adequate segregation of duties;
 - timely reconciliation of accounts and balances; and
 - review of unusual and high value purchases;
- if policies and procedures for management review and consideration of the financial position and performance of Council are adequate; and
- if Council's grants and tied funding policies and procedures are sound.

2.6 Governance

Review and advise Council through the work program of the adequacy and effectiveness regarding its governance framework, including Council's:

- decision-making processes;
- implementation of governance policies and procedures;
- reporting lines and accountability;
- assignment of key roles and responsibilities;
- committee structure;
- management oversight responsibilities;
- human resources and performance management activities;
- reporting and communication activities;
- information and communications technology (ICT) governance; and
- management and governance of the use of data, information and knowledge.

3. Improvement

3.1 Strategic planning

Review and advise Council based on referrals and reports:

- of the adequacy and effectiveness of Council's integrated, planning and reporting (IP&R) processes;
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives; and
- whether Council is successfully implementing and achieving its IP&R objectives and strategies.

3.2 Service reviews and business improvement

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies).
- Review and advise Council through the work program:
 - if Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance;
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance; and
 - how Council can improve its service delivery and Council's performance of its business and functions generally.

3.3 Performance data and measurement

Review and advise Council through the work program:

- if Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives;
- if the performance indicators Council uses are effective; and
- of the adequacy of performance data collection and reporting.

10.5 COUNCILLOR CONDUCT AND MEETING PRACTICES DISCUSSION PAPER

File Number: C-12

Author: Jenni Maundrell-Executive Manager Corporate Governance

Authoriser: Paul Gallagher, General Manager

Annexures:

1. Councillor Conduct and Meeting Practices Discussion Paper [↓](#) 
2. CSC Submission on Discussion Paper [↓](#) 

PURPOSE

To seek Council endorsement of a submission to the Office of Local Government on its Councillor Conduct and Meeting Practices Discussion Paper.

EXECUTIVE SUMMARY

The Office of Local Government (OLG) released its discussion paper on proposed reforms to the Councillor Conduct Framework on 5 September 2024. Submissions on the discussion paper close 15 November 2024. A draft submission is presented to Council for consideration and endorsement.

BACKGROUND

The OLG is reviewing the Councillor Conduct Framework with the stated aim to facilitate and support local decision making.

(a) Relevance to Integrated Planning and Reporting Framework

CSP L1.2 Strengthen our engagement and consultation with our local community **and stakeholders** including increasing community participation in decision making (emphasis added).

(b) Financial Considerations

There are no financial considerations resulting from this report.

COMMENTARY

The OLG discussion paper was circulated to councillors on 15 October 2024, and is attached to this report for reference.

According to the introductory comments of the discussion paper, the OLG considers that the existing councillor conduct framework is not delivering on the need for transparency or the necessary degree of respect in the community for the role that councillors have.

The discussion paper proposes a raft of changes to the code of conduct and meeting practices, summarised below:

- An aspirational Code of Conduct equivalent to the Code of Conduct framework for NSW Members of Parliament, noting the proposed Code of Conduct would not set out the definitions of misbehaviour as these would be legislated.
- Aligning the Code of Conduct to the Oath or Affirmation of Office.
- Updating the Local Government Act to define misbehaviour to cover:

- pecuniary conflicts of interests,
- significant non-pecuniary conflicts of interests, and
- councillor misbehaviour in public office.
- Potentially requiring councillors to divest themselves from real estate or development business activities and contractual obligations.
- The formation of a Local Government Privileges Committee to meet and assess complaints made against councillors.
- The development of guidelines and a model policy on lobbying of Council and councillors.
- Giving the OLG the power to issue penalty infringement notices.
- Confer the power on mayors to expel councillors for acts of disorder and to remove the councillor's entitlement to receive a fee for the month in which they have been expelled from a meeting.
- An expectation that councillors will stand, where able to do so, when addressing a meeting and when the mayor enters the chamber.
- Expand the grounds for mayors to expel members of the public from the chamber for acts of disorder and enable the issuing of a penalty infringement notice where members of the public refuse to leave a meeting after being expelled.
- Banning briefing sessions that are closed to the public.

Councillors were asked for their input to draft a submission on the discussion paper. Councillors indicated strong opposition to being compelled to stand for the entry of the Mayor, and strong opposition to banning closed briefing sessions.

A submission on the discussion paper has been drafted (attached to this report). Councillors may make amendments to this draft before it is endorsed for submission.

(a) Governance/Policy Implications

Changes to the Councillor Conduct Framework will impact heavily on Council governance and must be carefully considered.

(b) Legal Implications

There are no legal implications arising from this report.

(c) Social Implications

There are no social implications arising from this report.

(d) Environmental Implications

There are no environmental implications arising from this report.

(e) Economic/Asset Management Implications

There are no economic/asset management implications arising from this report.

(f) Risk Implications

There are no risk implications arising from this report.

CONCLUSION

Council is encouraged to make a submission on the Councillor Conduct and Meeting Practices Discussion Paper.

RECOMMENDATION

That Council endorses the draft submission on the Office of Local Government Councillor Conduct and Meeting Practices discussion paper.

Office of Local Government



Councillor conduct and meeting practices

A new framework

September 2024

olg.nsw.gov.au



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Councillor conduct and meeting practices

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More information

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The need for change – returning local democracy to councils

Strong and thriving communities need effective local government. No other level of government is as close to the issues and people.

Effective local government comes when councillors are visibly in control of their councils. How councillors act and how appropriately and transparently decisions are made at meetings is critical in demonstrating to the community that their elected representatives understand the consequences of their decisions, and then make the best possible decisions they can for their community as a whole.

Unfortunately, the existing councillor conduct framework is not delivering on the need for transparency or the necessary degree of respect in the community for the role that councillors have.

Closed council briefing sessions are being used to make decisions away from the public view. Council debates on issues are too often personal slanging matches, rather than forums for robust but respectful discussions on what is best for the community.

Similarly, we have seen a growth in the number of complaints, often over trivial issues. Data from the Office of Local Government (OLG) has shown there has been 4289 complaints over the last 3 years (2020/21 to 2022/23) through the code of conduct process. Overall:

- 420 were referred for preliminary enquiries and then discontinued
- 136 were investigated as potential pecuniary interest matters
- 102 were investigated as potential misconduct (not pecuniary interest)
- 36 related to public interest disclosures, and
- 2 related to political donations

But of these thousands of complaints, in the years since 2020/21 OLG has:

- taken action against 14 councillors by way of a suspension or reprimand
- referred 4 councillors to the NSW Civil and Administrative Tribunal (NCAT) for misconduct, and
- disqualified and dismissed one councillor on the basis of Independent Commission Against Corruption (ICAC) recommendations

The volume of frivolous complaints is crowding out the ability of the OLG and the sector to adequately deal with councillors who abuse their office or cause serious governance problems. It is critical the framework that governs both the behaviour and meeting practices of councillors ensures the community can observe and comment on the behaviour of councillors, instead of inhibiting the operation and function of local democracy.

The weaknesses of existing frameworks

The simple, but compelling premise is local councils should be accountable to their community with council staff being accountable to their councillors, through the General Manager. The best way to achieve this aim is for councils to provide strong and effective representation, leadership, planning and decision making. Unfortunately, this simple concept has been lost.

How councillors behave, how they deliberate and the responsibilities they hold should be modelled on how members of Parliament are expected to behave and act. As the governing body, councillors should act fairly, ethically and without bias in the interests of the local community, and they should be responsible employers and provide a consultative and supportive working environment for staff. A criticism made about the current framework for councillor conduct or meeting practices is that they do not reflect local government's status as an independent third tier of government: it allows an unelected State Government official to determine penalties and guilt thus undermining the status of local government.

While most local councils and local councillors do the right thing with the best intent, there are some councillors who are not so motivated. In these cases, the current councillor behavioural framework, as implemented in NSW, does not facilitate the best outcomes or resolve issues.

In relation to complaint management, it is not considered acceptable to create better complaint management pathways for the processing of code of conduct complaints. The current code of conduct simply enables too many complaints about councillors, all too often for political or vexatious reasons.

It is for this reason that the Government has embarked upon a new approach that refocuses the limited resources of the State on those concerns that matter most: serious misbehaviours and attempts by councillors to enrich themselves through their office.

Weaknesses of the current framework include:

- The councillor conduct framework distracts from, rather than enhances, robust democratic debate. Complaints are weaponised for political reasons, or to silence dissent from other elected representatives.
- Councillors and community members report dissatisfaction with the process for resolving code of conduct complaints – being expensive, overly legal, prone to political sparring and not timely, with average timeframes exceeding 12 months and more than 24 months if they are then referred to OLG for further investigation.
- Issues are not being addressed and resolved at the local level – instead complaints are escalated unnecessarily to the State Government to resolve because of the view that public censure from the local council is not a 'strong enough' punishment.
- Communities and councillors report that council decision making is not transparent – with decisions being seen as made behind closed doors, information not being provided or withheld, too much use of closed to the public briefings or councils going into closed sessions for no adequate rationale.
- Bad councillor behaviour is not considered to have been addressed quickly enough and when sanctions are imposed it is too late or of little consequence.
- There is a lack of clarity around OLG's role as the sector regulator – taking too long to resolve matters and not focussing on the important financial and government concerns in the sector, instead spending time focussed on individual councillor behaviour.
- OLG reports challenges in relying on the reports of council conduct reviewers – investigations into councillors need to be done afresh, the process is cumbersome with multiple feedback loops and serious sanctions can only come from suspensions handed down by NCAT.

With so much focus on the bad behaviour of a limited number of councillors there is not enough attention given to the good work that councillors do. The role of a councillor is a noble public service, and the local government behavioural framework should support those who seek to do the right thing and punish those that are not so motivated.

Options for a better approach

Improving the councillor conduct framework and the meeting practices of councils can be achieved but will require changes to the Local Government Act 1993 (the Local Government Act), as well as updating the various regulations, codes and policies that apply. Some of the work to update the regulations and codes can be done quickly, while others requiring legislative change will take some time.

This paper provides an overview of the proposed new approach to both the councillor conduct framework and meeting practices. The proposals are to:

- Make OLG directly responsible for dealing with pecuniary interest and significant non-pecuniary conflicts of interest, with sanctions (suspensions and loss of pay) being determined by an appropriate tribunal or body,
- Refer behavioural based concerns about councillor conduct to a State-wide panel of experienced councillors to judge their peers,
- Reset the code of conduct to be similar to Parliamentary Codes, making it clear the expected patterns of councillor behaviour,
- Ensure the community can observe local democratic processes by banning closed to the public briefing sessions, while at the same time restoring the dignity and prestige of the council chamber.

These changes are only proposed for councillors and there is no change proposed for the code of conduct for Local Government staff. Feedback from stakeholders is that the existing code of conduct of staff remains fit for purpose and is largely effective.

Seeking your views

This discussion paper has been prepared to seek the views of the community, key stakeholders and the local government sector about the proposed changes.

Submissions will be accepted to **COB Friday 15 November 2024**.

All input received through this consultation process **may be made publicly available**. Please let us know in your submission if you **do not want** your name and personal details published.

As part of the consultation process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email to send you notifications about further feedback opportunities or the outcome of the consultation.

There may also be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the Government Information (Public Access) Act 2009). There is a privacy policy located on OLG's website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit OLG's website. The link to that policy is <https://www.olg.nsw.gov.au/about-us/privacy-policy/>.

Further information about how to make a submission is provided at section 7 of this paper.

What are the principles of change?

In preparing the proposed reforms the following principles have guided the discussion and the intent of the changes:

- **Council leadership and decision making is paramount** – it is critical that the sector, as the third tier of government, is given independence to make decisions in the best interests of the community
- **Freedom of speech** – as elected officials, councillors have the constitutional right and democratic responsibility to speak freely about issues affecting their local community and to advocate for the interests of that community
- **Transparency and accountability** – as a democracy councils need to hear, consider and debate issues in an open manner
- **Significant penalties should only be imposed by a judicial or quasi-judicial body** – to ensure procedural fairness and thorough testing of allegations, significant penalties should be given by bodies such as the NSW Civil and Administrative Tribunal
- **A strong and proportionate local government regulator** – the role of OLG should be to create the framework for local government, ensure councils, joint organisations (JOs), and county councils have the capacity to operate within the framework so that the regulator intervenes as rarely as needed
- **Subsidiarity** – decisions are made at the level closest to those impacted by those decisions
- **Justice is timely and proportionate** – where allegations are made, they should be heard, tested and dealt with as quickly as possible.

Question

Are we missing anything in the principles of change?

Potential changes to the code of conduct and oath of office

The key proposed reform for the councillor behavioural framework is to move to a streamlined, aspirational Code of Conduct. This is equivalent to the Code of Conduct framework for NSW Members of Parliament available [here](#) and [here](#).

The aspirational Code of Conduct would clearly and succinctly outline the behavioural expectations of local councillors (approximately 2-3 pages) in easy-to-understand language. It would then be supported by a clearer framework and definitions for misbehaviour of elected officials.

The aspirational Code of Conduct would not set out the definitions of misbehaviour as these would be legislated as explained in later sections of this discussion paper.

Separating the behavioural expectations in a Code of Conduct from definitions of misbehaviour reflects a positive approach to councillor behaviour. The separation also recognises that the majority of councillors want to do the right thing and they should have easy access to the standards expected of them.

The revamped Code of Conduct could also be aligned to the Oath of Office for local councillors ensuring that the behavioural standards and expectations are clear and understood when a councillor takes office. The existing framework can make it difficult to understand the behavioural expectations and standards upon councillors.

Importantly, the revamped Code of Conduct will not seek to restrain the ability of a councillor to speak publicly on matters pertaining to their council, even when that councillor is disagreeing with, or being critical of, the decisions of the majority.

It is proposed to make the new Code of Conduct an aspirational code of expected behaviours instead of enforceable for local councillors.

Question

What are the key elements of an aspirational Code of Conduct that should be enshrined?

Question

What are your views about aligning the Oath of Office to the revamped Code of Conduct?

Potential changes to the definitions and assessment of councillor misbehaviour

The current Local Government Act defines councillor misconduct as a breach of the Local Government Act or other regulatory provisions, which includes the Code of Conduct. This means that it is difficult for the average person to understand the definition of misconduct as they need to reference several other regulatory instruments and policy documents to determine what constitutes.

It is proposed in the revised framework that misbehaviour will be more clearly defined and articulated within the Local Government Act, with the reference to regulations and other statutory instruments only for further enunciation or explanation.

These definitions, which are described in later sections would cover:

- Pecuniary conflicts of interests, (for example decisions that financially benefit the councillor or a close associate),
- Significant non-pecuniary conflicts of interests (for example where a councillor participates in a decision and a direct advantage/disadvantage is created for a person or company the councillor is friendly with or associated with), and
- Councillor misbehaviour in public office (for example, poor conduct in meetings leading to exclusion by the Mayor or Chair of the Committee).

This will make clearer to all participants in the local government sector what is considered misbehaviour by a local councillor.

The definitions of misbehaviour do not change the other legislative requirements. Communities, residents, workers and fellow councillors expect their elected officials to act in an appropriate and ethical way, including observing workplace health and safety, environmental and criminal laws. If there is an offence or complaint under these other laws, people should

seek redress from the appropriate regulator including SafeWork, Independent Commission Against Corruption or the NSW Police.

The behavioural standards in the revamped Code of Conduct will reinforce the expectation that councillors are community leaders and therefore exemplars of good behaviour. As community leaders it is also expected councillors will meet legislative obligations. Therefore, misbehaviour only needs to be defined as those issues which go to the nature of councillors as elected officials, being conflicts of interest or misbehaviour in public office.

These are the expectations that are upon councillors because of the public trust that is placed in them as elected officials. In this way it more closely reflects, with appropriate adjustments the framework that applies to other elected officials in other levels of Government.

Conflicts of interest

The first proposed limb of the revised misbehaviour definition is a councillor's failure to manage a conflict of interest.

Management of conflicts of interest is important to ensure that councillors act and are seen to act in the public good, not for private benefit or personal gain. Conflicts of interest arise when there is a conflict, perception or potential of a conflict between an official's private interests and public duty.

The test for pecuniary interests is quite clear as it is an objective test; would a councillor or one of their close associates (spouse, family members), receive a financial benefit as a result of a decision. However, testing whether there is a non-pecuniary conflict of interest is more challenging.

Pecuniary interests

It is proposed to align the definition of pecuniary interests for NSW councillors with those that are utilised and defined for NSW members of parliament, requiring disclosure of the following interests:

- Real property – property in which councillors have an ‘interest’
- Sources of income – all income over \$500 other than salary of office
- Gifts – all gifts of cumulative value of more than \$500
- Contributions to travel – of value of more than \$250 (including flight upgrades)
- Interests and positions in corporations – eg stocks and shares, directorships
- Positions in unions and professional or business organisations
- Debts – of cumulative value of more than \$500, excluding home loans or debts for goods and services disposed of within a year
- Dispositions of property
- Engagement to provide a service involving use of a councillor’s position and
- Discretionary disclosures.

It is proposed that the interests for disclosure by the councillor are similarly extended to the interest of a spouse or de facto partner, relative, or partner or employer, or a company or other body of which the councillor, or their nominee, partner or employer, is a shareholder or member. This extends only to the extent the councillor is aware or should be aware of such interests.

It is proposed there remains an absolute prohibition on a councillor being involved in any matter before council where a pecuniary conflict of interest exists, unless otherwise determined via regulation.

It is also proposed to give extended investigation powers to OLG to investigate and request information on corporate structures such as trust or companies to

determine underlying beneficial ownership and interests.

OLG, as the agency responsible for investigating alleged breaches of pecuniary interests, needs clear powers to compel the production of information and/or records, to ensure that pecuniary interest returns are provided and made publicly available. If there is non-compliance with an OLG direction, which may include the requirement to make a declaration, remedies such as penalty infringement notices (PIN) should be available to ensure cooperation with investigative processes.

Question

Is the proposed pecuniary interest framework appropriate? Is anything missing?

Non-pecuniary interests

A conflict of interest does not necessarily have to be financial in nature. It could also arise from familial or personal relationships, affiliations or memberships. It is equally important that such conflicts are managed appropriately to ensure that decision making is seen to be transparent and remains in the public interest.

An interested and informed observer should be confident a decision made by a councillor is free from bias or a reasonable apprehension of bias. This means that any concerns about a potentially significant conflict of interest should be declared and appropriately managed.

The nature and breadth of non-pecuniary interests naturally means that the framework for management of such interests is more nuanced, with the management approach often dependent upon the individual circumstances of the case.

It is also important to recognise that councillors, as representatives of their community, reside within their community, so memberships of clubs, congregational

memberships etc should not automatically be seen as conflicts of interest.

If a decision of a councillor directly advantages (or disadvantages) a particular individual or organisation the councillor is friendly with or associates with, then that can be a conflict that should be publicly declared, if the councillor considered it of minor consequence, it wasn't controversial, or the councillor did not hold the casting vote.

Alternatively, if a decision of a councillor directly advantages (or disadvantages) a particular individual or organisation the councillor is friendly with or associates with, then that can be a conflict requiring the councillor to recuse themselves from being involved in the decision-making process if there was a major advantage or disadvantage (or potential for), if it was controversial or the vote of the councillor was critical.

The appropriate test for whether a non-pecuniary interest should be declared is based on an objective test, not in the mind of the individual who is subject to the conflict of interest. The test is whether a reasonable and informed person would perceive that the councillor could be influenced by a private interest when carrying out their official functions in relation to a matter.

Whether the councillor abstains themselves from a decision, or decides to participate, the continued and timely disclosure of interests is critical. Disclosure ensures the community is aware of any potential conflicts and how the councillor is managing and responding to the issue.

Councillors should remain as vigilant about disclosure of non-pecuniary interests as they are about pecuniary interests.

Question

Do you agree with the principles of what constitutes a significant or major non-pecuniary interest?

Property developers and real estate agents

The NSW Government has made a commitment to ensure the conflicts of interest that exist between a councillors' public duties to make decisions on behalf of communities and the private interests that exist in securing a profit as a developer or real estate agent are addressed. A simple change to ban developers or real estate agents from being councillors is not possible as it infringes the right to political free speech implied by the Australian Constitution.

Ordinarily conflicts of interest are managed through declarations and withdrawing from decision making. However, in the case of property development and real estate interests, where so much of what a council does is related to land and the potential for speculation in the changes of land value arising from planning, development and infrastructure decisions, it can be impossible to isolate the precise interests that would drive a councillor's decision.

Without some way of managing these conflicts, the community confidence that planning, development and infrastructure decisions are taken transparently in the public interest will erode. Given the importance of planning, development and infrastructure decisions to resolving the housing crisis, driving the move to net zero through the electrification of the economy and building community resilience to disasters, it is critical to restore confidence.

To address this concern, an alternative means of managing the inherent conflict of councillors undertaking real estate and development business activity is being considered which involves requiring councillors to divest themselves from real estate or development business activities and contractual obligations.

Legislation is being drafted that will:

- identify how developers and real estate agents are identified,
- create the obligation to divest and not enter into real estate or development business arrangements through contracts,
- establish the penalties, including disqualification, where a councillor engages in contractual arrangements with real estate agents or developers,
- ensure there are exemptions so councillors can buy and sell their own property using a real estate agent, and
- create transitional arrangements for the introduction of the new obligations.

Question

Are there any other specific features that should be included to address concerns about councillors undertaking real estate and development business activities?

Councillor misbehaviour in public office

The third proposed component of a revised definition of misconduct is misbehaviour in public office.

Misbehaviour in public office would cover behaviour which is inconsistent or outside of the norms of behaviour expected from a councillor, particularly given their role as a community leader. Given the discussion is about behaviour rather than action, there is a much greater degree of interpretation, and it is appropriate that councillors judge their fellow councillors on whether they could be considered to have misbehaved.

There would be three limbs to this proposed misbehaviour definition being conduct that:

- Is unbecoming of a councillor
- Brings council into disrepute; and/or
- Is assessed as being outside the norms and expectations of a sitting councillor.

The first two tests of this framework are established legal concepts with existing case law and precedents.

Unbecoming conduct means behaviour more serious than slight, and of a material and pronounced character. It means conduct morally unfitting and unworthy, rather than merely inappropriate or unsuitable, misbehaviour which is more than opposed to good taste or propriety. Conduct unbecoming refers to the conduct that is contrary to the public interests, or which harms his/her standing of the profession in the eyes of the public. Examples can be referenced in *Oei v The Australian Golf Club [2016] NSWSC 846*.

To bring something into disrepute is to lower the reputation of the profession or organisation in the eyes of ordinary members of the public to a significant extent. It is a higher threshold than the test of bringing an individual into disrepute - (*Zubkov v FINA (2007) CAS 2007/A/1291*).

The third limb of the misbehaviour definition allows consideration of behaviours and actions of a sitting councillor which are considered egregious or problematic that are otherwise not captured by the other elements of the definitions.

As this is a test of appropriate behaviour, the determination of whether the misbehaviour occurred would be undertaken by the peers of the councillor. This would involve the formation of an 'Local Government Privileges Committee' (Privileges Committee) of senior and experienced mayors and ex-mayors from across NSW to meet and assess the complaints made against councillors. The Privileges Committee would be supported by OLG, but decisions would be made by the mayors or ex-mayors on the Privileges Committee who would draw on their expertise as mayors, as well as having served at least two council terms as a councillor.

There would also be an opportunity to apply these principles to poor behaviour in meetings, particularly where a councillor has failed to comply with the directions given by the mayor or Privileges Committee Chair.

Question

Is this the appropriate threshold to face a Privileges Committee?

Question

How else can complaints be minimised?

Addressing inappropriate lobbying

A number of investigations by the Independent Commission Against Corruption (ICAC) has led to recommendations to put in place measures to address concerns about lobbying of councillors. ICAC has been concerned about councillors having relationships with development applicants that pose a conflict of interest, concerns with councillors meeting with development applicants in private settings to discuss their applications, and concerns about councillors receiving gifts and inducements as part of lobbying activities to improperly influence council decision-making.

Lobbying is an important feature of democratic representative government, and all councillors get lobbied by residents, businesses and community groups. However, inappropriate lobbying that isn't declared presents certain risks and can lead to corrupt behaviour or improper decision-making. On the recommendation of ICAC to address these risks, OLG is developing lobbying guidelines and a model policy on lobbying for councils to adopt that will:

- address how professional lobbyists are identified and the obligations on councils and councillors if they met a professional lobbyist,
- set out inappropriate behaviours when being lobbied,
- identify steps to be taken to ensure transparency,
- require council officials to report inappropriate or corrupt lobbying behaviours to the councils general manager.

The development of lobbying guidelines and a model policy on lobbying will ensure councillors and councils understand these risks and have effective controls in place to address them.

Question

What key features should be included in lobbying guidelines and a model policy?

Dispute resolution and penalty framework

Consistent with the principles outlined earlier, it is proposed that there be a significant change to the dispute resolution and penalties framework for misbehaviour.

While the overall intent is to reduce the weaponisation of the complaints process and reduce the number of complaints, there is also a need for more timely resolution of matters and ensure that the limited investigation and regulator resources are directed to the more significant misbehaviour matters.

There is also an opportunity to bring the dispute resolution framework more into line with that used in other levels of government.

The approach being proposed is to create clear separation between the process for consideration of conflicts of interest and the processes for consideration of misbehaviour. This has the benefit of removing general managers from being central to the complaint process.

Under the reforms, the investigation of serious conflicts of interest would be put entirely into the hands of OLG. The approach also removes the existing 'two step' process of referrals to conduct reviewers and then OLG.

There would be no investigations of misbehaviour, instead councillors would be required to demonstrate to their peers why their actions, which may have led to the complaint, were appropriate to the circumstances.

To implement these new approaches, changes to the systems and structures of investigation and complaints handling are needed.

Abolishing the 'two step process'

The existing process for complaints is set out in the Procedures for the Administration of the Model Code of Conduct.

In simple terms, the complaint process involves the general manager or the mayor receiving a complaint, determining whether the complaint is valid and referring the matter to a complaints coordinator within the council, who will in turn appoint an external conduct reviewer. Once the conduct reviewer investigates the issue, interviews the complainant and the subject of the complaint, as well as any other relevant people, provides a report to the council and the council makes a decision, many months can pass.

As it currently stands, if OLG, receives a referral following the council consideration of a complaint, they are then expected to rely on the investigation report of the conduct reviewer to make an assessment. However, investigation reports prepared by conduct reviewers may satisfy the evidentiary standard required for a councillor to be censured but may not satisfy the higher evidentiary standard required to support disciplinary action under the misbehaviour provisions under the Local Government Act, such as suspension or disqualification. OLG's experience is that rarely can it rely on these reports and must instead recommence an investigation process if it decides to pursue the matter.

Instead of this existing two-step process:

- Complaints about conflict of interest matters would be made directly to OLG, and
- Complaints about misbehaviour would be made directly to the Local Government Privileges Committee via a dedicated webform.

Under the proposed approach, there would be no role for privately hired investigators to determine whether the Code of Conduct has been breached.

Giving OLG the power to issue penalty infringement notices

In order to ensure information is provided to OLG more effectively, it is proposed to enable OLG the discretion to issue penalty infringement notices (PINs) for minor or insignificant breaches of the conflicts of interest declarations. The PINs would be primarily utilised in circumstances where the breach is considered minor or administrative in nature – for example an inadvertent failure to lodge a return of interests.

This change to PINs is designed to allow a quick process for dealing with minor matters to free up limited regulatory resources while still ensuring that sanction for important matters is provided.

Like all other PIN provisions in other NSW legislations there would be the ability for the PIN to be appealed or special circumstances to be considered. Where the breach was considered more serious in nature then it can be referred to an appropriate tribunal or body for more significant punishment.

Question

What level of PIN is appropriate?

NSW Local Government Privileges Committee

Along with the PIN framework, it is also proposed to create a Local Government Privileges Committee (Privileges Committee) to examine all allegations of misbehaviour in public office. This would replace the existing code of conduct review framework and instead aim to provide a speedy process for resolution and assessment of behavioural complaints against councillors. It also allows for the sector to better govern itself. The Privileges Committee would only examine issues of misbehaviour, not conflicts of interest.

The Privileges Committee would be made up by a group of experienced mayors and ex-mayors from across NSW to ensure that a variety of perspectives and experiences are considered. The Privileges Committee would be supported by a small Secretariat from OLG who could be delegated the power by the Privileges Committee to dismiss matters that are vexatious, trivial, where the Privileges Committee lacks jurisdiction, or where there is an alternative remedy available.

The Privileges Committee process would be paid for by either individual councillors or their councils, dependent on the outcome.

Penalties that could be imposed by the Privileges Committee are as follows:

- Censure of the councillor
- Warning of the councillor
- Where referred following misbehaviour in a council meeting, a potential loss of sitting fees
- Referral to an appropriate tribunal or body for more serious sanction, including suspension or disallowance.

As noted above if the breach is deemed serious then the Privileges Committee would have the power to refer a matter to the OLG for preparation of a brief for an appropriate tribunal or body.

Question

Are the penalties proposed appropriate, and are there any further penalties that should be considered?

Referral of significant sanctions to appropriate tribunal or body

Under the existing processes for consideration of complaints, OLG, in particular the Departmental Chief Executive (or their delegate), can suspend a councillor for between 1-3 months with a consequential loss of sitting fees. This creates the situation where a public servant is sitting in judgement on an elected official. Where a greater suspension is appropriate, the Departmental Chief Executive may refer the matter to an appropriate tribunal or body.

To remedy the concerns about whether it is appropriate for an unelected official to stand in judgment on an elected councillor, it is proposed that any significant sanction, such as suspension, significant fine or disqualification from office, can only be undertaken by an appropriate tribunal or body.

This reduces the existing power of the Departmental Chief Executive to impose penalties. It reflects the principle that significant sanctions, including suspension, should only be imposed by a judicial or quasi-judicial body. It also removes the dual roles of the head of OLG, meaning OLG's focus is on preparing the brief of evidence for consideration by the appropriate tribunal or body.

The role of the appropriate tribunal or body would therefore be to look at all serious misconduct matters that have either been referred by the Privileges Committee, appeals from PINs or referrals of conflict of interest matters from the OLG.

Question

Are the existing sanctions available under the Local Government Act sufficient?

Question

Should decisions on sanctions for councillors be made by the Departmental Chief Executive or a formal tribunal with independent arbitrators and a hearing structure?

Restoring dignity to council meetings

A council chamber is a chamber of democracy, and the mayor as figurehead represents the authority of that council.

Unfortunately, many council meetings are conducted without the appropriate level of dignity or reverence for tradition that suggests the importance of the debate and the need for civility. Councillors are not expected to agree with each other, in fact debate is encouraged, but the debate should be fair and respectful.

A council meeting, and the council chamber itself, should see meetings conducted with dignity. Unfortunately, there are too many examples where the dignity of council meetings has been lost, either because councillors are not appropriately reverential and respectful, or the manner of debate is lowered by inappropriate chamber design or meeting practices.

Proposed reforms to the Model Code of Meeting Practice

To restore the prestige and dignity of the council chamber reforms to the meeting code of practice are being developed to support the mayor in exercising their statutory responsibility to preside at meetings and to ensure meetings are conducted in an orderly and dignified manner.

The proposed reforms will confer the power on mayors to expel councillors for acts of disorder and to remove the councillor's entitlement to receive a fee for the month in which they have been expelled from a meeting.

As a further deterrent against disorderly conduct, councillors will also be required to apologise for an act of disorder at the meeting at which it occurs and, if they fail to comply at that meeting, at each subsequent meeting until they comply. Each failure to apologise becomes an act of misbehaviour and will see the councillor lose their entitlement to receive their fee for a further month.

To provide a check against misuse of the power of expulsion and subsequent loss of entitlement of a fee, councillors will be entitled to a right of review.

Councillors will also be expected to stand, where able to do so, when addressing a meeting and when the mayor enters the chamber.

The proposed reforms will also expand the grounds for mayors to expel members of the public from the chamber for acts of disorder and enable the issuing of a PIN where members of the public refuse to leave a meeting after being expelled.

Question

Are there any other powers that need to be granted to the mayor or chair of the relevant meeting to deal with disorderly behaviour?

Banning briefing sessions

A practice has recently developed in local government where councillors receive briefings from staff that are closed to the public.

As an example, development applications should be considered in the public domain. However, councillors receive private briefings from the council planners before they are dealt with in the public forum of a council or committee meeting. Consequently, members of the public impacted by the council's decision have no idea what the councillors have been told or what has been discussed.

To promote transparency and address the corruption risks identified by the Independent Commission Against Corruption (ICAC) that can arise from a lack of transparency, it is proposed that councils will no longer be permitted to hold pre-meeting briefing sessions in the absence of the public.

Any material provided to councillors, other than the mayor, that will affect or impact or be taken into account by councillors in their deliberations or decisions made on behalf of the community must be provided to them in either a committee meeting or council meeting. This restriction will not apply to mayors. As the leader of the organisation, the mayor needs to have candid conversations with the general manager outside of formal meetings.

To further promote transparency, the proposed reforms will also extend the period that recordings of council and committee meetings must be maintained on a council's website.

Question

Are there any other measures needed to improve transparency in councillor deliberations and decision making?

How to provide feedback?

This discussion paper has been released through the Office of Local Government's communication channels and on the Government's Have your Say Website.

You can make submissions on this proposed framework by **COB Friday 15 November 2024**. Further information is available on OLG website at <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-conduct-framework/>.

Submissions can be made online here - <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-conduct-framework/>

OR

in writing to: councillorconduct@olg.nsw.gov.au

OR

Locked Bag 3015 NOWRA NSW 2541

Submissions must be clearly labelled "Councillor Conduct Framework Review"

Please direct any inquiries to the OLG's Strategic Policy Unit at councillorconduct@olg.nsw.gov.au or on (02) 4428 4100.

Next Steps

Feedback from this consultation process will be carefully analysed and incorporated to finalise the revised councillor conduct framework.

OLG will then look to finalise necessary draft legislation, regulations and materials for implementation of the revised model over the coming year. Consultation will continue with the local government on the implementation of the revised framework.

Information about the progress of the Councillor Conduct Framework Review will be available on the [OLG website](#).

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Office of Local Government *Councillor conduct and meeting practices* Discussion Paper**Submission by Coonamble Shire Council**

Coonamble Shire Council is broadly supportive of the framework proposed in the Discussion Paper; however, the framework raises some questions and concerns and welcome the opportunity to make this submission on the proposed Councillor Conduct Framework.

1. Principles of change.

The guiding principles listed do not include compliance with legislation. Local government is a heavily regulated industry and councillors must have a good understanding of the parameters within which they operate. While compliance may be implied by the guiding principle of 'accountability', it should be explicitly referenced in a councillor framework. Further, councillors have specific responsibilities under various pieces of legislation besides the *Local Government Act 1993* and may benefit from defined and explicit guidance on compliance with relevant legislation.

2. Potential changes to the code of conduct and oath of office.

Aligning the oath or affirmation of office with the code of conduct would be a positive move to reinforce the solemnity with which councillors should regard the code of conduct. However, the OLG should ensure it provides advice to general managers on how to manage new councillors taking the oath or making the affirmation. If councillors are expected to make an oath or affirmation based on, or aligned with, the code of conduct, they may reasonably be expected to understand the commitment to which they are signing their name. On that basis, advice should be given on attending induction sessions before the first Council meeting after an election.

3. Pecuniary and non-pecuniary interests.

The proposed pecuniary and non-pecuniary interest framework would be improved by greater definition of terms used. For example, the Discussion Paper posits that a significant non-pecuniary conflict of interest arises *where a councillor participates in a decision and a direct advantage/disadvantage is created for a person or company the councillor is friendly with or associated with*. In a small community like the Coonamble local government area, the test of a councillor being 'friendly' with a particular person would preclude most councillors from involvement with most decisions. This would very soon become unworkable.

4. Property developers and real estate agents.

The proposal (still in development, according to the Discussion Paper) to address the inherent conflict arising from councillors undertaking real estate and development business activity by requiring councillors to divest themselves from such activity will be controversial. However, the proposal provides a solution to managing the advantages, both real and perceived, that councillors may obtain by receiving reports of future land development, for example, regardless of their capacity to vote on the matter. While this clause would likely have a higher impact in larger regional and metropolitan areas, Coonamble Shire Council supports the proposal.

5. Councillor misbehaviour in public office.

The proposed definitions of misbehaviour would be enhanced by the inclusion of appendices providing real world examples. While appreciative of the aim to reduce the size of the code of conduct document, *behaviour ... outside the norms and expectations of a sitting councillor* is a

very broad definition and, being quite subjective, is unlikely to have the desired effect of minimising the number of complaints received.

6. Formation of a 'Local Government Privileges Committee'.

The proposal to form a Privileges Committee is a positive step away from assessment of complaints being completed by a general manager and mayor. A Privileges Committee could be, or appear to be, more independent, fair, and transparent. Strong consideration of the fabric of a Privileges Committee is necessary. Appointments to the committee must not be political, nor have the potential to be politicised. Further, the committee must be appropriately resourced to handle a potentially high volume of complaint investigations. The Discussion Paper is somewhat vague on the costs of committees, stating they *would be paid for by either individual councillors or their councils, depending on the outcome*. Councils are already buckling under ever-increasing cost-shifting, as highlighted in submissions made to the NSW Government inquiries earlier this year. Many will struggle to incorporate yet another new cost imposed by the State Government, be that as a direct cost or increased insurance premiums.

7. 'Restoring dignity to council meetings'.

Coonamble Shire Council strongly opposes the move to require councillors to stand, where able to do so, when addressing a meeting and when the mayor enters the chamber. A new councillor conduct framework should be focused on moving forward, not looking back to antiquated practices. Where councils have largely moved on from the practice of standing, it has been an organic process over many years. Further, the mayor already holds considerable authority in an environment that has the potential to be inequitable and non-inclusive. Compelling those who are "able to do so" to stand only illustrates certain physical disabilities and does not foster inclusiveness in the organisation or at meetings.

8. Banning briefing sessions.

Coonamble Shire Council strongly opposes the proposal to ban confidential briefing sessions. These sessions are informational and are not decision-making forums. Briefing sessions provide:

- assurance that all councillors are receiving the same information in the same manner at the same time,
- a comfortable place for councillors to receive information and ask any questions necessary to understand the complex issues they decide on,
- the capacity for councillors to hear presentations from subject matter experts in depth and outside of a public forum, which is time limited and does not allow for full briefing, and
- an opportunity for staff development, where the future leaders of the organisation can develop their skills and build confidence in effectively working with the governing body.

Thank you for providing the opportunity to give feedback on the proposed Councillor Conduct Framework.

10.6 CODE OF MEETING PRACTICE

File Number: C-13

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Annexures: 1. Draft Code of Meeting Practice 2024 [↓](#) 

PURPOSE

To seek Council endorsement of the reviewed Code of Meeting Practice.

EXECUTIVE SUMMARY

Council's Code of Meeting Practice has been reviewed and some changes proposed to bring the Code into line with current practices and in consideration of the Office of Local Government's Model Code of Meeting Practice.

Council's draft Code must be placed on public exhibition for a period of at least 28 days with comments invited for at least 42 days before formal adoption.

BACKGROUND

A code of meeting practice is required by the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation). A council's code of meeting practice must be reviewed at least every four years and adopted by each new council.

(a) Relevance to Integrated Planning and Reporting Framework

CSP L1.3 Deliver successful strategies and operations which increase the community's confidence in the integrity and capability of Coonamble Shire Council.

(b) Financial Considerations

There are no financial considerations resulting from this report.

COMMENTARY

Council's Code of Meeting Practice is based on the Office of Local Government's Model Code of Meeting Practice for Local Councils in NSW 2021 (the Model Code). The Model Code is prescribed under section 360 of the Act and the Regulation.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code. A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model 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 the Model Code.

The revised Code presented for endorsement incorporates some changes, including but not limited to non-mandatory provisions not previously adopted by Council. The changes are highlighted yellow in the attached copy, and are summarised below:

- Change in start of meeting time and timing of Quambone meeting, reflecting Council Resolution 2024/226 (cl 3.1).

- Inclusion of 'Statement of ethical obligations' (cl 3.22).
- Inclusion of a provision for pre-meeting briefing sessions to be held by audio-visual link (cl 3.34).
- Change of wording from 'community consultation' to 'public forum' (part 4).
- Inclusion of provisions for the use of audio-visual link in the case of emergency, such as natural disaster or public health crisis (cls 5.15-5.17).

Note, Council has previously declined to adopt non-mandatory provisions to allow councillors to seek permission to attend Council meetings by audio-visual link. The revised draft also does not include such provisions apart from committee meetings and pre-meeting briefing sessions.

- Change to the order of business, removing the public forum from within the Council meeting and a standing item for deputations/delegations (cl 7.1).

Note, the Model Code states that a public forum should not take place within a Council meeting. Councillors should note that it is a requirement that meetings be webcast; public forums carry an inherent risk of defamation that, should the public forum be held during the Council meeting would therefore be broadcast by Council.

- Inclusion of provisions for dealing with items by exception (ie, to adopt multiple items of business on the agenda together by way of a single resolution) (part 12).
- Inclusion of provisions for the chairperson to expel any person, including a councillor, from a meeting (cls 14.14-14.15).
- Inclusion of extra provisions for rescinding or altering Council decisions (cls 16.12-16.14).
- Inclusion of provisions for recommitting resolutions to correct an error (cls 16.15-16.20).

(a) Governance/Policy Implications

Once adopted, the revised Code of Meeting Practice will become a reviewed policy of Council.

(b) Legal Implications

It is a legislative requirement for Council to adopt a code of meeting practice that is consistent with the Office of Local Government's Model Code.

(c) Social Implications

There are no social implications attached to this report.

(d) Environmental Implications

There are no environmental implications attached to this report.

(e) Economic/Asset Management Implications

There are no economic/asset management implications attached to this report.

(f) Risk Implications

Council's adopted risk appetite for non-compliance with legislative requirements is 'averse'.

CONCLUSION

Council must adopt a code of meeting practice after a period of public exhibition.

RECOMMENDATION**That Council:**

- 1. Note the report on the Code of Meeting Practice.**
- 2. Endorses the reviewed Code of Meeting Practice to go on public exhibition for at least a period of 28 days and provide members of the community at least 42 days in which to comment on the draft Code of Meeting Practice.**
- 3. Receive a further report following the exhibition period including any submissions made on the Code of Meeting Practice, or if no submissions are received, formally adopt the Code of Meeting Practice without any changes following the exhibition period.**

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

2021

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1 INTRODUCTION

This Code of Meeting Practice for Coonamble Shire Council is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

This Code applies to all meetings of Council and Committees of Council 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 Council determines otherwise.

Council must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code.

Council's adopted Code of Meeting Practice incorporates some non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, this Code does not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

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 Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings. However, ordinary meetings of Council will generally be held on the second Wednesday of each month, commencing at 9:00am at the Coonamble Shire Council Chambers, 80 Castlereagh Street, Coonamble,

NSW, 2829. There is no meeting in January and the March meeting is held at Gulargambone and the August meeting is held at Quambone.

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 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 3.2 reflects section 366 of the Act.

Notice to the public of Council meetings

- 3.3 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 Council.

Note: Clause 3.3 reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.3, notice of a meeting of Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on Council's website, and in such other manner that 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 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 3.6 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 3.7 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 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 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.

Note: Refer Appendix “A” for Notice of Motion template.

- 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 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 Council.
- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in 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 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 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 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 Council, or a question that implies wrongdoing by the general manager or a member of staff of Council.
- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of 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 Council or a Committee of 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 Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of 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 3.9.
- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 8.6.
- 3.19 The general manager must not include in the agenda for a meeting of 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 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 3.20 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 Council and Committees of 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 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 Council and Committees of Council, are to be published on 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 Council, at the relevant meeting and at such other venues determined by Council.

Note: Clause 3.23 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 3.24 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 Council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

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

- 3.26 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 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 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 Council before the next scheduled ordinary meeting of 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 9.20–9.30, 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.

Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of Council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of Council and meetings of Committees of Council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.35 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or Committee meeting at which the item of business is to be considered.
- 3.37 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or Committee meeting. Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 PUBLIC FORUMS

- 4.1 Council may hold a public forum prior to each ordinary meeting of Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting or community business that is falls under the jurisdiction of Council. Public forums may also be held prior to extraordinary Council meetings and meetings of Committees of Council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to Council in the approved form. Applications to speak at the public forum must be received by 4:30pm two (2) days before the date on which the public forum is to be held, and must identify the item of business the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than four (4) items of business.
- 4.5 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.

- 4.6 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.
- 4.7 No more than four (4) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address Council on the item of business. If the speakers are not able to agree on whom to nominate to address Council, the general manager or their delegate is to determine who will address Council at the public forum.
- 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, 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 Council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with Council any written, visual or audio material to be presented in support of their address to Council at the public forum, and to identify any equipment needs no more than one day before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed five (5) minutes to address Council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item of business they have applied to address 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.
- 4.14 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.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to five (5) minutes.
- 4.16 Speakers at public forums cannot ask questions of Council, councillors, or Council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address Council for up to five (5) minutes in response to an address to Council at a public forum after the address and any subsequent questions and answers have been finalised.

- 4.18 Where an address made at a public forum raises matters that require further consideration by Council staff, the general manager may recommend that Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing 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 Council's Code of Conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 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 14 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 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. 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 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 Council and of Committees of Council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of 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 Council or of a Committee of 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 Council, the councillor should request that 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 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 Council without prior leave of Council, or leave granted by Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 5.6 reflects section 234(1)(d) of the Act.**
- 5.7 A councillor who intends to attend a meeting of Council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of Council is a majority of the councillors of Council who hold office at that time and are not suspended from office.
- Note: Clause 5.8 reflects section 368(1) of the Act.**
- 5.9 Clause 5.8 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 Council.
- Note: Clause 5.9 reflects section 368(2) of the Act.**
- 5.10 A meeting of Council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.

- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.12 The general manager must record in 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 Council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the 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 Council's website and in such other manner that Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of Council or at an extraordinary meeting called under clause 3.2.

Meetings held by audio-visual link

- 5.15 A meeting of Council or a Committee of 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.
- 5.16 Where the mayor determines under clause 5.15 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 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.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 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 5.15, 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.

Entitlement of the public to attend Council meetings

5.18 Everyone is entitled to attend a meeting of Council and Committees of Council. Council must ensure that all meetings of Council and Committees of Council are open to the public.

Note: Clause 5.18 reflects section 10(1) of the Act.

5.19 Clause 5.18 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.20 A person (whether a councillor or another person) is not entitled to be present at a meeting of Council or a Committee of Council if expelled from the meeting:

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

Note: Clause 5.20 reflects section 10(2) of the Act.

Webcasting of meetings

5.21 Each meeting of Council or a Committee of Council is to be recorded by means of an audio or audio-visual device.

5.22 At the start of each meeting of Council or a Committee of Council, the chairperson must inform the persons attending the meeting that:

- (a) the meeting is being recorded and made publicly available on Council's website, and
- (b) persons attending the meeting should refrain from making any defamatory statements.

5.23 The recording of a meeting is to be made publicly available on Council's website:

- (a) at the same time as the meeting is taking place, or
- (b) as soon as practicable after the meeting.

5.24 The recording of a meeting is to be made publicly available on Council's website for at least 12 months after the meeting.

5.25 Clauses 5.23 and 5.24 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 5.21 – 5.15 reflect section 236 of the Regulation.

- 5.26 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

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

Note: Clause 5.27 reflects section 376(1) of the Act.

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

Note: Clause 5.28 reflects section 376(2) of the Act.

- 5.29 The general manager may be excluded from a meeting of Council or a committee while 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 5.29 reflects section 376(3) of the Act.

- 5.30 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.

- 5.31 The general manager and other council staff may attend meetings of Council and Committees of Council by audio-visual-link. 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 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 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 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 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 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 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 7.1 The general order of business for an ordinary meeting of Council shall be:

- 01 Opening meeting
- 02 Acknowledgement of traditional owners of the land
- 03 Apologies and applications for a leave of absence
- 04 Confirmation of minutes
- 05 Disclosures of interests
- 06 Mayoral minute(s)
- 07 Reports of committees
- 08 Reports to council
- 09 Notices of motions/Questions with notice/Rescission motions
- 10 Confidential matters
- 11 Conclusion of the meeting

- 7.2 The order of business as fixed under clause 7.1 may be altered for a particular meeting of Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

- 7.3 Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

8 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 8.1 Council must not consider business at a meeting of Council:
- (a) unless a councillor has given notice of the business, as required by clause 3.9, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 8.2 Clause 8.1 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 Council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 8.9, 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 Council.
- 8.3 Despite clause 8.1, business may be considered at a meeting of 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 Council before the next scheduled ordinary meeting of Council.
- 8.4 A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 8.3(a) can speak to the motion before it is put.
- 8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

Mayoral minutes

- 8.6 Subject to clause 8.9, if the mayor is the chairperson at a meeting of 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 Council, or of which Council has official knowledge.
- 8.7 A mayoral minute, when put to a meeting, takes precedence over all business on 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.

- 8.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by Council, a resolution of Council.
- 8.9 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 Council before the next scheduled ordinary meeting of Council.
- 8.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, Council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 8.11 A recommendation made in a staff report is, so far as it is adopted by Council, a resolution of Council.

Reports of committees of council

- 8.12 The recommendations of a Committee of Council are, so far as they are adopted by Council, resolutions of Council.
- 8.13 If in a report of a Committee of Council distinct recommendations are made, Council may make separate decisions on each recommendation.

Questions

- 8.14 A question must not be asked at a meeting of Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 8.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 8.16 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.
- 8.17 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 Council.

- 8.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 8.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or Council employee.

9 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

- 9.2 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.
- 9.3 If a councillor who has submitted a notice of motion under clause 3.9 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 Council.
- 9.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of 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 Council.

Chairperson's duties with respect to motions

- 9.5 It is the duty of the chairperson at a meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 9.6 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.
- 9.7 Before ruling out of order a motion or an amendment to a motion under clause 9.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 9.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 9.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the

motion does not identify a funding source, Council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 9.10 An amendment to a motion must be moved and seconded before it can be debated.
- 9.11 An amendment to a motion must relate to the matter being dealt with in the original motion before 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.
- 9.12 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.
- 9.13 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.
- 9.14 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.
- 9.15 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.
- 9.16 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

- 9.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before 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.
- 9.18 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 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.
- 9.19 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

- 9.20 A councillor who, during a debate at a meeting of 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.
- 9.21 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.
- 9.22 A councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 9.23 Despite clause 9.22, 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.
- 9.24 Despite clause 9.22, Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25 Despite clauses 9.20 and 9.21, 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.
- 9.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.25. A seconder is not required for such a motion.
- 9.27 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 9.20.
- 9.28 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.
- 9.29 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.
- 9.30 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.

10 VOTING

Voting entitlements of councillors

10.1 Each councillor is entitled to one (1) vote.

Note: Clause 10.1 reflects section 370(1) of the Act.

10.2 The person presiding at a meeting of Council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 10.2 reflects section 370(2) of the Act.

10.3 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

10.4 A councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

10.5 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, Council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

10.6 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

10.7 The general manager must keep a register containing, for each planning decision made at a meeting of Council or a Council committee (including, but not limited to a Committee of 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.

10.8 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.

10.9 Clauses 10.7–10.8 apply also to meetings that are closed to the public.

Note: Clauses 10.7–10.19 reflect section 375A of the Act.

Note: The requirements of clause 10.7 may be satisfied by maintaining a register of the minutes of each planning decision.

11 COMMITTEE OF THE WHOLE

11.1 Council may resolve itself into a committee to consider any matter before

Council.

Note: Clause 11.1 reflects section 373 of the Act.

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

Note: Clauses 9.20–9.30 limit the number and duration of speeches.

- 11.3 The general manager or, in the absence of the general manager, an employee of Council designated by the general manager, is responsible for reporting to 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.
- 11.4 Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

12 DEALING WITH ITEMS BY EXCEPTION

- 12.1 Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 12.2 Before Council or the committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 12.3 Council or the committee must not resolve to adopt any item of business under clause 12.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 12.4 Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, Council or the committee must resolve to alter the order of business in accordance with clause 8.3.
- 12.5 A motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.
- 12.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of Council's Code of Conduct.

13 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

13.1 Council or a Committee of 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 Council or a Committee of 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 Council or the 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 Council or the 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 13.2), 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 13.1.

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 Council or the committee concerned, or to councillors or to employees of Council, or
 - (ii) cause a loss of confidence in Council or the 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, Council or the 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 Council, or of a Committee of Council, may be closed to the public while Council or the 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) Council or the 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 Council, or a Committee of 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 Council in the approved form. Applications must be received by 4:30pm the day before the meeting at which the matter is to be considered.
- 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 three (3) 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 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 Council.
- 13.15 The general manager (or their delegate) is to determine the order of speakers.
- 13.16 Where Council or a Committee of 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 three (3) speakers to make representations in such order as determined by the chairperson.
- 13.17 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 13.18 If a meeting or part of a meeting of Council or a Committee of 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 Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 13.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning 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 13.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 13.21 If 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.
- 13.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 13.21 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 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 Council or a Committee of 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 Council or the committee, or addresses or attempts to address 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 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 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 15.12 reflects section 233 of the Regulation.How disorder at a meeting may be dealt with

- 14.13 If disorder occurs at a meeting of Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. 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 Council and Committees of 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 Council or a Committee of 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 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 14.16 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 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 Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, remove the councillor

or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

14.20 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of Council and Committees of Council.

14.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of Council or a Committee of Council without the prior authorisation of Council or the committee.

14.22 Without limiting clause 14.17, a contravention of clause 14.21 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 14.21, may be expelled from the meeting as provided for under section 10(2) of the Act.

14.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by 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 Council and Committees of Council in accordance with 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.

16 DECISIONS OF THE COUNCIL

Council decisions

16.1 A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council.

Note: Clause 16.1 reflects section 371 of the Act.

16.2 Decisions made by 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 Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

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 3.9.

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 3.10 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 thirty (30) minutes after the meeting at which the resolution was adopted.

- 16.11 A motion to alter or rescind a resolution of Council may be moved on the report of a Committee of Council and any such report must be recorded in the minutes of the meeting of 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 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 Council before the next scheduled ordinary meeting of Council.

16.13 A motion moved under clause 16.12(b) can be moved without notice. Despite clauses 9.20–9.30, 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 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 9.20–9.30, 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 Council is to keep full and accurate minutes of the proceedings of meetings of 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 Council's minutes:

- (a) the names of councillors attending a Council meeting,

- (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 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 Council's website. This clause does not prevent 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 Council and Committees of 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 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 Council

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

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

18 COUNCIL COMMITTEESApplication of this Part

18.1 This Part only applies to Committees of Council whose members are all councillors.

Council committees whose members are all councillors

18.2 Council may, by resolution, establish such committees as it considers necessary.

18.3 A Committee of Council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by Council.

18.4 The quorum for a meeting of a Committee of Council is to be:

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

Functions of committees

18.5 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 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 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 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 Council, or
- (c) if Council does not elect such a member, a member of the committee elected by the committee.

- 18.12 Council may elect a member of a Committee of Council as deputy chairperson of the committee. If 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 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 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 Council may regulate its own procedure. The provisions of this code are to be taken to apply to all Committees of Council unless 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 Council or the committee determines otherwise in accordance with clause 18.15.

- 18.17 Voting at a Council committee meeting is to be by open means (such as on

the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 18.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of Committees of Council to the public in the same way they apply to the closure of meetings of Council to the public.
- 18.19 If a Committee of 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 Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 18.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 18.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 18.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of Committees of Council in the same way as they apply to meetings of Council.

Minutes of Council committee meetings

- 18.22 Each Committee of 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.
- 18.23 All voting at meetings of Committees of 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.
- 18.24 The minutes of meetings of each Committee of Council must be confirmed at a subsequent meeting of the committee.
- 18.25 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.
- 18.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

- 18.27 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.
- 18.28 The confirmed minutes of a meeting of a Committee of Council must be published on Council's website. This clause does not prevent Council from also publishing unconfirmed minutes of meetings of Committees of Council on its website prior to their confirmation.

19 IRREGULARITIES

- 19.1 Proceedings at a meeting of 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 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 14.11 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 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 Council's adopted Code of Meeting Practice
committee of council	means a committee established by Council in accordance with clause 18.2 of this code (being a committee consisting only of councillors) or Council when it has resolved itself into committee of the whole under clause 11.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 9.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 9.17 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

10.7 DRAFT COUNCILLOR AND STAFF INTERACTION POLICY

File Number: G-9-1

Author: Jenni Maundrell-Executive Manager Corporate Governance

Authoriser: Paul Gallagher, General Manager

Annexures: 1. Draft Councillor and Staff Interaction Policy [↓](#) 

PURPOSE

To seek Council endorsement of the draft Councillor and Staff Interaction Policy.

EXECUTIVE SUMMARY

Council's existing Councillor Access to Staff and Premises Policy was adopted over five years ago. The draft Councillor and Staff Interaction Policy is based on a model policy provided by the Office of Local Government.

As a model policy, it is recommended that Council endorse the draft without changes.

BACKGROUND

The Councillor and Staff Interaction Policy updates and replaces Council's 'Councillor Access to Staff and Facilities' policy, which was adopted in August 2019. The updated policy is based on the Office of Local Government's model policy.

(a) Relevance to Integrated Planning and Reporting Framework

CSP L1.3 Deliver successful strategies and operations which increase the community's confidence in the integrity and capability of Coonamble Shire Council.

(b) Financial Considerations

There are no financial considerations relating to this report.

COMMENTARY

The OLG model policy for councillor and staff interaction seeks to promote positive, professional working relationships between councillors and staff as a key element of a council's success.

If relationships between councillors and staff are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk (as highlighted by the NSW Independent Commission Against Corruption's Operation Dasha), and ultimately the council's performance will suffer.

The model policy has at its core three main goals:

- to establish a framework by which councillors can access the information they need to perform their civic functions,
- to promote positive and respectful interactions between councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

The terms of the existing policy and the OLG model policy are substantially the same. However, the model policy aligns with contemporary advice and is considered 'best practice'. Further, councillor access to premises is dealt with under the policy for councillor expenses and facilities.

(a) Governance/Policy Implications

Adoption of the OLG model policy would bring this Council policy into line with best practice.

(b) Legal Implications

There are no legal implications arising from this report.

(c) Social Implications

There are no social implications arising from this report.

(d) Environmental Implications

There are no environmental implications arising from this report.

(e) Economic/Asset Management Implications

There are no economic/asset management implications arising from this report.

(f) Risk Implications

Adoption of a clear policy for interaction between councillors and staff may assist in mitigating risks of corruption and dysfunction.

CONCLUSION

As a model policy, it is recommended that Council endorse the draft policy as presented.

RECOMMENDATION

That Council:

1. **Note the report on the draft Councillor and Staff Interaction Policy.**
2. **Endorses the draft Councillor and Staff Interaction Policy to go on public exhibition for at least a period of 28 days and provide members of the community at least 42 days in which to comment on the draft policy.**
3. **At the end of the public submission period:**
 - (a) Receive a further report following the exhibition period including any submissions made on the draft Councillor and Staff Interaction Policy, or**
 - (b) If no submissions are received, formally adopt the Councillor and Staff Interaction Policy without any**

changes, noting that the new policy will supersede the Councillor Access to Staff and Premises Policy.

1. INTRODUCTION

- 1.1 The *Councillor and Staff Interaction Policy* (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with Coonamble Shire Council's *Code of Conduct* (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

2. APPLICATION

- 2.1 This Policy applies to all councillors and Council staff.
- 2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both Council and non-Council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.
- 2.5 The Code of Conduct provides that Council officials must not conduct themselves in a manner that is contrary to Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

3. POLICY OBJECTIVES

- 3.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

4. PRINCIPLES, ROLES AND RESPONSIBILITIES

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LG Act) states that the role of a councillor is as follows:
 - a) to be an active and contributing member of the governing body
 - b) to make considered and well-informed decisions as a member of the governing body

- c) to participate in the development of the integrated planning and reporting framework
- d) to represent the collective interests of residents, ratepayers and the local community
- e) to facilitate communication between the local community and the governing body
- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

4.4 The administration’s role is to advise the governing body, implement Council’s decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between councillors and staff:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels.
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions.
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and

	display the highest standards of professional conduct.
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of nine people.
Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data.

- 4.7 Councillors are members of Council's governing body, which is responsible for directing and controlling the affairs of Council in accordance with the LG Act. Councillors need to accept that:
- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
 - b) staff are not accountable to them individually
 - c) they must not direct staff except by giving appropriate direction to the General Manager by way of a Council or committee resolution, or by the Mayor exercising their functions under section 226 of the LG Act.
 - d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
 - e) they must not contact a member of staff on Council-related business unless in accordance with this Policy
 - f) they must not use their position to attempt to receive favourable treatment for themselves or others.
- 4.8 The General Manager is responsible for the efficient and effective day-to-day operation of Council and for ensuring that the lawful decisions of Council are implemented without undue delay. Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to Council's governing body
- b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

5. THE COUNCILLOR REQUESTS SYSTEM

- 5.1 Councillors have a right to request information provided it is relevant to councillors' exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The General Manager may identify Council support staff (the Executive Support Officer) under this Policy for the management of requests from councillors.
- 5.4 Councillors can use the councillor request system to:
 - a) request information or ask questions that relate to the strategic position, performance or operation of Council
 - b) bring concerns that have been raised by members of the public to the attention of staff
 - c) request IT or other support from the Council administration
 - d) request that a staff member be present at a meeting (other than a meeting of Council) for the purpose of providing advice to the meeting.

- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason/s why they are seeking the information.
- 5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.
- 5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within five working days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.
- 5.8 Requests under clause 5.4 (d) must be made five working days before the meeting. The General Manager, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining:
- a) whether a staff member can attend the meeting; and
 - b) which staff member will attend the meeting.
- Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.
- 5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 5.10 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.
- 5.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.
- 5.12 The General Manager may refuse access to information requested by a councillor if:
- a) the information is not necessary for the performance of the councillor's civic functions, or
 - b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or

- c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - d) the General Manager is prevented by law from disclosing the information.
- 5.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.
- 5.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the councillor may instead request the information through a resolution of Council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.12 (c) or (d).
- 5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.
- 5.16 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources, Council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.
- 5.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.
- 5.18 A report will be provided to Council annually regarding the performance and efficiency of the councillor requests system against established key performance indicators.
- 6. ACCESS TO COUNCIL STAFF**
- 6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should, as far as practicable, only contact staff during normal business hours.

- 6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.
- 6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Executive Support Officer who will provide advice about which authorised staff member to contact.
- 6.6 The General Manager or a member of Council's executive leadership team (MANEX) may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

7. COUNCILLOR ACCESS TO COUNCIL BUILDINGS

- 7.1 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

8. APPROPRIATE AND INAPPROPRIATE INTERACTIONS

- 8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:
- a) councillors and Council staff are courteous and display a positive and professional attitude towards one another
 - b) Council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
 - c) Council staff record the advice they give to councillors in the same way they would if it was provided to members of the public

- d) Council staff, including MANEX members, document councillor requests via the councillor requests system
- e) Council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
- f) councillors and Council staff feel supported when seeking and providing clarification about Council related business
- g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

- a) councillors and Council staff conducting themselves in a manner which:
 - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
- b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workplace policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor
- e) councillors who have lodged an application with Council, discussing the matter with staff in staff-only areas of Council
- f) councillors being overbearing or threatening to staff
- g) staff being overbearing or threatening to councillors

- h) councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
 - i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make
 - j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- 8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.
- 8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

9. Complaints

- 9.1 Complaints about a breach of this Policy should be made to the General Manager (if the complaint is about a councillor or member of Council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to the OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

10. VERSION CONTROL

Title: Councillor and Staff Interaction Policy		
Department: Governance		
Version	Date	Author
1 (Councillor Access to Staff and Premises Policy)	21 August 2019	General Manager
2	October 2024	J Maundrell
Review Date: 16 May 2024		
Amendments in the release:		
Amendment history	Date	Detail
Policy updated in line with OLG <i>Model Councillor and Staff Interaction Policy 2022.</i>	31 October 2024	
Annexure Attached:		
Nil		
Paul Gallagher General Manager		

Schedule 1 – Authorised staff contacts for councillors

1. Clause 6.1 of this Policy provides that councillors may directly contact member of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member’s area of responsibility.
3. Councillors should, as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Executive Support Officer who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of Council’s executive leadership team (MANEX) may direct a Council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

Authorised staff member	Position
Paul Gallagher	General Manager
Barry Broe	Director Community, Planning, Development and Environment
Bruce Quarmby	Director Corporate Services
Kerrie Murphy	Director Infrastructure
Jenni Maundrell	Executive Manager Corporate Governance
Vacant	Executive Assistant (Executive Support Officer)

10.8 COUNCILLORS EXPENSES AND FACILITIES POLICY

File Number: C-13

Author: Jenni Maundrell-Executive Manager Corporate Governance

Authoriser: Paul Gallagher, General Manager

Annexures: 1. Draft Councillor Expenses and Facilities Policy 2024 [↓](#) 

PURPOSE

To seek endorsement of the Councillor Expenses and Facilities Policy.

BACKGROUND

The Councillor Expenses and Facilities Policy is prepared using the Office of Local Government suggested template, which is made in accordance with the *Local Government Act 1993* (NSW) and the *Local Government (General) Regulation 2021* (NSW). The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in the policy will not be paid or reimbursed.

The current Councillor Expenses and Facilities Policy was adopted by Council in April 2022. This is a policy that must be reviewed and adopted by each new term of Council.

The *Local Government Act 1993* Section 252, states the following:

Payment of expenses and provision of facilities

- (1) *Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

(a) Relevance to Integrated Planning and Reporting Framework

L1.4 Encourage and promote a high level of leadership in the community.

L1.4.4 Governance is open and transparent.

(b) Financial Considerations

The 2024/2025 Operation Budget includes provisions related to this Policy.

COMMENTARY

The suggested template for a Councillor Expenses and Facilities Policy has been provided by the OLG as a format for Councils in response to requests for guidance on better practice. The template had been prepared to be consistent with the *Local Government Act 1993* and *Local Government (General) Regulations 2021*. If there are any inconsistencies, the Act and Regulations would take precedence.

The template has been designed to be amended to suit local needs and circumstances, recognising that the provisions in the policy template will not all be appropriate for every Council.

Councils using this template use their own discretion and budgetary considerations to include maximum expenditure limits for specific expenses and facilities. Councils tailor these limits to their own context and community expectations.

Once exhibited and adopted, it is the expectation for the policy to be made publicly available on Council's website.

A clause has been inserted into this draft policy (highlighted yellow) to allow for the provision for a leaseback agreement of a vehicle to the Mayor. It has been a long-standing practice of Coonamble Shire Council to make an official vehicle available to the Mayor – including for private purposes. It is not deemed equitable for Council to have provided a particular benefit to its former Mayor and not to continue this practice with its newly elected Mayor. However, taking up the option of a leaseback arrangement is at the Mayor's discretion and is paid by way of deduction from the Mayoral allowance.

(a) Governance/Policy Implications

Council using the template policy as provided by the OLG, will be seen to be implementing best practice in adopting its policy in accordance with this framework. Once fully adopted by Council, after the prescribed public notification period, the revised policy will become a current policy of Council.

(b) Legal Implications

Section 252 of the *Local Government Act 1993*, as was quoted above in the background section of this report, find application.

(c) Social Implications

Council, in adopting a Councillor Expenses and Facilities Policy consistent with the template provided by the OLG, and making the policy publicly available for public scrutiny, will adhere to a process of being open and transparent – which, over time, should instil confidence and trust with the community that Council is “doing the right thing”.

(d) Environmental Implications

There are no environmental implications attached to this report.

(e) Economic/Asset Management Implications

There are no direct economic or asset management implications attached to this report.

(f) Risk Implications

If Council does not adhere to best practice in the development and adoption of this important policy document, there is a risk that Council could be viewed by the community as not being open and transparent as far as the provision of expenses and facilities to elected representatives is concerned.

CONCLUSION

Council's Councillor Expenses and Facilities Policy has been updated in line with the template policy document developed by the OLG to ensure compliance with legislative and governance requirements. Councillors will have the opportunity to put reasonable and maximum expenditure limits to various expenses and facilities working through the draft policy document at the Council meeting.

RECOMMENDATION**That Council:**

- 1. Receive and note the report on the Councillor Expenses and Facilities Policy.**
- 2. Endorses the reviewed Councillor Expenses and Facilities Policy to go on public exhibition for a period of at least 28 days and provide members of the community at least 42 days in which to comment on the draft policy.**
- 3. Following the exhibition period:**
 - a. Receive a further report including any submissions made on the Councillor Expenses and Facilities Policy, or**
 - b. In the event that no submissions are received within the prescribed 42 days, Council formally adopts the Councillor Expenses and Facilities Policy without changes as a policy of Council.**



Councillor Expenses and Facilities Policy

Introductory Comments

The template for a Councillor Expenses and Facilities Policy, as provided by the NSW Office of Local Government as a suggested format for councils in response to requests for guidance on better practice, has been used to develop this policy. The template has been prepared to be consistent with the *Local Government Act 1993* and *Local Government (General) Regulations 2021*. If there are any inconsistencies, the Act and Regulations take precedence.

The template has been amended to suit local needs and circumstances.

Council, in using this template, has included maximum expenditure limits for specific expenses and facilities taking into consideration its own context and community expectations.

Once exhibited and adopted, the policy will be made publicly available on Council's website.

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Appendix I – Related legislation, guidance and policies

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Annexures

- 1. Claim Form**
- 2. Prepayment Reconciliation Statement**
- 3. Lease Back with Annexure 1A attached**

Policy summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation), and complies with the Office of Local Government’s Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$2,500 per councillor \$5,000 for the Mayor	Per year
Interstate, overseas and long distance intrastate travel expenses	\$5,000 total for all councillors	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$2,500 per councillor	Per year
Conferences and seminars	\$10,000 total for all councillors	Per year
ICT expenses	\$50 per councillor for mobile phone calls and 3GB of data	Per month
Carer expenses	\$75 per councillor	Per year
Home office expenses	\$20 per councillor	Per month
Access to facilities in the Council administration building (refer to Clause 9.1)	Provided to all councillors	Not relevant
Council vehicle and fuel card [refer to Clause 10]	Available to the Mayor	Not relevant
Reserved parking space at Council offices	Available to the Mayor	Not relevant

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a Council meeting every six months and published in full on Council’s website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

Part A – Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Coonamble Shire Council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1. The objectives of this policy are to:
 - enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties,
 - enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties,
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors,
 - ensure facilities and expenses provided to councillors meet community expectations,
 - support a diversity of representation, and
 - fulfil Council's statutory responsibilities.

3. Principles

- 3.1. Council commits to the following principles:
 - **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
 - **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor.
 - **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a councillor.
 - **Equity:** there must be equitable access to expenses and facilities for all councillors.
 - **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
 - **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

4. Private or political benefit
 - 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
 - 4.2. Private use of Council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
 - 4.3. Such incidental private use does not require a compensatory payment back to Council.
 - 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, councillors must reimburse Council.
 - 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of Council resources and equipment for campaigning
 - use of official Council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

5. General expenses
 - 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
 - 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.
6. Specific expenses

General travel arrangements and expenses

 - 6.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
 - 6.2. Each councillor may be reimbursed up to a total of \$2,500 per year, and the Mayor may be reimbursed up to a total of \$5,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares,
 - for the use of a private vehicle or hire car,
 - for parking costs for Council and other meetings,
 - for tolls,
 - by Cabcharge card or equivalent, and
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
 - 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

- 6.5. In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.
- 6.6. Total interstate, overseas and long distance intrastate travel expenses for all councillors will be capped at a maximum of \$5,000 per year. This amount will be set aside in Council's annual budget.
- 6.7. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the Mayor and General Manager prior to travel.
- 6.8. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 6.9. The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties,
 - who is to take part in the travel,
 - duration and itinerary of travel, and
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.10. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.11. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.12. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.13. Bookings for approved air travel are to be made through the General Manager's office.
- 6.14. For air travel that is reimbursed as Council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 6.15. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.16. In circumstances where it would introduce undue risk for a councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location.
- 6.17. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the Orana Region.

- 6.18. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.19. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.18.
- 6.20. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

- 6.21. Appropriate refreshments will be available for Council meetings, Council committee meetings, councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.22. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.23. Council will set aside \$2,500 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 6.24. In the first year of a new Council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.25. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.26. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
- details of the proposed professional development,
 - relevance to council priorities and business, and
 - relevance to the exercise of the councillor's civic duties.
- 6.27. In assessing a councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.26, as well as the cost of the professional development in relation to the councillor's remaining budget.

Conferences and seminars

- 6.28. Council is committed to ensuring its councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.29. Council will set aside a total amount of \$10,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.30. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a councillor request, the General Manager must consider factors including the:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the councillor's civic duties, and
 - cost of the conference or seminar in relation to the total remaining budget.

- 6.31. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.17-6.20.

Information and communications technology (ICT) expenses

Clauses 6.32-6.33 relate to the contemporary practice of providing a total expenses cap which each councillor can use flexibly to meet the ICT needs associated with his or her civic duties.

- 6.32. Council will reimburse councillors for expenses associated with appropriate ICT devices and services up to a limit of \$50 per month for each councillor for mobile phone calls and 3GB of data.
- 6.33. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a councillor, within the maximum limit, and by furnishing a copy of the relevant invoice to the General Manager.

Special requirement and carer expenses

- 6.34. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.
- 6.35. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 6.36. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 6.37. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$75 per month for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.38. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.39. In the event of caring for an adult person, councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.40. Each councillor may be reimbursed up to \$20 per month for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

7. Insurances

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

- 7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on Council business.

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor,
 - a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor, or
 - a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 8.2. In the case of a Code of Conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a councillor under any circumstances,
 - of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation, or
 - for legal proceedings that do not involve a councillor performing their role as a councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

Part C – Facilities

9. General facilities for all councillors

Facilities

- 9.1. Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:
- access to facilities in the Council administration building when required,
 - access to shared car parking spaces while attending Council offices on official business,
 - personal protective equipment for use during site visits, and
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or Mayor or Deputy Mayor.

- 9.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through the Executive Support Officer or another specified staff member.
- 9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

- 9.4. Council will provide the following stationery to councillors each year:
- letterhead, to be used only for correspondence associated with civic duties, and
 - business cards,
- 9.5. As per Section 4, stamps shall only be used to support a councillor's civic duties. Councillor mail will only be posted using the stamps provided. Any stamps not used will not be carried over to the next year's allocation.

Administrative support

- 9.6. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 9.7. As per Section 4, Council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. Additional facilities for the mayor

- 10.1. Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Council office.
- 10.2. The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to Council on a monthly basis.
- 10.3. The Mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
- 10.4. Notwithstanding Clauses 10.1-10.3, the Mayor may opt to accept a Council-issued vehicle on a leaseback arrangement, subject to Council's *Motor Vehicle Leaseback Arrangement*. In this instance, the Mayoral allowance will be reduced by the amount specified in the allowance, in accordance with Council's annual Fees and Charges.
- 10.5. A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Council office.
- 10.6. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.
- 10.7. As per Section 4, staff providing administrative support are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part D – Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - local travel relating to the conduct of official business,
 - carer costs, and
 - ICT expenditure.
- 11.4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Director Corporate Services for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Director Corporate Services.

Advance payment

- 11.7. Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.
- 11.8. The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development to a maximum of \$300.
- 11.9. Requests for advance payment must be submitted to the Director Corporate Services for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
 - a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.11. If a claim is approved, Council will make payment directly or reimburse the councillor through accounts payable.
- 11.12. If a claim is refused, Council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 11.13. If Council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- Council will invoice the councillor for the expense, and
- the councillor will reimburse Council for that expense within 14 days of the invoice date.

11.14. If the councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the councillor's allowance.

Timeframe for reimbursement

11.15. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

12. Disputes

12.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the General Manager.

12.2. If the councillor and the General Manager cannot resolve the dispute, the councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.

13.2. Should a councillor desire to keep any equipment allocated by Council, then this policy enables the councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

13.3. The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

14.1. This policy will be published on Council's website.

15. Reporting

15.1. Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.

15.2. Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

16. Auditing

16.1. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

17. Breaches

17.1. Suspected breaches of this policy are to be reported to the General Manager.

- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- *Local Government Act 1993*, sections 252 and 253
- *Local Government (General) Regulation 2021*, sections 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- Code of Conduct

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
General Manager	Means the general manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the Mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of Council and committees of the whole • meetings of committees facilitated by Council • civic receptions hosted or sponsored by Council • meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by Council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the <i>Local Government (General) Regulation 2021</i> (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

**Coonamble Shire Council
Claim Form – Appendix III**

NAME: _____

I hereby submit the following claim for expenses incurred in attending:

<i>Date</i>	<i>Type of Meeting</i>	<i>Location</i>	<i>Km travelled (engine capacity 2.4L & less)</i>	<i>Km travelled (engine capacity 2.5L & above)</i>	<i>Date</i>	<i>Other expense details (receipts attached)</i>	<i>Amount claimed (\$)</i>
						Total other expenses	\$
Total Kms							
			@ 0.67/km	@ 0.76/km			

Councillor's signature: _____

Claim authorised by: _____

DRAFT Councillor Expenses and Facilities Policy

**Coonamble Shire Council
Prepayment Reconciliation Statement – Appendix IV**

Councillor: _____

Claim date: _____

Event: _____

Council Resolution: _____

Prepayment amount: _____

Claim details:

Cheque No	PREPAYMENT BY COUNCIL	\$	Less the following detailed expenses	
Date	Description of goods or services	Amount claimed	Tax invoice attached or Kms claimed	Job number (office use)

In cases a mileage allowance is claimed, please provide the following details:

Vehicle make/model: _____ Registration No: _____

Please tick: Vehicle engine capacity: Under 2.5 litre 2.5 litre & over

I certify that the expenses being claimed on this reimbursement form were legitimately incurred as part of my official civic duties as a councillor of Coonamble Shire Council and all receipts are attached.

Councillor: _____ Signed: _____ Date: _____

AUTHORISATION

Councillor: _____ Signed: _____ Date: _____

Title: Councillor Expenses and Facilities Policy		
Department: Governance		
Version	Date	Author
Updated	July 2019	
Updated	February 2022	Hein Basson
Updated	November 2024	Jenni Maundrell
Review Date: 2029		
Amendments in the release:		
Amendment History	Date	Detail
Adopted by Council	1 April 2022	Resolution 2022/38
Annexure Attached:		
<p>Paul Gallagher GENERAL MANAGER</p>		

DRAFT **Councillor** Expenses and Facilities Policy

10.9 RATES AND CHARGES COLLECTIONS - OCTOBER 2024

File Number: Rates - General - R4

Author: Deborah Tatton, Manager Finance & Procurement

Authoriser: Bruce Quarmby, Director Corporate Services

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 October 2024.

BACKGROUND

(a) Relevance to Integrated Planning and Reporting Framework

The annual rate charges are set out within Council’s 2024 / 25 Operational Plan.

(b) Financial Considerations

The annual rate charges are set out within Council’s 2024 / 25 Operational Plan.

	31 October 2024	31 October 2023
Rates and Charges	\$6,319,547.62	\$5,676,853.62
Water Consumption	\$629,545.19	\$572,121.44
Total	\$6,949,092.81	\$6,248,975.06

COMMENTARY

Rates and Charges

	31 October 2024	31 October 2023
Rates and charges in arrears as at 30 June 2024	\$1,431,587.79	\$1,173,804.02
Rates/charges levied & adjustments for 2024/25	\$8,688,519.71	\$7,941,687.73
Pension Concession	-\$99,284.05	-\$102,161.69
Amounts collected as at 30 September 2024	-\$3,701,275.83	-\$3,336,476.44
Total Rates and Charges to be Collected	\$6,319,547.62	\$5,676,853.62

The amount levied for rates and charges for 2024 / 25 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 of 31 October 2024 includes receipts for both arrears and the current year’s amounts outstanding.

It should be noted that the rates and charges 2024 / 25 levied amount is reduced by the pensioner concession of \$99,284.05; reducing the amount of income derived

from these rates and charges. Of this concession, Council’s contribution is 45%, which represents an amount of \$44,677.82.

The rates and charges as of 31 October 2024 represent 62.45% of the total annual rates and charges levied and outstanding (compared with 62.28% on 31 October 2023).

Water Consumption Charges

	31 October 2024	31 October 2023
Water Consumption Charges and arrears as at 30 June 2023	\$621,860.35	\$393,023.85
Water Consumption charges & adjustments 2023 / 24 year to date	\$41,640.80	\$606,930.27
Amounts collected as at 30 September 2024	-\$33,955.96	-\$427,832.68
Total Water Consumption Charges to be Collected	\$629,545.19	\$572,121.44

The water consumption charges as of 31 October 2024 represents 94.88% of the total water consumption charges outstanding (compared to 57.21% on 31 October 2023).

For Council’s information, the levying of the 1st quarter user pays water accounts for the current financial year (2024/2025) has been delayed. These accounts will be issued once Council has finalised the correction of an issue from the fourth quarter bills issued in June 20204. Council staff are continuing to work with our software supplier to rectify the issue.

Debt Recovery Agency

During October 2024 Council staff have continued to liaise with Council’s debt recovery agency with a view to continuing Council’s process outlined within Council adopted Debt recovery policy.

(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 the additional increase in the cost of living 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 was stated above, the increase in living expenses, has 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. Council has been working closely with its Debt Collection agency to reduce the amount of debt outstanding from rates and water charges.

CONCLUSION

The rates and charges as of 31 October 2024 represent 62.45% of the total annual rates and charges levied and outstanding from previous years by Council (compared with 62.28% on 31 October 2023).

The water consumption charges as of 31 October 2024 represent 94.88% of the total water consumption charges outstanding from previous years (compared to 57.21% on 31 October 2023).

RECOMMENDATION

That Council receives and notes the information provided in the rates and charges collections report.

10.10 ECONOMIC DEVELOPMENT & GROWTH - PROGRESS REPORT

File Number: D5
Author: David Levick-Manager Economic Development and Growth
Authoriser: Barry Broe, Director Community, Planning, Development and Environment
Annexures: 1. Grant data on CPDE Projects  

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.
- I1.5 Adopt successful strategies which maximise our community’s access to quality infrastructure and assets.

(b) Financial Considerations

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

COMMENTARY

Economic Development and Growth

The following summarises progress on key initiatives.

Coonamble’s Main Street Enhancement

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- Weight/load capacity for awnings in Coonamble’s main street determined
- Integrity of awnings in Coonamble’s main street determined
- Building owners advised of outcomes of inspections
- Immediate remedial actions taken, where advised
- Paint scheme colour palette received for awning painting project

- Lighting determined to highlight Art Deco streetscape
- Three-phase power installed for improved market capability [removed from scope due to cost considerations].
- CBD Precinct Masterplan developed

Commentary: Electricity upgrades to be scheduled with Essential Energy infrastructure work in 2025-26. Lighting audit to be carried out to determine 'dark zones' under awnings.

Housing Development

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- EOI/ seeking interest from developers done
- Housing contract for modular homes signed
- Carry out civil works (services, road, kerb & guttering)
- Manufacture housing components
- Assemble housing on site

Commentary: Contract for the supply of housing with Simmons Group signed. Site visits held. Quotes received for subdivision design and electricity infrastructure design.

Land Development & re-zonings

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- Rezonings determined for more industrial land and for improved alignment of zoning to current usage across Coonamble township
- Planning Report drafted for rezoning of the old sheepyards site and submitted to the Department of Planning
- Planning Report drafted for rezoning of the Artesian bore bath project site and submitted to the Department of Planning
- Planning Report drafted for house-keeping rezoning for such areas as the Coonamble Showground

Commentary: Planning Proposals to create an industrial/employment zone at the old Coonamble Sheepyards and recreational zone to update and facilitate the bore bath development and showground are to be submitted shortly.

Youth Accommodation – Coonamble and Gulargambone

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- Advertise RFT for design-and-construction of the youth accommodation units at Coonamble and Gulargambone
- Assess tenders for Youth Accommodation
- Seek further quotations and consider scope adjustments to match budget
- Award contract
- Build Youth Accommodation in Coonamble and Gulargambone

Commentary: Further quotations are being sought from contractors to better align scope with the project budget.

Artesian Bore Bath project

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- Take ownership of site
- Complete Geotech and soil contamination studies
- Bore application submitted
- Prepare and submit PPP submission to OLG
- Complete site clean-up and demolition
- Design consultant to be procured

Commentary: Demolition and clean-up work underway. Project sign erected on site. PPP submission submitted to OLG. A Review of Environmental Factors has been completed and submitted to the State Government. Rezoning proposal being finalised.

'Real Country' Regional Tourism Collaboration

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- Real Country Destination Strategic Plan adopted
- Real Country project, Warrena Creek Reserve development business case adopted in principle
- Real Country infrastructure works incorporated into Warren Creek Reserve Plan of Management
- Community consulted on the draft Plan of Management for Warrena Creek Reserve, incorporating proposed Real Country developments

Commentary: Further development of this project is now being pursued as part of the rPPP Stream 1 submission. Suggested itineraries across the whole Real Country region are being developed by tourism staff from all three participating Shires, for promotion on individual Council and the Real Country websites.

Coonamble Region Art Trail

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- Artist brief and project brief developed
- Artist liaison confirmed
- Public Art Advisory Panel appointed
- Detailed submissions invited
- Artworks produced and installed

Commentary: Site inspections carried out. Project manager to be appointed.

Grants (Community, Planning, Development & Environment led)

Overview:

Grants completed & awaiting acquittal	Comment
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Town Entrance Public Art (DSP)	
Reconnecting Regional NSW	
Winter / Spring Holiday Fun Grant	
Coonamble Family and Youth Fest	
Riverside Caravan Park Development	

Grants in progress	Dept	Due	Comment
Coonamble Artesian Bathing Experience	CPDE	27-MAR-26	In progress; site cleared; Public Private Partnership application to OLG submitted.
Coonamble Youth Empowerment Program	CPDE	30-MAY-25	In progress; Term 4 delivery underway; meetings with participants' families held; camp held during last holiday period.
Youth Accommodation	CPDE	30-MAY-25	In progress; Negotiations with contractors underway to align scope with funding
Coonamble Region Art Trail	CPDE	28-FEB-26	In progress; initiated with artist brief and project brief developed.
Elsa Dixon Aboriginal Employment Grant	CPDE	15-AUG-25	In progress.
Illegal Dumping Prevention (Baseline Data)	CPDE	15-JUL-25	In progress; monitoring equipment to be purchased and strategy drafted.

Further details on the above grants, their dollar value, due dates, and milestones are attached at the end of this report.

Grant submissions made:

Regional Precincts and Partnerships Program – Stream 1 (Precinct Development and Planning).

In summary, the submission is to fund the development of a precinct strategy, market prospectus, business cases, detailed design documents and quantity surveys so that five projects can be shovel ready for future grant opportunities.

Amount requested: \$ 1,971,045.

Project title. Transforming Coonamble

Brief project description: Coonamble Shire Council, in partnership with Belgravia Leisure, First Nations organisations, pre-fab construction organisations, Country Universities Centre (CUC) and TAFE NSW, will undertake transformative activities to boost the economic and social resilience of the community and region. The project proposes the activation of several sites across the community, forming part of a 'visit, train and stay' offering. This will see significant investment in visitor economy assets and infrastructure, health and wellness, provision of housing, training and development to realise local diverse employment opportunities.

Five projects identified:

- Further stage(s) of the Coonamble Artesian Cultural Experience, adding cultural elements.

- Warrena Creek Reserve renewal and enhancement.
- A Country Universities Centre.
- A modular housing or housing panel factory with associated skills training component.
- Potential relocation of the Caravan Park to the larger property used for primitive camping opposite the showground.

Successful grant applications:

Australia Day Community Events Grants Program: \$15,000

Along with a Council co-contribution, this funding will allow the hosting of five events in late January 2025:

1. Australia Day Award Nominees Dinner 2025 – Saturday, 25 January 2025.
2. Coonamble Australia Day Gathering 2025.
3. Gulargambone Australia Day Gathering and Games Day 2025.
4. Coonamble 'Reflect, Respect, Celebrate' Pool Party, Friday, 24 January 2025.
5. Gulargambone 'Reflect, Respect, Celebrate' Pool Party, Friday, 24 January 2025.

Local economic initiatives

Coonamble Chamber of Commerce

Coonamble Chamber of Commerce and Coonamble Shire Council hosted the Business Awards Dinner at the Coonamble Bowling Club on Friday, 1 November 2024. A detailed report will be included in the Business Paper for the next Ordinary Meeting of Council.

The Coonamble Christmas Street Party is scheduled for Saturday, 14 December.

Communications

Council continues to maintain its communication with the community through:

- 1 x weekly half-page advertisement, *Weekly Connect* in *The Coonamble Times* – 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 including all media releases.
- 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.

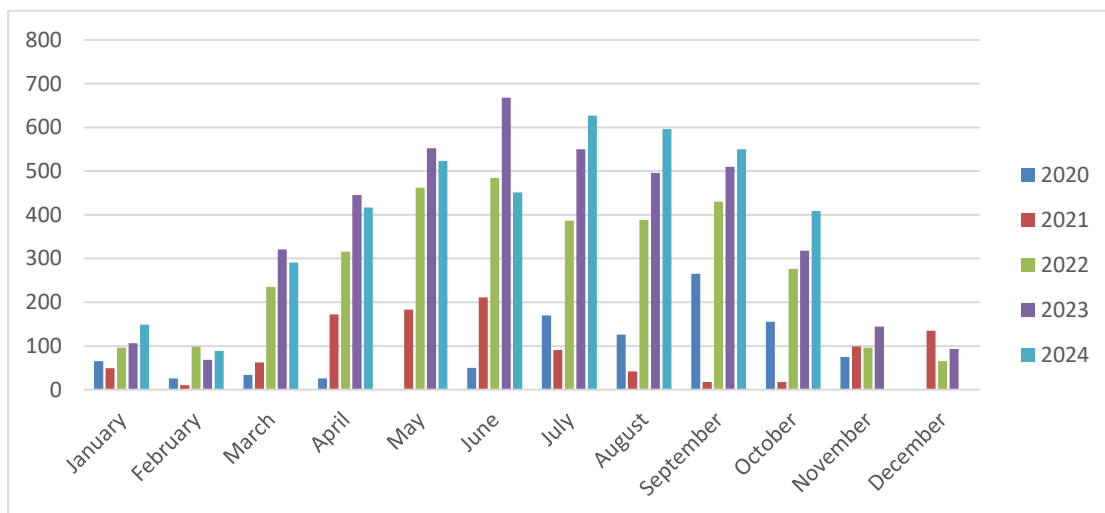
- Media releases as required – on road conditions, project milestones, water supply interruptions.

During October, the Council webpage that attracted the highest number of hits was the Employment page, with 532 hits, followed by the Contacts page (382 hits) and Council meetings page (340 hits).

Tourism and visitation

- **Coonamble Information and Exhibition Centre**

Between 25 September and 30 October, the Information and Exhibition Centre welcomed 501 visitors to the Coonamble Shire. This represents a substantial increase in visitors compared to the same period, in previous years. This peak can likely be attributed to the additional activity and special events held in the region during October and the typical tourist season extending further into the warmer months. Several tour buses have also made the stop in Coonamble during October, enjoying the painted water tower, parks and visiting the main street of Coonamble.



- **Trends in the length of visitor ‘stays’ during the past year**

Information and Exhibition Centre staff welcome visitors and inquire about their anticipated length of stay in Coonamble. During the past year, the following data has been collected, indicating that the peak period when visitors stayed for one night was in July 2024, while visitation for two to three nights and four nights or more remained fairly constant.



Data from Destination NSW shows that visitors who stay overnight in a locality spend significantly more than those who pass through. The success of Council’s ongoing strategy to develop more tourism infrastructure within Coonamble Shire – to give visitors reasons to stay longer – should see an increase in overnight visitor stays between October and June each year.

- **Coonamble Showground RV Parking facilities during harvest**

Special provisions have been made to accommodate the influx of seasonal workers in Coonamble for harvest. This has involved setting a standard weekly fee for self-sufficient caravan parking at the Coonamble Showground and a register of those staying. The Parks and Urban Services team have also made shower facilities available at the Showground for the convenience of truck drivers.

- **LGNSW Events Network presentation**

On 14 October, the Tourism and Events Officer presented to over 40 other Councils at the quarterly LGNSW Events Network meeting. Coonamble Shire Council was invited to present, after recently being recognised with the LGNSW RH Dougherty, Innovation in Special Events Award for the event, Winter Fest Out West. This presentation served as an opportunity to provide insight into the event, its purpose, how those goals were achieved and the unique impact on the Coonamble Shire community.

Marketing and promotions

- **Social media engagement @VisitCoonamble**

Between 27 September and 26 October, the @VisitCoonamble social media accounts on Facebook and Instagram maintained strong engagement, reaching nearly 17,000 users during this period.

The best-performing social media content has involved posts regarding Vision Splendid Coonamble, particularly posts promoting important event information, our post-event video capture, photos after the event and promotion material created by Max Jackson.

- **Real Country partnership**

Over the coming months, each of the three Councils that make up the Real Country partnership, Coonamble, Gilgandra and Warrumbungle Shire will be developing a series of itineraries to promote extended stays within the Real Country region. This will be promoted through a series of interactive itineraries available on each Council's tourism website and on the Visit Real Country website along with a multifaceted marketing campaign.

Events

- **Upcoming events:**

- 1 November, Coonamble District Business Awards
- 30 November, Coonamble Jockey Club Race Meeting
- 14 December, Coonamble Christmas Street Party
- 24 January, 'Reflect, Respect, Celebrate' Pool Parties (Coonamble and Gulargambone)
- 26 January, Australia Day gatherings in Coonamble and Gulargambone.

- **5 October, Vision Splendid Country Music Event**

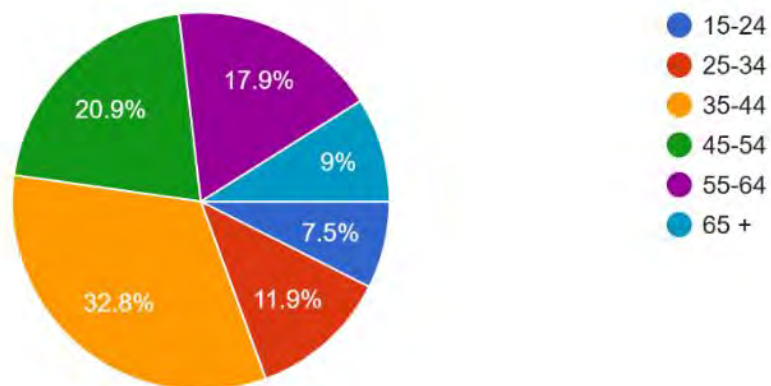
'Vision Splendid' Country Music event held during the October Long Weekend was successful in activating the Coonamble main street, attracting more people into the town centre than ever before, while supporting an extensive program of events in the Coonamble Shire and Real Country region.

Vision Splendid Coonamble delivered a family-friendly country music concert with a line-up of professional musicians, food and market stalls and bar facilities. The lineup included Coonamble-born Max Jackson, The Wolfe Brothers and the headline, Lee Kernaghan. The event successfully attracted an estimated 2000 attendees. Photographs from the event follow at the end of this report.

The majority of those responding to the post-event survey identified themselves as local community members; 17% were visitors from outside Coonamble Shire and the remaining 5% were stall holders. Respondents represented a diverse range of age groups.

Which age bracket best describes you?

67 responses

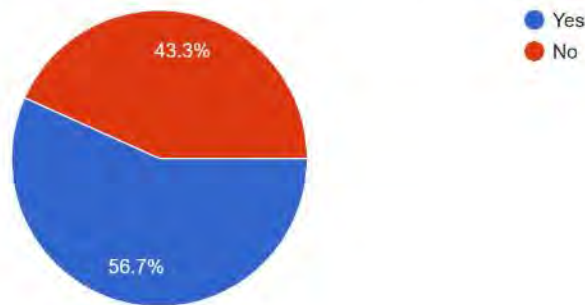


When asked 'What were the main reasons for your attending the event?' most comments expressed that the line-up of musicians was the main appeal, followed by the opportunity to have an outing with family and to socialise.

Not only did the event attract large numbers but they also stayed for an extended time, with 91.4% staying at the event for longer than two hours.

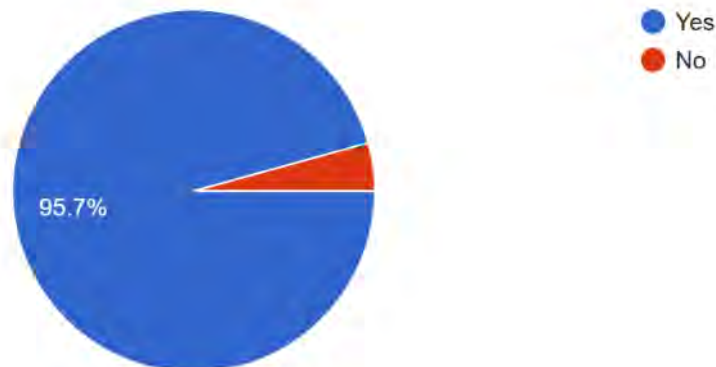
The event benefited not only the temporary food and market stalls but also the permanent businesses in the main street. Nearly 60% of survey respondents reported that they made purchases at these established shops during the event, many of which extended their operating hours.

Did you shop at any of the permanent main street businesses that were open during the concert?
67 responses



The event was planned to coincide with the October Long Weekend and the school holidays, aiming to strengthen the Event calendar in the Coonamble Shire and provide greater opportunity for travellers to make the journey and stay for several days; 95.7% expressed that they were happy with the date and time of the event.

Were you happy with the date & time of the event?
70 responses



Nearly 50% of those attending Vision Splendid also attended other events in the Coonamble Shire over the Long Weekend, such as the Coonamble

Greyhound Racing Carnival, Cinderella at the Plaza Theatre, or the Harvest Lunch.

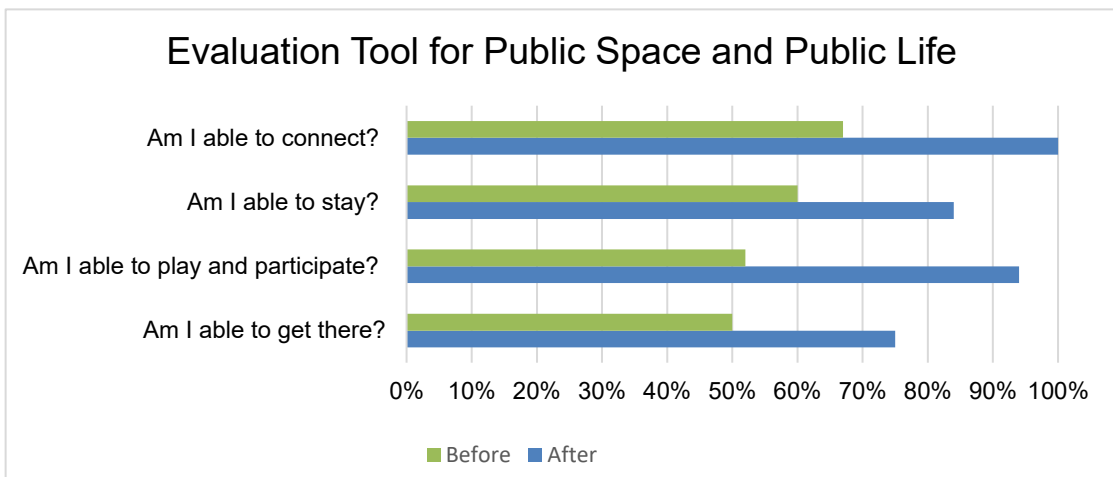
Did you attend other events in the Coonamble Shire over the long weekend?

67 responses



This event was funded by the NSW Government’s Open Streets Program, successfully delivering on the aims of the program by markedly improving the perception, activation and accessibility of the Coonamble main street.

Using the NSW Government, Evaluation Tool for Public Space and Public Life, staff made assessments of the activation area before and during the event. Key areas of accessibility were significantly improved.



Attendees completing the post-event survey were asked to use three words to describe the Coonamble main street, before and after the event.

Some of the words used to describe the main street, before or without the event were; “quiet, vacant, sad, unused, boring, struggling, bare, no atmosphere and lacking vibrancy.”

The main street after or during the event was described using words such as, “exciting atmosphere, proud, populated, lively, vibrant, energised, inclusive,

colourful, buzzing and full of life." Many attendees noted that this event had the largest crowd they had ever seen in the main street.

Those completing the survey had the opportunity to express any other feedback or comments. Responses included:

- "The fact that everyone in the community had the opportunity to attend free of charge. It was great seeing everyone out and about, enjoying themselves."
- "Being able to be so close to the stage, my children loved it and I'm so glad they could see Lee Kernaghan up close and have room to dance."
- "Meeting Max Jackson, she was lovely and very generous with her time."
- "It was a great event; we are so lucky to have things like this organised for us!"
- "Great line up of artists, but the highlight was all demographics of the community getting together in a wonderful atmosphere, enjoying themselves and catching up with friends because we all lead busy lives these days."

Council's Tourism and Events staff held a marketing and information stall during the evening of the event, showcasing merchandise that is available at the Coonamble Information and Exhibition Centre.







(a) Governance/Policy Implications

Policies relevant to activities reported here include the Community Consultation 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

Development of the projects proposed for funding through available grants and sponsorship are initiatives to meet objectives of the Community Strategic Plan 2022-32, Delivery Program 2022-2026, Coonamble Shire Masterplan 2020, the Economic Development Strategy 2021, and the Coonamble Destination Management Plan 2020.

(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 Destination Management Plan 2020.

RECOMMENDATIONS


That Council receives and notes the Economic Development and Growth report.



Key Data on Community, Planning, Development and Environment Grant-Funded Projects in Progress
(at 1 November 2024)

Identifier		Value (ex GST)			Milestone Dates			
Name	Code	Grant	Co-contribution	Total	Due Date	M1	M2	M3
Youth Empowerment Program	RYIP-0270	\$989,680	-	\$898,680	30-May-25	24-Jan-24	31-Jul-24	24-Jan-25
Youth Accommodation (2 x 2BR and 2 x 3BR units)	RYIP-0270	\$1,584,000	-	\$1,584,000	30-May-25	24-Jan-24	31-Jul-24	24-Jan-25
Illegal Dumping Prevention (Baseline Data)	R16Stream1	\$19,080	-	\$19,080	15-Jul-25			
Elsa Dixon Aboriginal Employment Grant	EDAEG27	\$30,000	-	\$30,000	15-Aug-25	14-Nov-24	15-Feb-25	
Coonamble Region Art Trail	SCCF5-0092	\$235,035	-	\$234,035	28-Feb-26			
Coonamble Artesian & Cultural Experience	RTAF-0068	\$5,500,000	\$1,250,000	\$6,750,000	27-Mar-26	21-Mar-24	20-Sep-24	27-Jun-25

10.11 STATUS OF INVESTMENTS - OCTOBER 2024

File Number: Investments General - I5
Author: Imogen Pawley-Finance Assistant
Authoriser: Bruce Quarmby, Director Corporate Services
Annexures: 1. Imperium Report October [↓](#) 

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

The format of the report has been configured to demonstrate Council's compliance with the relevant legislative requirements along with Council's own adopted Investment Policy.

The attached Investment Report was calculated on 29 October 2024 after all maturing dates for investments had passed.

The total Capital Value of Investments as of 29 October is \$22,750,000. The total amount of investments has decreased by \$1,000,000 since last month.

Excess working funds of \$1,000,000 are still available in the online saver account. It is expected that these excess working funds will be required to pay suppliers within the short term and have not been invested to ensure Council has liquid cash for payments when they fall due.

Council is still expecting payment of several grants. Once these funds have been received Council anticipates reinvesting in accordance with our Investment Policy.

AVAILABLE WORKING FUNDS

Restricted funds are set aside by Council and external parties for a particular purpose to meet future expenses. Unrestricted funds are available to be used to cover all other expenses of Council.

As per the recently completed 2023/2024 Annual Financial Statement the balance of unrestricted cash has been calculated at \$450,000.

(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

As the authoriser of the report, Council's responsible accounting officer has certified that all investments continue to be made in accordance with the *Local Government Act 1993, the Regulations* 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, the Regulations* and Council's Investment Policy.

RECOMMENDATION

That Council receives and notes the list of investments from 1 October 2024 to 29 October 2024 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.



Investment Report

01/10/2024 to 31/10/2024

Portfolio Valuation as at 31/10/2024

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Commonwealth Bank	A-1+	TD	GENERAL	At Maturity	02/07/2024	04/11/2024	4.8200	2,000,000.00	2,000,000.00	32,221.37	8,187.40
Westpac	A-1+	TD	GENERAL	At Maturity	03/11/2023	04/11/2024	5.4600	1,000,000.00	1,000,000.00	54,450.41	4,637.26
Westpac	A-1+	TD	GENERAL	At Maturity	01/11/2023	06/11/2024	5.5400	2,500,000.00	2,500,000.00	138,879.45	11,763.01
Unity Bank	Unrated	TD	GENERAL	At Maturity	20/05/2024	18/11/2024	5.1000	250,000.00	250,000.00	5,763.70	1,082.88
BOQ	A-2	TD	GENERAL	At Maturity	02/07/2024	02/12/2024	5.2500	1,000,000.00	1,000,000.00	17,547.95	4,458.90
NAB	A-1+	TD	GENERAL	At Maturity	07/12/2023	09/12/2024	5.2500	1,000,000.00	1,000,000.00	47,465.75	4,458.90
NAB	A-1+	TD	GENERAL	At Maturity	02/05/2024	12/12/2024	5.2500	500,000.00	500,000.00	13,160.96	2,229.45
Westpac	A-1+	TD	GENERAL	At Maturity	02/10/2024	02/01/2025	4.9200	1,000,000.00	1,000,000.00	4,043.84	4,043.84
IMB Bank	A-2	FRTD	GENERAL	Quarterly	17/01/2022	16/01/2025	4.8800	1,000,000.00	1,000,000.00	1,470.68	1,470.68
BOQ	A-2	TD	GENERAL	At Maturity	02/07/2024	03/02/2025	5.3500	2,000,000.00	2,000,000.00	35,764.38	9,087.67
NAB	A-1+	TD	GENERAL	At Maturity	06/08/2024	06/02/2025	5.0500	1,000,000.00	1,000,000.00	12,036.99	4,289.04
NAB	A-1+	TD	GENERAL	At Maturity	11/09/2024	25/02/2025	5.0000	2,000,000.00	2,000,000.00	13,972.60	8,493.15
NAB	A-1+	TD	GENERAL	At Maturity	14/08/2024	14/03/2025	5.0000	1,000,000.00	1,000,000.00	10,821.92	4,246.58
NAB	A-1+	TD	GENERAL	At Maturity	28/08/2024	28/03/2025	5.0000	2,000,000.00	2,000,000.00	17,808.22	8,493.15
NAB	A-1+	TD	GENERAL	At Maturity	11/09/2024	11/04/2025	5.0000	1,500,000.00	1,500,000.00	10,479.45	6,369.86
Westpac	A-1+	TD	GENERAL	At Maturity	24/10/2024	24/10/2025	5.1000	1,000,000.00	1,000,000.00	1,117.81	1,117.81
Westpac	A-1+	TD	GENERAL	At Maturity	28/10/2024	28/10/2025	5.0700	1,000,000.00	1,000,000.00	555.62	555.62
IMB Bank	BBB+	FRTD	GENERAL	Quarterly	06/08/2024	06/08/2026	4.9000	1,000,000.00	1,000,000.00	11,679.45	4,161.64
TOTALS								22,750,000.00	22,750,000.00	429,240.55	89,146.85



Portfolio by Asset as at 31/10/2024

Asset Type: TD

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Commonwealth Bank	A-1+	TD	GENERAL	At Maturity	02/07/2024	04/11/2024	4.8200	2,000,000.00	2,000,000.00	32,221.37	8,187.40
Westpac	A-1+	TD	GENERAL	At Maturity	03/11/2023	04/11/2024	5.4600	1,000,000.00	1,000,000.00	54,450.41	4,637.26
Westpac	A-1+	TD	GENERAL	At Maturity	01/11/2023	06/11/2024	5.5400	2,500,000.00	2,500,000.00	138,879.45	11,763.01
Unity Bank	Unrated	TD	GENERAL	At Maturity	20/05/2024	18/11/2024	5.1000	250,000.00	250,000.00	5,763.70	1,082.88
BOQ	A-2	TD	GENERAL	At Maturity	02/07/2024	02/12/2024	5.2500	1,000,000.00	1,000,000.00	17,547.95	4,458.90
NAB	A-1+	TD	GENERAL	At Maturity	07/12/2023	09/12/2024	5.2500	1,000,000.00	1,000,000.00	47,465.75	4,458.90
NAB	A-1+	TD	GENERAL	At Maturity	02/05/2024	12/12/2024	5.2500	500,000.00	500,000.00	13,160.96	2,229.45
Westpac	A-1+	TD	GENERAL	At Maturity	02/10/2024	02/01/2025	4.9200	1,000,000.00	1,000,000.00	4,043.84	4,043.84
BOQ	A-2	TD	GENERAL	At Maturity	02/07/2024	03/02/2025	5.3500	2,000,000.00	2,000,000.00	35,764.38	9,087.67
NAB	A-1+	TD	GENERAL	At Maturity	06/08/2024	06/02/2025	5.0500	1,000,000.00	1,000,000.00	12,036.99	4,289.04
NAB	A-1+	TD	GENERAL	At Maturity	11/09/2024	25/02/2025	5.0000	2,000,000.00	2,000,000.00	13,972.60	8,493.15
NAB	A-1+	TD	GENERAL	At Maturity	14/08/2024	14/03/2025	5.0000	1,000,000.00	1,000,000.00	10,821.92	4,246.58
NAB	A-1+	TD	GENERAL	At Maturity	28/08/2024	28/03/2025	5.0000	2,000,000.00	2,000,000.00	17,808.22	8,493.15
NAB	A-1+	TD	GENERAL	At Maturity	11/09/2024	11/04/2025	5.0000	1,500,000.00	1,500,000.00	10,479.45	6,369.86
Westpac	A-1+	TD	GENERAL	At Maturity	24/10/2024	24/10/2025	5.1000	1,000,000.00	1,000,000.00	1,117.81	1,117.81
Westpac	A-1+	TD	GENERAL	At Maturity	28/10/2024	28/10/2025	5.0700	1,000,000.00	1,000,000.00	555.62	555.62
TD SUBTOTALS								20,750,000.00	20,750,000.00	416,090.41	83,514.52



Asset Type: FRTD

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
IMB Bank	A-2	FRTD	GENERAL	Quarterly	17/01/2022	16/01/2025	4.8800	1,000,000.00	1,000,000.00	1,470.68	1,470.68
IMB Bank	BBB+	FRTD	GENERAL	Quarterly	06/08/2024	06/08/2026	4.9000	1,000,000.00	1,000,000.00	11,679.45	4,161.64
FRTD SUBTOTALS								2,000,000.00	2,000,000.00	13,150.14	5,632.33

Portfolio by Asset Totals as at 31/10/2024

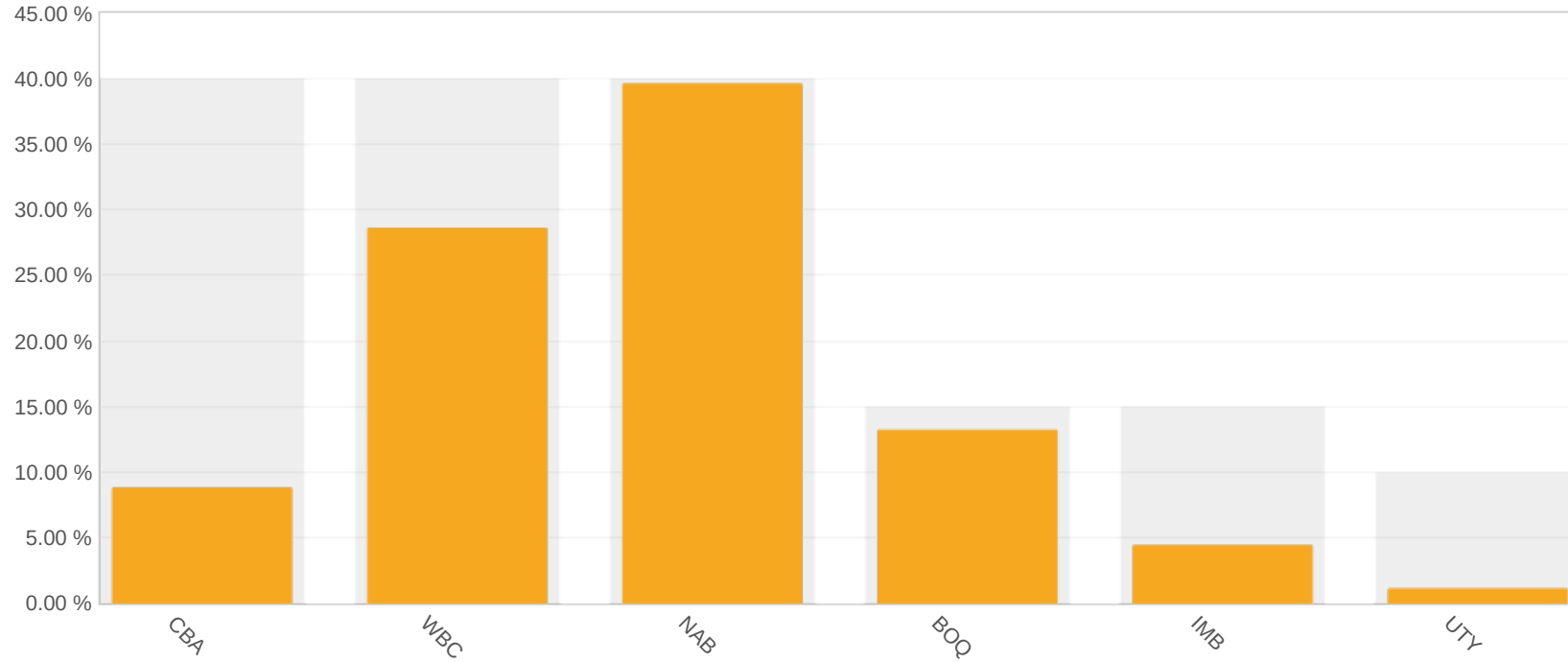
Type	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
TD	20,750,000.00	20,750,000.00	416,090.41	83,514.52
FRTD	2,000,000.00	2,000,000.00	13,150.14	5,632.33
TOTALS	22,750,000.00	22,750,000.00	429,240.55	89,146.85

Counterparty Compliance as at 31/10/2024

Short Term Investments

Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
✓	Commonwealth Bank	Short	A-1+	2,000,000.00	8.79	40.00	-	7,100,000.00
✓	Westpac	Short	A-1+	6,500,000.00	28.57	40.00	-	2,600,000.00
✓	NAB	Short	A-1+	9,000,000.00	39.56	40.00	-	100,000.00
✓	BOQ	Short	A-2	3,000,000.00	13.19	15.00	-	412,500.00
✓	IMB Bank	Short	A-2	1,000,000.00	4.40	15.00	-	2,412,500.00
✓	Unity Bank	Short	Unrated	250,000.00	1.10	10.00	-	2,025,000.00
TOTALS				21,750,000.00	95.60			

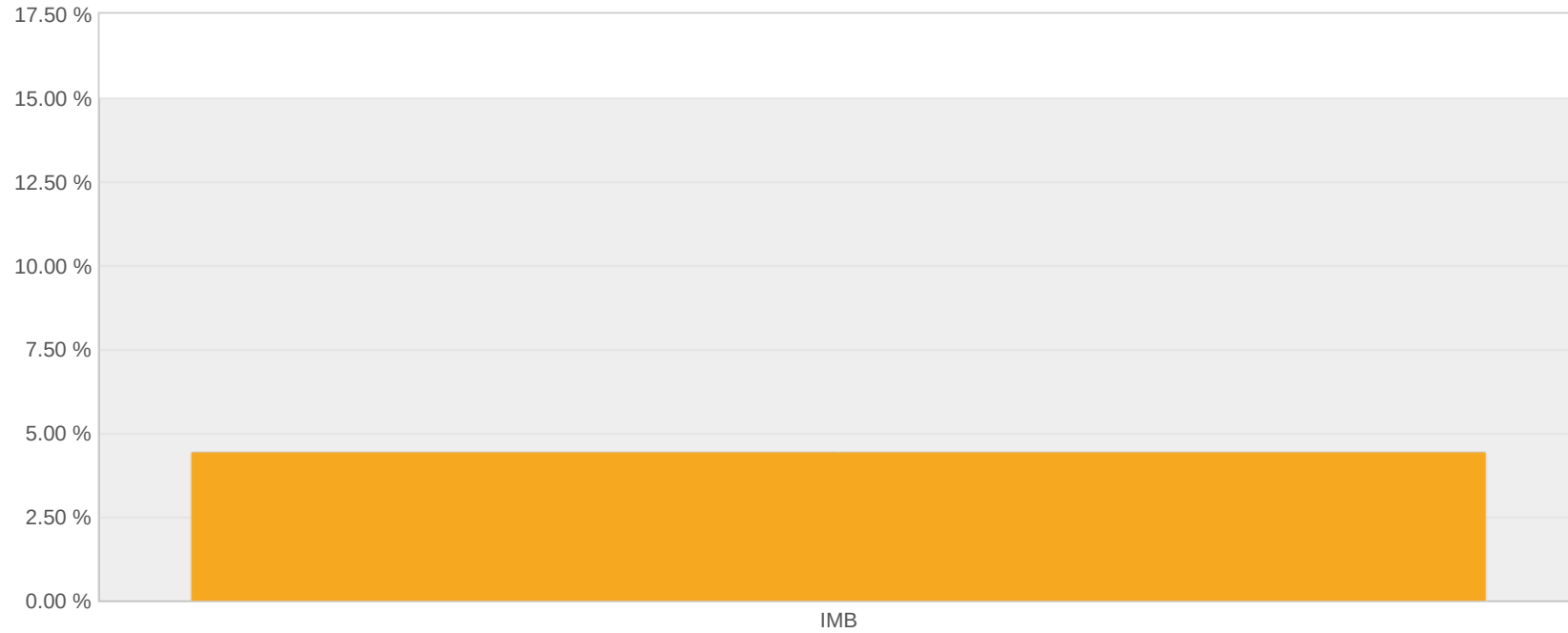
Counterparty Compliance - Short Term Investments



Long Term Investments

Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
✓	IMB Bank	Long	BBB+	1,000,000.00	4.40	15.00	-	2,412,500.00
TOTALS				1,000,000.00	4.40			

Counterparty Compliance - Long Term Investments

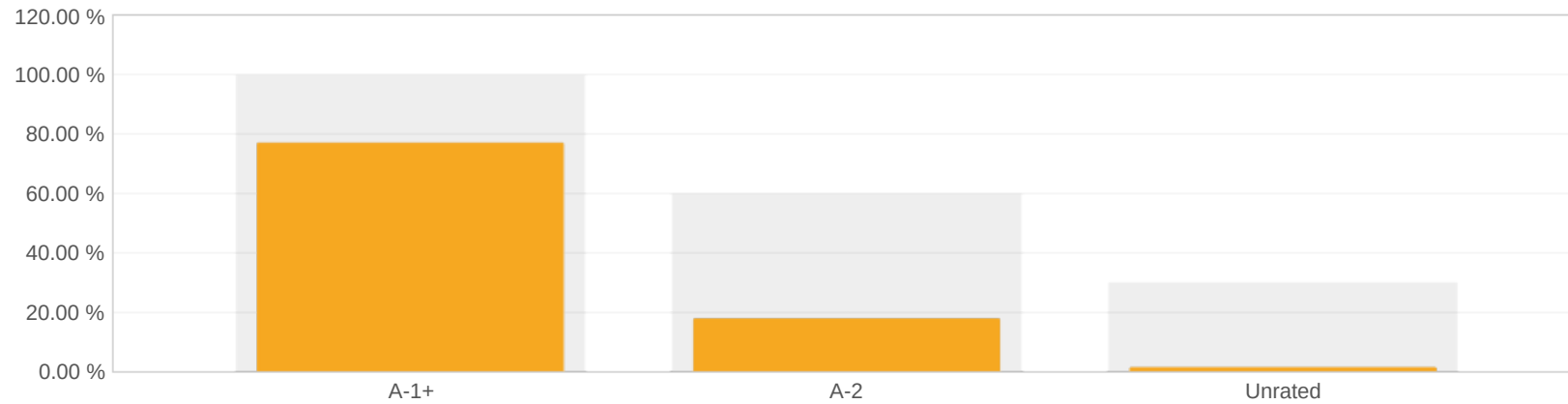


Credit Quality Compliance as at 31/10/2024

Short Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	A-1+	17,500,000.00	76.92	100.00	5,250,000.00
✓	A-2	4,000,000.00	17.58	60.00	9,650,000.00
✓	Unrated	250,000.00	1.10	30.00	6,575,000.00
TOTALS		21,750,000.00	95.60		

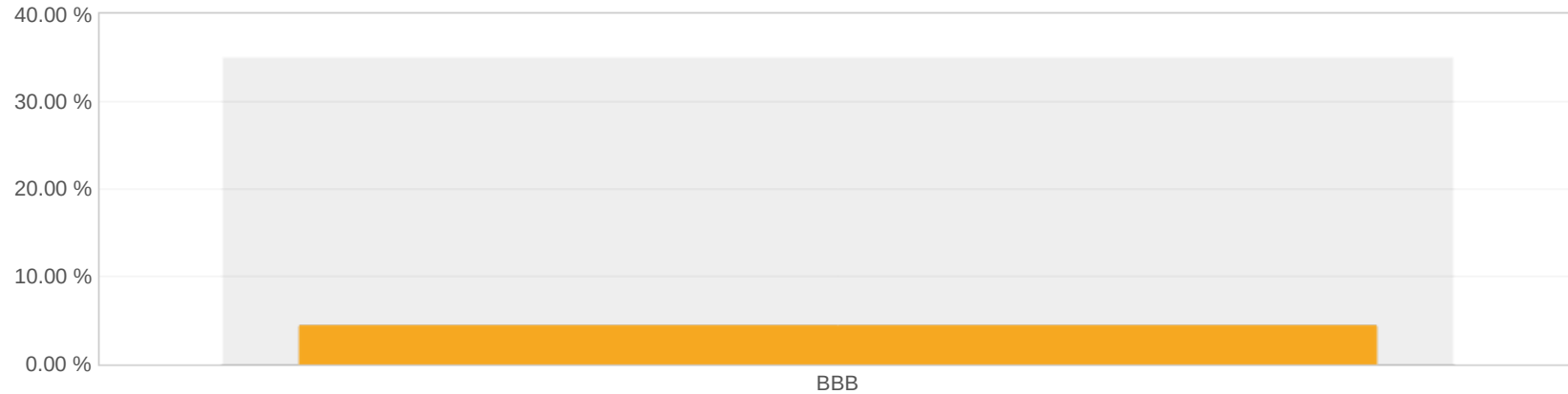
Credit Quality Compliance - Short Term Investments



Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	BBB	1,000,000.00	4.40	35.00	6,962,500.00
TOTALS		1,000,000.00	4.40		

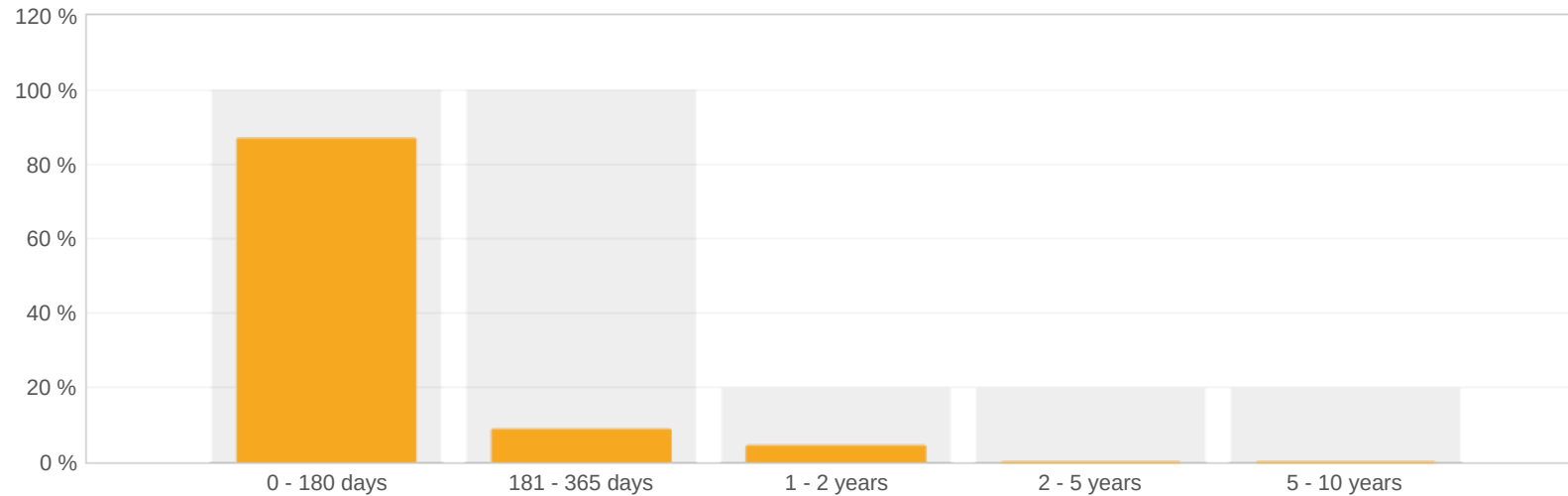
Credit Quality Compliance - Long Term Investments



Maturity Compliance as at 31/10/2024

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 180 days	19,750,000.00	86.81	0.00	100.00	3,000,000.00
✓	181 - 365 days	2,000,000.00	8.79	0.00	100.00	20,750,000.00
✓	1 - 2 years	1,000,000.00	4.40	0.00	20.00	3,550,000.00
✓	2 - 5 years	-	0.00	0.00	20.00	4,550,000.00
✓	5 - 10 years	-	0.00	0.00	20.00	4,550,000.00
TOTALS		22,750,000.00	100.00			

Maturity Compliance



10.12 WASTE OPERATIONS REPORT OCTOBER 2024**File Number: G 1-1****Author: Janelle Whitehead-Manager Waste, Recycle & Employment****Authoriser: Barry Broe, Director Community, Planning, Development and Environment****Annexures: Nil****PURPOSE**

To provide information on the activities within Council's Waste, Recycling and Employment Opportunities Section for the last month.

EXECUTIVE SUMMARY

This report provides an update on last month's activities.

BACKGROUND

Council is continuing to operate and improve the three waste facility sites at Coonamble, Gulargambone, and Quambone.

Implementation of re-cycling is continuing to reduce landfill deposits and keep existing resources circulating within the economy, thereby reducing the need to use new resources.

There are many new initiatives in terms of services and facilities that could be implemented in waste (e.g. recycling). The focus is on a staged, fundable, and manageable roll-out program of initiatives that is well communicated and efficiently delivered.

The overall approach currently is consolidation before expansion and new initiatives. An integral requirement of this is to ensure efficient and effective administration and management, e.g. procurement practices, efficient use of resources and plant, value for money investments.

The right balance will be struck between consolidation, continuous improvement of current operations, and new initiatives.

(a) Relevance to Integrated Planning and Reporting Framework

All actions and strategies related to waste and the environment.

(b) Financial Considerations

Funding is needed to ensure the compliance of the Environmental Protection Authority (EPA), take over waste collection, and roll out new initiatives such as Return & Earn.

STRATEGIC DIRECTIONS AND PROGRAM

Given it is coming up to a year since the landfill management and 6 months since bin collection was taken back in house by Council, it is a timely opportunity to internally review and assess progress and set some future directions.

There is a wide range of inter-related issues and topics that need to be well considered, and an integrated plan developed. This will provide data into the proposed full-service level review in 2025.

The topics include:

- Strategy at the landfill
- Current plant and machinery utilisation
- Future plant and machinery needs
- Use of blue skip bins
- Operating hours
- Consistent operating rules and principles
- Areas served
- Plant school location and purpose
- Recycling program, sequencing and funding
- Organisation bedding down and development
- Staffing and use of resources
- Recruitment and training plan
- Communications
- Addressing EPA compliance
- Meeting WHS requirements
- VFM across all operations and efficient use of all resources
- Revenue generating measures
- Long term financial sustainability of transfer stations
- Matching charges with actual services
- Future pricing principles
- Extent of grant funding application work
- Extent of any commercial work offered

Return & Earn

At the Coonamble waste facility 284,616 containers have been returned for recycling since 24 June 2024. The number is steadily rising, and it has given cash of \$28,461 to residents, as well as avoiding the need for all these containers going to the landfill.

Re-use & recycling shed



Business is continuing at the re-use shop with most initial stock gone and replenishment ongoing. Items already collected include furniture, household goods, golf clubs, kitchen utensils, builder throw outs. The re-use shop is at the Coonamble transfer station on Quambone Road. The hours of opening are Wednesday, Thursday, and Friday, 9 am to 1 pm.

Coonamble waste depot works.

Works at Coonamble include:

- Scrap metal collected from the Rivergum property.
- Weighbridge structure has been craned into place.
- Final weighbridge installation and operational use is scheduled mid-November.

Weighbridge structure being put in place.



RESIDENTIAL WASTE COLLECTION TRANSITION

Residential waste collection by Council commenced on 1 July 2024. A key focus of the operation has been identifying and recording how many bins each commercial and residential property is paying for compared to what is being placed on the kerbside for collection. The monitoring has identified large discrepancies across the Shire.



NEW MACHINERY

Hook Bin Truck small Isuzu



Zero turn mower 42" Cub cadet



Skid Steer Loader Caterpillar



Compactor Caterpillar

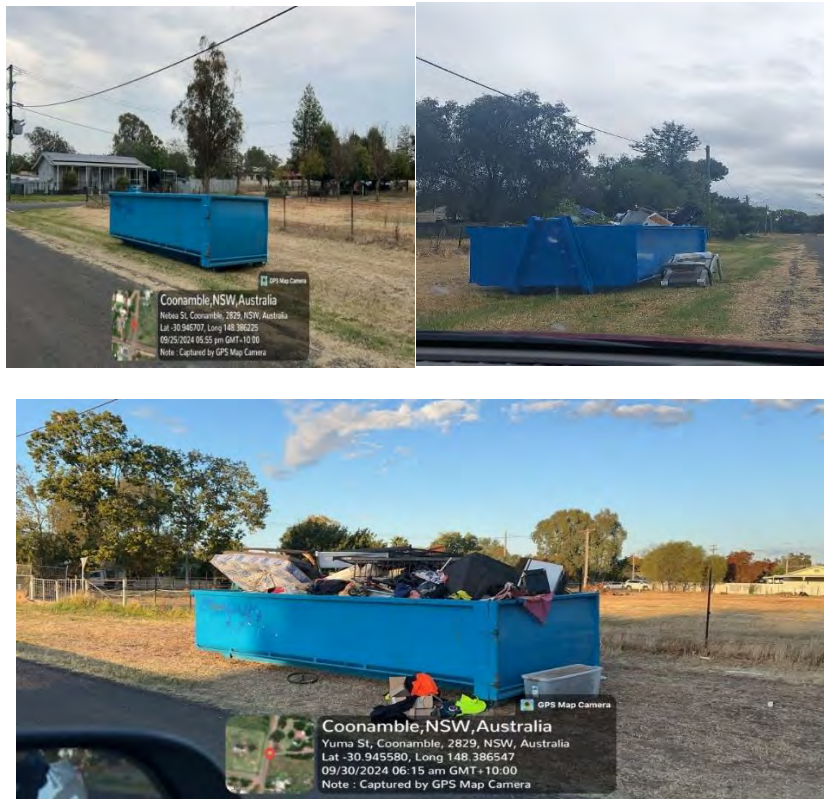


Blue skip bin trial

This trial started in early September and has proven popular, with the location regularly rotating. The skip bin has filled up every time within hours of being placed. The blue bins will be moving to Gulargambone the trial is completed in Coonamble. A review of the trial will be conducted end November to gauge the success of the program.

Key stats so far:

- 26 different locations
- Emptied 45 times.
- 1 vandalism with the bine set on fire



SAFETY

Weekly toolbox meetings and WHS reviews are being implemented with staff at the waste facilities. Our work health and safety policy and procedures are created through team environment discussions and improvements implemented.



ILLEGAL DUMPING

The waste team is working closely with Council rangers and will be issuing infringement notice to residents who continue to not cover their trailers and utes and dump illegally at our creeks, stock routes and roadways. Over the last 2 months verbal warnings have been provided to offenders and enforcement action is next.

(a) Governance/Policy Implications

Updated policies and procedures need to be reviewed and updated, especially as more change and new initiatives are implemented, and new staff are employed.

(b) Legal Implications

Council needs to meet all laws and regulations including environmental, safety and health.

(c) Social Implications

Continuous engagement with the community and education is ongoing to explain the required changes and encourage recycling.

(d) Environmental Implications

Council needs to actively work to maintain a clear focus on protecting the environment surrounding each of the landfill sites and waste facilities and achieve EPA compliance.

(e) Economic/Asset Management Implications

Council needs to actively work to avoid financial penalties. Assets must also be well managed to minimise whole of life costs. Also ensuring budgets and resources are reviewed and effectively managed and initiatives are staged in a manageable and fundable way.

Quotes currently being obtained for new plant and machinery to reduce reliance on high-cost plant hire.

(f) Risk Implications

The main risks that must be well managed are health and safety, environmental, costs and public satisfaction with the services. The transition to waste collection in-house is a risk also to be managed cost effectively.

Fees and charges must reflect the cost of the services being provided – user pays is the key principle.

CONCLUSION

The key activities of establishing a well-maintained facility and waste operations have continued within the Waste Section for the past month with continuous improvement being implemented across all sites. The future strategic directions are now being considered in preparation for a service review in 2025.

RECOMMENDATION

That the monthly report on waste activities be received and noted.

10.13 QUARTERLY BUDGET REVIEW - SEPTEMBER 2024**File Number:** Financial Quarterly Review F2-2**Author:** Bruce Quarmby-Director Corporate Services
Deborah Tatton-Manager Finance & Procurement**Authoriser:** Paul Gallagher, General Manager**Annexures:** 1. September 2024 Budget Review (under separate cover)**PURPOSE**

The purpose of this report is to provide Council with a quarterly budget review statement in accordance with Regulation 203 of the Local Government (General) Regulation 2005 (the Regulations). Please refer to the Annexure relating to this report.

BACKGROUND

Regulation 203 of the Regulations states that:

(1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.

(2) A budget review statement must include or be accompanied by:

(a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and

(b) if that position is unsatisfactory, recommendations for remedial action.

(3) A budget review statement must also include any information required by the Code to be included in such a statement.

The Code referred to above is the Code of Accounting Practice and Financial Reporting. While earlier versions of the Code had an appendix that listed minimum requirements, these were removed a few years ago as they are of no relevance to the financial statements (which is the main purpose of the Code). In the absence of any instructions in the Code, the Quarterly Budget Review Statement publication issued in 2010 by the then Division of Local Government, NSW Department of Premier and Cabinet, details the minimum requirements and these requirements have been met in the preparation of the Quarterly Budget Review Statements (QBRS). The quarterly review should act as a barometer of Council's financial health during the year, and it is also a means by which Councillors can ensure that Council remains on track to meet its objectives, targets and outcomes as set out in its Operational Plan.

(a) Relevance to Integrated Planning and Reporting Framework

L1.4.10 Maintain long term financial viability.

(b) Financial Considerations

The September budget review as tabled for Council's consideration contains several variations to the originally adopted 2024/25 Operational Budget. Most of these variations represent the necessary accounting treatment to align grant funded income and expenditure programs to their anticipate levels for the current financial year.

COMMENTARY

Appendix A contains further detailed information about Cash and Investments, Contract and Consultancy Expenses and its progression towards achieving adopted Key Performance Indicators as of 30 June 2025.

Council commenced the 2024/25 financial year with the original operational budget surplus of \$5,485. At the completion of the September 2024 review, Council's estimated budgeted result for the 2023/24 Financial Year has as expected weakened to anticipated operational deficit of \$5,060,469. Conversely, Council's position after non-operating expenditure has been considered has improved to a \$877,950 draw down of working funds.

Council should note that the main contributing factor to the deterioration in the anticipated Operational Budget result is the accounting treatment for the prepaid portion of the 2024/25 Financial Assistance Grant (FAG). As these grant funds were received in the 2023/24 financial year, in accordance with the current relevant accounting standards, they are required to be recognised as income in that financial year, being 2023/24. Should the Federal Government continue the current practise of pre-paying a portion of this grant, then any prepayment received in this financial year will be recognised in the 2024/25 financial year.

As part of the process of preparing the September Budget Review for consideration by Council, management has included both the carry forwards and revotes from the 2023/24 financial year. These works are funded by a combination of Transfers from Council's Internal Reserves or Unspent Grant Funds.

As in the past with the preparation of budget reviews, where increases in expenditure have been identified, management has also identified potential savings in the budget to offset these increases. Some of these adjustments are as follows:

- General Purpose Revenue – (P.2) The income vote for the FAG - General Purpose Component, has been adjusted to reflect the level of anticipated income in accordance with the formal notification received by Council. Whilst the prepayment of the grant has accounted for a reduction of \$3,415,945 in income this was offset in part by an additional allocation to Council of \$110,417.
- Plant Operations – (P.4) The income and expenditure votes have been adjusted to reflect the anticipated result for the 2024/25 financial year. This adjustment has been required due to both the current and projected increased utilisation of Council plant throughout the 2024/25 financial year.

- Insurance Claims Proceeds – (P.4) An additional vote of \$140,000 has been included to recognise the proceeds from insurance claims regarding council plant. This increase in income is offset in part by an additional allocation of \$93,174 Transfer to the Transport Reserve (P.19). This additional transfer will be utilised to replace two (2) Council vehicles that were written off in the prior financial year.
- Disposal of Council Assets – (P.5) Council has included in its operational budget line items to recognise and account for the net profit or loss of the disposal of its assets. For Council information the current profit recognised has been derived from the sale of industrial land and part sale of the Meglo to GrainCorp.
- Hazard Reduction Works – (P.5) The budgeted income and expenditure for the grant funded program has been adjusted to reflect the formal advice provided to Council by the NSW Rural Fire Service.
- Advanced Operational Support – (P.10) The budget has been adjusted to include the grant funded income and expenditure of \$150,000 for this program. For Council's information the main objective of this grant program is to assist Council to implement agreed solutions and recommendations from the Filtered Water Online Monitoring assessments and the Operational Improvement Opportunities plan.
- Financial Assistance Grant - Roads – (P.15) The income vote for the FAG - Roads Component, has been adjusted to reflect the level of anticipated income in accordance with the formal advice received by Council. Whilst the prepayment of the grant has accounted for a reduction of \$1,825,163 it has been reduced by a further \$12,251 to reflect the expected level of income to be received.
- Roads to Recovery – (P.15) In accordance with the formal advice received by Council, the budgeted income and expenditure vote have been increased to match Council's annual allocation under this program, being in total \$1,636,485. Council will note that of the additional funds received \$500,000 has been allocated to unsealed roads maintenance (P.15) with the remaining \$206,667 allocated to the Local Roads capital renewals (P.20).
- Regional Emergency Road Repair Program – (P.15) Following discussions with Council's Infrastructure department the budget allocation for the grant funded program has been increased by \$140,000 for both sealed local and regional roads maintenance. This additional funding has been allocated to cover costs associated with repairs to the sealed road network over Harvest.

This additional allocation has been funded by a matching transfer from Unspent Grant Funds (P.20)

- Transfer to Governance Reserve – (P.19) As per Council resolution the funds derived from the sale of the Industrial land, along with the sale to GrainCorp has been included as a transfer to reserve at a value of \$275,000.
- Corporate Support Services – (P.19) Non-Operational income has been increased by the inclusion of Transfer from Internal Reserves - Financial Assistance Grant for \$1,560,000. This figure represents the internally restricted component of the prepaid 2024/25 Financial Assistance Grant, being \$1,500,000, as well as \$60,000 transfer of funding for carry over works that are due for completion in the 2024/2025 financial year.
- Residential Development Yarran St - (P.19) In accordance with Council resolution 2024/143 an initial allocation of \$500,000 has been included to commence civil works associated with the establishment of the subdivision. For Council’s information the \$500,000 has been funded by the removal of the SOTS – Preliminary projects works (P.20) allocation of \$500,000.
- Transport and Communication – (P.20) As mentioned earlier in the body of this report the budgeted Income and expenditure for the Non-operational (Capital) works program has been adjusted to reflect the various grant funded programs.

The other main inclusion in the non-operating budget that Council will note, is the inclusion of two (2) line items that represent the receipt of Grant debtors. For Council’s information these lines represent the receipt of monies owed to Council for various grant funded programs where Council has funded the works and is awaiting reimbursement from the various funding bodies. For Council’s information the following table provides Council with a summary of the total of grants debtors owed to council as at the 30/06/2024.

Council Function	Grant Debtor Balance as at 30/06/2024
ADMINISTRATION & GOVERNANCE	\$ -
PUBLIC ORDER & SAFETY	\$ -
HEALTH	\$ -
ENVIRONMENT	\$ 18,727.00
COMMUNITY SERVICES & EDUCATION	\$ 11,115.00
HOUSING & COMMUNITY AMENITIES	\$ -
WATER SUPPLY	\$ -
SEWERAGE SERVICES	\$ 6,986.00
RECREATION & CULTURE	\$ 825,124.00
MINING, MANUFACTURING & CONSTRUCTION	\$ -
TRANSPORT & COMMUNICATION	\$ 8,179,403.00
ECONOMIC AFFAIRS	\$ 500,919.00
Total	\$ 9,542,274.00

As previously reported to Council, management are continuing to work through the various funding deeds and complete the necessary steps to receive reimbursement of Council funds.

(a) Governance/Policy Implications

There are no governance or policy implications arising from this report.

(b) Legal Implications

The September budget review has been prepared in accordance with the *Local Government Regulations 2005 – Regulation 203*

(c) Social Implications

There are no social implications arising from this report.

(d) Environmental Implications

There are no environmental implications arising from this report.

(e) Economic/Asset Management Implications

During the 2024/25 financial year Council has programmed asset maintenance and capital renewals in order to satisfy required Key Performance Indicators.

(f) Risk Implications

There are no risk implications arising from this report.

CONCLUSION

It is my opinion that the Quarterly Budget Review Statement for Coonamble Shire Council for the Quarter ended 30 September 2024 indicates that Council's financial position at 30 June 2025 to be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

RECOMMENDATION

- 1. That Council approves the variations to votes as listed in the budget review documents distributed under separate cover.**
- 2. That Council notes, in the opinion of the Responsible Accounting Officer based on the information as presented in the September Budget review; that Council will be in a satisfactory financial position as at 30 June 2025.**
- 3. That Council notes the classification and position of Council's estimated restricted (reserve) funds as at 30 September 2024.**

10.14 PLANNING, REGULATORY & COMPLIANCE PROGRESS REPORT**File Number: E5****Author: Lesley Duncan, Building & Compliance Manager****Authoriser: Barry Broe, Director Community, Planning, Development and Environment****Annexures: Nil****PURPOSE**

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 and public health.

BACKGROUND

The Planning, Regulatory & Compliance Services section focuses on all town planning 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 is also included. This report provides a summary of activities undertaken during October 2024.

The following topics will be included into the Council Report where there is relevant information to report on:

- 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 legislation 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 Application Information

This information refers to development applications lodged in the Coonamble local government area. However, the consent authority is 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.

- 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.

- Ranger's Monthly Report

This report provides a summary of companion animals (cats and dogs) impounded and other animals. This includes information on how many animals were rehomed and euthanised. Information on dog attacks is also provided.

(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

Development Applications Issued Under Delegated Authority

Information provided within this section of the report provides Council with information on what has been determined for the month under delegated authority and not subject to 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 either 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.

The following is a summary of applications approved under delegated authority.

October 2024			
Application Number	Description of Works	Address of Proposed Works	Approved Date
Development Applications			
DA028/2024	In-ground fibreglass swimming pool	8547 Castlereagh Hwy, Coonamble	15/10/2024
DA030/2024	Demolition and relocate existing dwelling	145 Carinda Rd, Coonamble	23/10/2024
DA023/2024	Subdivision (Consolidation & Boundary Adjustment)	21 Mundooren St, Coonamble	23/10/2024
Complying Development Certificates			
CDC001/2024	Demolition	13 Zoccoli Street, Coonamble	22/10/2024
Construction Certificate			
CC040/2024	Construction of concrete drain, slabs and yard fencing	701 Quambone Road, Coonamble	22/10/2024
CC028/2024	In-ground fibreglass swimming pool	8547 Castlereagh Hwy, Coonamble	15/10/2024

Saleyards

Cattle sales were held on 25 September and 9 October 2024, with 1729 and 1088 cattle respectively.

Saleyards

	September	October	Year to Date
Income	15908	9893	60,559.56
Expenditure	8156	10108	44,277.61
Surplus			\$16,281.95

Truck Wash

The financial report for September 2024 is provided below:

Truck Wash

	September	Year to Date
Income	8,257	15267.38
Expenditure	1,055	2,734.58
Surplus	\$7,202	\$12,532.80

Companion Animals

The Regulatory Officer’s report is provided for October 2024. The following is a summary of companion animal statistics.

CORRESPONDENCE	October 2024	YTD 2024/2025
Infringements (Animals)	0	0
Infringements (Other)	0	0
Change of Details	8	13
Microchipped dogs	0	6
Registrations	1	7
Nuisance dog declaration	0	0
Dangerous dog declaration	0	0
Menace dog declaration	0	0
Notice of Possession	0	0

Dog attacks

There were no dog attacks reported during October.

Companion Animal Seizure and Impounding Activities - Month: October

Seizure Activities:	Dogs	Cats
Seized	2	1
Returned to Owner	0	0

Impounding Activities:	Dogs	Cats
Animals in pound at start of month	4	0
Incoming Animals	Dogs	Cats
Transferred from seizure activities	2	1
Abandoned or Stray	6	0

Surrendered	1	0
Total Animals in Pound	13	1

Outgoing Animals	Dogs	Cats
Released to Owner	1	0
Euthanised	1	0
Released to Rehoming Organisation	10	1
Sold	1	0
Died at Pound	1	0
Stolen from Pound	0	0
Escaped from Pound	0	0
Total Animals Leaving Pound	12	0
Animals in Pound at end of Month.	1	1

(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 Planning, Regulatory & Compliance Progress Report has considered town planning and strategic land use planning, compliance and regulation, and environmental management and health since the last meeting.

RECOMMENDATION

That the Planning, Regulatory and Compliance Progress Report be received and noted.

10.15 INFRASTRUCTURE SERVICES - WORKS IN PROGRESS**File Number: R6****Author: Kerrie Murphy-Director Infrastructure Services****Authoriser: Paul Gallagher, General Manager****Annexures: 1. Monthly Works Report - November**  **PURPOSE**

The purpose of this report is to provide Councillors with information on the works in progress within Council's Infrastructure Directorate.

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 2024/2025 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 Directorate. Updates are provided for each Departmental area which includes Roads, Water and Sewer and Urban Services. Please note that the attachment is in an updated format with a view to provide additional information to that provided previously. The projects in this report will increase as time goes on, and more valuable information will be provided at that time.

You will note that there are still projects that remain in the report from the 2023/2024 financial year. These projects will remain in the report until they are completed. At this time, they will be removed.

(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 2024/2025 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 the information be received and noted on the works in progress within Council's Infrastructure Directorate.

	<p>CAPITAL WORKS MONTHLY WORKS REPORT</p> <p>1 November, 2024</p>	<p>Infrastructure Services Coonamble Shire Council Phone: 02 6827 1900 Fax: 02 6822 1626 council@coonambleshire.nsw.gov.au</p>
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Road and recreational area users are to proceed with caution at all work sites and observe signage to ensure safety.
Speed zones are enforceable with possible short delays.
For all enquiries, please contact Council's Infrastructure Services Department on 6827 1900.

ROADS - URBAN – COONAMBLE, GULARGAMBONE AND QUAMBONE

<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
Urban Resealing	RERRF	215,000		215,000	59,128	144,502	203,630	98%	Completed resealing of Bertram, Forgione. Floyd, Barton, Railway and Quonmoona Streets in Coonamble

ROADS - RURAL – UNSEALED ROAD NETWORK

<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
Rural Resheeting	Council	150,000	-	150,000	0	0	0	0	
General Unsealed Road Maintenance	Council	739,952		739,952	404,085	110,258	514,343	70%	The following roads have been maintained since 1 July 2024: Billeroy Road, Tooraweenah Rd, Emby Rd, Wingadee Rd, Gilgooma Rd, Bullagreen Rd, Back Gular Rd, Sandy Camp Rd, Quabathoo Rd, Beanbah Rd, Gulargambone Rd, Killara Ln, Orwell South Rd, Nelgowrie Rd, Gibson Way, West Point Rd, Carinda Rd, Walla Walla Rd, Hollywood Ln, Thara Rd and Blueys Ln.
Grant Funded Unsealed Roads	RTR				455,110	462,163	917,273		The following roads have been RTR works completed/started since 1 July 2024: Box Ridge Road, Teridgerie Road, Erdavale Road, Newbank Road, Rosewood Road, Becks Road, Wingadee Road, Urawilkie Road and Vatua Lane
Natural Disaster restoration works	Natural Disaster				0	0	0	0%	Currently working on finalising the final submission so that work can commence again.

ROADS - RURAL – SEALED ROAD NETWORK

<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
Warren Road Upgrade	ROSI/FCR/Council	3,161,943	-	3,161,943	2,487,269	883,683	3,370,952	80%	Expected to be completed by the end of November.
Box Ridge Road Reconstruction	LRCI	1,859,636	-	1,859,636	2,074,576	62,300	2,136,876	98%	Construction has been completed. Project Completion Report (PCR) is being prepared.
Flood Damage – REPA AGRN987 and AGRN1034	DRFA				0	0	0	0%	Currently working on finalising the final submission so that work can commence again.
Tooraweenah Road Upgrade	ROSI	22,962,000	-	22,962,000	2,963,545	364,000	3,353,335	15	Letter has been submitted to the Federal Government requesting additional funding to complete all the unsealed section. Response expected late December. Works will start where the seal ends and progress east along Tooraweenah Road. It is estimated that approximately 15km can be delivered using the current funding amount.

	<p>CAPITAL WORKS MONTHLY WORKS REPORT</p> <p>1 November, 2024</p>	<p>Infrastructure Services Coonamble Shire Council Phone: 02 6827 1900 Fax: 02 6822 1626 council@coonambleshire.nsw.gov.au</p>
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WATER									
<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$) (2024-25)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
Coonamble Mains Replacement	Council	300,000	-	300,000	60,000	-	60,000	20	Wingadee Street, project scope completed. Materials purchased, installation RFQ being finalised.
Gulargambone Mains Replacements	Council	100,000	-	100,000	-	-	-	10	Breelong Street, project scope completed. Quotations being assessed, installation RFQ being finalised.
Quambone Mains Replacement	Council	200,000	-	200,000	-	-	-	10	Gidgerah Street, project scope completed. Quotations being assessed, installation RFQ being finalised.
SSWP244-Integrated Water Cycle Management Strategy (IWCM)	Grant/Council	303,900	-	303,900	178,562.80	-	178,562.80	60	Draft Issues paper review completed by Council with external stakeholders. Consultation with external stakeholders ongoing. Flow monitoring being completed.
Gulargambone – installation of constant water quality monitoring equipment and chlorine room upgrades	Council	75,000	-	75,000	-	-	-	10	Costed proposals currently being assessed.
Quambone – installation of constant water quality monitoring equipment and reservoir security upgrades	Council	40,000	-	40,000	27,000	-	27,000	80	Chemtrol water monitoring equipment installed and commissioned.
Coonamble, Gulargambone and Quambone – meter replacement program	Council	43,750	-	43,750	10,000	-	10,000	20	Replacement program commenced.
Advanced Operational Support Program	DCCEEW Grant	150,000	-	150,000	37500	-	37500	25	Funding Deed for \$150,000 has been signed and executed by DCCEEW. Invoice sent to DCCEEW for Milestone 1. Meeting with DCCEEW conducted onsite. Milestone 2 works program being finalised with DCCEEW and Beca H2O.

SEWER									
<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
Coonamble Mains Relining	Council	200,000	-	200,000	-	-	-	10	Program finalised, RFQ to be placed on Tenderlink.
Gulargambone Mains Relining	Council	210,000	-	210,000	-	-	-	10	Program finalised, RFQ to be placed on Tenderlink.
Gulargambone Sewage Treatment Plant – Laboratory room installation	Council	65,000	-	65,000	30,000	-	30,000	25	Lab building purchased; onsite works commenced.
Gulargambone Sewage Treatment Plant – pressure tank installation	Council	25,000	-	25,000	15,000	-	15,000	10	Onsite works commenced.
Coonamble STP Upgrade – Concept Design	Council	250,000	-	250,000	182,704.50	-	182,704.50	70	Options study draft report has been issued. Consultation meetings with EPA, DCCEEW and PWA have been conducted. Concept design being completed.
Coonamble Sewage Treatment Plant – step screen installation at headworks	Council	130,000	-	130,000	-	-	-	10	RFQ to be finalised.

	<p>CAPITAL WORKS MONTHLY WORKS REPORT</p> <p>1 November, 2024</p>	<p>Infrastructure Services Coonamble Shire Council Phone: 02 6827 1900 Fax: 02 6822 1626 council@coonambleshire.nsw.gov.au</p>
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SEWER (continued)									
<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
Yarran Street Subdivision Development – sewerage servicing including Sewage Pump Station, Rising/Gravity Main installations	Council	850,000	-	850,000	50,000	-	50,000	10	Contractor engaged, works to commence in 2 nd quarter of 2024/2025.
Gulargambone – Sewage Treatment Plant tertiary ponds desludge	Council	250,000	-	250,000	-	-	-	10	Project scoped and options being considered.

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URBAN SPACES									
<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
Footpaths Reconstruction	Council	75,000	12,000	87,000	46,592.05	39,893.99	86,486.04	100	Condition Assessment complete. Program being drafted from this information. Works completed on intersection at Post Office corner
Street Tree Replacement Program	Council	30,000	-	30,000	5,337.02	970.96	6,307.98	30	Planter boxes and Bougainvillea have been installed at the main street corners and out the front of the Gymnasium. Replacement trees for Memorial drive have been planted. Irrigation line has been installed in McCullough Street and trees have been ordered, waiting on linemarking of street. Concrete has been repaired in front of the Gym and trellis is to be installed for the Bougainvillea. Plants have been installed for Mungie Street in Quambone (School to Pool)
Brigidine Nuns garden area Main Street	Council	40,000	10,000	50,000	45,590.99	-	45,590.99	98	Wall has been painted and concrete seats installed
McDonald Park upgrades	LRCI4	223,229	-	223,229	43,246.24	63,418.01	106,844.25	45	Gazebo and Water tank have been installed; carpark design is being done, irrigation upgrades to commence, BBQ area shelter to be installed
Quambone resurface Tennis Courts	Council + Community funds	45,000	-	45,000	23,088	-	23,088	45	waiting on new contractor to be engaged Materials have been purchased
Coonamble Tennis Courts	SCCF5	236,728	-	236,728	36,728	-	36,728	20	Contracts being prepared
Coonamble Sportsgrounds Female Amenities/Changerooms 6055-2303-0000	SCCF4 + Council	450,000	130,000	580,000	51,888	-	51,888	20	Contracts being prepared
Gulargambone Sportsground Amenities Upgrade 6055-2301-0001	SCCF5 + Council	520,000	100,000	620,000	47,630	-	47,630	20	Contracts being prepared

SWIMMING POOLS									
<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
-									

AERODROME									
<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
-									

	<p>CAPITAL WORKS MONTHLY WORKS REPORT</p> <p>1 November, 2024</p>	<p>Infrastructure Services Coonamble Shire Council Phone: 02 6827 1900 Fax: 02 6822 1626 council@coonambleshire.nsw.gov.au</p>
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CEMETERIES									
<i>Project</i>	<i>Funding Source</i>	<i>Budget (\$)</i>	<i>Budget Variation (\$)</i>	<i>Total Budget (\$)</i>	<i>Expenditure YTD (\$)</i>	<i>Committed (\$)</i>	<i>Total YTD (\$)</i>	<i>% Completion</i>	<i>Comment</i>
New Columbarium Gulargambone	Council	20,000	-	20,000	-	15,891.20	15,891.20	15	Purchase order raised
Pioneer Cemetery Coonamble new fence and signage	Council	48,000	-	48,000	-	-	-	10	Sourcing quotations for materials

11 NOTICES OF MOTIONS/QUESTIONS WITH NOTICE/RESCISSION MOTIONS

11.1 QUESTION - FUNDING ALLOCATION (CR CHURCHILL)

File Number: D5-39 and S13-1

Author: Marina Colwell-Executive Support Officer

Authoriser: Paul Gallagher, General Manager

Annexures: Nil

The following question on notice was received from Councillor Karen Churchill.

(a) Question

The funding that has been allocated for the “Bathing Experience”, could it be used to upgrade existing infrastructure? If so, can the 25m pool at the swimming complex be heated to service the community all year round for swimming training, Physical Therapy, Aqua Aerobics, learn to swim programs and for general leisure?

If not, could Council investigate and report back to council on how much it would cost to upgrade and heat the 25m pool as well as what it would cost to maintain?

MANEX RESPONSE

The Council funding was a condition of the Grant and required to secure the state funding. It cannot be allocated to a different project. If it was, the grant funding of \$5.5 million would be lost.

In addition, part of this funding allocation has already been used to buy the land for the project on the site adjacent to the Showground and fund preliminary investigation works in preparation of a DA and bore licence application, i.e. geotechnical, hygienist and review of environmental factors report.

The request to investigate the feasibility and business case to upgrade and heat the 25m pool would need to be considered and decided on by Council, and funding allocated to this work.

There are cases of councils heating existing pool structures with heating rods which has allowed the complex to open one month earlier and prolong the swimming seasons for up to six weeks (Macksville, West Wyalong and Rylstone Aquatic centres). There is a significant cost to install these, along with the operational costs.

Staff resources are currently fully allocated, and a report would not be forthcoming until mid-April 2025 as this will need research to be undertaken and an analysis of cost v's time and opportunity. This will also allow opportunity to investigate grant funding.

From an Asset management perspective, the age of the complex will also need to form part of the investigation and consider whether it is beneficial to try and retrofit heating as the pool complex is nearing the asset service life and investigations will also need to consider a potential new swimming pool complex.

RECOMMENDATION

11.2 NOTICE OF MOTION - RACECOURSE AND RECREATION LAND RESERVE 520089 (CR CHURCHILL)

File Number: P 1-10

Annexures: Nil

SUBJECT HEADING

Racecourse and Recreation Land Reserve 520089

BACKGROUND

After speaking to the Reserve Manger at Crown Lands regarding the Racecourse and Recreation Land Reserve 520089, DP 754199 Lot 212, before the previous Council meeting, I learnt that Native Title had been extinguished and Council could have been the Land Managers. I asked the question “did Council have an application in for acquisition”? The response I got was that Crown Lands wrote to the General Manager of Coonamble Shire in November 2019 and there was no reply. In the letter from Crown Lands, it included 3 options regarding this parcel of land.

1. To subdivide for the purpose of a bore.
2. Gain a licence from the current board.
3. Apply for a compulsory acquisition.

MANEX COMMENT

Staff advise that this will be discussed in detail at the confidential workshop. However, the Council passed a resolution on 9 August 2023 (see below) to continue to obtain the land for future community use e.g. sporting fields.

Ordinary Council Meeting Minutes	9 August 2023
12.6 SUPPLEMENTARY BUSINESS - ALTERNATIVE SITES FOR THE COONAMBLE ARTESIAN BATHING EXPERIENCE	
RESOLUTION [2023/203]	
Moved: Cr Terence Lees	
Seconded: Cr Brian Sommerville	
<ol style="list-style-type: none"> 1. That Council <u>authorise</u> the General Manager to negotiate the purchase of the identified parcel of land for the purpose of constructing the Coonamble Artesian Bathing Experience, at the price agreed by Council and the property owner. 2. That Council resolve that the land be classified as operational land in accordance with section 31 (2) of the <i>Local Government Act 1993</i>. 3. That Council <u>authorise</u> the General Manager to affix the Common Seal of the Council to any documentation required to give effect to this resolution. 4. That Council <u>continue</u> to pursue the acquisition of the Crown Land neighbouring the Coonamble Jockey Club for future community use. 	
In Favour: Crs Tim Horan, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanoub, Terence Lees and Brian Sommerville	
Against: Cr Karen Churchill	
Cr Churchill requests her vote be recorded against the resolution.	
CARRIED 8/1	

Staff are yet to enact part 4 of the resolution because the development of the chosen site for the bore bath took preference, primarily due the grant timeframe constraint. However, staff met with Crown Lands staff on 24 October 2024 who confirmed that Native Title had only recently been extinguished (in August 2024). There was no notice provided to Council of this as Council was not the land manager and OLG had already stopped Council’s original acquisition application.

The options to obtain the land at the racecourse are still available, however a new application would be required. The expected timeframe would be up to 12 months (to lease or buy). The acquisition steps are shown below:

No	Step Name	Step Description
1	Gathering Data	Obtaining and understanding acquisition requirements, Identification of interest holders - title, survey, address
		Crown land status investigation and report
2	Acquisition Authority	Update of proposed acquisition report and draft resolution for approval of Council
		Authority to act on behalf of Council for acquisition purposes
		Authority received
		Update concurrence from the Dept of Planning Industry & Environment - Crown land (DPIEL) for the acquisition
4	Pre-Acquisition notification	Issuing of pre-acquisition notices to DPIEL, interest holders and native title holders/claimants
		Collation of responses and advice to Council
		Notice to affected Authorities
		Discussion with Native Title Holders / Claimant
5	Survey	Instruction to Surveyor and review of plan
		Preparation of Plan of Proposed Acquisition
		Registration of Plan of Plan of Proposed Acquisition
6	Application	Preparation of application to Office of Local Government for Acquisition
		Review by Council
		Lodge Application
		Respond to OLG
		Receive OLG approval to issue PANs
7	Proposed Acquisition Notices	Issue Proposed Acquisition notices
		Advise Valuer General of proposed notices
		Advise Land Registry Services of proposed notices
		Notice period (three Months)
8	Approval	Advise OLG of expiry of notification period

		Receive Governor's approval to acquire
9	Acquisition	Publish Acquisition notice(s) in the Government Gazette
10	Title Creation	Prepare and Lodge Dealings with Land Registry Services - Amend Prior Title
		Issue Titles to Council
11	Compensation	Review VG Valuation
		Advise Council that compensation is due to be paid

Regarding the timeline and chronology of the land acquisition process, this will be discussed in detail at the confidential workshop, but a short summary is given below:

- ▶ Council wrote to Crown Lands in January 2019 regarding the acquisition
- ▶ Crown Lands wrote back in November 2019 with the options
- ▶ Council wrote back to Crown Lands in December 2019 stating that compulsory acquisition was the preferred option
- ▶ Council resolved to acquire the land in September 2020
- ▶ Council subsequently purchased the current site adjacent to the Showground in December 2023
- ▶ OLG wrote to Council in June 2024 stating that because the proposed use of the land had changed, the acquisition process for the golf course site had been stopped and this process would need to start again for any new purpose
- ▶ August 2023 Council resolved to acquire the current site but continue to acquire the golf course site for future community use.

RECOMMENDATION

That:

- 1. That Council brings a report back to the Councillors for the December meeting of a running timeline starting from the application of the acquisition with all correspondence including emails and phone calls regarding the application up until this day.**
- 2. That council Investigates leasing part of Reserve No 520089 DP 754199 Lot 212 for future recreational use which could include the purpose of Bore Bath or a number 2 oval for sports. Could an update regarding this investigation be also reported at the December meeting.**

11.3 NOTICE OF MOTION - HERITAGE STUDY 2008-2010 (CR CHURCHILL)**File Number:** hhh**Annexures:** Nil**SUBJECT HEADING**

Heritage Study 2008-2010

BACKGROUND

Coonamble Shire Community Based Heritage Study 2008-2010

Council was developing a new Local Environment Plan in accordance with NSW Department of Planning guidelines. Council commissioned Ray Christison of High Ground Consulting to co-ordinate the Heritage study and prepare a Thematic History. The Sons of the Soil Hotel was part of a list of Heritage buildings in this study.

Minutes of the Ordinary meeting of the Coonamble Shire Council 11th of May 2011

11.5 Community Based Heritage Study

9135 Resolved on the motion of Crs. O'Brien and Webb that Council, after having placed the plan on public display for 28 days and after considering submissions, adopt the report on the Community Based Heritage Study of the Coonamble Shire.

This study was not included in the Local Environment Plan.

To protect and maintain current heritage buildings in the Coonamble Shire that were listed in the study I would like to put forward the following motions.

MANEX COMMENT

Staff advise that recommendation number three from Cr Churchill is not relevant at this point of time.

- There is no interim Heritage order on the SOTS as evidenced on the Heritage NSW web site.
- Council as the former owner of the SOTS are not aware nor have been advised by Heritage NSW that an application has been submitted seeking an interim order. This was discussed with Heritage NSW personnel when consideration of demolition was being investigated.
- Council staff have confirmed with Heritage NSW (7/11/24) that no application has been made to the Minister (noting the application to the Minister is generated by staff from Heritage NSW).
- The 2010 Heritage Study of the Shire considered 133 items with potential heritage significance and recommended 113 items for listing as local heritage items. The main mention of SOTS in the report is one paragraph in a table that summarised the 113 items (shown below). The Council of the day did not support the listing. Subsequently the Coonamble Local Environmental Plan listed only 8 local heritage items and did not include the SOTS.

<p>Sons of the Soil Hotel</p>	<p>The Sons of the Soil Hotel was constructed in 1930 to replace the original Tattersall’s hotel that was destroyed in the 1929 Castlereagh Street fire. It was built in reinforced concrete to comply with new building regulations and to safeguard the building against the effects of the region’s reactive soils. The hotel is a rather unique example of the Art Deco Style applied to a country hotel. It makes extensive use of latticed steelwork in decorative and structural elements. The building is representative of the redevelopment of Coonamble’s business district following the 1929 fire. It has local historical and aesthetic significance, rarity, representativeness and a high degree of integrity.</p>
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The next detailed review of the Coonamble Local Environment Plan 2011 is scheduled for late 2026.

A review of the Coonamble Local Environment Plan requires significant staff resources and community consultation and a reasonable budget allocation to facilitate the work. It is recommended that a budget be placed in the draft 2025/26 budget for Council consideration noting that staff have had a focus on other priorities such as the development of major projects and DA’s.

Previous heritage studies would be considered as part of the review; however a new study would be warranted. By way of background information;

a) The Sons of the Soil Hotel is **not** identified as a heritage item within Schedule 5 of the Coonamble LEP 2011. The heritage schedule included only 8 items:

- Coonamble Museum (former Police Station)
- Coonamble Church of England Church
- Coonamble Post Office
- Coonamble Commercial Hotel
- Coonamble Shire Chamber
- Coonamble Macquarie Marshes—marshes and areas subject to inundation (approximately 148,000ha) 10 km south-west of Carinda—between Warwick Farm and Yanganbul
- Coonamble Railway Station and yard group
- Coonamble Sexton’s Hut (Coonamble Cemetery)

b) The Council decision in 2011 did not support the heritage listing of the SOTS.

c) The Council resolution on 10 July 2024 acknowledged the decision of the Council in 2011 to not support the heritage listing of the SOTS and that this Council has the same view.

RECOMMENDATION

That:

- 1. That Council includes Ray Christison study in the Local Environment Plan.**

- 2. That Council brings a report recommending Historic buildings with State significance in the Coonamble Shire that could be registered with State to preserve the history of Coonamble and to access future funding.**
- 3. That Council writes a supporting letter to the Minister Penny Sharp (Minister of Heritage) and to Heritage NSW supporting the Application that has been made for the Interim Heritage Listing of The Sons of the Soil.**

11.4 NOTICE OF MOTION - MUSEUM (CR CHURCHILL)**File Number: M 6****Annexures: Nil****SUBJECT HEADING**

Museum

BACKGROUND

That Council brings back a report with costs of repairs to the Coonamble Museum and including in this report the costings of making the back entrance as the main entrance of the site.

MANEX COMMENT

Staff advise that this will be discussed in detail at the confidential workshop, including the structural assessments conducted, issues identified, repair options and costs and the implementation of a temporary pop-up museum in the main street.

A structural engineer was engaged to provide a report on the Museum, and a report was provided to Council in July 2024 recommending that the museum be closed due to the safety of the structural integrity of the internal wall. A short summary is given below:

- The building is 100 years old and has structural distress, including cracks, deformation, and uneven movements.
- Foundation-related issues were found, exhibiting signs of cracking, settlement, and displacement.
- There were observations of cracking, bulging, and leaning walls - highlighting concerns regarding both structural integrity and safety.
- The biggest issue is the fact that the internal wall of the office room is leaning over (to the east) and is potentially only being held up by the tension rod on the eastern side of that wall. This may get worse with changing seasonal conditions (soil movement) and based on the age and condition of the building, it could fail at any time. This wall is a load bearing and failure of this wall is likely to include failure of some structural members in the roof.

The range of causes of the problems include material deterioration, moisture issues, thermal movement, foundation settlement or movement, structural overloads and corrosion of metal components.

Regardless of the entrance, the Museum is unsafe and has been closed to the public based on the advice of the structural engineer.

Council is pursuing grant options to fund the necessary repairs which are estimated at between \$150k+ to \$400k+.

RECOMENDATION

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 - 9 October 2024**

13 CONCLUSION OF THE MEETING