



Date: Thursday, 17 September 2020
Time: 4:00PM
Location: Supper Room, Temora Memorial Town Hall
Loftus Street
TEMORA NSW 2666

MINUTES

Ordinary Council Meeting

17 September 2020

Order of Business

1	Open and Welcome	4
2	Apologies	4
3	Opening Prayer	4
4	Confirmation of Minutes	4
5	Election and Delegates	5
5.1	Election of Mayor & Deputy Mayor - 2020	5
5.2	Committees & Delegates 2020/2021	7
6	Mayoral Minutes	16
1.1	Mayoral Minute - September 2020	16
7	Reports from Committees	19
7.1	Minutes of the Assets & Operations Committee Meeting held on 8 September 2020	19
7.2	Minutes of the Economic Development and Visitations Committee Meeting held on 8 September 2020	59
7.3	Minutes of the Aerodrome Users Committee Meeting held on 8 September 2020	67
8	Delegates Reports	107
9	Mayoral Report	108
9.1	Mayors Report - August 2020	108
10	Staff Reports	111
11	General Manager	112
11.1	Calendar of Events - September 2020	112
11.2	Seals - September 2020	113
11.3	Draft Procurement Policy	114
11.4	Model Code of Conduct	124
12	Engineering Services	208
12.1	Springdale Speed Zone	208
13	Environmental Services	210
13.1	Modification Development Application 129-131 Hoskins Street	210
13.2	Drought Communities Program - Events Projects	216
14	Administration and Finance	225
14.1	Records for Destruction - Council - DR -2-2020	225
14.2	Office Closure 2020	227
14.3	Town Hall Income	228

14.4	Gidginbung Land - Offer to Acquire	230
15	Correspondence	233
15.1	Event Application - St Annes Garden Viewing.....	233
15.2	Temora Trotting Club - 2020/2021 Sponsorship.....	235
15.3	Cars & Coffee Event.....	238
16	Notice of Motion	245
	Nil	
17	Business Without Notice.....	245
18	Councillors Information Paper	247
18.1	Temora Memorial Town Hall - Income & Expenditure August 2020	248
18.2	Works Report - August 2020	249
18.3	Building Approvals - August 2020	251
18.4	Regulatory Control - August 2020	253
18.5	Cash & Investments for period ended 31 August 2020	255
18.6	Rates Collection - August 2020.....	257
18.7	Town Hall Theatre - Operating Results August 2020	259
18.8	Imagine Temora Committee - Minutes 18 August 2020.....	261
18.9	Australia Day Committee - AGM minutes 13 August 2020.....	264
18.10	Australia Day Committee - Minutes 13 August 2020.....	267
18.11	Temora Rural Museum Management AGM minutes held 27 August 2020.....	269
18.12	Temora Historical Society AGM minutes held 27 August 2020	271
18.13	Bundawarra Centre AGM minutes held 27 August 2020.....	275
18.14	Bundawarra Centre - Annual Report 2019-2020	277
18.15	Michael McCormack - MP - Online Mental Health support for Small Business	280
19	Confidential Reports.....	283
20	Meeting Close	286

MINUTES OF TEMORA SHIRE COUNCIL

ORDINARY COUNCIL MEETING

**HELD AT SUPPER ROOM, TEMORA MEMORIAL TOWN HALL, LOFTUS STREET, TEMORA NSW 2666
ON THURSDAY, 17 SEPTEMBER 2020 AT 4:00PM**

PRESENT: Cr Rick Firman (Mayor), Cr Kenneth Smith, Cr Graham Sinclair (Deputy Mayor),
Cr Lindy Reinhold, Cr Dale Wiencke, Cr Max Oliver, Cr Nigel Judd, Cr Claire McLaren, Cr Dennis Sleigh

IN ATTENDANCE: Gary Lavelle (General Manager), Rob Fisher (Engineering Technical Manager),
Bimal Shah (Engineering Works Manager), Kris Dunstan (Director of Environmental Services), Elizabeth Smith (Director of Administration & Finance), Anne Rands (Executive Assistant)

Media Officer – Liz Grant

Temora Independent – Alan Wilson

1 OPEN AND WELCOME

There were no Public Forum requests.

2 APOLOGIES

Nil

3 OPENING PRAYER

The opening prayer was conducted by Anglican Minister Rev Nathan Manwaring.

4 CONFIRMATION OF MINUTES

RESOLUTION 166/2020

Moved: Cr Kenneth Smith

Seconded: Cr Graham Sinclair

That the minutes of the Ordinary Council Meeting held on 20 August 2020 be confirmed.

CARRIED

Cr Firman vacated the chair at 4:01PM and the General Manager, Mr Gary Lavelle assumes the chair to conduct the election of Mayor and Deputy Mayor.

5 ELECTION AND DELEGATES**5.1 ELECTION OF MAYOR & DEPUTY MAYOR – 2020****File Number:** REP20/962**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** Nil**REPORT**

Election of Mayor – Local Government (General) Regulations 2005, Clause 294, Schedule 7.

Under the Local Government Amendment (Governance and Planning) Bill 2016 the Local Government Act 1993, the Mayor is elected for a one-year period.

The regulations provide for the following:-

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

Definition: Ballot has its normal meaning of secret ballot and open voting means voting by show of hands or similar means. Copies of the nomination forms for the use in respect of the election of Mayor have been distributed with this agenda.

Election of Deputy Mayor – (Section 231)

The position of Deputy Mayor is an optional position. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise excising the function or whereas a casual vacancy in the office of Mayor. Council has traditionally elected such a person and the election procedures are the same as for Mayor, as per the nomination forms for Mayor forms have been distributed with this agenda in respect to the election of the Deputy Mayor.

RECOMMENDATION

It was resolved that the position of Mayor and Deputy Mayor be filled.

Report by Gary Lavelle

Cr Rick Firman was the only nomination for the position of Mayor

As there is only one nominee for the role of Mayor, I declare that Cr Rick Firman is elected as Mayor for ensuing one year.

Cr Graham Sinclair was the only nomination for the position of Deputy Mayor

As there is only one nominee for the role of Deputy Mayor, I declare that Cr Graham Sinclair is elected as Deputy Mayor for ensuing one year.

General Manager, Mr Gary Lavelle vacated the chair.

Mayor Rick Firman assumed the chair at 4:05pm.

PROCEDURAL TO STAND ASIDE STANDING ORDERS**RESOLUTION 167/2020**

Moved: Cr Dennis Sleigh

Seconded: Cr Graham Sinclair

That Council stands aside standing orders to listen to the following:

A presentation from Ms Joanne Woods – New Business promoting Temora Architecture sites on tea towels.

CARRIED

PROCEDURAL TO RESUME STANDING ORDERS**RESOLUTION 168/2020**

Moved: Cr Lindy Reinhold

Seconded: Cr Max Oliver

That Council resumes standing orders.

CARRIED

5.2 COMMITTEES & DELEGATES 2020/2021**File Number:** REP20/963**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Office of Local Government  **REPORT**

It has been the practice of Council to elect representatives on Council Committees and Delegates to various organisations at the September meeting of Council.

As per the attached correspondence, the Delegate to Goldenfields Water County Council will continue to hold their office for another 12 months.

	COMMITTEE	APPOINTED DELEGATE
1	Environmental Liaison Committee	Cr Sinclair, Cr Oliver, Cr Smith
2	Local Emergency Management Officer	Alex Dahlenburg
3	Riverina Eastern Regional Organisation of Councils (REROC)	Cr Firman (Alternate Cr Sinclair) G Lavelle
4	Riverina Regional Library Service	Cr Sleigh (Alternate Cr Oliver) S Firth
5	Bland-Temora Bushfire Zoning Liaison Committee	Cr Sinclair (Alternate Cr Wiencke) G Lavelle & S Firth
6	Goldenfields Water County Council**	Cr Sinclair ** (4-year term)
7	Temora Traffic Committee	Cr Smith
8	Riverina Regional Weeds Committee	Cr Sinclair & Kris Dunstan
9	Lachlan Regional Transport Committee	Cr Wiencke

1. COUNCIL COMMITTEES

The Committees that require representation are as follows.

ASSETS & OPERATIONS COMMITTEE (meet 2:00pm on committee days – unlimited membership)

Council Delegate: Cr Firman, Cr Smith, Cr Judd, Cr Sinclair, Cr Oliver, Cr McLaren, Cr Wiencke, General Manager

Objective: To consider issues at a Committee level that broadly falls under the portfolio of engineering services. This would include and not be limited to roads, drainage, footpaths, plant, and civil works.

PERFORMANCE REVIEW COMMITTEE

Council Delegate: *Cr Rick Firman (Mayor), Cr Graham Sinclair (Deputy Mayor), Cr Smith, Cr Judd*

Objective: To approve and formalize the General Manager's employment contract and conditions of employment to undertake a performance appraisal in accordance with the General Managers performance agreement. To consult with the General Manager on an appropriate succession plan for senior staff and to consult with the General Manager on all staff issues and industrial relation at a strategic level.

ECONOMIC DEVELOPMENT & VISITATIONS COMMITTEE

Council Delegate: *Cr Firman, Cr Sinclair, Cr Judd, Cr Sleigh, Cr McLaren, Cr Smith, General Manager*

Objective: To develop Council Economic Development Strategies and review progress against the plan.

ROADS HIERARCHY COMMITTEE

Council Delegate: *Committee of the whole, General Manager.*

Objective: To develop and maintain a methodology for the determination of road upgrade priorities.

INTERNAL AUDIT COMMITTEE

Council Delegate: *Cr Smith, Cr Oliver, Cr McLaren, Cr Firman, Cr Sleigh, Cr Judd, General Manager*

(Other members: Craig Fletcher, Peter Veneris, Tracey Hounsell, Shayne Perrot)

Objective: To develop an internal audit programme based on a risk assessment of all the functions of Council and to facilitate and promote improved operating procedures.

LOCAL GOVERNMENT WEEK

Council Delegate: *Cr Sinclair, Cr Firman, General Manager*

Objective: To develop a program promoting Local Government Week.

RISK MANAGEMENT COMMITTEE

Council Delegate: *Cr Wiencke, Cr Sinclair (alternate), General Manager*

Objective: To provide a safe working environment for staff, contractors, volunteers, and the public that minimises the occurrence of accidents and promotes a culture of risk management best practice

YOUTH ADVISORY COMMITTEE

Council Delegate: *Cr Smith, Cr Sleigh, Cr Firman, Cr McLaren, Elizabeth Smith, General Manager*

Objective: Advise Council in relation to youth issues and promote youth events.

SIGNAGE COMMITTEE

Council Delegate: *Crs Smith, Judd, Sleigh, McLaren, Reinhold, General Manager*

2. STATUTORY COMMITTEE**CONSULTATIVE COMMITTEE**

Council Delegate: *Mel Hodgkins, Graham Mackey, Kris Dunstan, Elizabeth Smith, Cathy New, Gary Lavelle, Sheree Axtell, Rob Fisher*

Objective: Council is required to constitute a Consultative Committee. The committee is charged with the responsibility to determine issues of an industrial nature. It should be noted that the responsibility extends to positions not individual employees.

CODE OF CONDUCT COMMITTEE

It is recommended that Council adopt the REROC Panel of Conduct Reviewers established by REROC.

Objective: The Council is required under the Code of Conduct to appoint a Code of Conduct committee. The committee must comprise of three or more persons independent of Council. Independent of Council means a person who is not an employee of the Council, has no current or ongoing contractual relationship with Council in the nature of services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.

3. SUNSET COMMITTEES**Aerodrome Multi-Purpose Building**

Crs Judd, Sleigh

Scholarship/Career Committee

Crs Sleigh, Firman, Sinclair

Floodplain Risk Management Committee

Crs Wiencke, Oliver

Resettlement Committee

Cr Judd and Cr Reinhold, Derek Yu, Sally Hurst, Bev Pellow, Sharon Reardon, Craig Sinclair, Amanda Gay, Wendy Skidmore, Amanda Blachut

*** Committee members have been updated.**

4. SECTION 355 COMMITTEE

- ***ACCESS & EQUITY COMMITTEE**

Michael Floyd (People with Disability), Jo Kalms (Parents & Carers of Disability people), Robert Jordan (Community Rep), Deb Patterson (Community Rep)

Sheree Axtell – Pinnacle, Amanda Gay – Community & Cultural Services, Kris Dunstan – Environmental Services, Belinda Bushell – Environmental Services, Elizabeth Smith – Administration & Finance

Council Delegates: Cr Wiencke and Cr McLaren

Objective:

- **AERODROME USERS**

Temora Aero Club - Robert Maslin (alternate Graham Engel), Temora Gliding Club – Grant Johnson (alternate Geoff King), Temora Aviation Museum – Murray Kear & Peter Harper, Temora Airpark Estate Residents - Frank Lovell (alternate vacant),

James Durham

Council Delegates: Cr Judd, Cr Firman, Cr Wiencke, Cr Sleigh

Objective: To promote the future development of Temora Aerodrome and provide a forum for consultation with aerodrome users.

- ***ARIAH PARK ADVISORY COMMITTEE**

Allen Penfold, Ian Sherwood, Terry Walker, Dominica Walker, Tracey Chalmers, Anna Tidd, Toni Leiper, Rowan Bromfield - Secretary, Jillian Edis, Deborah Rees, Terence Ryall, Kathryn Roberts, Tim Sanders - Chair, Robyn Wall,

Council Delegates: Cr Judd

Objective: To promote and maintain the facilities of Arian Park for the benefit of the community.

- **ARIAH PARK POOL COMMITTEE**

Peter Harper, Toni McCormack, Chloe Tidd, Phil Davey, Allen Edis, Nathan Chalmers, Craig Leiper

Council Delegates: Cr Judd

Objective: To promote optimum usage of the Arian Park Pool; to ensure co-operation between users of the facility; to ensure equitable allocation for the usage of the facility

- ***AUSTRALIA DAY COMMITTEE**

Pam Buerckner, Diane Monkerud, Gareth Otley, Beth Firman, Taz Rundle, Roz St Clair

Council Delegates: Cr Firman, Cr Sinclair, Cr Oliver

Objective: To organise an appropriate event to celebrate Australia's National Day in Temora; to participate in the ambassador program and ensure that the ambassador is appropriately utilized

- ***BUNDAWARRAH CENTRE MANAGEMENT COMMITTEE**

Rural Museum Reps –Robert Maslin (Chair), John Harris, Neil Martin

Men's Shed Reps – Howard Ruth

Radio Station – Ken Davis

Staff – Bill Speirs & Ann Pike

Council Delegate: Cr Smith, Cr Oliver

Objective: The community museum management's responsibility to maintain the rural museum on behalf of the community & the historical society; to promote heritage tourism within the shire; to facilitate restoration of local significant heritage artifacts

- **FILM CLUB**

Sue James, Nula Kamath, Robert James, Deb Pattison, Nancy White

Council Delegates: Cr Reinhold

Objective: To promote the use of the Town Hall Cinema for non-mainstream movies.

- ***FRIENDS OF TEMORA SHIRE CEMETERIES**

Ian Preston, Meryl Graham, Darryl Sutherland, Betty Brabin, Barb Harmer, Pam Buerckner, Harold Fritsch, Rick Taylor, Pat Taylor, Bruce Firman, Mavis Cassidy

Council Delegates: Cr Oliver

Objective: To advise Council on issues relating to the maintenance and development of Council owned cemeteries; to assist in the maintenance of Council owned cemeteries in Temora Shire Council areas.

- ***HERITAGE COMMITTEE**

Jason Goode, Michael Collins, Meryl Graham, Wilma McCubbin, Ken McCubbin, Ros Hartwig, David Scobie, Rod Ballantyne, Graham Lynch

Staff – Belinda Bushell, Kris Dunstan, Claire Golder, Bill Speirs

Council Delegate: Cr Judd, Cr Oliver, Cr Wiencke

Objective: To protect and conserve areas and items of historic and landscape heritage value.

- **IMAGINE TEMORA**

Andrew Robbins, Susan Jeri, Libby Hanlon, Hannah Turner, Bob Brabin, Scott Howie

Council Delegate: Cr Reinhold

Objective: To promote cultural diversity and to satisfy artists needs of community; to foster performing artists; to bring performances to the shire.

- ***LAKE CENTENARY MANAGEMENT COMMITTEE**

Brett Cornford – President, Adam Blachut – Vice Chairperson, Amanda Blachut - Treasurer, Amber Crawford – Secretary, Simon Forsyth, Marty Moses, Paul Mahon

Council Delegates: *Cr Sinclair, Cr Oliver (Alternate)*

Objective: To encourage and foster the sport of sailing and the use of all classes of power boats and generally boating of all types and such aquatic sports as determined by the General Committee; to encourage sailing and boat races by the promotion of regattas and the giving of prizes and by any other means which may from time to time be determined by the General Committee, and to charge admission prices to any such races or regattas and to donate such proportion of the proceeds as may be determined by such Committee; to encourage all types of Aquatic Sports by Junior Members for the purposes of training efficient Senior members; To administer the rules and regulations as set down by the General committee in relation to the use of Lake Centenary and to generally promote water safety; Generally to promote fellowship among its members.

- ***MARY GILMORE CULTURAL FESTIVAL COMMITTEE**

Chris Mutton - President, Allen Penfold – Vice President, Margaret Speirs – Treasurer, Robyn Wall – Secretary, Patty Vearing, Francis Dwyer, Julie Colwill, Bruce Ryan, Lorraine Coupe, Ian Popple, Kevin Popple, Janice Lewis

Council Delegate: *Cr Judd*

Objective: To promote the aim of bringing the community together in social activities; to bring tourism to the shire

- **PINNACLE COMMUNITY SERVICES ADVISORY COMMITTEE**

Fred Meale, Pat Thomas, Cathy Tucker, Maureen Taylor, Ian Kotthoff, Michael Floyd, Michelle Kelly, Jill Johnstone, Caleb Smith, Jean Schulz, Hospital Rep

Council Delegate: *Cr Reinhold, Cr Sleigh, Cr McLaren*

Objective: To provide policy guidance for the delivery of HACC programs to frail aged and disabled in Temora Shire; to provide a mechanism for feedback from stakeholders on HACC services

- The group provides information, awareness and communication about Council and Government Services, including how to access services, who can access services through electronic means and written flyers
- The Group is working on a folder to contain series of flyers about services for residents across a range of the themes, including medical, transport, home support services, volunteering opportunities, home modifications, cultural and recreation opportunities. Flyers will also be available on Councils website

- Support for additional aged care services in Temora (in partnership with Whiddon Group)

- ***SISTER CITY COMMITTEE**
Peter Speirs, Helen Speirs, Irene Broad, Bob Brabin, Tania Botha, Eileen England, Gillian Tadeje, Anne Giacomini, Fab Giacomini
Amanda Gay – CCSO, Mathew Walker IT
Council Delegate: Cr Smith & Cr Firman (alternate)
Objective: To forge closer Council and community relationships with existing sister cities and Council.

- ***SPRINGDALE PROGRESS ASSOCIATION COMMITTEE**
Les Buckley (President), Pat Thorne (Vice President), Lyn Andersen (Secretary), Vinnie Reid (Treasurer), John Woodley, Annie Thorne, Jess Miller
Council Delegate: Cr Oliver, Cr Smith
Objective: To promote optimum usage of the Springdale hall including responsibility for booking of the hall; to ensure that the hall is maintained in good condition; to ensure the safety of the patrons of the hall

- ***TEMORA AGRICULTURAL INNOVATION CENTRE**
Jason Coleman, Robyn Buerckner, Cindy Cassidy
Council Delegate: Cr Sinclair, Cr Wiencke, Cr McLaren
Objective: To ensure the ongoing viability of Temora Agricultural Research & Advisory Station as a facility to assist the agricultural community.

- ***TEMORA BUSINESS ENTERPRISE GROUP – TBEG**
Mel Gallagher (Chairperson), Hayley Krause (Deputy Chair), Robert Heinrich (Executive Officer), Bev Pellow (Treasurer), Jess McShane, Bonita Pellow, Anthea Read
Craig Sinclair (Council Advisor)
Council Delegate: Cr Reinhold
Objective: To promote the business communities' interests in Temora.

- ***TEMORA & DISTRICT SPORTS COUNCIL**
Judy Gilchrist, Denise Breust, Tony Stringer, John Morton, Nominee from each Member Sporting Body
Council Delegate: Cr Firman, Cr Oliver
Objective: To foster, where possible, active participation of the people of the Temora and District in all forms of sport; to advise Council on matters relating to the utilisation of Council sporting facilities; to promote an annual sportsperson and junior sportsperson of the year award presented at the annual Sports Council dinner; to advise Council on capital development priorities of sporting grounds; to develop scholarship programs and provide

awards or financial rewards to any person or sporting organisation; to recommend to Council the priority rating for NSW Department of Sport, Recreation and Racing sporting facilities grants; to do any other things as authorised by Council, within the power vested by the Committee from time to time in accordance with the provisions of Section 377 of the Local Government Act

- ***TEMORA'S OWN ARTS & CRAFTS**

Viv Leary – Chairperson, June Coleman – Vice Chairperson, Vicki Sproule - Secretary, Debbie Marshall, Narelle Williams, Jean Luck, Alison Bushell

Council Delegate: Cr Smith

Objective: To promote cultural diversity by selling goods for local residents; to provide a social outing for local residents; providing a shop front in the main street

- ***TEMORA WOMEN'S NETWORK**

Catherine Thompson, Susan Jeri, Lyn Cartwright, Norma Howard, Di Scott, Jean Gunn, Sally Deep

Council Delegate: Cr Reinhold

Objective: To provide networking and support for women in the community; provide information on women's issues for the Temora Shire Council Social plan

- ***TEMORA YOUTH TEAM**

Hayden Baldry & Jake Astill – Gaming Group
Aya Baraket & Maisie Firewood – Hospitality group
Elisabeth West – Culture and Performing Arts Group
Carus Grey – Media & Promotions Team

- ***TOWN HALL THEATRE**

Sue James, Susan Jeri, Leanne Waterson, Jan Gilchrist, Guy Piltz, Jim Cahill, Beth Firman, Di Monkerud

Council Delegate: Cr Reinhold

Objective: To provide a venue to host small movies, seminars, concerts, lectures; to provide a social outing to all residents of the Temora Shire

RESOLUTION 169/2020

Moved: Cr Kenneth Smith

Seconded: Cr Graham Sinclair

It was resolved that Council confirms that the delegates to the Committees remain the same with the inclusion of Cr Dennis Sleight to the Assets & Operations Committee.

CARRIED

Report by Gary Lavelle

**Office of
Local Government**

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A698397
Your Reference:
Contact: Doug Friend
Phone: 02 4428 4201

14 April 2020

Andrew Crakanthorp
General Manager
Riverina Water
acrakanthorp@rwcc.nsw.gov.au

Dear Mr Crakanthorp

Thank you for your letter of 6 April 2020 about the implications of the postponement of the 2020 local government elections on the boards of county councils.

Due to the postponement of the ordinary elections for the constituent councils, the current members of the board of Riverina Water County Council continue to hold their offices in the County Council until their terms as councillors of the constituent council ends on the date of the postponed ordinary elections or the occurrence of a casual vacancy.

Please note that as the chairperson of the County Council holds office for one year, an election of the chairperson will have to be held at the County Council's October 2020 meeting.

I trust this information is helpful.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Davies', followed by a horizontal line.

John Davies
Manager Council Governance

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6 MAYORAL MINUTES**1.1 MAYORAL MINUTE - SEPTEMBER 2020**

File Number: REP20/1061
Author: Executive Assistant
Authoriser: General Manager
Attachments: Nil

FIRST HEADING

1. Council will reflect warmly on the recent 'Freedom of the Shire' Award presented to the first President of Temora Shire, Mr Peter James. A third generation Mayor of Temora – Mr James, his wife Mrs Lynette James and their children, Mr Clayton James and Mrs Edwina Chapman – have contacted me and specifically asked to send their sincere thanks to Temora Shire Councillors & Staff, for the honour conferred on Mr James. Regardless of the COVID-19 restrictions, this was a special occasion, particularly having our former Mayors & Presidents with us. Once again, I thank all involved with this rare and significant event.
2. In the theme of recognising those leaders who have gone before us, I advise Council there has been a practice, in years gone by, where former Mayors and Shire Presidents had street names or roads named in their honour. Councils before us have done this well, however, after some detective work by our Engineering Senior Technical Officer, Mr Alex Dahlenburg, we have found there are some missing. This, I would like to rectify. The following outlines those past Mayors and Shire Presidents **WHO HAVE NOT** been included in the street/road name list;

TEMORA MUNICIPAL COUNCIL

- The late Fred Mitchell (1922-24)
- The late C B Trefle (1909-10) *** Please note Mr Trefle has had a Shed at the TAIC named in his memory, which is most appropriate.***

NARRABURRA SHIRE COUNCIL

- The late W DeLittle (1906-08, 1924)
- The late JGL Briese (1907)
- The late W J Cartwright (1910-11, 1916-17, 1918-20)
- The late A E Anderson (1924-27)
- The late W G Keighley (1963-68)
- The late I J Murphy OAM (1956-63, 1976-78)
- The late A D Wallace (1978-80)

TEMORA SHIRE COUNCIL

- The late I J Murphy OAM (1990-91)

It must be noted that the names can only be put forward AFTER the honouree has passed away.

Mr I D McRae (1973-78) Temora Municipal Council and Cr N A Judd OAM (2000-06) Temora Shire Council, are former Shire President/Mayor, however, are unable to be included in the lists above.

To honour the above former Mayors and Shire Presidents, & for the sake of consistency, I firmly believe it appropriate to have the above-named Leaders referred to our Street/Road name list.

RECOMMENDATION: That the above listed former Mayors and Shire Presidents who make up Temora Shire, be added to Council's Street & Road naming list.

AND FURTHER;

That those individuals and Families be advised of the honour Council has thus conferred.

3. Council will have heard by now the Independent Pricing & Regulatory Tribunal (IPART) announcing the 2021/22 Rate Peg limit as 2%. After discussions with our Director of Administration & Finance, Mrs Elizabeth Smith, we both agree that, realistically, it is still low, however, given the COVID-19 situation this country is facing, it is a figure better than expected. All of us, like our community, will just have to 'tighten our belts' a little more, whilst still providing the tremendous services and facilities we do.
4. Council will be pleased to learn of the Commonwealth's Bureau of Meteorology finally releasing their Terminal Area Forecast (TAF) Review Consultation Draft report. Over the past few years, the Deputy Mayor, General Manager and I have made strong and consistent representations, on behalf of Council, have been made to both our Federal Member for Riverina (the Hon Michael McCormack MP) and the Federal Minister responsible for Aviation, the Hon Susan Ley MP. It is pleasing to see that the TAF has been included in the draft report, as one of two new TAF's to be installed. We must remember; however, this is only a draft report. Council is currently drafting a very solid submission to the Review. I encourage every individual who has an interest in aviation – and seeing our Shire strengthen even further, to please put in a submission to the Review. Submissions must be RECEIVED BY 6th October, 2020 and may be made via email; TAFReview@bom.gov.au.
5. I advise Council that, as a Commissioner of the NSW Local Government Boundaries Commission, the Covid-safe Public hearing dates have been determined for the De-Merger proposals of Cootamundra-Gundagai Regional Council and Snowy Valleys Council. These will be held in the first two weeks of November. We must all think of our neighbouring Councils and the conflicting views which exist. This should also remind all Councils who survived the 2015/16 merger process of how blessed we really are.
6. Council and the community will delight in the news of the Southern Lights Project finally coming to fruition. Temora Shire recently announced we will be upgrading our 643 streetlights to the brighter and more economically viable LED lighting. LED are far more efficient, require less maintenance and have a much longer life. I commend Council for allocating the funds in the budget to be part of this important project. The Southern Lights Project is a group of 47 Councils covering from Bega to Broken Hill. Its Project Manager is Riverina Eastern Regional Organisation of Councils (REROC) Chief Executive, Mrs Julie Briggs. I warmly commend the REROC Board but particularly Mrs Briggs, on her outstanding efforts to bring this mammoth cost saving programme to fruition.

RESOLUTION 170/2020

Moved: Cr Dale Wiencke

Seconded: Cr Claire McLaren

It was resolved that Council adopts the recommendation as presented and notes the remainder of the report.

CARRIED

Report by Mayor Rick Firman

7 REPORTS FROM COMMITTEES**7.1 MINUTES OF THE ASSETS & OPERATIONS COMMITTEE MEETING HELD ON 8 SEPTEMBER 2020**

File Number: REP20/1019

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. Minutes of the Assets & Operations Committee Meeting held on 8 September 2020

RESOLUTION 171/2020

Moved: Cr Graham Sinclair

Seconded: Cr Dale Wiencke

It was resolved that the reports be received.

CARRIED

RESOLUTION 172/2020

Moved: Cr Kenneth Smith

Seconded: Cr Dale Wiencke

It was resolved that the reports and recommendations as presented be adopted.

CARRIED



Date: Tuesday, 8 September 2020
Time: 2:00PM
Location: 105 Loftus Street
TEMORA NSW 2666

MINUTES

Assets & Operations Committee Meeting

8 September 2020

Order of Business

1	Open Meeting	3
2	Apologies	3
3	Reports	4
3.1	Matthews Street Upgrade	4
3.2	Streets as Shared Spaces unsuccessful grant application	13
3.3	Draft Developer Contributions Plan 2020	14
3.4	Infrastructure grants (NSW Clubs grants)	25
3.5	Hulls Road	27
3.6	Little Baker Street Upgrade	32
4	Confidential Reports.....	38
5	Close Meeting	39

**MINUTES OF TEMORA SHIRE COUNCIL
ASSETS & OPERATIONS COMMITTEE MEETING
HELD AT 105 LOFTUS STREET, TEMORA NSW 2666
ON TUESDAY, 8 SEPTEMBER 2020 AT 2:00PM**

PRESENT: Cr Rick Firman (Mayor), Cr Nigel Judd, Cr Max Oliver, Cr Graham Sinclair (Deputy Mayor) (Chair), Cr Kenneth Smith, Cr Dale Wiencke

IN ATTENDANCE: Gary Lavelle (General Manager), Rob Fisher (Engineering Technical Manager), Kris Dunstan (Director of Environmental Services), Elizabeth Smith (Director of Administration & Finance), Claire Golder (Town Planner)

Councillors and Staff held a tour of Grant Funded Projects in Temora before the meeting.

1 OPEN MEETING

2:00PM

2 APOLOGIES

COMMITTEE RESOLUTION 60/2020

Moved: Cr Graham Sinclair

Seconded: Cr Kenneth Smith

That apologies from Cr Claire McLaren and Bimal Shah (Engineering Works Manager), be received and accepted.

CARRIED

Mr Grant Johnston and Mr Paul Tyrell from the Temora Gliding Club presented a power point presentation to Councillors.

3 REPORTS

3.1 MATTHEWS STREET UPGRADE

File Number: REP20/880
Author: Engineering Technical Officer
Authoriser: Engineering Technical Manager
Attachments: 1. Correspondence
2. Landholder Response
3. JHG Correspondence

REPORT

Following a report to Council in May, the below resolution was carried in relation to the upgrade of Matthews Street.

RESOLUTION 126/2020

It was resolved that Council investigate the option of upgrading the western 580m Matthews Street starting from the Junee Road in the 2021/2022 financial year, with the remaining length of Matthews Street to be closed to the Old Cootamundra Road.

AND FURTHER

That 50km/h speed signage be erected mid-block until such time upgrade works are complete.

Adjoining landholders were notified in writing of the proposed works/closure, with submissions sought (correspondence attached). At the conclusion of the submission period a total of two responses were received. The first, being from a landholder in favour of the sealing with no preference in relation to the closure. The second piece of correspondence was from John Holland Group (JHG) requesting further information which has since been provided.

Following further investigations, the Engineering Department proposes that the most suitable option is to carry out the sealing of the western end of Matthews Street terminating at the final property boundary, however to delay the closure of the eastern end. It is proposed that this be considered again when the intersection treatment is determined at the 5-leg intersection on Old Cootamundra Road.

A detailed cost estimate is provided.

Detailed Cost Estimate

BILL OF QUANTITIES - WORKS ESTIMATE

Quotation No
 Temora Shire Council
 Matthews Street Cost Estimate

31/08/2020
 Prepared by: Rob Fisher

ITEM 1	DESCRIPTION	UNIT	QTY	RATE	COST	COMMENT
ESTABLISHMENT INC TRAFFIC CONTROL						
	Establishment	Item	1	\$2,500.00	\$2,500.00	Setup and establish plant and equipment
	Traffic Control (Road Closure)	Item	1	\$7,500.00	\$7,500.00	
	Environmental Controls	Item	1	\$4,000.00	\$4,000.00	ESC establishment and maintenance
	Survey Set out/level Control	hour	40	\$60.00	\$2,400.00	20hr x 2 persons
	Project Management	hour	40	\$100.00	\$4,000.00	
				sub	\$20,400.00	

ITEM 2	DESCRIPTION	UNIT	QTY	RATE	COST	COMMENT
DRAINAGE						
	Table Drain/Mitre Drain Maintenance	m	1160	\$5.00	\$5,800.00	
	1 x 1 Cell 375mm Pipe Culverts	Each	5	\$2,200.00	\$11,000.00	
				sub	\$16,800.00	

ITEM 3	DESCRIPTION	UNIT	QTY	RATE	COST	COMMENT
ROAD WORK						
	Subbase (existing material)	m ²	6380	\$10.00	\$63,800.00	
	Base	m ²	5220	\$15.00	\$78,300.00	Delivered
	10/7mm 2 Coat Seal	m ²	4060	\$5.00	\$20,300.00	
	Guideposting and Signage	Each	1	\$2,000.00	\$2,000.00	
				sub	\$164,400.00	

5% CONTINGENCY \$10,080.00

TOTAL **\$211,680.00**

Budget Implications

\$211,680

Cr Kenneth Smith declared a non-pecuniary interest in relation to item REP20/880, due to his son owning a block of land on Matthews Street.

COMMITTEE RESOLUTION 61/2020

Moved: Cr Dale Wiencke

Seconded: Cr Max Oliver

It was resolved that the Committee recommend to Council that Matthews Street upgrade be considered in budget estimates for 2021/2022 and that the closure be deferred until the

intersection treatment is carried out.

CARRIED

Report by Amanda Colwill

75921

RNF:ALC:F/03/03

25 May 2020

«Owners»

«Owner_Add_Line_1»

«Owner_Add_Line_2»

«Owner_Add_Line_3»

Dear «First_Name»,

RE: MATHEWS STREET PROPOSED UPGRADE/PARTIAL CLOSURE

Please be advised that a matter was discussed at the May meeting of Council in relation to a request for the upgrade of Mathews Street, including bitumen sealing.

Council resolved the following:

To investigate the option of upgrading (bitumen sealing) the western 580m of Mathews Street starting from Junee Road in the 2021/2022 financial year, with the remaining length of Mathews Street to be closed to the Old Cootamundra Road.

The section of road proposed for closure is marked in Attachment 1. This section of Mathews Street requires significant intersection and drainage work requiring land acquisition to remain as part of the upgrade. The large cost associated with this work outweighs the benefit of retaining the Old Cootamundra Road connection and without closure the project may be at risk of not proceeding.

The proposed upgrade will provide sealed rear access to all adjoining properties.

Should you have any concerns in relation to the proposal please provide written correspondence via email (temshire@temora.nsw.gov.au) or via post (PO Box 262 TEMORA NSW 2666) by Friday 26th June 2020.

Yours Sincerely,



R Fisher
ENGINEERING TECHNICAL MANAGER

For the GENERAL MANAGER

Attachment 1: Site Map



Property_Address	Owners	First Name	Owner Add Line 1	Owner Add Line 2	Owner Add Line 3
42 Cootamundra Road TEMORA	L J Evans	Leslie	42 Cootamundra Road	TEMORA NSW 2666	
48 Cootamundra Road TEMORA	A F & J M Hargrave	Allan & Julie	48 Cootamundra Road	TEMORA NSW 2666	
46 Cootamundra Road TEMORA	T A & D J Clarke	Debbie & Trevor	46 Cootamundra Road	TEMORA NSW 2666	
44 Cootamundra Road TEMORA	GL & P G Lee	Gordon & Patricia	44 Cootamundra Road	TEMORA NSW 2666	
40 Cootamundra Road TEMORA	D C Trindall	Dion	40 Cootamundra Road	TEMORA NSW 2666	
30A Cootamundra Road TEMORA	G B Flint	Graham	30A Cootamundra Road	TEMORA NSW 2666	
215 Deboos Street TEMORA	D Brabin & J S Smith	Daniella & Jason	215 Deboos Street	TEMORA NSW 2666	
30 Cootamundra Road TEMORA	I J Doolan	Ian	30 Cootamundra Road	TEMORA NSW 2666	
34 Cootamundra Road TEMORA	CR Parker	Christine	34 Cootamundra Road	TEMORA NSW 2666	
38 Cootamundra Road TEMORA	M L Starke	Mereditth	Unit 2	TEMORA NSW 2666	
50 Cootamundra Road TEMORA	F E Egan	Fiona	50 Cootamundra Road	25 Young Street BREWARRINA NSW 2839	
224 Deboos Street TEMORA	R W & J A Kerry	Rodney & Jacky	161 Crowley Street	TEMORA NSW 2666	
7--9 June Road TEMORA	A Bechara	Ahmad	7-9 June Road	TEMORA NSW 2666	
16 Matthews Street TEMORA	I C & C M New	Ian & Cath	10 Sherwood Road	TEMORA NSW 2666	
36 Cootamundra Road TEMORA	P M Gaynor	Patricia	36 Old Cootamundra Road	TEMORA NSW 2666	
32 Cootamundra Road TEMORA	R J Widdows & D L Corby	Robyn & Dyon	32 Cootamundra Road	TEMORA NSW 2666	
52 Cootamundra Road TEMORA	L G & J R Briggs	Joan & Leslie	52 Cootamundra Road	TEMORA NSW 2666	
	John Holland Group	Sir/Madam	crn.enquiry@jhg.com.au		

From: Temora Shire Council
Sent: Monday, 22 June 2020 12:34 PM
To:
Subject: FW: MATTHEWS STREET PROPOSED UPGRADE/PARTIAL CLOSURE

From:
Sent: Monday, 22 June 2020 10:30 AM
To: Temora Shire Council
Subject: MATTHEWS STREET PROPOSED UPGRADE/PARTIAL CLOSURE

Hi Rob,

In reply to your letter dated 25th May 2020, I feel I cannot make a decision on the closure of the lane as we will only be here for a couple of years and will be leaving again. I strongly believe the lane does need to be sealed due to the dust as I feel it is a health risk and there seems to be more and more traffic including semi trailers using it. I will be happy with decision of the people that live on the Old Cootamundra Road regarding the closure of lane as long as the road is sealed.

The speed signs have slowed some traffic down but not all. I might go and speak to the police as this is a major concern for me.

Thanks

From: Temora Shire Council
Sent: Tuesday, 23 June 2020 8:37 AM
To: Rob Fisher; Alex Dahlenburg; Amanda Colwill
Subject: FW: Mathews Street Temora Proposed Upgrade/Partial Closure

From: Joanne Cheoung [<mailto:Joanne.Cheoung@jhq.com.au>]
Sent: Monday, 22 June 2020 4:55 PM
To: Temora Shire Council
Cc: CRN Enquiry
Subject: Mathews Street Temora Proposed Upgrade/Partial Closure

Attention: R Fisher

RE: Mathews Street Proposed upgrade/Partial Closure

I acknowledge receipt of your letter dated 25 May 2020 notifying Council's proposal to upgrade the western 580 m of Mathews Street from Junee Road in the 2021/2022 financial year and to close the remaining length of Mathews Street to the Old Cootamundra Road (**Proposal**) and seeking our comments on the Proposal.

As of 15 January 2012, John Holland Rail (**JHR**) has been appointed to manage the Country Regional Network (**CRN**) and the lands containing the CRN by Rail Corporation New South Wales (**RailCorp**). As such, JHR is responsible for reviewing this DA to ensure potential impacts to rail operations (current and future) are considered and addressed.

As you can see our GIS Snapshot below, Mathews Street is immediately adjacent to the operational rail corridor from Stockinbingal to Temora (marked in **green**).

Please provide us with additional information regarding the following:

1. Have you obtained an Environmental Impact Statement? If so, please provide us with a copy.
2. The details of the upgrading work. I note that you have stated that the upgrade work includes bitumen sealing on the part of Mathews Street delineated in **blue**. Please provide us with works proposed to be done other than bitumen sealing;
3. Confirmation whether the proposed closure on the part of Mathews Street delineated in **red** will be temporary, if so, the duration of the closure;
4. Confirmation whether the upgrade work will include the area in red at a stage; and
5. Site Plans

Once I receive your response in respect of the above, I will proceed with JHR's review process.

Should you have any questions regarding the above, please contact me at your earliest convenience.

Kind regards,



Joanne Cheoung
Commercial Property Analyst
Country Regional Network

**JOHN
HOLLAND**

Level 1, 20 Smith St
Parramatta NSW 2150
P. +61 2 9685 5092
M.0499 800 752
W. johnholland.com.au



3.2 STREETS AS SHARED SPACES UNSUCCESSFUL GRANT APPLICATION

File Number: REP20/944
Author: Town Planner
Authoriser: Director of Environmental Services
Attachments: Nil

REPORT

Councillors will recall that at the July Assets and Operations Committee meeting, a report was considered in relation to an application for grant funding under the Streets as Shared Spaces fund. Council has been notified that unfortunately they have been unsuccessful in their application. There were very few rural Councils that received funding under this program and the vast majority of funding has been directed to metropolitan Councils, with projects involving street closures and removal of parking spaces, where street congestion is a major issue.

Although disappointing, Council Officers consider that the application was a worthwhile process. Council Officers will continue to work towards completing the design and costing for the upgrade of the outer two blocks of the main street. They will also continue their communications with the business community and to seek funding opportunities, where available, for the delivery of enhancements to the main street.

COMMITTEE RESOLUTION 62/2020

Moved: Cr Dale Wiencke
Seconded: Cr Max Oliver

It was resolved that the Committee recommends that Council note the report.

CARRIED

Report by Claire Golder

3.3 DRAFT DEVELOPER CONTRIBUTIONS PLAN 2020**File Number:** REP20/945**Author:** Town Planner**Authoriser:** Director of Environmental Services**Attachments:** 1. Draft Developer Contributions Plan 2020**REPORT**

Councillors will recall that at the July Council Meeting, Councillors considered a report that proposed changes to Council's Developer Contributions Plan to increase the levy rate, in order to collect additional funding for stormwater drainage infrastructure.

A draft plan has now been prepared for Council's consideration.

The proposed changes to the existing plan are as follows:

1. Change the levy rate to the maximum rate, being

Proposed Cost of the Development	Maximum Percentage of the Levy
Up to \$100,000	Nil
\$100,001-\$200,000	0.5 Percent
\$200,001 +	1 Percent

2. Include stormwater infrastructure projects and contributions rates as included within the draft plan,
3. Update the list of community infrastructure projects and contributions rates as included within the draft plan,
4. Additional words within Clause 1.13:

Contributions will be allocated at the rate of 50% towards community facilities and 50% drainage infrastructure.

The plan is required to be placed on public exhibition before any changes to the current plan are able to be made by Council.

COMMITTEE RESOLUTION 63/2020

Moved: Cr Dale Wiencke

Seconded: Cr Rick Firman

It was resolved that the Committee recommend that Council:

1. Place the Draft Developer Contributions Plan 2020 on public exhibition and
2. Receive a future report on the outcome of the public exhibition.

CARRIED

Report by Claire Golder

Temora Shire Council

DRAFT Developer Contributions Plan 2020

Fixed development consent levy under Section 7.12 of the Environmental Planning and Assessment Act 1979

Contents:

Part 1 – Administration & Operation of Plan	p. 2
Part 2 – Expected Development & Facilities Demand	p. 7
Schedule 1 – Works Schedule	p. 8
Schedule 2 – Detailed Works Description	p. 10

Dated Adopted by Temora Shire Council: XX

Plan commences: XX

In brief:

This plan replaces the previous Developer Contributions Plan 2019.

Temora Shire Council collects a levy on all development valued over \$100,000 occurring in Temora Shire. There is no requirement for nexus to be established between the development section 7.12 is levied against and object of the expenditure of that levy. Temora Shire Council expends money levied under section 7.12 on value add projects which have whole of community benefit such as parks, recreation facilities, Temora main street improvements, transport facility improvements and stormwater drainage improvement works. Projects are prioritised and funded as money becomes available, meaning that there are always projects being funded by section 7.12 in the Temora Shire Local Government Area.

Temora Shire Council does not have a Section 7.11 Contributions Plan.

Part 1

Administration & Operation

1.1. Name of Plan:

This Plan is called *Temora Shire Council Developer Contributions Plan 2020*.

1.2. Commencement

This Plan commences upon adoption of this Plan by Temora Shire Council.

1.3. Purpose of Plan

- To authorise the Council to impose, as a condition of development consent, a requirement that the applicant pay to the Council a levy determined in accordance with 1.8. of this Plan;
- To require a certifying authority to impose, as a condition of issuing a complying development certificate, a requirement that the applicant pay to Council a levy determined in accordance with this Plan; and
- To govern the application of money paid to the Council under a condition by this Plan.

1.4. Section 7.12 Fixed development consent levies(cf previous s 94A)

(1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.

(2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11.

(2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:

- (a) the Minister, or
- (b) a development corporation designated by the Minister to give approvals under this subsection.

(3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.

(4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.

(5) The regulations may make provision for or with respect to levies under this section, including:

- (a) the means by which the proposed cost of carrying out development is to be estimated or determined, and
- (b) the maximum percentage of a levy.

1.5. Land to which this Plan Applies

This Plan applies to all land within the Temora Shire Council Local Government Area.

1.6. Development to which this Plan Applies

This Plan applies to development on land to which this Plan applies that requires development consent or a complying development certificate under the Act except:

- Development, other than the subdivision of land, where a condition under s7.12 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out and the purpose for which that condition was imposed is a purpose towards which a levy under this Plan may be applied; or
- Development involving alterations and additions to, or the rebuilding of, a building used for residential purposes or a building that is used for a purpose that is ancillary or incidental to such a purpose, unless the development involves an enlargement, expansion or intensification of the use of the building or the land on which the building is, or is proposed to be, situated.

1.7. Definitions

ABS – meaning the Australian Bureau of Statistics.

Act – meaning the *Environmental Planning & Assessment Act 1979*.

Council – meaning Temora Shire Council.

Development Contribution – meaning a development contribution required to be paid by a condition of development consent imposed pursuant to section 7.12 of the Act.

Minister – meaning the minister administering the Act.

Public Facility – meaning a public amenity or public service.

Regulation – means the *Environmental Planning and Assessment Regulation 2000*.

1.8. Payment of Levy as a Condition of Consent

Subject to any change to the Act or direction by the Minister, this Plan authorises Temora Shire Council or the consent authority to levy development in accordance with the parameters of this plan through condition of consent according to the below rates:

Proposed Cost of the Development	Maximum Percentage of the Levy
Up to \$100,000	Nil
\$100,001-\$200,000	0.5 Percent
\$200,001 +	1 Percent

1.9. Determination of the Proposed Cost of Development

In accordance with Clause 25J of the Regulation:

(1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

(a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,

(b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,

(c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

(2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.

(3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:

(a) the cost of the land on which the development is to be carried out,

(b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,

(c) the costs associated with marketing or financing the development (including interest on any loans),

(d) the costs associated with legal work carried out or to be carried out in connection with the development,

(e) project management costs associated with the development,

(f) the cost of building insurance in respect of the development,

(g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),

(h) the costs of commercial stock inventory,

(i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,

(j) the costs of enabling access by disabled persons in respect of the development,

(k) the costs of energy and water efficiency measures associated with the development,

(l) the cost of any development that is provided as affordable housing,

(m) the costs of any development that is the adaptive reuse of a heritage item.

(4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.

(5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application

1.10. Indexation of Contribution

In accordance with Clause 25J of the Regulation:

(1) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.

The formulae governing indexation of the proposed cost of carrying out development is:

$$IDC = ODC \times \frac{CP2}{CP1}$$

IDC= the indexed development cost

OCD= the original development cost determined by the Council

CP2= is the Consumer Price Index, All Groups Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment.

CP1= is the Consumer Price Index, All Groups Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of the consent.

1.11. Cost Estimate Report

A development application or an application for a complying development certificate is to be accompanied by a report, prepared at the applicant's cost in accordance with this clause, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 25J of the Regulation.

The following report is required:

- Where the estimate of the proposed cost of carrying out the development is greater than \$100,000, a cost estimate report may be required by Council.

1.12. Who may provide a Report in Accordance with Clause 1.11. of this Plan?

For the purpose of clause 25J(2) of the Regulation, a person who, in the opinion of the Council either generally or in a particular case, is suitably qualified to provide an estimate of the proposed cost of carrying out development may do so for the purposes of the report referred to in Clause 1.11. Council encourages the use of a Quantity Surveyor or industry recognised building cost indicators in the preparation of estimates for the purpose of clause 25J(2) of the Regulation. Building cost indicators are to be recognised by the Australian Institute of Building and include, but is not limited to, Reed Construction Data Publications.

The Council may, at the applicant's cost, engage a person to review a report submitted by the applicant in accordance with clause 12.

1.13. Application of Funds Collected

Money paid to Council under a condition authorised by this Plan is to be applied by the Council towards meeting the cost of one or more of the public facilities that will be or have been provided within the area as listed in Schedule 1. Contributions will be allocated at the rate of 50% towards community facilities and 50% drainage infrastructure.

1.14. Project Priorities

Subject to s7.3 of the Act and clause 15 of this Plan, the projects listed in Schedule 1 are to be provided in accordance with the staging set out in that Schedule.

1.15. Pooling of Funds

This Plan authorises money paid in accordance with the condition of development consent imposed under this Plan, to be pooled in accordance with s7.3 of the Act in respect of development within Council's area and applied progressively towards the various purposes for which such conditions were imposed.

1.16. Obligation of Certifying Authorities

Pursuant to clause 146 of the Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it is satisfied of compliance with any condition requiring the payment of a levy before work is carried out in accordance with the consent.

The certifying authority must cause the applicant's receipt for payment of the levy to be provided to Temora Shire Council at the same time as the other documents required to be provided under clause 142(2) of the Regulation.

1.17. When is the Contribution Payable?

The contribution, or levy, is required to be paid as per the specifications of the condition which required the contribution be payable. If no time is specified, the levy must be paid prior to the first certificate issued in respect of the development under Part 6 of the Act.

1.18. Deferred or Periodic Payments.

Like other NSW Local Governments, Temora Shire Council does not allow for deferred, periodic or discounted payments of any contribution authorised under this Plan.

1.19. Alternatives to Paying the Levy.

Council can accept offers of Works in Kind or Material Public Benefit in lieu of monetary contribution required as a condition of consent.

Part 2

Expected Development & Facilities Demand

At the date of the 2016 Census, Temora Shire had a population of 6110 residents¹. More recent population figures place the Temora Shire population at 6307 residents². Temora Shire is experiencing a period of population growth, increasing by 5.8% from a population of 5776 in 2011, representing an annual growth rate of 1.16%. Whilst the population is still small in comparison to regional cities, the number of residents and its location 80km from the next largest centres, and 40-50km from other similar sized towns, generates demand for facilities and infrastructure for a stand alone community. Based on recent trends in the value of development occurring in Temora Shire, only around one-third³ of all developments will be expected to pay Council a contribution under this Plan in accordance with the rates established in clause 1.9.

Money levied, will then be put towards the provision, intensification or augmentation of community facilities and infrastructure. These facilities and infrastructure are listed as Projects in Schedule 1 of this Plan. With a continued projected growth rate of approximately 1.1% per year⁴ and recent development rates⁵ annual revenue from this Plan in accordance with the rates established in clause 1.9. is expected to be approximately \$52,000.

As such this Plan is expected to have a life of at least 10 years from adoption. The plan shall be reviewed after 5 years to allow for review of project completion and identification of new priorities.

Projects funded under this Plan are seen as value adding to the already high amenity and liveability of Temora Shire Council; contributing to the goal of Temora Shire being a destination for liveability, migration and innovation.

Delivery of particular projects provide expected timeframes, however actual delivery may depend on securing additional funds through grants or specific budget allocation from Council.

¹ 2016 Census

² 2019 Estimated Residential Population, ABS March 2020

³ Temora Shire Council Development Contributions Options prepared for Temora Shire Council by John Kerwan on behalf of Community Development Initiatives February 2016

⁴ 2016 Census

⁵ Temora Shire Council Development Contributions Options prepared for Temora Shire Council by John Kerwan on behalf of Community Development Initiatives February 2016

Schedule 1

Works Schedule

A. Completed works for which contributions will be recouped:
Nil

B. Improvements to existing Public Facilities to be partly funded from S7.12 levies

Community Facility	Estimated Cost	S7.12 Contribution	Delivery
Ariah Park Playground Swing Set	\$5,000	\$5,000	2020/21
Main Street Upgrade	\$300,000	\$50,000	2021/22/23
Loftus Street Pedestrian Upgrade	\$210,000	\$40,000	2022/23/24
Painting Ariah Park Pool	\$40,000	\$20,000	2022/23
Widen and reseal Nixon Park netball courts	\$50,000	\$25,000	2023/24
Total community facility	\$605,000	\$140,000	
Drainage Infrastructure	Estimated Cost	S7.12 Contribution	Delivery
Victoria Street / Ironbark St U/G Drainage (200m)	\$100,000	\$30,000	2021/22
Britannia Street / Hoskins Street Intersection Drainage (60m)	\$25,000	\$10,000	2022/23
Gallipoli Street (Victoria St to Timmins St 250m)	\$80,000	\$10,000	2022/23
Back Mimosa Road (1250m Drainage Channel Construction) Note: Major tree removal required	\$80,000	\$10,000	2022/23

Baker Street U/G Drainage (240m Victoria St to Britannia St)	\$120,000	\$10,000	2022/23
Delavan Street Box Culvert (Using Council owned culverts Ex RMS)	\$80,000	\$15,000	2023/24
Chifley Street U/G Drainage (Williams to Joffre 220m)	\$66,000	\$15,000	2023/24
Victoria Street U/G Drainage (Gallipoli St to Melaleuca St 200m)	\$80,000	\$10,000	2024/25
Hoskins Street (Macauley to Ashelford U/G Drainage)	\$80,000	\$10,000	2024/25
Austral Street U/G Drainage (DeBoos to Aurora St) 135m	\$100,000	\$10,000	2024/25
Crowley St/Polaris St - Western Drain upgrade Crowley St to intersection of Polaris & Baker Sts	\$1,020,000	\$50,000	2025/26
Hoskins Street (Parkes to Kitchener U/G Drainage)	\$770,000	\$50,000	2025/26
Total drainage infrastructure	\$2,601,000	\$230,000	

Schedule 2 Detailed Community Facility Works Description***Ariah Park Playground Swing Set***

Install a swing set at the playground at the Ariah Park Recreation Ground

Main Street Upgrade

Upgrade of Hoskins Street between Polaris Street and Parkes Street & Victoria Street and Britannia Street to enhance footpaths, street furniture and landscaping to complement existing upgrade of main street

Loftus Street Pedestrian Upgrade

Upgrade pedestrian access to the western side of Loftus Street, at the corner of Hoskins Street.

Painting Ariah Park pool

Repair and painting of the lining of the Ariah Park pool

Widen and reseal Nixon Park netball courts

Upgrade of the existing netball courts at Nixon Park to meet current standards

3.4 INFRASTRUCTURE GRANTS (NSW CLUBS GRANTS)

File Number: REP20/947
Author: Town Planner
Authoriser: Director of Environmental Services
Attachments: Nil

REPORT

Council officers have received notice that the Infrastructure grants (NSW Clubs grants) will open on Monday 21 September and close on Monday 12 October. The grants offer the following funding opportunities:

- Arts & Culture \$50,000 to \$200,000 available per project
- Community Infrastructure \$10,000 to \$200,000 available per project
- Disaster Readiness \$10,000 to \$200,000 available per project
- Sport & Recreation \$100,000 to \$300,000 available per project

Note that the community infrastructure category has been defined to be the following:

The community infrastructure category includes multi-use community facilities including halls and meeting spaces, community transport options, improvements to disability or community welfare infrastructure, infrastructure that supports youth, mental health, homelessness, and domestic violence services.

The conditions of the grant require that, if successful, Council must provide matched funding to their application. Council officers have been advised that co-contributions must be from either Council's budget or reserves, or through a confirmed loan. Use of other grant funds, such as the Drought Communities Program, to provide the co-contribution will not be accepted.

Successful applicants are expected to be announced in late January/early February. The project must be completed within two years of the funding commencing.

If Council were to apply, the project needs to be reasonably advanced in its concept planning so that officers are only required to seek quotes for the proposed works, in order to meet the application deadline.

Potential projects that may be considered include:

- Temora Recreation Centre splash park and playground
- Completion of Bundawarra Centre upgrades
- Completion of Arts Centre upgrades
- Loftus Street CBD footpath renewal – community bus parking area and shelters
- Nixon Park upgrades – top dressing, sealing of car park and road for netball/athletics, widen and reseal netball courts, netball lighting, timekeeper's booth and benches, signage, shade sail over playground

There may be other projects Council wishes to consider.

COMMITTEE RESOLUTION 64/2020

Moved: Cr Max Oliver

Seconded: Cr Kenneth Smith

It was resolved that the Committee provide a recommendation to Council to prepare an Infrastructure Funding application for a Splash Park and Playground at the Temora Swimming Pool and report back to October Assets & Operations Committee for endorsement.

CARRIED

Report by Claire Golder

3.5 HULLS ROAD

File Number: REP20/956
Author: Senior Engineering Technical Officer
Authoriser: Engineering Technical Manager
Attachments: 1. Maps
2. Crown Road Signage

REPORT

Councils Engineering Department has further investigated some roads in the area of Boyd's Road following the matter relating to the unnamed road in a separate report. It was found;

1. Hennessy's Road in Image 2 attached is a Crown road not a Council road, even though Council currently maintains the first 2km of the road. The remainder of this Crown road is under enclosure permit with the adjoining owner.
2. Hulls Road in Image 1 running between Boyd's Road and Hennessy's Road is a Council owned road which is formed but of low quality.

Hulls Road and Hennessy's Road contribute little asset value to Council and the community even at times having been fenced without permission each end by adjoining owners for grazing, etc. On at least one occasion Hulls Road was even cropped along the road verge each side of the formed road.

The reason little value is gained is due to the proximity of Morton's Lane and Boyd's Road which have a more direct route while they are also constructed to a higher standard of gravel pavement. Morton's Lane does have a causeway indicated by the green dot in Image 3 which needs a minor upgrade to have a pipe culvert structure installed for low flow to improve accessibility. This should be considered within Councils future capital works program.

The farming land to the north of Hennessy's Road is owned by the one owner with no house along this road requiring access. As indicated the road is already a Crown road so Council should consider stopping maintenance of this road and installing the common signage, we use on Crown roads as per image 4 attached. This road would remain in place for use by the adjoining owner including the possibility for them to develop an enclosure permit with Crown lands even if Council were to cease maintenance. The land South of Hennessy's Road is a different owner who accesses their land from Boyd's Road.

Hull's Road would be best closed and sold to the adjoining landowner as this road asset is of a low standard due to its close proximity parallel to Morton's Lane. Council staff discussed this matter with the owner adjoining each side of Hull's Road who saw no issue in a proposed closure. Particularly favourable regarding farm security removing the extra farm boundaries. It was noted though that if it were closed that Council should improve the causeway on Morton's Lane, which after assessment would benefit some minor work by pipe culvert structure installation in future capital works.

Option 1

No further action regarding Hull's Road and Hennessy's Road, however, refer the minor culvert works for Morton's Lane to future budget estimates.

Option 2

No further action with Hulls Road, cease maintenance on Hennessy's Road and install appropriate signage as included in the report. Also referring the minor culvert works for Morton's Lane to future budget estimates.

Option 3

Proceed with closure of Hulls Road with sale of the land to the adjoining owner both sides for \$1,200 per acre (\$9,132 total).

Cease maintenance on Hennessy's Road and install appropriate signage as included in this report.

Refer the minor culvert works for Morton's Lane to future budget estimates.

Budget Implications

The closure of Hulls Road would cost approximately \$8,000 - \$9,000 including survey, administration, legal fees, and registration.

As the land area is 7.61 acres a proposed sale price would be \$1,200 acre = \$9,132 to recover the associated cost of closure.

COMMITTEE RESOLUTION 65/2020

Moved: Cr Rick Firman

Seconded: Cr Kenneth Smith

It was resolved that the Committee recommend to Council to write to the landholders within the local area and report back to Council.

CARRIED

Report by Alex Dahlenburg



Image 1: Map Indicating council owned road - Hulls Road (Between Boyds Road and Hennessys Road)



Image 2: Map Indicating Crown Road - Hennessys Road (Between Boyds Road and Hennessys Road)



Image 3: Causeway on Mortons Lane needing minor upgrade



Image 4: Example signage used by council for erecting on Crown Roads

Kris Dunstan and Claire Golder left the meeting at 2:45PM.

3.6 LITTLE BAKER STREET UPGRADE

File Number: REP20/960
Author: Senior Engineering Technical Officer
Authoriser: Engineering Technical Manager
Attachments: 1. Images Little Baker St

REPORT

Recently Councils Senior Engineering Technical Officer arranged some maintenance type line marking working around urban Temora however didn't include the line marking in Little Baker Street between Woolworths and their carpark due to the observed declining condition of the pavement (photo's attached). Due to this any line marking undertaken will not last very long resulting in wasted expenditure of maintenance funds and time for Council.

Further investigation into this matter with Councils Engineering Technical Manager revealed that there are currently no plans for future upgrade to this pavement despite its current condition. The failed asphalt pavement is a result of poor sub-base and base pavement materials even possibly poor sub-grade as well which can only be fully determined by geotechnical investigation. The same pavement as placed during the construction of Woolworths and the carpark is under the Council owned road as constructed by the developer as required as part of consenting development.

The resulting pavement is now Councils responsibility being a public road to future treat with an upgrade. As seen over past years the Woolworths carpark has significantly declined in condition with recent works completed in early 2020 by a contractor engaged by Woolworths to improve the safety of the carpark. Councils road treatment will not be the same option as recently completed in the carpark. This is due to only milling and placing Asphalt will see the Asphalt life significantly reduced as the problem is the pavement strength below and without correct treatment of the road pavement failure will eventually reflect through the Asphalt. The only reason the pavement in Little Baker Street has lasted longer is due to much lower Average Annual Daily Traffic (AADT) Volumes than that of the carpark.

As indicated by the aerial image attachment the length of Asphalt Pavement is approximately 56 metres with an approximate width of 5 metres, this totals an area of 280m².

It is suggested that Council consider referring the upgrade of Little Baker Street for upgrade of just the 56m Asphalt section to budget estimates for future capital works to be undertaken.

There are two options for upgrade keeping in mind the surface finish is highly important due to foot traffic volumes and the continued pushing of trolleys across the road pavement, this rules out a conventional type seal due to the rougher surface and loose aggregate that may cause trolley wheels to jam.

Option 1

Mill out the existing Asphalt and base material to stabilise the existing sub-base, then place a base pavement layer before laying a 40mm Asphalt wearing surface.

Option 2

Mill out the existing Asphalt and some of the base material to then replace with reinforced concrete pavement that bridges over the sub-base pavement.

Budget Implications

Without more detailed investigation for budget estimates the approximate value of upgrade is between \$40,000 - \$60,000 for pavement upgrade and final surface treatment.

On top of this to reinstate the speed humps and line marking will require approximately \$3,000-\$5,000.

COMMITTEE RECOMMENDATION

Moved: Cr Kenneth Smith

Seconded: Cr Rick Firman

It was resolved that the Committee recommend to Council to refer Little Baker St Asphalt section upgrade to future budget estimates.

AND FURTHER

Approach Woolworths for a contribution towards the project.

CARRIED

Report by Alex Dahlenburg



Image 1: Aerial overview of Little Baker St Asphalt Pavement



Image 2: Pavement extent



Image 3 & 4: Close up views of failing pavement with some gravel fines observed coming through the asphalt surface



Image 5: Pothole failure that has received previous maintenance patching



Image 6: Close up photo of failing pavement condition adjacent to entrance doors to Woolworths

At 3:00 pm, Cr Max Oliver left the meeting.

1. CR JUDD

Mandamah and Yarranjerry State Forest fire trails are almost inaccessible. Enquired if this could be a hazard reduction project.

General Manager and Director of Administration & Finance will raise this at the RFS meeting next week.

2. CR SMITH

Advised that the grass near Trigalong Creek is quite high and almost snake season.

Engineering Works Manager will investigate.

3. CR FIRMAN

Requested a Mobile Stage Update.

General Manager advised that the mobile stage has been sent to Queensland for works to be completed there.

A resident has raised the issue of Town Hall Signage.

Staff to discuss options to improve prominence.

4. CR WIENCKE

Query from a resident of Ness's Road as the sign is missing from Corner of Ness & Brays Road.

5. GENERAL MANAGER

Advised that the Springdale 50km/hr zone proposal, now proposed to be 60km/hr from the 80km to 80km signage.

4 CONFIDENTIAL REPORTS**COMMITTEE RESOLUTION 66/2020**

Moved: Cr Dale Wiencke

Seconded: Cr Kenneth Smith

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 at 3:11PM:

4.1 Bulk Head Road Compulsory Acquisition

This matter is considered to be confidential under Section 10A(2) - dii 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 competitor of the council.

4.2 Unnamed Road - Dinga Dingi Parish

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

4.3 Licence for Charging Station for Electric Vehicles

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.

CARRIED

COMMITTEE RESOLUTION 67/2020

Moved: Cr Kenneth Smith

Seconded: Cr Dale Wiencke

It was resolved that Council adopts the motions from the closed committee of Council.

CARRIED

5 CLOSE MEETING

The Meeting closed at 3:40PM.

This is the minutes of the Assets & Operations Committee meeting held on Tuesday 8 September 2020.

.....

GENERAL MANAGER

.....

CHAIRPERSON

**7.2 MINUTES OF THE ECONOMIC DEVELOPMENT AND VISITATIONS COMMITTEE MEETING
HELD ON 8 SEPTEMBER 2020**

File Number: REP20/1021

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. Minutes of the Economic Development and Visitations Committee
Meeting held on 8 September 2020

RESOLUTION 173/2020

Moved: Cr Max Oliver

Seconded: Cr Graham Sinclair

It was resolved that the reports be received.

CARRIED

RESOLUTION 174/2020

Moved: Cr Max Oliver

Seconded: Cr Dale Wiencke

It was resolved that the reports and recommendations as presented be adopted.

CARRIED



Date: Tuesday, 8 September 2020
Time: 4:00PM
Location: 105 Loftus Street
TEMORA NSW 2666

MINUTES

Economic Development and Visitations Committee Meeting

8 September 2020

Order of Business

1	Open Meeting	3
2	Apologies	3
3	Reports	4
3.1	Economic Development Strategic Plan & Industrial Land Review	4
4	Confidential Reports.....	6
5	Close Meeting	7

**MINUTES OF TEMORA SHIRE COUNCIL
ECONOMIC DEVELOPMENT AND VISITATIONS COMMITTEE MEETING
HELD AT 105 LOFTUS STREET, TEMORA NSW 2666
ON TUESDAY, 8 SEPTEMBER 2020 AT 4:00PM**

PRESENT: Cr Rick Firman (Mayor)(Chair), Cr Nigel Judd, Cr Dennis Sleigh, Cr Kenneth Smith

IN ATTENDANCE: Craig Sinclair (Economic Development Manager), Elizabeth Smith (Director of Administration & Finance)

1 OPEN MEETING

4:00PM

2 APOLOGIES

COMMITTEE RESOLUTION 17/2020

Moved: Cr Dennis Sleigh

Seconded: Cr Kenneth Smith

That apologies from Cr Claire McLaren, Cr Graham Sinclair and General Manager Gary Lavelle be received and accepted.

CARRIED

3 REPORTS**3.1 ECONOMIC DEVELOPMENT STRATEGIC PLAN & INDUSTRIAL LAND REVIEW****File Number:** REP20/994**Author:** Events**Authoriser:** Director of Administration & Finance**Attachments:** Nil**REPORT**

Further to a report to the August Council meeting, the following report outlines the proposed process for creating an economic development strategic plan and reviewing the supply of industrial land in Temora Shire.

Having investigated the cost of utilising external resources to create an economic development strategic plan, officers propose to undertake the majority of works internally using existing resources. The plan will draw upon studies undertaken on specific topics, such as the Workforce Futures study, Airport Master Plan, and Aged Care study. It will also collate relevant information from Council's Community Strategic plan, Local Strategic Planning Statement, regional and state plans as well statistical data available from Council's subscription to REMPLAN through RDA Riverina.

Officers will undertake consultation with representatives from key industry sectors including local businesses, regional agencies, and government bodies, to undertake a SWOT analysis. It is proposed that Councillors will undertake a workshop to review the SWOT analysis and determine the relevant actions items to feed into the plan. It is anticipated that the draft plan will be available for review by Council towards the end of 2020, before going on public exhibition.

Once the economic development strategy is completed, officers will focus on undertaking a review of the industrial land's component of the LEP. This process will involve reviewing the supply, demand and location of industrial zoned land and follow a similar process to recent LEP reviews, such as Residential land.

COMMITTEE RESOLUTION 18/2020**Moved:** Cr Kenneth Smith**Seconded:** Cr Dennis Sleigh

It was resolved that the Committee recommend to Council to endorse the proposed approach to creating an economic development strategy and review of industrial land within Temora Shire.

CARRIED***Report by Craig Sinclair***

1. CR FIRMAN

Enquired where Council is at in relation to Thrive and Tourism NSW.

Economic Development Manager advised Council has resubscribed to Thrive for another year. Thrive has an MOU with Destination Riverina Murray.

2. CR JUDD

Pointed out that Country Change has had increased interest as a result of Covid.

Economic Development Manager advised that Temora will be the featured Shire for October 2020.

3. ECONOMIC DEVELOPMENT MANAGER

Advised that Mr Rob Heinrich has resigned as the Executive Officer of TBEG. In discussion with Breed regarding replacement and future for office spaces.

Advised that the Chair of TBEG and himself attended a public forum at Cootamundra regarding setting up a Co-operative. Cootamundra Target will be closing in June 2021. Complicated process. Need to have a discussion with TBEG to discuss whether this is something we want to do in Temora.

4 CONFIDENTIAL REPORTS

COMMITTEE RESOLUTION 19/2020

Moved: Cr Dennis Sleigh

Seconded: Cr Kenneth Smith

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 at 4:17PM:

4.1 Airport Master Plan Implementation

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.

CARRIED

COMMITTEE RESOLUTION 20/2020

Moved: Cr Kenneth Smith

Seconded: Cr Dennis Sleigh

It was resolved that Council adopts the motions from the closed committee of Council.

CARRIED

5 CLOSE MEETING

The Meeting closed at 4:45PM.

This is the minutes of the Economic Development and Visitations Committee meeting held on Tuesday 8 September 2020.

.....
GENERAL MANAGER

.....
CHAIRPERSON

7.3 MINUTES OF THE AERODROME USERS COMMITTEE MEETING HELD ON 8 SEPTEMBER 2020

File Number: REP20/1023

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. Minutes of the Aerodrome Users Committee Meeting held on 8 September 2020

RESOLUTION 175/2020

Moved: Cr Nigel Judd

Seconded: Cr Claire McLaren

It was resolved that Council notes the reports.

CARRIED



Date: Tuesday, 8 September 2020
Time: 6:00PM
Location: Supper Room, Temora Memorial Town Hall
Loftus Street
TEMORA NSW 2666

MINUTES

Aerodrome Users Committee Meeting

8 September 2020

Order of Business

1 **Open Meeting 3**

2 **Apologies 3**

3 **Reports 4**

 3.1 Temora Airpark Estate Sudivision - Resident Consultation..... 4

4 **Close Meeting 39**

**MINUTES OF TEMORA SHIRE COUNCIL
AERODROME USERS COMMITTEE MEETING
HELD AT SUPPER ROOM, TEMORA MEMORIAL TOWN HALL LOFTUS STREET, TEMORA NSW 2666
ON TUESDAY, 8 SEPTEMBER 2020 AT 6:00PM**

PRESENT: Cr Rick Firman (Mayor), Cr Nigel Judd, Cr Dale Wiencke, Cr Max Oliver (Observer), Cr Dennis Sleight (Observer), Cr Lindy Reinhold (Observer), Cr Ken Smith (Observer), Graham Engle, Mr Grant Johnson, Mr Frank Lovell, Mr Robert Maslin, Mr Peter Harper

IN ATTENDANCE: Gary Lavelle (General Manager), Elizabeth Smith (Director of Administration & Finance), Rob Fisher (Engineering Technical Manager), James Durham (Building Inspector/Quality Assurance Officer), Claire Golder (Town Planner), Craig Sinclair (Economic Development Manager)

OTHER ATTENDEES: Mike & Josephine Holloway, Sam Richards, Jill & Norm Bailey, Fran & Jim Cahill, Mike Cleaver, Peter MacIntyre, Malcolm & Joanne Bennett, Ruth Flick, Ian Gunn, Phillip Lee, Wayne & Gabrielle Hadkins, Gillian Bett

The meeting was an information evening to consult with potentially impacted residents of the airpark precinct regarding the proposed subdivision of the Saleyards development.

1 OPEN MEETING

6:00PM

2 APOLOGIES

RECOMMENDATION

That apologies from Mr Geoff King be received and accepted.

3 REPORTS**3.1 TEMORA AIRPARK ESTATE SUDIVISION - RESIDENT CONSULTATION****File Number:** REP20/995**Author:** Events**Authoriser:** Director of Administration & Finance**Attachments:**

1. Proposed Airpark Estate Subdivision - Saleyards
2. Statement of Environmental Effects

REPORT

The committee is advised that Council has commenced consultation for the development of up to 40 Airpark Estate lots on the land formerly known as the Saleyards. The expansion of the Estate was identified in the Airport Master Plan, adopted by Council early in 2019, following extensive consultation with user groups. It follows the successful sale of 80% of the 20 lots on the Spitfire Drive development since release to the market in January 2019. On average, there are 6 new lots on the Airpark Estate sold per year. Council currently has four lots on Spitfire Drive reserved for a potential development. These lots may be released back on the market for sale in the coming months, depending on the outcome of the development opportunity.

It is proposed for the new lots on the expanded Estate to be developed in a range of sizes, from 1212m² to 2481m² to accommodate a variety of potential uses and lifestyles (see attached Proposed Subdivision Plan). Taxiway frontage for each block will range from 24m to 32m, and the length of blocks will range from 54m to 60m.

The new subdivision will access runway infrastructure via a Code B taxiway that will extend to the boundary with Airport Street. The lots running along Bartondale Road will be serviced by a Code A taxiway. The main access taxiway will have the potential to activate other privately owned lots along Bartondale Road which were recently rezoned to SP1 Aviation in line with the Airport Master Plan. There is also provision for a Code B taxiway to connect to neighbouring privately owned land on Tom Moon Avenue, should this land become available for development in the future.

The delivery of the proposed expansion to the Airpark Estate is dependent on Council securing grant funding. A funding application for the project is currently being assessed by the State Government.

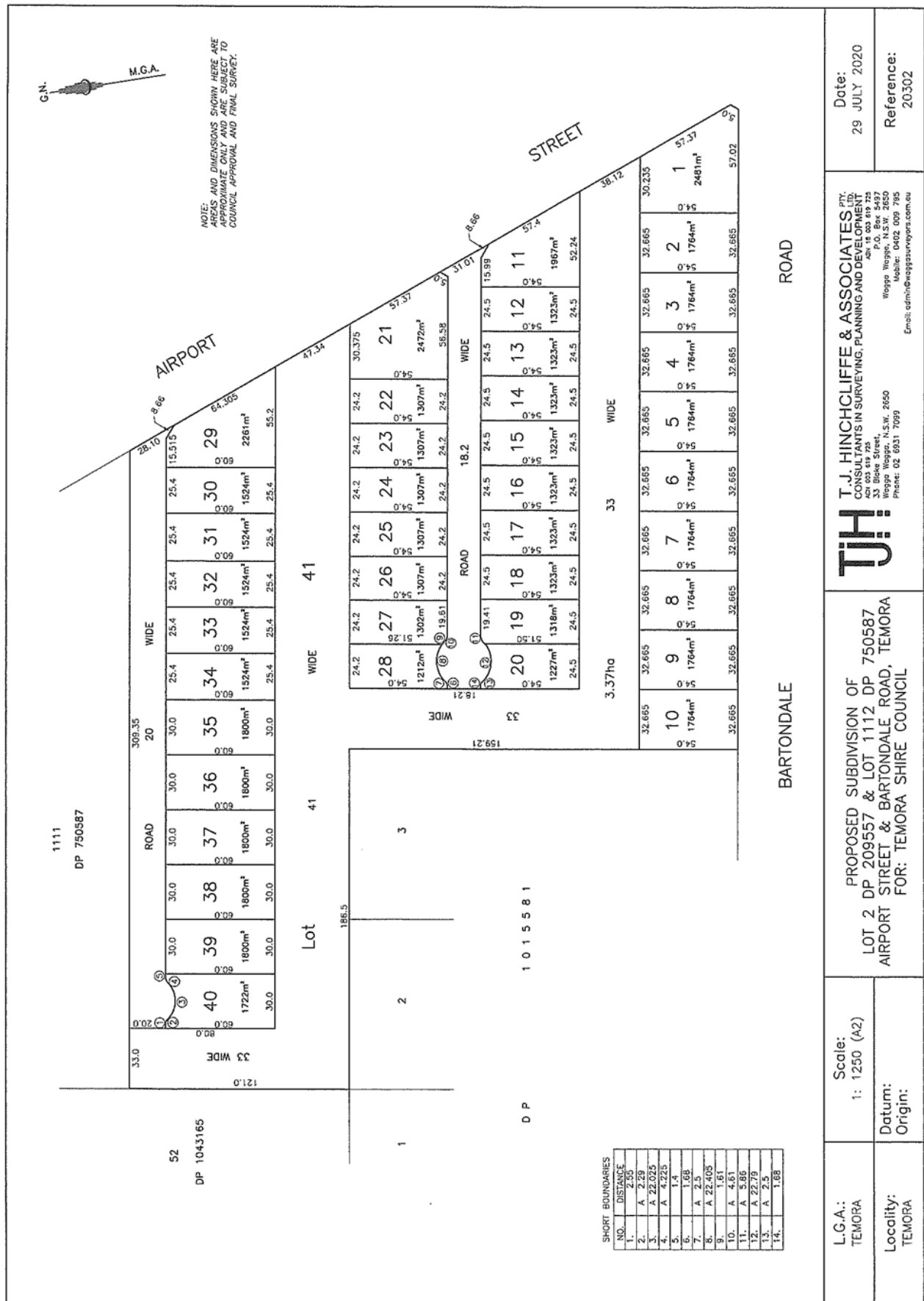
This subdivision forms part of Council's strategy to diversify the economy by providing enabling infrastructure to attract aviation related industry and maximise Council's investment in airport infrastructure whilst providing employment opportunities.

The Statement of Environmental Effects and concept subdivision plan is attached.

RECOMMENDATION

That the Committee recommend to Council to received feedback on the proposed Airpark Estate Subdivision from airport users and potentially impacted residents.

Report by Craig Sinclair





STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed subdivision of Lot 1112 DP 750587 and Lot 2 DP 209557
44 Airport Street and Bartondale Road, Temora

Prepared by Claire Golder –

Town Planner

Temora Shire Council

August 2020

Statement of Environmental Effects – Page 1 of 32

Contents

1. Executive Summary.....	3
2. Introduction	3
3. The Site	3
4. The Proposed Development	7
5. Infrastructure and Servicing.....	9
6. Environmental Planning Assessment	17
7 Conclusion.....	24
Appendix 1:	25
Appendix 2	32

1. Executive Summary

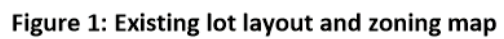
The proposed development is the subdivision of land known as Lot 1112 DP 750587 and Lot 2 DP 209557 (44 Airport Street and Bartondale Road, Temora) into 40 lots for the purpose of extending the existing Temora Airpark Estate. The owner and applicant is Temora Shire Council. The site is zoned SP1 Special Activities (Business Premises, Residential, Tourist and Visitor Accommodation, Incidental with Aviation). The proposed subdivision is permissible with consent within the zone. The proposal is in accordance with the Temora Airport Master Plan, as adopted by Council in April 2019. Relevant natural environment, built environment, heritage, social and economic factors have been considered. The development can be serviced through the extension of existing infrastructure. The proposed development is recommended for approval by Council.

2. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Temora Shire Council Town Planner, Claire Golder, on behalf of Temora Shire Council to support the proposed subdivision of land known as Lot 1112 DP 750587 and Lot 2 DP 209557 (44 Airport Street and Bartondale Road, Temora). The report has been prepared to accompany a Development Application to be submitted for the assessment of the proposed development. The owner and applicant for the project is Temora Shire Council.

3. The Site

The site is zoned SP1 Special Activities (Business Premises, Residential, Tourist and Visitor Accommodation, Incidental with Aviation). The minimum lot size that applies to the site is 750sqm. Figure 1 shows the existing lot layout and zoning of the site.



Statement of Environmental Effects – Page 4 of 32



Figure 2: Aerial image of the site

The site is located approximately 1.8km north-west of the centre of Temora, as shown by Figure 3. The area of the site is as follows:

Lot 1112: 4.67 hectares

Lot 2: 6.27 hectares

Total area: 10.94 hectares

Appendix 1 shows site photos. The former saleyards land is predominantly cleared and is currently used as a materials stockpile associated with the upgrade of the Temora runway project. There is an existing transportable dwelling, shed and cottage located on Lot 1112. These structures will be removed as part of the development of the site.



Photo 1: Existing transportable dwelling and cottage on Lot 1112



Photo 2: Shed located on Lot 1112

The site is adjacent to low density residential dwellings on all sides. Temora Airport and the existing airpark estate adjoin these residential developments to the north and west of the site.

Land to the north and west of the site is also zoned SP1 Special Activities (Business Premises, Residential, Tourist and Visitor Accommodation, Incidental with Aviation), following the completion of a rezoning of this precinct in February 2020. Land to the south is zoned R5 Large Lot Residential with a two-hectare minimum lot size. Land to the east is zoned B6 Enterprise Corridor and is used for residential and business purposes.

Statement of Environmental Effects – Page 6 of 32

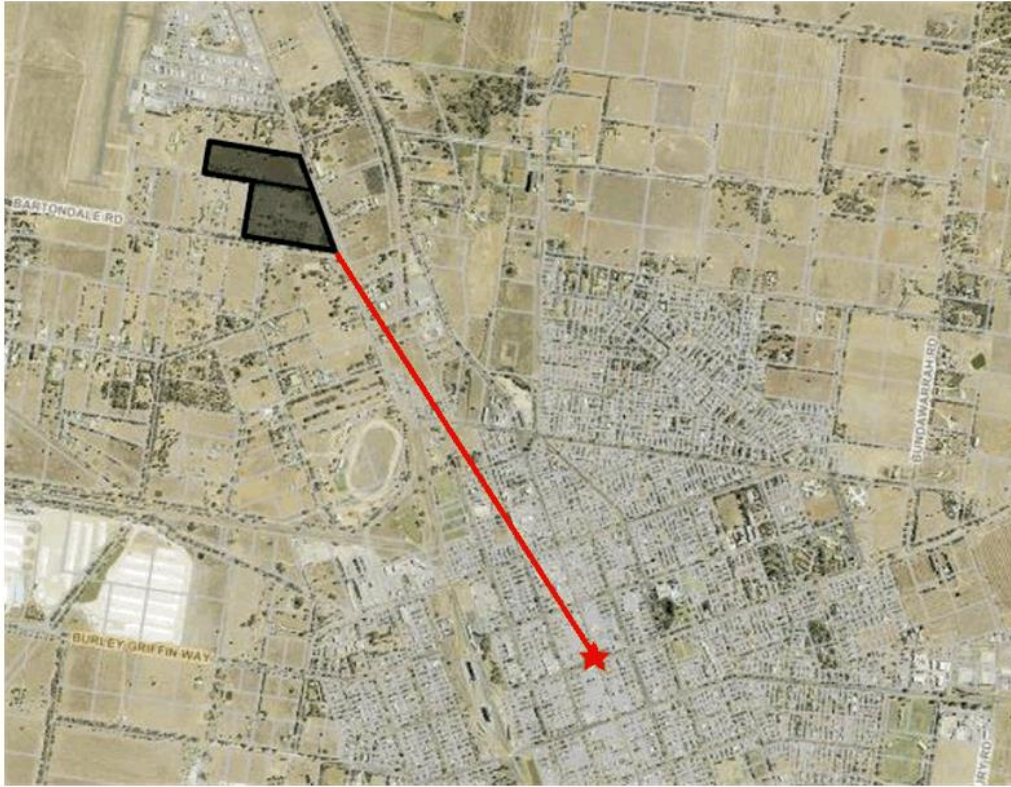
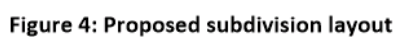


Figure 3: Location of the site, north west of Temora town centre.

4. The Proposed Development

The proposal involves the subdivision of Lot 1112 DP 750587 and Lot 2 DP 209557 into 40 lots for the purpose of developing Stage 5 of the Temora Airpark Estate. The proposed subdivision layout is shown by Figure 4.



The expansion of the Estate was identified in the Airport Master Plan, adopted by Council early in 2019, following extensive consultation with user groups. The proposal is consistent with the previous stages of the existing Temora Airpark Estate, located immediately north of the development site. The proposal responds to recent development demand, with the sale of 80% of the 20 lots on the Spitfire Drive development, which was released to the market in January 2019. On average, there are 6 new lots on the Airpark Estate sold per year. Council currently has four lots on Spitfire Drive reserved for a potential development. These lots may be released back on the market for sale in the coming months, depending on the outcome of the development opportunity.

It is proposed for the new lots on the expanded Estate to be developed in a range of sizes, from 1212m² to 2481m² to accommodate a variety of potential uses and lifestyles (see attached Proposed Subdivision Plan). Taxiway frontage for each block will range from 24m to 32m, and the length of blocks will range from 54m to 60m.

The new subdivision will access runway infrastructure via a Code B taxiway that will extend to the boundary with Airport Street. The lots running along Bartondale Road will be serviced by a Code A taxiway. The main access taxiway will have the potential to activate other privately owned lots along Bartondale Road which were recently rezoned to SP1 Aviation in line with the Airport Master Plan. There is also provision for a Code B taxiway to connect to neighbouring privately owned land on Tom Moon Avenue, should this land become available for development in the future.

The delivery of the proposed expansion to the Airpark Estate is dependent on Council securing grant funding. A funding application for the project is currently being assessed by the State Government.

This subdivision forms part of Council's strategy to diversify the economy by providing enabling infrastructure to attract aviation related industry and maximise Council's investment in airport infrastructure whilst providing employment opportunities.

As the development does not have a capital investment value of more than \$5 million, it is not Regionally significant development, as defined under State Environmental Planning Policy (State and Regional Development) 2011.

5. Infrastructure and Servicing

The natural topography of the site slopes from the corner of Bartondale Road and Airport Street towards the north and west, with a low point of existing dams located in the north-eastern corners of both lots, as shown by Figures 5 and 6. There are two existing dams on the site, both will be filled in as part of the proposed subdivision.

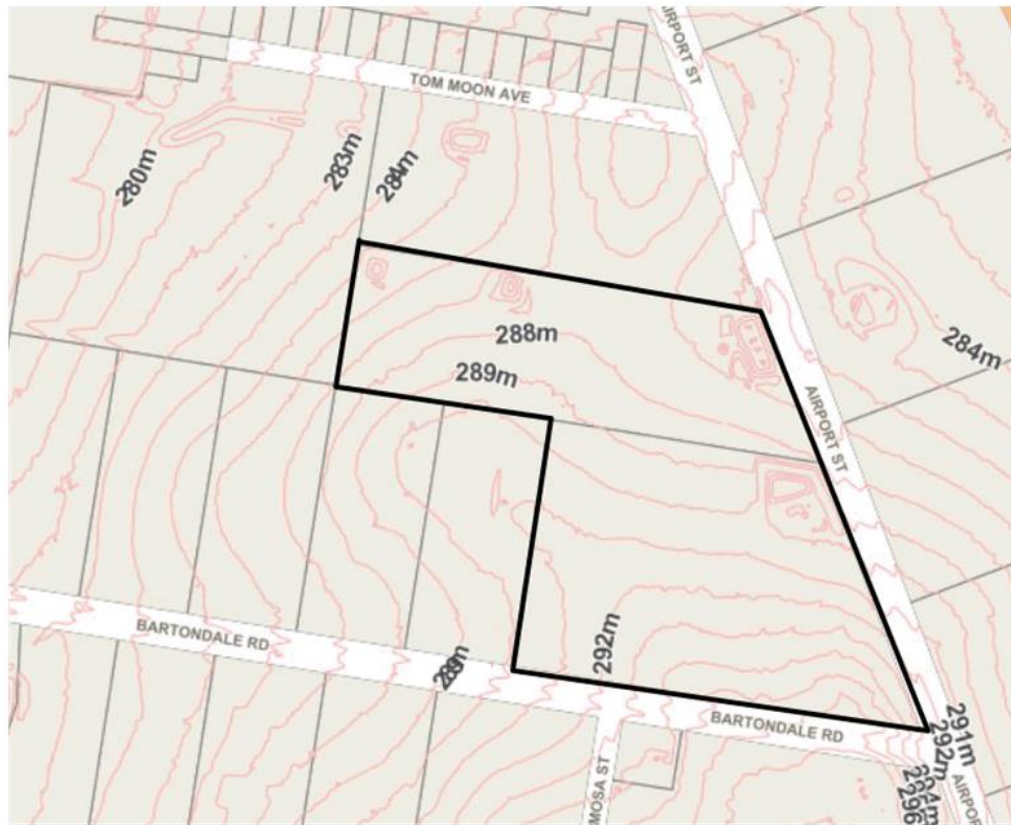


Figure 5: Contour map of site indicating natural topography

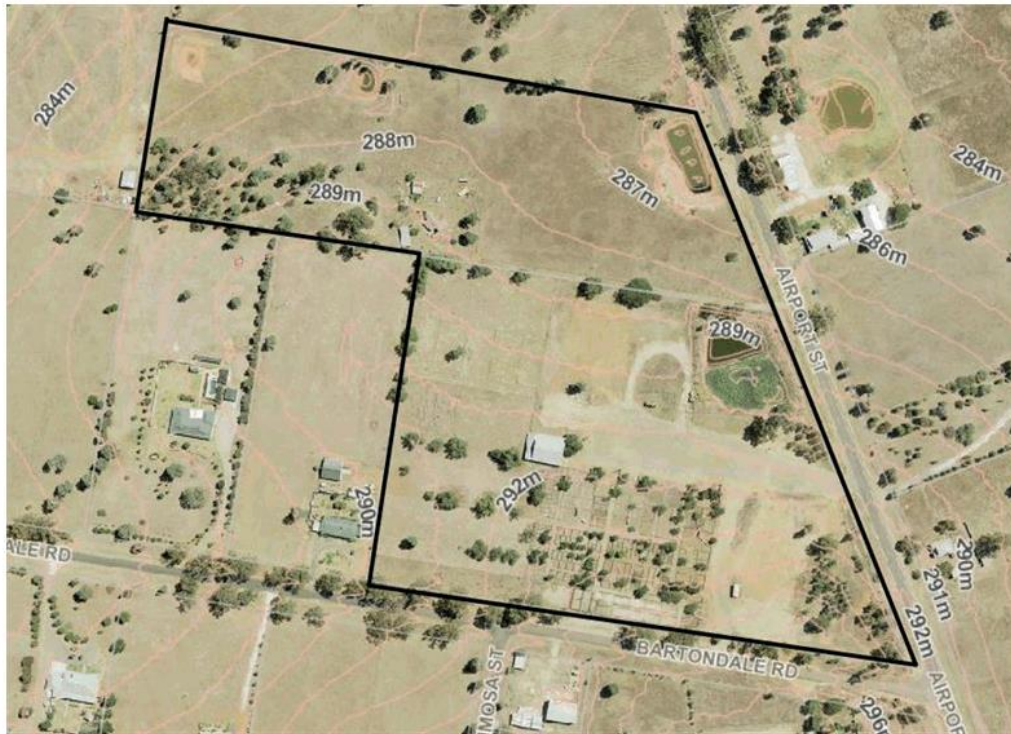


Figure 6: Aerial image indicating topography

Stormwater drainage

Council's Engineering Department advise that, based on the existing topography, the site can be serviced by stormwater drainage. Residential lots will be serviced with kerb and gutter infrastructure. Taxiways will be serviced through table drains. Residents may be required to include a stormwater drainage pipe under their hangar accessway.

Water

Reticulated water is available in the vicinity of the development, as shown by Figure 7. Preliminary consultation has occurred with Goldenfields Water, who have advised the water serviced are able to be connected to the proposed subdivision.

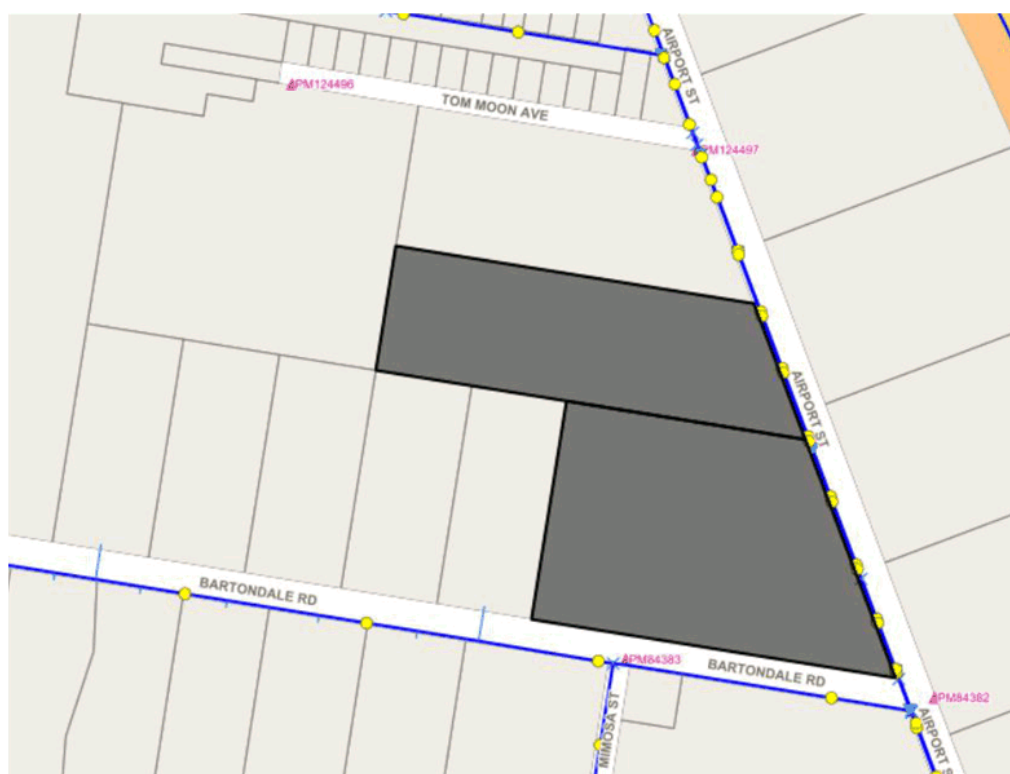


Figure 7: Water services in the vicinity of the site

Sewer

Sewer services will require extension to service the site, as shown by Figure 8. Council's Engineering Department advise that the site can be satisfactorily connected to Council's existing sewer network.

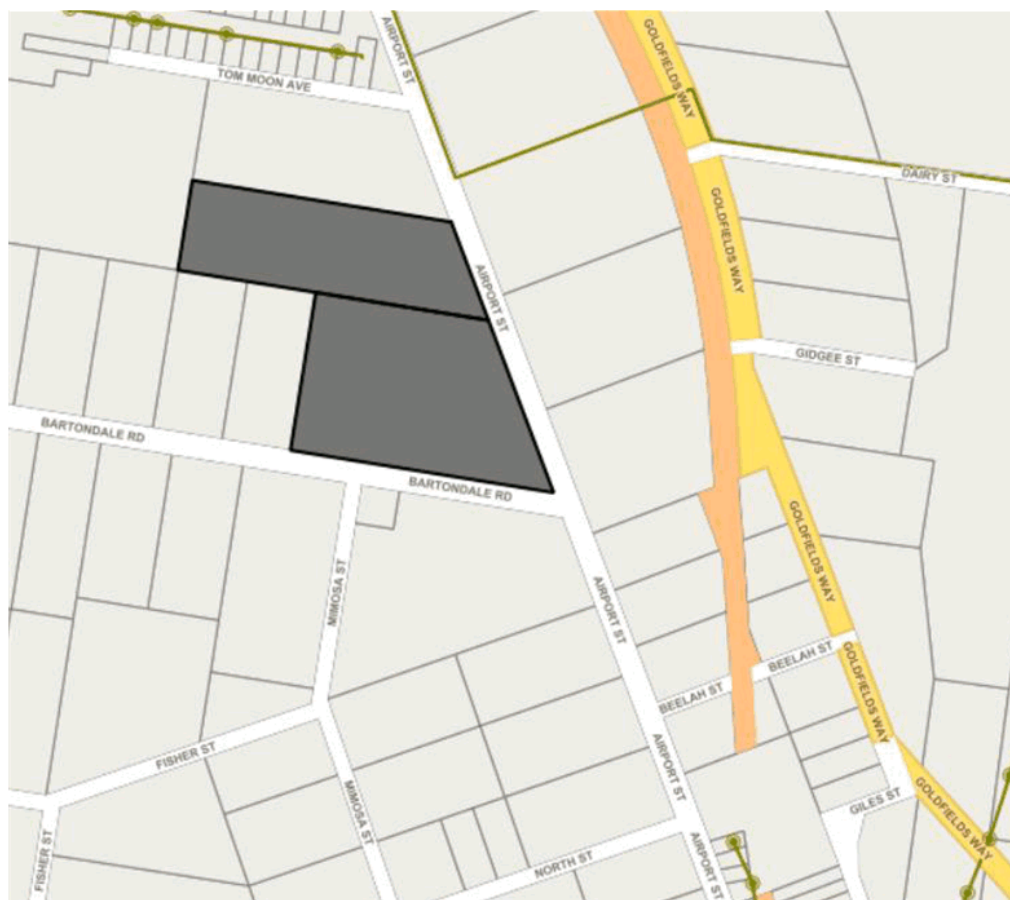


Figure 8: Location of nearby sewer services

Electricity Services

Electricity services are available in the vicinity of the site, as shown by Figure 9.

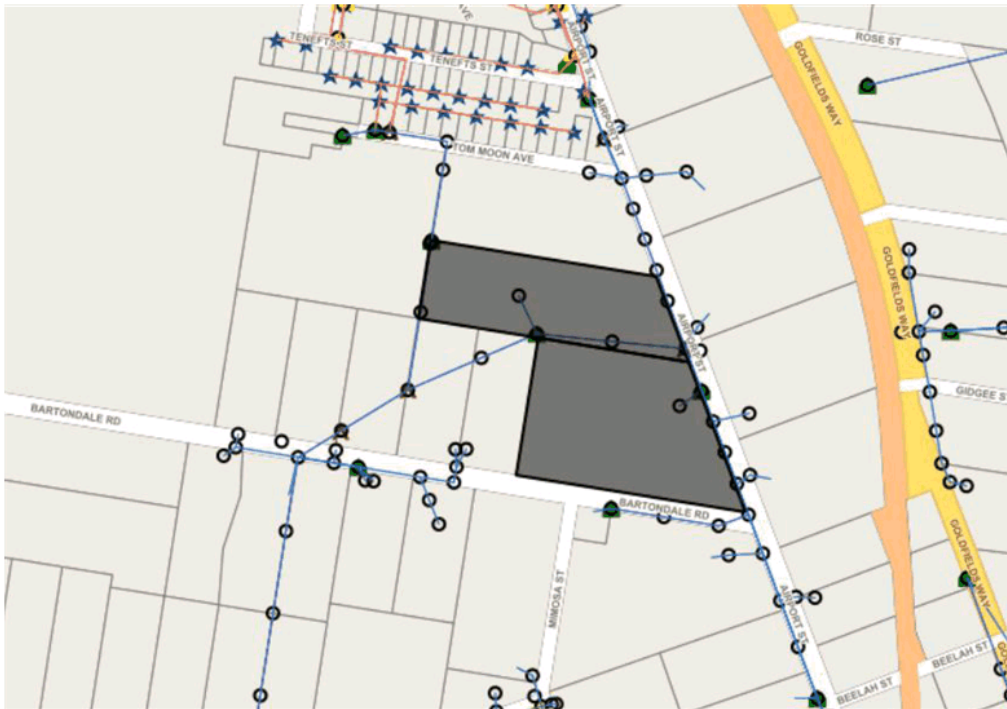


Figure 9: Location of electricity services in the vicinity of the site

Existing above ground electricity infrastructure located on Lot 1112 will be required to be relocated undergrounds as part of this development. Preliminary consultation has occurred with relevant electricity infrastructure providers, who have advised that relevant connections can be provided to the network.



Existing power pole to be removed as part of subdivision



Existing powerline, looking east from dwelling, to be relocated underground

Gas Services

Gas services are available adjacent to the development site, as shown by Figure 10. Preliminary consultation has occurred with APA gas services, who have advised that gas services may be provided to the proposed subdivision development.

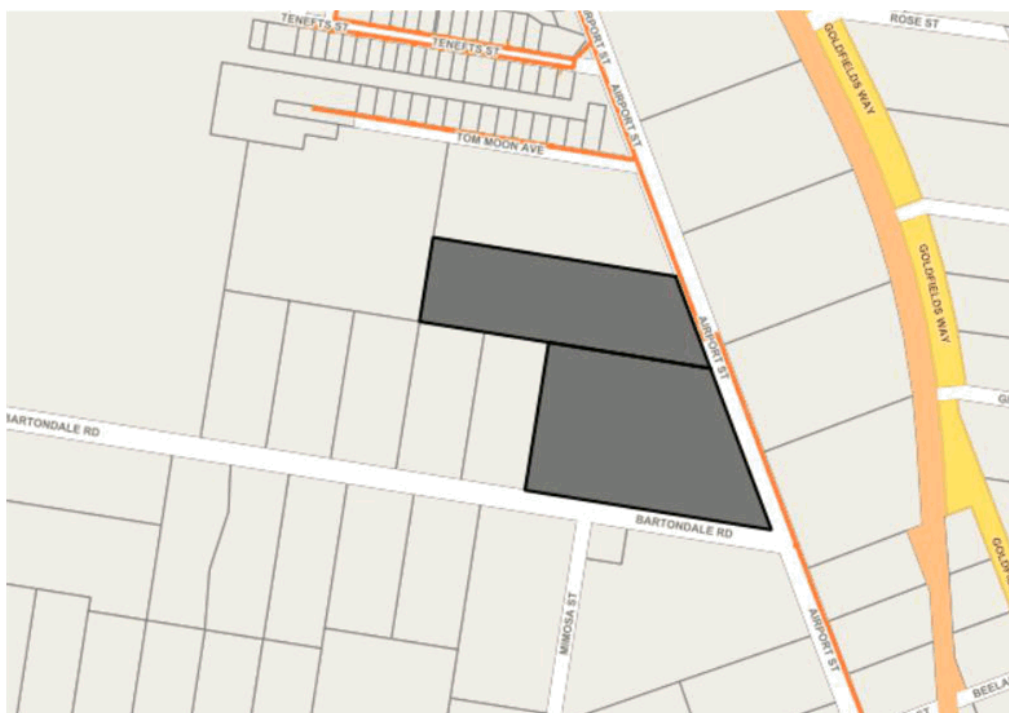


Figure 10: Gas services adjacent to the development site

Road infrastructure

The site is served by existing road infrastructure of Airport Street and Bartondale Road. Airport Street is a 9m wide sealed and linemarked road that includes a linemarked cycleway on the eastern side. Bartondale Road is a 7m wide sealed rural road. The current signposted speed limit of these roads is in part 50km/hr and in part 70km/hr.

Telecommunications

The site is able to be serviced by mobile phone and NBN connections, which will be finalised closer to the construction time.

6. Environmental Planning Assessment

This section provides an environmental planning assessment of the proposed development against all relevant statutory and non-statutory requirements. The development is evaluated under Section 4.15 of the Environmental Planning and Assessment Act 1979.

4.15 Evaluation

Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

(i) any environmental planning instrument,

The following State Environmental Planning Policies (SEPP) are relevant to the application:

State Environmental Planning Policy 55 – Remediation of Land

Lot 2 DP 209557 is the former Temora saleyards land. As part of the rezoning of this site, conducted in 2019, a preliminary site investigation was conducted by McMahon Earth Science. The study concluded that:

- The potential contamination sources, pathways and receptors have been identified along with the areas of concern.
- The sampling undertaken returned results below the adopted criteria and as such the risk of gross contamination across the site is low.
- The potential hazardous building material and fill material on site can be managed during development given appropriate controls are put in place as outlined in this PSI.
- Based on the findings of this report the site is assessed to be suitable for the proposed development with low risk to human health and/or the environment.

Lot 1112 DP 750587 was previously used for large lot residential purposes with a single dwelling. The site has no evidence of any potential contamination and no further investigation is required in relation to this site.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposal will involve clearing of vegetation. There are twenty Eucalyptus trees located along the roadside of Bartondale Road, that will be required to be removed to support the future subdivision. These trees will be replaced by appropriate street trees as part of the development. There is also a patch of vegetation, approximately 6000sqm, that will be required to be removed to facilitate the subdivision. This vegetation is comprised of a mixture of native and non-native species, including 10 semi-mature – mature species of Eucalypts, a small number of peppercorn trees and white cedar trees, and a predominance of non-native black pine trees. The groundcover is comprised of broadleaf weeds, grasses and stinging nettles. Appendix 1 shows site photos of existing vegetation.

As the area of native trees proposed to be clear is less than the threshold of 0.25 hectares, the proposal does not require consideration under the Biodiversity Offset Scheme.

It is concluded that the clearing of this vegetation is unlikely to significantly affect threatened species.

Under the **Temora Local Environmental Plan 2010**, the site is zoned SP1 Special Activities (Business Premises, Residential, Tourist and Visitor Accommodation, Incidental with Aviation).

The objectives of zone are:

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- To encourage the protection and careful management of roadside native vegetation and native habitats.
- To encourage a variety of business, residential and tourist accommodation land uses within the vicinity of the airport that are incidental to aviation.

The zone permits development of the land with consent for the purpose shown on the land zoning map, including any development that is ordinarily incidental or ancillary to development for that purpose.

The proposal is consistent with the objectives of the zone and is permitted with consent.

Principal Development Standards

4.1 Minimum subdivision lot size

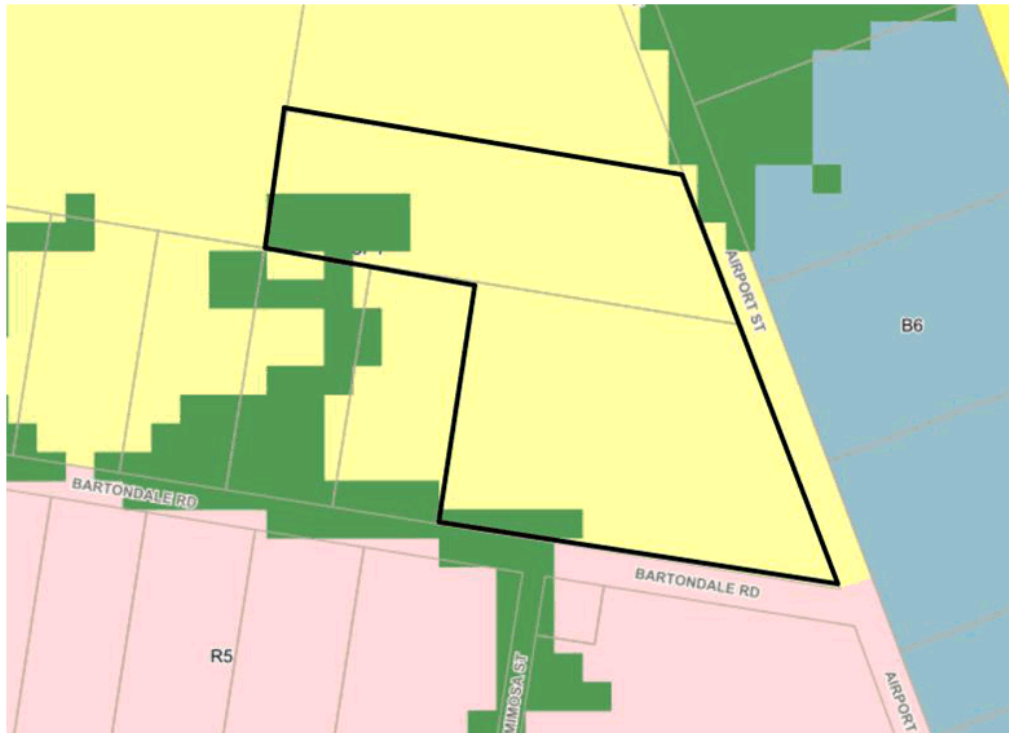
The minimum lot size that applies to the site is 750 square metres. All proposed lots are larger than the minimum lot size.

Additional local provisions

6.1 Biodiversity

A small section of the site is identified as Sensitive Biodiversity, specifically part of the roadside vegetation along Bartondale Road and a small patch of vegetation located west of the existing dwelling on Lot 1112. The roadside vegetation consists of large Eucalyptus trees, with exotic grasses and weeds groundcover. It is recommended that these trees be removed in order to facilitate the development and be replaced with suitable street trees. The removal of the roadside trees is not considered to be environmentally significant due to the small number of trees impacted by the development.

The patch of vegetation identified on the biodiversity map is a mixture of common native trees and non-native trees. The groundcover is a mixture of exotic grasses and weeds. The removal of this vegetation is not considered to be environmentally significant due to the relatively small area impacted and the lower environmental value of this patch of vegetation.



6.2 Land

There is no sensitive land identified within the site.

6.3 Water

There are no sensitive waterways that are identified within the site.

6.4 Earthworks

The project will require significant earthworks in order to facilitate construction of roads and connection to other infrastructure. Earthworks will be conditioned to be managed throughout the construction period in order to manage erosion and drainage patterns.

6.5 Essential Services

The development will be conditioned to connect to relevant essential services, including the supply of water, electricity, sewer management and disposal, stormwater drainage and suitable road access.

6.6 Flood Planning

The site is not identified as flood prone land and is not identified as being affected by the 1% AEP by the Temora Flood Study 2019.

6.7 Development in areas subject to airport noise

The airport estate is located adjacent to, but not directly impacted by, the Australian Noise Exposure Concept (ANEC) noise contours, which identifies land being affected by aircraft noise. As the purchasers of the subdivided lots will be completing development in association with aviation, there is an acceptance of general aircraft noise within the vicinity of the site. The level of impact of aircraft noise of existing and future use of light aircraft, low level usage of commercial aircraft and use of aircraft in association with the Temora Aviation Museum are considered to be acceptable where the development is in association with a residential airport estate

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),

There are no proposed instruments that are relevant to this application

(iii) any development control plan,

Under the Temora Shire Development Control Plan 2012, the following Chapters are relevant to the application:

Contaminated Land

The issue of potential land contamination has already been considered as part of a SEPP55 report that was prepared as part of the rezoning of this site. The site has been deemed suitable for the proposed use of residential development, therefore no further assessment is required.

Development Applications

The Development Application includes relevant plans and supporting information suitable for the assessment process.

Engineering Standards

The engineering infrastructure will respond to relevant controls including:

Statement of Environmental Effects – Page 21 of 32

- Rolled kerb to provide future driveway access
- Provision of stormwater guttering
- Sealed roads and road shoulders in accordance with Council standards
- Footpaths are not required in this location
- Connection to water, sewer and stormwater infrastructure in accordance with Council standards
- Planting of street trees
- Inclusion of relevant easements for infrastructure
- Provision of street lighting in accordance with Australian Standards

Environmentally Sensitive Areas

There are a small number of Eucalyptus trees that will be required to be removed to facilitate the proposed subdivision. These trees have limited environmental and amenity value and their removal is not considered to have a significant impact on biodiversity, habitat or threatened species.

Erosion and Sediment Control

The development will require relevant erosion control measures and management practices as part of the construction process. These can be included as conditions of consent.

Landscaping

The development will include provision for the planting of suitable street trees. Future residential developments will be required to adhere to the airpark landscaping schedule of plantings that do not attract birds and fruit bats.

Notification of Development Applications

The development will be required to be notified to neighbouring landholders and advertised using normal notification procedures.

Subdivision

The subdivision design responds to relevant Council controls relating to lot size and minimum lot frontage. All relevant services and road connections will be provided.

Temora Airpark Estate

The subdivision will form the next stage of the Temora Airpark Estate. All future development on this site will be required to respond to the controls included within this Chapter.

(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,

There are no relevant planning agreements that apply to this site.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

The application has satisfied all relevant regulations in relation to development application information. There are no concurrences required. Relevant Government agencies were consulted as part of the rezoning of this land. Council officers have satisfied all relevant issues in relation to biodiversity, Aboriginal cultural assessment and land contamination. Aboriginal Heritage Information Management System (AHIMS) searches of both lots have revealed that no Aboriginal sites are recorded in or near the location and no Aboriginal places have been declared in or near the locations. Refer to Appendix 2 for AHIMS searches. The proposal to provide additional house and hangar development in the future is consistent with the objectives of this zone and additional demands for aircraft usage can be accommodated at the Temora Airport.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Environmental impacts – natural environment

The site is not identified as being affected by flooding or bushfire risk. Impacts upon the natural environment are limited as the site is largely cleared, as it has been used as a saleyards in the past and low density residential usage. The proposed use of the site for residential development in association with aviation is consistent with the zoning of the site.

Environmental impacts – built environment

There are no heritage items that are included on the site.

The subdivision will enable future changes to the built environment, as house and hangar developments will be supported. This is in accordance with the objectives of the zone. The Development Control Plan Chapter Temora Airpark Estate will control future development and support the construction of a high quality residential area.

Social impacts

The social impacts of the development will be positive with the additional opportunities for new residents in Temora. The level of development is considered to be acceptable based upon the available airport infrastructure, as well as existing community infrastructure, facilities and services.

Economic impacts

The economic benefits will be positive through the generation of new residents and new development within Temora Shire. The proposed subdivision will respond to ongoing

Statement of Environmental Effects – Page 23 of 32

demand for residential airpark development, with Council responding to this demand and diversifying the local economy outside of the core economic driver of agriculture.

(c) the suitability of the site for the development,

The site is suitable for the proposed purpose, due to the proximity of the site to the Temora Airport. Access to the site for aircraft will be provided by a future taxiway, to be constructed as part of a separate development application.

(d) any submissions made in accordance with this Act or the regulations,

Any submissions received will be considered as part of the assessment process. Council has already completed extensive consultation in relation to this proposal as part of developing the Temora Airport Master Plan, as adopted by Council in April 2019. Preliminary consultation with the Aerodrome Users Committee has already occurred prior to the submission of the Development Application, with feedback being generally positive.

(e) the public interest.

The development is in the public interest as it supports additional housing and economic opportunities and provides for the reuse of land following the closure of the Temora saleyards.

7 Conclusion

The proposed development of a 40 lot residential airpark subdivision at 44 Airport Street and Bartondale Road, Temora is consistent with the objectives of the zone and is in accordance with Council's adopted Temora Airport Master Plan. The proposal will provide economic and social benefits to the community through the provision of additional residential development opportunities in association with aviation. The proposal will support the reuse of the former Temora saleyards land and will support additional use of the Temora Airport. Existing infrastructure can be extended to accommodate the development. The site is already largely cleared and the removal of a mixture of native and non-native trees, located on the roadside and a small patch of existing vegetation, is not considered to cause an impact to threatened species and their habitat. It is recommended that the proposed development be approved by Council, subject to relevant conditions.

Appendix 1:

Site photos



Bartondale Road
looking west,
showing existing
roadside
vegetation



Bartondale Road
looking east
showing existing
roadside vegetation



Former saleyards
land looking north



Former saleyards
land looking north-
east



Former saleyards
land looking east



Former saleyards
land looking west



Vegetation on Lot
111 – Black pine
trees



Vegetation on Lot
1112 -
Peppercorn trees



Vegetation – black
pine tree



Vegetation –
Cedar tree

Statement of Environmental Effects – Page 29 of 32



Vegetation –
Pine trees and
Eucalyptus trees



Vegetation – Pine
trees and
Eucalyptus trees

Statement of Environmental Effects – Page 30 of 32



Vegetation –
groundcover and
pine tree



Vegetation – Pine
trees and Eucalyptus
trees

Appendix 2

Aboriginal Heritage Information Management System searches of Lot 2 DP 209557 and Lot 1112 DP 7505874352

4 CLOSE MEETING

The Meeting closed at 7:05PM.

This is the minutes of the Aerodrome Users Committee meeting held on Tuesday 8 September 2020.

.....

GENERAL MANAGER

.....

CHAIRPERSON

8 DELEGATES REPORTS**1. CR SMITH**

Attended the Rural Museum meetings on the 27 August 2020 with Cr Oliver also in attendance. Mr Robert Maslin was elected the President of the Bundawarra Committee.

2. CR WIENCKE

Advised that the Lachlan Regional Transport Committee have not met for the last 3 meetings, and 3 Councils have withdrawn from this Committee. Hoping to have a meeting soon.

3. CR FIRMAN

REROC – Advised that all other Councils across the footprint have made a commitment for the next two years to REROC. Riverina Water for only one Year. The Annual General Meeting for REROC will be Friday 23 October 2020.

4. CR SINCLAIR

Attended the Australia Day Committee meeting on Monday 14 September 2020. Still unsure if the event will go ahead. Calling for nominations for Citizen of Year, Young Citizen and Event of the Year.

Attended the Lake Centenary Management Committee meeting last week, the first meeting in 6 months. The committee has already taken \$2,000 in launch fees. The lake should see a lot of use this year being full.

GWCC – Accepted a tender to replace part of the main line from Jugiong to Harden, with the next project to be the Thanowring pipe line.

9 MAYORAL REPORT**9.1 MAYORS REPORT - AUGUST 2020**

File Number: REP20/959
Author: Executive Assistant
Authoriser: General Manager
Attachments: Nil

REPORT

3rd August – Local Government & Education Week commenced – with the COVID-19 situation, we are having somewhat of a lower key celebration this year. My warm congratulations to our Community & Cultural Services Officer, Ms Amanda Gay and our Communications Officer, Mrs Kate Slapp, for their great effort.

- I attended a sitting of the NSW Local Government Boundaries Commission. This is again to consider the de-merger proposals of Cootamundra-Gundagai Regional and Snowy Valleys Councils.
- I chaired the special tribute ceremony to our Nurses & Midwives at Temora District Hospital. Council together with our Shire community warmly thank all our Nurses and Midwives – past and present. Congratulations are extended to our Hospital Facility Manager, Mrs Wendy Skidmore, who has the honour of planting the commemorative tree on the grounds of the Hospital, in honour of all our Nurses and Midwives.
- I chaired the Temora Local Health Advisory Committee (LHAC) monthly meeting. We have a great team who care deeply about our Hospital and our Shire community. The LHAC is the closest group we have to the former Hospital Board.

4th August – I had a teleconference with Coolamon Shire Mayor John Seymour OAM (Deputy Chairman of Riverina Eastern Regional Organisation of Councils (REROC).

- I had a teleconference with the Local Government NSW President, Cr Linda Scott.

5th August – I attended the Council Chambers.

- We conducted a zoom meeting with the students of Arian Park Central School. This was a great experience with students from Kindergarten to Year 11. I warmly thank all teachers and students involved in bringing this about. I also praise Mrs Slapp for her outstanding effort with filming and editing.

6th August – Councillors, Senior Staff and I attended a special workshop, held in the Temora Memorial Town Hall Supper Room.

- I went to Wagga & attended a meeting of the NSW Joint Organisation (JO) Chairmen's Network, via zoom videoconferencing. As the Independent Chairman of the Riverina JO I have the honour to work with the 12 other JO Chairmen from across NSW. Temora Shire's Deputy Mayor, Cr Graham Sinclair, is the Temora Shire delegate on the Riverina JO Board.

7th August – I chaired the REROC Executive meeting, via zoom videoconferencing.

- I had a teleconference with our NSW Member for Cootamundra, Ms Steph Cooke MP. This is one very tough, caring, and hard-working lady!

10th August – The General Manager's Performance Review Panel (comprising myself, Deputy Mayor Cr Sinclair, Cr Nigel Judd OAM, and Cr Ken Smith) held our annual formal review. This was a very good session and we are certainly most grateful to have our General Manager, in Mr Gary Lavelle PSM. Mr Lavelle gives 100% plus to all he does. He truly cares about our Councillors, Staff and Shire community. I thank the Panel Members for their effort, and also Messrs Terrey Kiss PSM and Allan McCormack (from Blackadder & Associates) for assisting Council and I in facilitating the meeting.

11th August – Councillors, Senior Staff and I attended Council Committee Day. Committee's included Youth Advisory, Access & Equity, Assets & Operations and Economic Development & Visitation. This was a really good day of meetings with everyone giving 100%.

12th August – I chaired the Temora West Public-School Council meeting, with Cr Max Oliver also joining me as a community member of the School Council. It was the first meeting our Acting Principal, Mr Peter Roddy attended, whilst Mrs Toni Smart is on well-earned long-service leave.

- I had a teleconference with the Mayor of Coolamon Shire, Cr John Seymour OAM.

13th August – I attended a Murrumbidgee Primary Health Network Chairmen's Forum via zoom videoconference. This was a great opportunity to catch up with all Chairmen of Hospitals from across the Murrumbidgee footprint.

- I attended the Annual General Meeting of the Temora Shire Australia Day Council. Congratulations are extended to the Deputy Mayor, Cr Sinclair, on his re-election as Chairman. My dear mother, Mrs Beth Firman was also re-appointed to her long-standing role of Secretary and Cr Max Oliver, is again our Treasurer. Australia Day is scheduled for Gloucester Park, for breakfast, on Tuesday 26th January 2021, with the usual Citizen of the Year Awards to be conducted.

17th August – I attended Council office.

- I attended meetings with the General Manager (Mr Lavelle).

19th August – I chaired the Temora & District Sports Council Delegates meeting. Cr Max Oliver also attended the meeting. We will not meet in September and resume in October.

20th August – I had a most exciting experience, spending time with World War II Veteran from Temora Shire, Mr Bill Harris. Mr Harris and I were involved with the filming of a 'Minute with the Mayor'. Mr Harris was also filmed as part of our 'Homegrown Heroes' series. To suggest Mr Harris is a gentleman of the highest order would certainly be an understatement. Courage, grace, dignity, and warmth are just some of the qualities I believe Mr Harris possess.

- Councillors, Senior Staff, and I attended our August Council meeting.

- I had a teleconference with Local Government NSW President, Cr Linda Scott.

25th August – I chaired the Temora Police & Community Committee’s annual general meeting. Congratulations to retiring Chairman, Col Patrick Thorne AM (Ret’d) on his leadership over the past two terms. We welcomed two new members in Mr Grant Haigh (St Anne’s Central School Principal) and Mr John Liston. I was elected Chairman for the 12 months, with retiring Treasurer, Cr Max Oliver appointed as the new Deputy Chairman. Ms Narelle Pellow is the new Treasurer. We particularly thank our Sergeant, Tyrone Stacey, and Inspector Andrew Ryabovitch for their solid support of the TPCC.

26th August – I attended the Council Chambers for a series of meetings.

- I had a teleconference with NSW Member for Cootamundra, Ms Steph Cooke MP. Ms Cooke is also Parliamentary Secretary for the Deputy Premier and for Southern NSW.

27th August – I chaired the Riverina Joint Organisation Board meeting.

- I chaired the Riverina Eastern Regional Organisation of Councils Board meeting. We had seven regional general-purpose Councils re-commit to REROC for at least the next two years, with Goldenfields Water County Council doing the same.
- I chaired a Temora District Hospital Executive meeting with Pastor Patricia Morris (LHAC Secretary) and Mrs Wendy Skidmore (Hospital Manager).
- I chaired the Temora & District Education Fund’s Board meeting, the first one since February. It was great to be back together.
- I had a teleconference with Federal Member for Riverina, the Hon Michael McCormack MP.

28th August – I attended a sitting of the NSW Local Government Boundaries Commission.

29th August – I turned 46 years of age and had a terrific day. I was particularly touched by the kind calls, notes etc I received. I even goal umpired at Ganmain, making my maiden appearance for the year.

31st August – I had a meeting with the General Manager (Mr Lavelle).

RESOLUTION 176/2020

Moved: Cr Dale Wiencke

Seconded: Cr Kenneth Smith

It was resolved that Council notes the Mayoral report.

CARRIED

Report by Mayor Rick Firman

10 STAFF REPORTS

RESOLUTION 177/2020

Moved: Cr Max Oliver

Seconded: Cr Lindy Reinhold

It was resolved that Council receive Staff reports.

CARRIED

11 GENERAL MANAGER**11.1 CALENDAR OF EVENTS - SEPTEMBER 2020****File Number:** REP20/1012**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** Nil**SEPTEMBER**

8 Committee meetings

17 Council meeting

OCTOBER

6 Committee meetings

15 Council meeting

RESOLUTION 178/2020

Moved: Cr Max Oliver

Seconded: Cr Graham Sinclair

It was resolved that the Calendar of Events be noted.

CARRIED

11.2 SEALS - SEPTEMBER 2020**File Number:** REP20/1011**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** Nil**REPORT**

The Council Seal is required to be affixed to the below documents:

- Transfer - GWCC 11 Narraburra Street, Temora
- Sale – 145 Britannia Street, Temora

RESOLUTION 179/2020

Moved: Cr Nigel Judd

Seconded: Cr Lindy Reinhold

It was resolved that the Council Seal be affixed to the above documents.

CARRIED

Report by Gary Lavelle

11.3 DRAFT PROCUREMENT POLICY**File Number:** REP20/975**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Draft Procurement Policy [↓](#) **REPORT**

The draft Procurement Policy was presented to the August meeting of Council and, due to the receipt of 2 submissions, the matter was referred to a workshop for consideration.

Following the workshop, held 2 September, a number of changes are proposed, taking into account the issues raised in the submissions.

The amended Policy G3 – Procurement Policy is attached. To assist with highlighting changes proposed, the changes are shown in red, throughout the document.

RESOLUTION 180/2020

Moved: Cr Claire McLaren

Seconded: Cr Dennis Sleight

It was resolved that Council adopts Policy G3- Procurement Policy, with the inclusion of “Council reserves the right to suspend or cease dealing with contractors or suppliers who do not comply with any of the above principles by resolution of Council”.

CARRIED

Report by Gary Lavelle

Function: Engineering

Temora Shire Council

Policy Number: G3

TEMORA SHIRE COUNCIL



PROCUREMENT POLICY

DRAFT

Revision 1
File Name: 2 G3 - Procurement Policy.doc

Function: Engineering

Temora Shire Council

Policy Number: G3

Review Details

ABOUT THIS RELEASE

DOCUMENT NAME: Procurement Policy
CODE NUMBER: G3
AUTHOR: Temora Shire Council
ENDORSEMENT DATE: To be advised

REVIEW

Revision Date	Revision Description		Date approved by Council	General Managers Endorsement
24/10/2019	Initial Draft			

PLANNED REVIEW

Planned Review Date	Revision Description		Review by
24/10/2020	General Review		

Revision 1
 File Name: 2 G3 - Procurement Policy.doc

*Function: Engineering**Temora Shire Council**Policy Number: G3*

1. PURPOSE

Temora Shire Council is committed to procurement practices that achieve the best possible value for money, and employ highly transparent, accountable and ethically-sound processes.

This is **achieved** by conducting thorough evaluations of the whole-of-life cost of purchases, and ensuring that best practice procurement processes are communicated, understood and adhered to by all parties.

This Policy applies to Council's procurement functions including purchasing, tendering, contract management, payments and asset disposal as they relate to the acquisition, use and disposal of goods and services.

Through observing this Policy, Council will be able to use procurement as an opportunity to manage the community's money wisely and to deliver much needed goods and services in a financially, environmentally and socially sustainable way.

2. OBJECTIVES

To ensure purchasing arrangements comply with the following organisational objectives;

- Compliance with Local Government Act and Regulations;
- Efficient and effective use of Council resources;
- Open and effective competition;
- Value for money;
- Quality product and service;
- Enhancement of the capabilities and sustainability of local business and industry;
- Sustainable procurement;
- Environmental protection;
- Ethical behaviour and fair dealing; and
- Safety compliance, including transport chain of responsibility compliance.
- **Support for local business**

3. POLICY

3.1 GENERAL INFORMATION

It is generally accepted that purchasing by publicly funded authorities is guided by the following key principles:

- Compliance with the NSW Local Government Act 1993 and the NSW Local Government (General) Regulations 2005 in relation to the procurement of goods and services;
- Purchasing procedures be designed to provide the best value for money through the effective and efficient use of resources;

Revision 1
File Name: 2 G3 - Procurement Policy.doc

*Function: Engineering**Temora Shire Council**Policy Number: G3*

- Purchasing procedures used must achieve the highest level of public accountability, as outlined in this policy;
- Purchasing procedures must achieve the best value for money, ensure open competition and ensuring no individual supplier is given advantage over others;
- Purchasing procedures comply with all of Council's policies;
- Purchasing procedures should mitigate and manage the exposure to all risks associated with procurement.

3.2 APPROVED SUPPLIER ARRANGEMENTS

3.2.1 Approved Suppliers

Approved Supplier means a supplier who has been approved by Temora Shire Council to supply goods and services to the organisation.

Council continually maintains an Approved Supplier Register, with suppliers successfully meeting specified criteria set by Council being established as an Approved Supplier.

Assessment criteria relates to supplier insurance, registration and licensing, along with a commitment to Work Health and Safety and compliance with Council's adopted policies and procedures.

Council utilise the Approved Supplier Register to obtain goods and service proposals through seeking Quotations and Tenders, combined with undertaking specific purchases relating to direct plant and labour hire (hourly rate) without calling for quotations up to a value of \$50,000.

The intent of the Approved Supplier Arrangement is to facilitate an efficient purchasing process that maintains value and mitigates purchasing risk.

Selective direct plant and labour hire purchasing aims to efficiently support Councils existing resource base, through the elimination of need to clearly define project scope and obtain multiple or duplicate quotations for high volume routine purchases.

The results for Council is maintenance of good value for money, flexibility in procurement methods (labour/plant hire vs project quote for minor routine works) and more efficient use of internal resources.

Under this arrangement Council maintains the right to test the market and call for open quotations for any products or services it deems necessary.

Organisations seeking to become a Council Approved Supplier can access an Approved Supplier Application Pack via Council's website or via the following link [Approved Supplier Application](#).

3.2.2 Preference for Local Suppliers

A local supplier is defined as individuals, organisations or companies whose main business functions are based within the geographical Temora Local Government Area **and who maintain business premises located within Temora Shire**.

The preference of Local Suppliers is to recognise the importance of local business by acknowledging that such businesses should be given consideration in the purchasing

*Function: Engineering**Temora Shire Council**Policy Number: G3*

function of Council. Council will endeavour to ensure that local **suppliers** are afforded the opportunity to participate in the process.

In considering purchasing options, a local purchase preference, to a value of 10% or \$1,000, whichever is the lesser value, will be given where a product is available locally. **The local preference amount does not apply to local business delivering Government Contract procurement.**

In the case of fuel, agreements for supply by the local **supplier** will be tested annually against the Terminal Gate Price and rates provided by LGP. In annual terms, the local purchase preference policy will apply.

3.3 ETHICAL STANDARDS AND FAIR DEALINGS

Council is committed to ethical business practice based on the principles of public duty. Such principles include value for money, transparency, impartiality and fairness.

Temora Shire Council will ensure that procedures and practice relating to procurement of goods and services are consistent with best practice and the highest standards of ethical conduct. Council staff are in all circumstances bound by Council's Code of Conduct when carrying out their duty as an employee of Council.

- Staff are expected to abide by state and federal law and all relevant Council policies and procedures;
- **Staff must act ethically, fairly, respectfully and honestly in all dealings with suppliers;**
- Staff are accountable for their actions and are expected to act in the public interest;
- Staff are expected to act with due care and diligence;
- Staff are expected to use public resources effectively and efficiently; and
- Staff should avoid any conflicts of interest either perceived, pecuniary or non-pecuniary.

In addition, procurement activities are guided by the following core business principles;

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids.
- All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for an effective performance review of contracts.
- Tenders and quotations will not be called unless Council has a firm intention to proceed to contract. Council will not disclose confidential or property information.

Council expects all **suppliers, or agents of suppliers** of goods and services to observe the following principles when doing business with Temora Shire Council.

- Provide accurate and reliable advice and information when required;
- Declare actual or perceived conflicts of interest as soon as the business becomes aware of the conflict;

Revision 1
File Name: 2 G3 - Procurement Policy.doc

*Function: Engineering**Temora Shire Council**Policy Number: G3*

- Respect the obligation of Council staff to act ethically, fairly and honestly in all business dealings;
- To act ethically, fairly, respectfully and honestly in all dealings with Council;
- To not exert pressure on Council staff to act in ways that contravenes the business ethics or code of conduct of our organisation.
- To refrain from engaging in any form of collusive practice, including offering Council employee's inducements or incentives designed to improperly influence the performance of their duties.
- To commit to not offer Council staff inducements or incentives such as money, gifts, benefits, entertainment or employment opportunities.
- To assist Council to prevent unethical practices in its business relationship.
- To refrain from contact with Councillors in relation to **a decision on the allocation of current or future** supply of goods or services to Council

Council reserves the right to suspend or cease dealings with contractors or suppliers who do not comply with any of the above principles.

For further detail regarding ethical standards and Council Code of Conduct, please refer to Governance Policies [G15 - Statement of Business Ethics](#) and [G17 - Code of Conduct](#) available on Council's website.

3.4 SAFETY, QUALITY AND ENVIRONMENT

All suppliers must adhere to current Workplace Health and Safety, Quality and Environmental legislative requirements.

The relevant Council Officer in charge of the procurement activity shall ensure all suppliers comply with the provisions of Council's safety, quality and environmental policy and procedure.

For further detail regarding safety quality and environmental expectations, please refer to Council policies [Health and Safety Policy](#), [Quality Policy](#) and [Environmental Policy](#) available from Council on request.

3.5 SUSTAINABLE PROCUREMENT

Sustainable procurement is a process whereby Council will meet its needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment.

Practicing sustainable procurement will assist Council in:

- Eliminating unnecessary inefficiency, manage demand, waste and expenditure;
- Minimise environmental impacts of the goods and service over the whole of life cycle;
- Contributing to the combined purchasing power of local government to further stimulate demand for sustainable products;
- Increasing awareness about the range and quality of sustainable products available;
- Delivering its commitments in relation to environmental and social objectives;

Revision 1
File Name: 2 G3 - Procurement Policy.doc

*Function: Engineering**Temora Shire Council**Policy Number: G3*

- Playing a leadership role in advancing long term social and environmental sustainability;
- Supporting local businesses and organisations.

3.6 DISPOSAL OF ASSETS

The disposal of plant, equipment and goods must be carried out in a manner consistent with relevant Council policies and procedures, providing maximum benefit to Council.

3.7 SOLE SOURCE OF SUPPLY

Where a purchasing requirement is of a specific nature that can only be reasonably obtained from one supplier, procurement may be permitted without undertaking a quotation process where:

- There is a genuine need for a proprietary product to ensure compatibility with existing equipment and there is a sole source of supply for the proprietary product;
- A genuine emergency arises that seriously threatens employees, customers, assets or corporate reputation;
- An urgent and important operational need where the welfare of customers or employees faces an impending and serious threat; or,
- There is a need for unique intellectual property or expertise that is available from only one supplier.

This approach may only be used for non-complex, low risk procurements with a value under the tendering threshold. Using a sole source of supply is only permitted under circumstances where Council is satisfied and can provide evidence that there is only one source of supply for those goods, services or works.

Function: Engineering

Temora Shire Council

Policy Number: G3

Table 1: Levels of Purchase

Category	Value of Goods & Services (GST Ex.)	Requirement Summary	Purchase Records
1	Goods & Services less than \$5,000	<ul style="list-style-type: none"> ✓ Minimum of 1 verbal quote or use tendered rates from Approved Supplier Register. ✓ Quotation Record <p><i>Note: Quote and/or Approved Supplier selection must be deemed reasonable by a Delegated Authority.</i></p>	<ul style="list-style-type: none"> ✓ Purchase Order Form ✓ Quotation Record Form ✓ Daily Plant and Labour Hire Timesheet
	\$5,001 - \$10,000	<ul style="list-style-type: none"> ✓ Minimum of 1 written quote or use tendered rates from Approved Supplier Register. ✓ Quotation Record <p><i>Note: Quote and/or Approved Supplier selection must be deemed reasonable by a Delegated Authority.</i></p>	<ul style="list-style-type: none"> ✓ Purchase Order Form ✓ 1 Written quote ✓ Quotation Record Form ✓ Daily Plant and Labour Hire Timesheet
	\$10,001 - \$50,000	<ul style="list-style-type: none"> ✓ Minimum of 2 written quotes or use tendered rates from Approved Supplier Register <p><i>Note: If 2 quotes are not possible, the reasons must be documented on the Quotation Record</i></p> <ul style="list-style-type: none"> ✓ Quotation Record <p><i>Note: Quote and/or Approved Supplier selection must be deemed reasonable by a Delegated Authority.</i></p>	<ul style="list-style-type: none"> ✓ Purchase Order Form ✓ 2 Written quotes ✓ Quotation Record Form ✓ Daily Plant and Labour Hire Timesheet
	\$50,001 - \$150,000	<ul style="list-style-type: none"> ✓ Quotation Specification development ✓ Distribution via email to Approved Suppliers and other suitable suppliers. ✓ Minimum of 3 written quotes. ✓ Quotation Record 	<ul style="list-style-type: none"> ✓ Purchase Order Form ✓ 3 Written quotes ✓ Minor Quotation Specification Form ✓ Quotation Record Form ✓ Process documentation
2	\$150,001 - \$250,000	<ul style="list-style-type: none"> ✓ Where feasible, a formal tender process (public or selective) should be adopted (see purchases >\$250,000). ✓ Where not possible, the below conditions apply: ✓ Detailed Quotation Specification development ✓ Distribution via email to Approved/other suitable suppliers ✓ Minimum of 3 written quotes ✓ Prescribed evaluation ✓ Supplier outcome response ✓ Quotation Record 	<ul style="list-style-type: none"> ✓ Compliance with Tender Procedure OR ✓ Purchase Order Form ✓ 3 Written quotes ✓ Detailed Quotation Specification Form ✓ Quotation Record Form ✓ Declaration of Interest Form ✓ Quotation Evaluation Form ✓ Process documentation ✓ Letter notifying suppliers of outcome

Revision 1
File Name: 2 G3 - Procurement Policy.doc

*Function: Engineering**Temora Shire Council**Policy Number: G3*

3	\$250,001 and above	✓ Formal tender process.	✓ Compliance with Tender Procedure
Other	Government Contract	✓ Less than \$5000. Delegated Authority Approval ✓ \$5,001 - \$150,000. Departmental Manager / Director Approval ✓ Greater than \$150,000. General Manager Approval	✓ Purchase Order Form
	Emergency Event	✓ Written approval from General Manager	✓ Written approval from General Manager

Revision 1
 File Name: 2 G3 - Procurement Policy.doc

11.4 MODEL CODE OF CONDUCT

File Number: REP20/1004

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. **Model Code of Conduct**  
2. **Procedures**  

REPORT

In August 2020, the Model Code of Conduct, Procedures for the administration of the Model Code of Conduct were introduced.

The new documents are required to be adopted by Council as soon as possible.

A summary of the changes are as follows.

Summary of amendments to the Procedures**Disciplinary Action**

In the amended Procedures Councils have the following options when taking disciplinary action against Councillors for breaches of their codes of conduct under the new Procedures:

1. That a Councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (the Act), or
2. That a Councillor be formally censured for a breach under section 440G and the matter referred to the OLG for further disciplinary action under the misconduct provisions of the Act.

Censuring

The process for censuring Councillors for breaches of the code of conduct has been significantly strengthened to ensure Councillors are made publicly accountable to their electors for their conduct.

Training/Counselling

Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the Council.

Evidence

Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.

Other amendments to the Procedures are to:

1. Allow panels of conduct reviewers to be appointed without a resolution of the Council, and
2. Allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the Council will not have a quorum to deal with the matter.

Summary of amendments to the Model Code

Minor amendments have been made to the Model Code, mainly in relation to gifts and benefits in response to feedback from some Councils.

Gifts

The amendments to the gifts and benefits provisions:

1. Lift the \$50 cap on the value of gifts that may be accepted to \$100
2. Clarify that items with a value of \$10 or less are not “gifts or benefits” for the purposes of the Model Code and do not need to be disclosed.
3. Clarify that benefits and facilities provided by Councils (as opposed to third parties) to staff and Councillors are not “gifts or benefits” for the purposes of the Model Code, and
4. Remove the cap on the value of meals and refreshments that may be accepted by Council officials in conjunction with the performance of their official duties.

It is open to Councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

Other amendments to the Model Code are to:

1. Remove as a breach, failure to comply with a Council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
2. Update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
3. Include in the definition of Council Committee and Council Committee members, members of audit, risk, and improvement committees (ARICs) in anticipation of the commencement of the requirement for all Councils to appoint an ARIC following the next local Government elections.

A copy of the documents is attached.

RESOLUTION 181/2020

Moved: Cr Graham Sinclair

Seconded: Cr Kenneth Smith

It was resolved that Council places the Model Code of Conduct and associated procedures on public display for 28 days and report back to Council.

CARRIED

Report by Gary Lavelle

The Model Code of Conduct for Local Councils in NSW

2020

TABLE OF CONTENTS

PART 1	INTRODUCTION	3
PART 2	DEFINITIONS	4
PART 3	GENERAL CONDUCT OBLIGATIONS.....	6
PART 4	PECUNIARY INTERESTS.....	10
PART 5	NON-PECUNIARY CONFLICTS OF INTEREST	17
PART 6	PERSONAL BENEFIT	22
PART 7	RELATIONSHIPS BETWEEN COUNCIL OFFICIALS	25
PART 8	ACCESS TO INFORMATION AND COUNCIL RESOURCES.....	27
PART 9	MAINTAINING THE INTEGRITY OF THIS CODE.....	31
SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21		33
SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21		41
SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37.....		45

PART 1 INTRODUCTION

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

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

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

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

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

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

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

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

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

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

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns

environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

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

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

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

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

Work health and safety

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

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

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

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

PART 4 PECUNIARY INTERESTSWhat is a pecuniary interest?

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

What interests do not have to be disclosed?

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

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

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

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

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

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

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

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

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

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

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- [Disclosure of pecuniary interests at meetings](#)
- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council

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

(a) a member of, or in the employment of, a specified company or other body, or

(b) a partner of, or in the employment of, a specified person.

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

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

(a) the matter is a proposal relating to:

(i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or

(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

(b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and

(c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

(a) be in the form set out in schedule 3 of this code and contain the information required by that form, and

(b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

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

PART 5 NON-PECUNIARY CONFLICTS OF INTERESTWhat is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

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

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

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

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

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

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

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

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

Political donations

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

Loss of quorum as a result of compliance with this Part

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

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

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

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

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

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

Other business or employment

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

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

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

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

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee or councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

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

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

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

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

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

“Cash-like gifts”

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

Improper and undue influence

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

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALSObligations of councillors and administrators

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

7.2 Councillors or administrators must not:

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

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

Obligations of staff

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

7.5 Members of staff of council must:

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

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

Inappropriate interactions

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

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

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCESCouncillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

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

Use and security of confidential information

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

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

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

Personal information

8.12 When dealing with personal information you must comply with:

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

Use of council resources

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

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

Internet access

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

Council record keeping

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

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

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

Councillor access to council buildings

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

PART 9 MAINTAINING THE INTEGRITY OF THIS CODEComplaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

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

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

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

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

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

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

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

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

Complaints alleging a breach of this Part

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

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

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

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

address means:

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

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

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

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

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

interest means:

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

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

35

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

Part 2: Pecuniary interests to be disclosed in returnsReal property

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

Gifts

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

Contributions to travel

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

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

Interests and positions in corporations

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

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

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

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

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:

- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

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

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21'Disclosures by councillors and designated persons' return

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

Important information

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

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

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

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

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

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

as at [return date]

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

[councillor's or designated person's signature]
[date]

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

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

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

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

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions of property

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

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

J. Discretionary disclosures

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

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

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

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

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

47

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

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

Councillor's signature

Date

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

**Procedures for the
Administration of the Model
Code of Conduct
for Local Councils in NSW**

2020

TABLE OF CONTENTS

PART 1	INTRODUCTION	3
PART 2	DEFINITIONS.....	3
PART 3	ADMINISTRATIVE FRAMEWORK.....	5
PART 4	HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?.....	8
PART 5	HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?.....	10
PART 6	PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS	18
PART 7	INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER	23
PART 8	OVERSIGHT AND RIGHTS OF REVIEW	31
PART 9	PROCEDURAL IRREGULARITIES.....	33
PART 10	PRACTICE DIRECTIONS	33
PART 11	REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER..	34
PART 12	CONFIDENTIALITY	34

PART 1 INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

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

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA

code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser

delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1 The council must establish a panel of conduct reviewers.

- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another

council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of

conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.

- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or

- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the

offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to

be taken as a determination that there has been a breach of the council's code of conduct.

- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or

- d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and

appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour

- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of

investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.

- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide

the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.

- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.

- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.

- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
 - a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the

general manager or their delegate, and consider any submission made by them.

- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

12 ENGINEERING SERVICES**12.1 SPRINGDALE SPEED ZONE****File Number:** REP20/1008**Author:** Senior Engineering Technical Officer**Authoriser:** Engineering Technical Manager**Attachments:** 1. Letter from TfNSW  **REPORT**

Following the previous report to Council meeting on the 16th July 2020 regarding the Springdale Speed Zone Council is in receipt of further correspondence as attached.

Formal review and approval by the Deputy Secretary of TfNSW for this change is yet to be undertaken and can take up to 3 months at minimum for this to occur.

In summary the new proposal following correspondence sent from Councils Engineering Department to TfNSW following the July Council meeting is for Springdale to remain at 60km/h but this speed zone be extended to the current 80km/h signs. This is due to TfNSW no longer approving transition speed zones, thus the speed through Springdale will be 60km/h like seen at other localities like Stockinbingal, Harden, Binalong and Ardlethan on Burley Griffin Way.

RESOLUTION 182/2020**Moved:** Cr Max Oliver**Seconded:** Cr Kenneth Smith

It was resolved that Council notes the report and associated correspondence from TfNSW.

CARRIED***Report by Alex Dahlenburg***



Our ref: 01111148

04 September 2020

Mr Gary Lavelle
General Manager
Temora Shire Council
105 Loftus Street
TEMORA NSW 2666

Dear Mr Lavelle

Speed limit review – Burley Griffin Way, Springdale

You may be aware Transport for NSW (TfNSW) recently carried out a speed zone review on Burley Griffin Way, Springdale, following the creation of a new Driver Reviver site at this location. TfNSW determined the speed limit should be reduced to increase safety at the new Driver Reviver site and because of the high volume of traffic and turning vehicles at this location.

However, TfNSW was recently made aware of some opposition to the proposed speed limit reduction at Springdale by members of the community and Council.

We have reviewed our recommendation against the NSW Speed Zoning Guidelines, taking into account crash history, road geometry, road usage, adjacent development, traffic mix, traffic volumes and the number of access points, and have determined it is possible for this section of road to remain as 60km/h within the limits of the guidelines.

As such, TfNSW intends to retain the 60km/h speed limit on Burley Griffin Way at Springdale, however we will extend it to include the very short 80km/h zones that are currently in place. I understand this has been discussed with Rob Fisher at Council who is supportive of this approach.

If you have further any queries regarding this, I would be pleased to take your call on 02 6923 6550.

Regards

A handwritten signature in blue ink, appearing to read 'Jonathan Tasker'.

Jonathan Tasker
A/Director South West

Transport for NSW
193-195 Morgan Street, Wagga Wagga NSW 2650 | PO Box 484 Wagga Wagga NSW 2650 |
ABN 18 804 239 602

13 ENVIRONMENTAL SERVICES**13.1 MODIFICATION DEVELOPMENT APPLICATION 129-131 HOSKINS STREET****File Number:** REP20/1001**Author:** Town Planner**Authoriser:** Director of Environmental Services**Attachments:** 1. Modification request and submission  **REPORT****Background**

Council has received correspondence from the owner of BASE cycle studio, located at 129-131 Hoskins Street, requesting a modification to one of the conditions of consent that apply to the business, specifically Condition 31. Hours of Operation.

The business has operated since January 2018, when development consent (DA71/2017) was approved by Council to operate as a gym, originally from the rear commercial shed, with the original hours of operation being 6:00am – 8:00pm Monday to Friday, 8:00am – 8:00pm Saturday and at no time on a Sunday or public holiday.

The consent was modified, with the approval of Council officers, on 12 July 2018, with the business opening 30 minutes earlier on weekdays to the current opening hours of 5:30am – 8:00pm Monday to Friday, 8:00am – 8:00pm Saturday and at no time on a Sunday or public holiday. Addition conditions restricted any early outdoor running associated with the gym to along Hoskins Street only and new entrance from Hoskins Street.

A further development consent (DA48/2018) was issued on 2 August 2018 to permit the use of the units fronting Hoskins Street (Shops 3 and 4) to be used for physiotherapy, pilates and cycle studio. This consent has the operating hours of 5:00am – 8:30pm Monday to Friday, 6:00am – 6:00pm on Saturday, 9:00am – 5:00pm on Sunday and at no time on a public holiday.

Since this consent was issued, the business has changed to a new owner, commencing in January 2020.

Proposed modification

The new owner has requested that Council consider a modification to DA71/2017 relating to opening hours. The requested new opening hours are:

5:30am – 8:00pm Monday to Friday, 7:00am – 8:00pm Saturday and 9:00am – 11:00am Sunday and at no time on a public holiday.

The applicant has advised that there is demand for increased operating hours due to COVID-19 restrictions and the square metre rule currently imposed on gyms. The applicant has advised that the earlier classes are the most popular, usually booked out two weeks in advance. With the ability to operate from 7:00am, the facility would be able to offer two early morning classes 7:00am – 8:00am and 8:00am – 9:00am on Saturdays in order to meet demand.

The applicant has advised that improvements to the rear building to lower impact on adjoining properties are currently underway. These are:

- Sheeting and insulating all inside walls
- Sheeting and installing acoustic tiles in the ceiling to reduce sound

- Installing air conditioning and fans so that the rear garage door does not need to be opened

Consultation

Adjoining property owners have been contacted about the proposed changes to operating hours.

One response was received objecting to the proposed earlier operating time on a Saturday. The basis for the objection was that the owner is seeking an expansion of the business and that commencing classes at 8:00am is adequate to meet class demand. The proposal to allow Sunday operating of 9:00am – 11:00am had no objection.

Discussion

At the time when Council determined the original proposal for the gym, Council considered similar issues relating to noise and hours of operation.

The site is located within the Local Centre Zone, which is intended to support commercial land uses. It is in the interests of the community for Council to support local businesses, whilst managing adverse impacts upon others that may be considered unreasonable.

The owner has commenced a range of measures to mitigate noise transfer to adjoining residential properties, namely the acoustic tiles, insulation, air conditioning and fans, as well as keeping the garage door closed. This is an improvement on the existing situation for this building.

The business owner has provided a written commitment to manage the impact of the proposed earlier opening hours through the noise mitigation measures. It is therefore considered appropriate that the owner be able to demonstrate that through the provision of these measures, that the business will not cause an adverse impact to adjoining residents.

It is appropriate that the noise mitigation measures be completed prior to the additional opening hours commencing, and that the situation be monitored by Council and adjoining residents for a period of three months. Council will receive any feedback during this timeframe and investigate any concerns raised.

RECOMMENDATION

It was resolved that Council:

1. Approve the modification of DA71/2017 Condition 31. To read:
The hours of operation of the premises shall be 5:30am – 8:00pm Monday to Friday, 7:00am – 8:00pm Saturday, 9:00am – 11:00am Sunday and at no time on a public holiday.
2. Insert new Condition 43. The applicant shall install noise mitigation infrastructure of acoustic tiles, insulation, air conditioning and fans to the satisfaction of Council. The applicant must receive written agreement from Council of the completion of these works prior to extending the operating hours of the premises.
3. Condition 18, which states that “The existing shed roller door shall be closed during classes held prior to 8:00am and after 6:30pm” shall continue to be enforced.
4. Once the extended operating hours have commenced, the situation shall be monitored by Council and adjoining residents for a period of three months. Council will receive any feedback during this timeframe and investigate any concerns raised.

5. Condition 34 shall apply to the applicant of this modification, which states that: "Professional noise monitoring of the premises shall be undertaken, at the applicant's expense if, once operations have commenced, a noise complaint is received and investigated by Council, and Council officers agree that additional noise mitigation measures are necessary to manage unacceptable levels of noise impact."

Report by Claire Golder

In Favour: Crs Rick Firman, Kenneth Smith, Graham Sinclair, Lindy Reinhold, Dale Wiencke, Max Oliver, Nigel Judd, Claire McLaren and Dennis Sleigh

Against: Nil

CARRIED 9/0

**REQUEST FOR CHANGES TO THE DEVELOPMENT APPROVAL OF SITE U6/129
HOSKINS STREET**

To Whom it May Concern,

I am writing to request a change in the Development Approval for the site of Unit 6/129 Hoskins Street Temora, NSW, 2666.

I own and operate Base Cycle Studio, and have done since January 2020. During this time we have developed a reputation within the town as a great place to exercise, with our knowledgeable coaches and community feel. We are excited to be expanding our business into the new venue as this will allow for us to continue to offer the bikes, but also other classes. This is a real asset to our town, so that there is plenty of choice in terms of exercise.

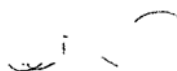
As part of the current Development Approval for the new site, it does not allow Sunday trading. I am writing to request that this be changed so that we can trade on Sundays. Currently Sunday is one of our most popular days as we offer beginner classes and an express class. These are 9am and 9.45am respectively. The studio therefore opens relatively late.

We are also making improvements to the site to ensure that it is both a nicer place to exercise and has a lower impact on the neighbours. These changes will include:

- Sheeting and insulating all inside walls
- Sheeting and installing acoustic tiles in the ceiling to reduce sound
- Installing air conditioning and fans so that the garage door does not need to be opened

Therefore, we are making big improvements to the building, and providing excellent service to the citizens of Temora and surrounds. We are an asset to the town, and by providing our service every day we are ensuring that all members of the Temora community can have equal access to it.

I await your decision, but should you require further information, please do not hesitate to contact me.



Kind Regards,

BASE CYCLE STUDIO
U4/129 Hoskins Street
TEMORA NSW 2666

**REQUEST FOR CHANGES TO THE DEVELOPMENT APPROVAL OF SITE U6/129
HOSKINS STREET**

To Whom it May Concern,

I am writing to request a change in the Development Approval for the site of Unit 6/129 Hoskins Street Temora, NSW, 2666.

Further to the letter requesting changes to J Sunday trading, I would like to request changes to Saturday trading. I would like to trade from 7am and classes would be over by midmorning.

Again, as outlined in the previous letter I am installing insulation and acoustic sound tiles which will reduce noise travelling outside the studio.

I await your decision, but should you require further information, please do not hesitate to contact me.

Kind Regards,

BASE CYCLE STUDIO
U4/129 Hoskins Street
TEMORA NSW 2666

From: [redacted]
Sent: Thursday, 3 September 2020 11:21 AM
To: Kris Dunstan <kdunstan@temora.nsw.gov.au>; Belinda Bushell <bbushell@temora.nsw.gov.au>
Cc: [redacted]
Subject: BASE Cycle Studio DA 75/2017 (Modification)

Attn: Kris Dunstan and Belinda Bushell
Environmental Services Department
Temora Shire Council

Thank you for your recent correspondence in regards to **BASE Cycle Studio DA 75/2017** proposed use of Unit 6/129 Hoskins Street, Temora and requested change of business operation hours.

In the email dated 28.8.2020, Belinda Bushell stated 'The reason for this request is due to COVID restrictions and the square metre rules imposed on gyms'. Neither of the two letters submitted by BASE Cycle Studio owner [redacted] made reference to COVID-19 restrictions as a reason for a request in change to the existing DA approval. We note that at their current premises, BASE Cycle Studio is operational and registered as a COVID Safe Business.

[redacted] request to relocate to Unit 6/129 Hoskins Street, is to enable the business to expand and offer additional Les Mills classes such as BODYPUMP and BODYSTEP. These classes have been advertised on their social media pages but were not specifically mentioned in the letter written by [redacted], only referred to as 'other classes'. Regardless, we expect these classes to be well received by the Temora community, which we understand will necessitate a larger class space and time slots to be added to their existing class schedule.

Current approved operating hours are Saturday 8am to 8pm and at no time on a Sunday or Public Holiday. We request that no changes are made to Saturday hours, we feel that 8am to 8pm on Saturday is adequate to meet class demand. We support an amendment to Sunday trading hours of 9am to 11am only. No change to Public Holiday trading.

In regards to noise mitigation requirements, we report that the steel wall located 2m from the boundary line which was insulated as a sound absorbing measure, no longer exists due to irreparable damage sustained during a storm. We acknowledge [redacted]'s efforts to make improvements to the site, including additional insulating of interior of gym space, acoustic tiles, air-conditioning/fans and commitment to ensuring the garage door remains closed.

Regards,

[redacted]
[redacted]
Temora NSW 2666

3.9.2020

13.2 DROUGHT COMMUNITIES PROGRAM - EVENTS PROJECTS**File Number:** REP20/1003**Author:** Town Planner**Authoriser:** Director of Environmental Services**Attachments:** 1. Responses from event organisers  **REPORT**

Councillors will recall that at the August Assets and Operations Committee Meeting, the Committee considered a report in relation to proposed events that were supported for funding under the Drought Communities Program.

As discussed within the report, current Covid-19 restrictions present difficulties with holding events in the short-medium term.

At the meeting, Committee recommended to Council to furnish information to Temora Local Health Advisory Committee, Aria Park Community Projects, Temora LHAC Reaching Out Sub Committee and Narraburra Church Social Group and ask for a response within 14 days as to whether they consider that they are still able to hold their proposed event and how they plan to carry that out in accordance with all relevant health regulations.

A response from each of the groups has now been received. In summary the responses are:

Group	Response	Budget implications
Temora Local Health Advisory Committee	<p>The Temora Hospital Expo/Open Day will be unable to proceed before 31 March 2021.</p> <p>It is intended that this event will occur in the future and advertising banners have been purchased.</p> <p>A small commemorative event for the International Year of the Nurse and Midwife has already been held.</p>	<p>The group has advised that they have expended \$1269.29 of their \$4,000 allocation, comprising the advertising banners (\$822.19) and purchase of commemorative plaque and tree (\$447.10).</p> <p>The group have offered to remaining funds of \$2,730.71 to be reallocated by Council.</p>
Aria Park Community Projects	<p>Aria Park Community Projects have decided not to proceed with the proposed drought tribute show prior to the 31 March 2021 deadline, due to the potential risks to the community, uncertainty regarding restrictions and the amount of resources required to meet the regulations</p>	<p>The group has advised that their allocated funding of \$7,000 be reallocated by Council.</p> <p>They have expressed their strong support for the funds to be used for another existing Aria Park project, including Broken Dam Heritage Trail, Aria Park swimming pool kiosk and change rooms upgrade and</p>

		improvements to the Arian Park Memorial Hall.
Temora LHAC Reaching Out Sub Committee	<p>The LHAC Reaching Out sub committee have advised that they will be unable to hold their proposed events as planned by the 31 March 2021.</p> <p>They have proposed to adapt their delivery of health information by providing a range of booklets, brochures and fridge magnets. This will involve distributing this information at locations frequently visited by local residents, such as local supermarkets.</p> <p>This approach is possible but would require the approval of a Covid-safe plan by Council prior to occurring.</p>	<p>The group has proposed that as their delivery of health information has changed, they request that \$3,000 of their allocated \$6,000 be used for the printing of local health services awareness information.</p> <p>The group has offered the remaining \$3,000 to be reallocated by Council.</p>
Narraburra Church Social Group	<p>The Narraburra Church Social group have advised they still intend to hold a modified event in March 2021.</p> <p>They have stated that they consider outdoor events can still occur in accordance with a Covid-safe plan for hospitality venues.</p> <p>If this category is accepted, the rules that currently apply are:</p> <p>Maximum of 10 people per booking or per table.</p> <p>Maximum of 10 people on a group entering or being on the premises.</p> <p>Alcohol can only be consumed by seated customers.</p> <p>Maximum of 300 people in the venue at any one time or one customer per 4 square metres, whichever is the lesser.</p>	The funding allocation for this event is \$2,000

Budget Implications

If all the requests are accepted by Council, \$12,730.71 may be reallocated to other projects.

Discussion

The Drought Communities grant program is flexible, as funding may be allocated to a particular project, however final costings to reach the \$1 million allocation to Council may be adjusted as some projects may be under budget and some projects may be over budget.

Careful monitoring of expenditure throughout the timeframe, through the use of purchase orders and allocation of project budget monitoring to specific Council officers will enable to full funding allocation to be expended without budget overruns.

Projects highlighted that require additional funding are:

Broken Dam Heritage Trail: The Committee has requested an additional \$2,920, on top of the \$10,000 allocated, to complete this project to a total length of 650m

Bundawarra centre upgrade: This project cannot be completed under the current funding allocation of \$97,095 and is being staged to complete works as the budget allows. Any additional funding will support the further completion of works

Water storage dam for Temora Golf Course: The extent of the dam to be constructed will depend on the initial cost of earthworks within the overall budget allocation of \$172,852. Any additional funding will support the further completion of works.

Ariah Park Memorial Hall: Additional projects have been identified by the management committee including improving stormwater management and front entrance improvements. Any additional funding will support the further completion of works.

Ariah Park swimming pool kiosk upgrade: The swimming pool committee have requested that Council consider funding the upgrade of the kiosk in conjunction with the current building project to upgrade the change rooms at the pool. Project cost estimate is \$25,000. Plans for the kiosk upgrade have already been completed in conjunction with the change room design.

Cr Rick Firman vacated the chair at 5:15pm.

Cr Graham Sinclair assumed the chair at 5:15pm.

Cr Rick Firman declared a pecuniary interest in relation to item REP20/1003, due to being the Chairman of the Local Health Committee.

Mr Kris Dunstan declared a pecuniary interest in relation to item REP20/1003, due to being the Vice President of the Narraburra Church Social Club Committee.

Cr Rick Firman and Mr Kris Dunstan left the room and took no further part in the discussion at 5:15pm.

Cr Nigel Judd declared a non-pecuniary interest in relation to item REP20/1003, due to being a member of the Aria Park Community Projects Committee.

RESOLUTION 183/2020

Moved: Cr Dale Wiencke

Seconded: Cr Dennis Sleigh

It was resolved that Council distributes the \$12,730.71 to the following:

Gidginbung waiting room at the Temora Railway Station - \$2,730.71

Broken Dam Heritage Trail - \$2,920.00

Aria Park Swimming Pool Kiosk - \$4,000.00

Water Storage Dam - \$3,080.00

CARRIED

Report by Claire Golder

Cr Rick Firman and Mr Kris Dunstan returned to the meeting at 5:27pm

Cr Graham Sinclair vacated the chair at 5:27pm.

Cr Rick Firman assumed the chair at 5:27pm.



Health
Murrumbidgee
Local Health District

Temora Local Health Advisory Committee (LHAC)

Murrumbidgee Local Health District

Temora Local Health Advisory Committee

Cr Rick Firman OAM, Chairman

Ps Patricia Morris, Secretary

PO Box 137, TEMORA, NSW 2666

Mobile: 0458 772 188

Email: temora.lhac@gmail.com

Mr Gary Lavelle, General Manager
Temora Shire Council
105 Loftus Street
Temora NSW 2666

31st August 2020

Dear Gary,

Re: Drought Communities Program – Proposed Event Impacted By Covid-19

Temora LHAC is in receipt of Council's letter dated 21st August seeking comments and feedback in relation to funding allocated under the Federal Government's Drought Communities Programme.

Following a meeting of the LHAC executive we submit the following for Council's consideration:

1. The funding allocated was for the Temora & District Hospital Expo/Open Day. As suggested by Council's correspondence we agree that proceeding with this event before 31st March 2021 is sadly not possible under current restrictions.
2. However as this event will take place on a regular basis, perpetual advertising banners had already been purchased as part of the grant funding and therefore we request that Council give consideration to releasing funding to cover the cost; noting that the purchase was made locally as per grant requirements. (Invoice for \$822.19 attached)
3. Part of the Expo/Open Day event also included a commemoration of "The International Year of the Nurse and Midwife". Although the Expo/Open Day event had to be postponed, the Commemoration went ahead to ensure it was held during 2020. Again we request that Council give consideration to the cost of the Commemorative Plaque and Tree which was planted. (Quote for \$397.10 attached; the tree was an additional \$50.)

These costs were incurred within the Grant Funding application, and as such we ask that Council give consideration to releasing an amount of \$1269.29 to cover these outgoings.

Current Covid-19 restrictions will prevent us from holding this event prior to March 31st 2021 and as such the LHAC Executive acknowledges the need to release the balance of the \$4,000 allocated to support another community event..

Kind Regards

Patricia Morris,
Temora LHAC Secretary

1 Ashton Street, Aria Park, NSW 2665

Gary Lavelle
General Manager
Temora Shire Council
temshire@temora.nsw.gov.au

1/9/2020

Dear Gary

Drought Communities Program – Proposed Events Impacted By COVID-19

Thank you for your letter of 21st August 2020.

We have decided not to go ahead with the event for which we were awarded funds under the Drought Communities Program.

The potential risks to our community, the uncertainty regarding restrictions and the amount of resource required to meet regulations, are all issues contributing to our decision.

Your letter mentions the re-allocation of the funds to other community projects.

We would strongly support the allocation of funds to another Aria Park project. In particular, these projects will require additional funding, namely

- The Broken Dam Heritage Trail
- The renovation of the Aria Park Swimming Pool kiosk
- The improvements to the exterior of the Aria Park Memorial Hall.

We look forward to receiving your feedback regarding the re-allocation of these funds

Kind regards

Tim Sanders

Aria Park Community Projects Inc.

Cc Trish Stubbs, Rod Ballantyne, Nigel Judd

2nd September 2020

Gary Lavelle

General Manager

Temora Shire Council

Dear Gary

RE: DROUGHT COMMUNITIES PROGRAM- PROPOSED EVENTS IMPACTED ON BY COVID-19

Due to COVID-19 restrictions we understand our initial proposal cannot be fully funded or progress as planned, especially since proposed events must now be concluded by 31st March 2021. I am writing to you with regard of the amended changes to the way Temora LHAC's Reaching Out proposal will now be conducted. Our sub-committee are also requesting that we now we receive \$3000 instead of initial \$6000 as the program can no longer be rolled out as planned. This will enable us to proceed with Option one as outlined below and also permit the reallocation of our remaining funding to another worthwhile project.

Whilst the initial proposal involved partnership and collaboration with various groups, organisations in the small communities the primary LHAC aim was to disseminate information on local health services and support, highlight access points and empower local communities to be proactive in obtaining assistance at any level from early intervention to crisis management. Mental health was to have a strong focus.

At a LHAC meeting Reaching Out Sub-committee meeting Thursday 9th July, the consensus was to move forward with a suite of 3 options, with COVID-19 restrictions determining the limitations put on us. Ideally Temora LHAC would like to do all three but plan to start with Option one. More recent discussions have only confirmed our resolve to Reach Out by using Option one.

3 Options; (1) Disseminate information; Fridge Magnets

Temora LHAC Brochure

Medical Centre info

Direct Me booklets

Community Centre Health Directory

(2) Health Questionnaire and Health Check summary

(3) Health Checks and K5 Questionnaire

Restrictions have further tightened and this restricts the LHAC to the primary objective of disseminating information, regarding the pathways and access points for physical and mental health support and services readily available to individuals within the Temora Shire Council. The information would be contained on Fridge Magnets and small brochure which would be handed out by LHAC members and Health Provision people. At this stage, restrictions allowing, the information would be personally handed out when families were obtaining groceries from Woolworths or IGA.

This information is aimed at better health literacy not only in regards to crisis but also to positive action in prevention and early intervention which are regarded as a foundation of holistic wellbeing.

This initiative came about because of workshops and activities like Conversations on the Couch, surveys in similar communities (West Wyalong, Deniliquin) and the feedback from community members within Temora LHAC that the majority of citizens were; **(a)**- unaware of the range, the quality and scope of health services available in Temora. This restricts the prevention and early intervention of challenges to the health of our community. **(b)**- unaware of how to simply, quickly and efficiently access help in a crisis. **(c)**- unaware that it was possible to prevent or intervene before a crisis whilst living in a small rural and regional community.

The personal distributing of the information also provides a practical and visible display of the care and value we, the wider community and different levels of Government, have for individuals who make up our smaller communities and our nation. With your assistance, the LHAC aims to support our struggling grassroots communities on a face to face level, acknowledging the impact the drought has had on these communities but also to provide up to date information and assist in fostering a strong and healthy, physically and mentally, community. The Reaching Out committee is extremely mindful of Covid-19 restrictions and Council can be assured that social distancing, and other practices will be carried out per NSW Health guidelines without putting Temora residents at risk.

The Temora LHAC is a volunteer, not for profit committee which is strongly involved in health promotion and acts as a conduit between the community and Temora Health Service. We would like the Temora Shire Council to seriously consider funding our initiative \$3000.00 for the printing and production of the relevant information to be disseminated. Due to the restrictions imposed on us and the wider community in regards to COVID-19, Options two and three are currently not deliverable. The Temora LHAC believes the entire community collectively, should be committed to delivering Option one. Achieving this and moving forward depends on funding the material. The Temora LHAC sincerely thank both the Federal Government and Temora Shire Council for their initial and we hope ongoing support of the Reaching Out program.

Yours faithfully

Laurel West

Temora LHAC, Reaching Out Sub-Committee

Claire Golder

From: Claire Golder
Sent: Tuesday, 8 September 2020 11:50 AM
To: Claire Golder
Subject: FW: Narraburra pop up pub event

From: Kris Dunstan <kdunstan@temora.nsw.gov.au>
Sent: Tuesday, 8 September 2020 9:17 AM
To: Claire Golder <cgolder@temora.nsw.gov.au>
Subject: RE: Narraburra pop up pub event

Claire,
Our preference is to still hold a modified event in March 2021.

Based on our interpretation of the current rules...outdoor gatherings below 500 are still permitted, subject to the social distancing conventions we are all now very familiar with. We see our event as no different to a football match or a race meeting.

We will have a COVID safety plan, sign in/tickets all attendees, have the committee to act as COVID safety marshals, and requests that all attendees bring chairs for use when they are consuming alcohol, as per current rules in licenced premises (which our venue will effectively be for the day).

Our committee is keen to utilise our new facility and raise some much needed funds for its upkeep. As you would be aware, maintenance and fixed costs such as public liability insurance and electricity charges, don't stop all together. More importantly, we feel that our farming community needs this opportunity to socially re-connect and would appreciate if the funding offered was still available to help us stage this event in a modified capacity.

We look forward to your decision,

Regards
Kris Dunstan
Vice President – Narraburra Social and Community Centre Inc.

14 ADMINISTRATION AND FINANCE**14.1 RECORDS FOR DESTRUCTION - COUNCIL - DR -2-2020****File Number:** REP20/935**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Destruction Records - Council  **REPORT**

Attached are Council records that are required to be destroyed under GA39 Retention & Disposal Authority.

RESOLUTION 184/2020

Moved: Cr Max Oliver

Seconded: Cr Claire McLaren

It was resolved that Council approves the destruction of the attached records under GA39 Retention & Disposal Authority.

CARRIED***Report by Elizabeth Smith***

GA39 Temora Council Retention and Disposal Authority: Destruction Record

76970

For:	Assorted GA39 Functions				Ref: DR-2/2020	
GA39 No.	Description of Records	Date Created	Archive Box	Retention		Disposal
12.1.1	Debtors 4981 – 5599	2012/2013	B18/24	7 years		1/07/2020
12.1.1	Debtors 5600 – 6299	2012/2013	B18/24	7 years		1/07/2020
12.1.1	Debtors 6300 – 6896	2012/2013	B18/24	7 years		1/07/2020
12.1.1	SD Statements/Trial Balances/Funeral Accounts	2012/2013	B18/34	7 years		1/07/2020
12.1.1	Autopays & Vouchers	2012/2013	B18/20	7 years		1/07/2020
12.1.1	Investment Workpapers & asset reconciliation	2012/2013	Nil	7 years		1/07/2020
12.1.1	Bookeasy Reconciliations	2011/12 & 2012/13	Nil	7 years		1/07/2020
12.1.1	Rates - Journal, Adjustment, Reconciliation	2009-2011	B19/6	7 years		1/07/2019
12.1.1	Crown Reserve Trust annual returns	2008-2012	Nil	7 years		1/07/2019
22.16.1	Payroll Pays	2011/2012	B18/42	7 years		1/07/2019
22.16.1	Payroll Pays	2012/2013	B19/17	7 years		1/07/2020
22.16.5	Staff Attendance Timesheets	2007/2008	B19/23	10 years		1/07/2018
22.16.5	Staff Attendance Timesheets	2008/2009	B19/24	10 years		1/07/2019
22.16.5	Staff Attendance Timesheets	2009/2010	B19/25	10 years		1/07/2020
	Date Destroyed:					
	Method of Destruction:	Shredding				
	Authorised by*: Meeting of Council	Date:		No. Boxes:		28
Note: The destruction of records should be irreversible, and environmentally friendly.						
Destruction is the complete and irreversible physical erasure of the record which ensures that the record cannot be reconstituted or reconstructed.						
*Council acknowledges that the records listed above are no longer required for legal, administrative, audit or financial reasons.						

14.2 OFFICE CLOSURE 2020

File Number: REP20/981
Author: Executive Assistant
Authoriser: General Manager
Attachments: Nil

REPORT

Christmas and Boxing Day holidays fall on Friday 25 & Saturday 26 this year. The Service NSW office will be closed on Friday 25 December 2020. Service NSW will also have their picnic day during the following week. Council has not been advised of which day currently.

It is proposed that for the period 25 December 2020 to 1 January 2021 inclusive, the Shire Office be closed, and reopen on Monday 4 January 2021.

All emergency personnel will be available and on call if required and arrangements will be made in regard to waste management operations over the closure period.

In addition, it should be noted that all indoor staff work many hours of unpaid overtime each year and, I believe that the closure of the office at this time would go some way towards compensating them for their efforts.

It should also be noted that the majority of Service NSW agencies & Council offices in the region close for this period.

NOTE: Council closed the office for a similar period over the last five years and received no complaints.

RESOLUTION 185/2020

Moved: Cr Kenneth Smith
Seconded: Cr Dale Wiencke

It was resolved that Council approves the closure of the Council offices over the 2020 Christmas New Year period.

CARRIED

Report by Elizabeth Smith

14.3 TOWN HALL INCOME

File Number: REP20/1024
Author: Executive Assistant
Authoriser: General Manager
Attachments: Nil

REPORT

Council will recall that at the August Council meeting Cr Wiencke raised as a matter of business without notice, the possibility of reducing the fees for the hire of the Temora Memorial Town Hall in an effort to increase the utilisation of the hall and also to assist community groups with their fundraising efforts post COVID-19.

Current hire fees for the Temora Memorial Town Hall are as follows:

Bar Hire	\$115
Coolroom (per day)	\$35
Entire Facility – 8 hrs (excl bar & kitchen)	\$360
Foyer only per hour	\$35
Hall only per hour	\$35
Kitchen only per hour	\$35
Stage only per hour	\$17
Supper Room only per hour	\$17

Recent data on the usage of the town hall is shown in the tables below. Usage data over recent years is atypical as a result of the renovations and the ongoing impact of COVID-19 restrictions. Over the four-year period shown, total income for the Temora Memorial Town Hall was \$32,349, with over one third of this amount (\$11,380) being waived by Council or related to usage by Council. Over the same time frame, average expenditure has been approximately \$138k annually, with insurance, utilities, cleaning, general maintenance, depreciation and overheads being the main contributors to cost.

Number of Hirings by event type

Year	Commercial Activity	Community Event	Private Function	School Function	TSC	Total
2017	18	41	1	4	14	78
2018	6	27	1	4	14	52
2019	2	19	0	1	7	29
2020	6	11	1	2	7	27
Totals	32	98	3	11	42	186

Summary of Income from external sources by event type

Year	Commercial Activity	Community Event	Private Function	School Function	Total Fees Collected
2017	4,648	2,677	218	947	8,490
2018	1,476	2,009	291	791	4,567
2019	648	1,128	0	783	2,559
2020	2,095	1,756	401	1,102	5,354
Totals	8,867	7,570	910	3,623	20,970

Summary of Town Hall Fees Waived/Donated

Year	Community Event	TSC	Total Fees Waived by Council or TSC Usage
2017	3,835	544	4,379
2018	1,445	645	2,090
2019	2,006	491	2,497
2020	1,655	759	2,414
Totals	8,941	2,439	11,380

While a decrease in fees will most likely lead to an increase in usage, Council should consider the impact that increased usage will have on expenditure. The average net cost to Council over the four-year period 2017-2020 is approximately \$133,000 p.a.

RESOLUTION 186/2020



Moved: Cr Graham Sinclair

Seconded: Cr Dennis Sleigh

It was resolved that Council monitors the usage of the Temora Memorial Town Hall and revisit this again in the next term of Council.

CARRIED

Report by Elizabeth Smith

14.4 GIDGINBUNG LAND - OFFER TO ACQUIRE**File Number:** REP20/1030**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:**
1. Letter to Council [↓](#) 
2. Map [↓](#) **REPORT**

Earlier in the year Council was contacted by the Department of Finance in relation to a parcel of land at Gidginbung held by the Commonwealth of Australia (Lot 1 DP 91149). The parcel of land is no longer required by the Commonwealth and as Council manages the Crown Reserve adjoining this parcel of land, the Commonwealth would like to transfer this property to Council.

In February, the Director of Administration & Finance advised the Commonwealth that Council would be happy to assume ownership of the land, provided there was no cost to Council.

The Crown Reserve is currently under an annual grazing lease to adjoining landholders. There is a Rural Fire Service Shed on the property which is fenced off from the remaining land and accessed from Taylors Lane.

The parcel currently owned by the Commonwealth is not fenced off from the Crown Reserve land. The Department of Finance is seeking final confirmation that Council is happy to assume ownership of this parcel of land in order to instigate the transfer process.

RESOLUTION 187/2020

Moved: Cr Graham Sinclair

Seconded: Cr Claire McLaren

It was resolved that Council advise the Commonwealth Government that it is willing to assume ownership of the parcel of land, provided it is at no cost to Council.

AND FURTHER

That upon transfer of ownership, the additional parcel be added to the annual grazing lease.

CARRIED

Report by Elizabeth Smith



Australian Government
Department of Finance

Contact: Bianca Campbell
Telephone: (02) 6215 1633
e-mail: Bianca.Campbell@finance.gov.au

Steve Firth
Director of Administration and Finance
Temora Shire Council
PO Box 262
Temora NSW 2666

Dear Mr. Firth

**Commonwealth Land - Lot 1 DP91149 - Goldfields Way,
Gidginbung**

The Commonwealth Department of Finance (Finance) recently undertook an audit of all Commonwealth of Australia land holdings to discover that it retains ownership of a small parcel of land, Lot 1 DP91149 - Goldfields Way, Gidginbung (see map attached). A historic search indicates that this property was purchased on 26 June 1912 to establish a Post Office.

This property is adjacent to land owned by Temora Shire Council. We would like to ascertain Council's interest in the land, or otherwise, as the property is surplus to Commonwealth requirements.

We would like to hear from you. Please contact me, Bianca Campbell, on (02) 6215 1633 or Bianca.Campbell@finance.gov.au to discuss further.

Yours sincerely

A handwritten signature in black ink, appearing to be 'B. Campbell', written over a horizontal line.

Bianca Campbell
Divestment Taskforce

One Canberra Avenue, Forrest ACT 2603 • Telephone 02 6215 2222
Internet www.finance.gov.au

Created on 9/09/2020 4:51 PM



Projection: GDA94 / MGA zone 55

Date: 9/09/2020

Created By: Sue Burge

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 © DPI Department of Finance and Services, Privateers Avenue, Belconnen, 2905, www.dpi.nsw.gov.au.
 This map is a representation of the information provided to the Council. It is not a guarantee of accuracy. The Council and its officers accept no liability for any errors or omissions. The Council and its officers accept no liability for any damages or losses resulting from the use of this map. The Council and its officers accept no liability for any damages or losses resulting from the use of this map.



Temora Shire Council
 100 Loftus Street
 TEMORA, NSW 2666
 Ph: (02) 6980 1100
 Fax: (02) 6980 1138
 Web: www.temora.nsw.gov.au

15 CORRESPONDENCE**15.1 EVENT APPLICATION - ST ANNES GARDEN VIEWING****File Number:** REP20/982**Author:** Secretary Engineering**Authoriser:** General Manager**Attachments:** 1. St Anne's Garden Viewing Committee Letter [!\[\]\(830769b31eeeaca920791081939ff8ba_img.jpg\) !\[\]\(198f559926258ddfad814817bda0ffbc_img.jpg\)](#)

St Anne's Garden Viewing Committee has lodged an event application to hold their Garden Viewing on Sunday 25th October 2020. They are requesting the use of Callaghan Park for their Market Stalls from 10.00am until 5.00pm.

There will be no cost to Council.

RESOLUTION 188/2020

Moved: Cr Max Oliver

Seconded: Cr Lindy Reinhold

It was resolved that Council approves the request for the St Anne's Garden Viewing to use Callaghan Park on 25 October 2020 subject to a suitable Covid Safety plan being in place.

CARRIED

Economic Development Manager, Mr Craig Sinclair arrived at the meeting at 6:00PM

Temora Shire Council

From: Alison McCrone
Sent: Tuesday, 1 September 2020 5:38 PM
To: Temora Shire Council
Cc:
Subject: St Anne's Garden Viewing
Attachments: St Anne's Garden Viewing Event Application.pdf

Good Afternoon,

St Anne's Garden Viewing is being held on 25th October 2020 and we would like to request the use of Callaghan Park for our Market Stalls.

It would run from approximately 10am until 5pm.

I have attached "The Major Event Management Application" form.

Please let me know if any further information is required.

Regards,
Alison McCrone
St Annes Garden Viewing Committee

15.2 TEMORA TROTTERING CLUB - 2020/2021 SPONSORSHIP**File Number:** REP20/1026**Author:** Secretary Engineering**Authoriser:** General Manager**Attachments:** 1. Temora Trotting Club [↓](#) **REPORT**

Temora Trotting Club is seeking sponsorship for the Hot to Trot Carnival event on 9 January 2021, A Gold Club package is to the value of \$550.00.

RESOLUTION 189/2020

Moved: Cr Kenneth Smith

Seconded: Cr Nigel Judd

It was resolved that Council sponsors the Temora Trotting Club 2020/2021 Gold Package to the value of \$550.00.

CARRIED

77196



The Secretary
PO Box 240, TEMORA 2666
Phone: 0401 832 995
Email: temoratrottingclub@gmail.com

29 August 2020

SPONSORSHIP 2020 / 2021

At this stage the harness racing season in Temora is scheduled to commence on 6 October 2020. Our club has adopted a Covid-19 Safety plan provided by Harness Racing NSW. Our plan embodies all of the recommendations of NSW Health Dept and we are confident that our plan, along with regionalised racing, will provide a safe environment for our participants and our local community.

Our Club's annual Hot to Trot Carnival of Cups event will be held on 9 January 2021.

We understand that 2020 has provided an unprecedented set of challenges for business and sporting groups with the restrictions imposed by NSW Govt. to control the spread of Covid-19.

In order for our Carnival of Cups to go ahead on 9 January 2021, our Club is required to contribute \$ for \$ funding. For that reason, we do need to ask for your financial support once again. We depend on our valued sponsors such as yourself to raise the funds required.

We are hoping that you will be able to contribute the same level of sponsorship that you did last season. A tax invoice for that option is included for convenience. Payment of sponsorship would be appreciated by 30 November 2020.

Although the number of patrons on course will be limited at this time, fans will be able to watch our races on SKY racing at TAB venues or subscribers via Foxtel in the comfort of their home. We will continue to market our events and promote our sponsors through our social media platforms.

The dates for our race meetings this season are
Tuesday night 6 October 2020;
Tuesday night 8 December 2020;
Tuesday night 5 January 2021;
Saturday night 9 January 2021.

We hope that you are able to continue sponsorship this year to allow us to conduct a high-quality racing event and help promote Harness Racing in Temora.

Kind regards

Jane Walker
Secretary

20/2 JWS



The Secretary
PO Box 240, TEMORA 2666
Phone: 0401 832 995
Email: temoratrottingclub@gmail.com

A.B.N. 66 001 349 926

A.C.N. 001 947 926

TAX INVOICE




The General Manager Temora Shire Council PO Box 262 TEMORA 2666	DATE 29/08/2020
--	--------------------

DESCRIPTION	AMOUNT						
GOLD SPONSOR Benefits: All Gold Sponsors go into a draw with one winning Platinum Sponsor benefits All Gold Sponsors that don't win the draw will have naming rights to a race on Tuesday night 5 January 2021 6 free membership passes for 2020 2021 6 complimentary drink vouchers for Hot to Trot Carnival of Cups The opportunity to display your advertising sign or banner on the racetrack at Hot to Trot Carnival of Cups	\$ 500.00						
<u>BANK DETAILS FOR DIRECT CREDIT</u> SOUTH WEST SLOPES CREDIT UNION BSB: 802 367 ACCOUNT NUMBER: 400 250 933							
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: right; padding-right: 20px;">SUB TOTAL</td> <td style="text-align: right;">\$ 500.00</td> </tr> <tr> <td style="text-align: right; padding-right: 20px;">GST PAYABLE</td> <td style="text-align: right;">\$ 50.00</td> </tr> <tr> <td style="text-align: right; padding-right: 20px;">BALANCE OWING</td> <td style="text-align: right;">\$ 550.00</td> </tr> </table>		SUB TOTAL	\$ 500.00	GST PAYABLE	\$ 50.00	BALANCE OWING	\$ 550.00
SUB TOTAL	\$ 500.00						
GST PAYABLE	\$ 50.00						
BALANCE OWING	\$ 550.00						

----- ← cut here → -----

Please detach this portion and return with your remittance

FROM: The General Manager Temora Shire Council PO Box 262 TEMORA 2666	TO: The Secretary Temora Trotting Club Ltd PO Box 240 TEMORA NSW 2666	PAYMENT DUE 30 November 2020 <div style="display: flex; justify-content: space-between;"> \$ 550.00 </div>
--	--	---

15.3 CARS & COFFEE EVENT**File Number:** REP20/1035**Author:** Secretary Engineering**Authoriser:** General Manager**Attachments:**
1. Request Letter [↓](#) 
2. Map [↓](#) 
3. Proposal [↓](#) **REPORT**

Council has received an event application from Cars & Coffee Sydney to hold the Coffee & Cars event at Temora Airport on Saturday 31st October 2020 between 9am – 12pm and 2pm – 5pm. They have requested the following as in-kind assistance from Council:-

- Utilise Runways 05/23 for the purpose of a driving event on Saturday 31st October.
- Utilise Temora Aviation Museum on Sunday 1st November to display all vehicles with breakfast and coffee provided (Application through Temora Aviation Museum will be complete upon approval from Council).

RESOLUTION 190/2020**Moved:** Cr Graham Sinclair**Seconded:** Cr Kenneth Smith

It was resolved that Council approves the Cars & Coffee Event at the Temora Airport on Saturday 31 October 2020 subject to a suitable Covid safety plan being in place, consultation being held with the Aerodrome Users and Council being reimbursed for associated costs for staff.

CARRIED

08/09/2020

Gary Lavelle,
General Manager
Temora Shire Council
105 Loftus Street,
Temora NSW 2666

Dear Mr Lavelle,

I would like to start by saying thank you for the opportunity to submit this application and I truly hope that this is the beginning of a long and mutually beneficial relationship between Cars & Coffee and the Temora Shire.

Previously our events have been held over the course of a single day and within approximately 50 kilometres of Sydney CBD hence this event would be used to as a pilot event to assess various timing and operational aspects of how a future event of more scale (similar to our usual numbers of 150-200 cars) would operate and ultimately be most beneficial to Temora Shire.

Given the current COVID 19 situation we are wary of holding large scale events and as a result we believe this would be an ideal time to test an event of this nature with a more intimate group of approximately 20-40 cars where we could explore everything Temora has to offer over the course of the weekend as well as gain a better understanding of the most efficient way to run our day out on the runway.

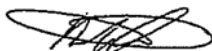
Following my visit to Temora I truly believe that should our guests have the opportunity to visit the area they will frequent it more often and this event would become an annual occurrence that would attract people from not just Sydney but Melbourne, Brisbane and Adelaide. Our goal is to make this event into a three day weekend in which guests can will stay and experience Temora with the following schedule:

- Friday Midday – Guests depart Sydney on route to Temora
- Friday afternoon – Arrival into Temora and guests check into accommodation for the weekend
- Saturday – Runway event at Temora Airport held over two sessions with a break in between
- Sunday Morning – Cars & Coffee style display with locally sourced catering at Temora Aviation Museum and then depart Temora following this with our guests encouraged to explore Temora and its surrounds for the rest of the day before returning to Sydney

Cars & Coffee prides itself on maintaining an extremely high standard for each of our events and a testament to this is the various partners we have worked with over the last five years as well as the number of recurring guests we host at each of our events. That being said, an event of this nature is somewhat uncharted territory for our organisation and for the pilot event we will be trying to minimise overheads as much as possible as the number cars involved would be significantly less than that of a standard event and as a result I would like to enquire as to whether there could be a waiver of the airport hire fee for this event with the exception of the cost involved in having the airport safety officer on site for the day with the intention to reassess this when we can run an event of more scale and introduce our partners to the concept.

Once again, thank you for this opportunity and I look forward to hearing back from you soon.

Kind Regards,



Michael Grigorladis

Cars & Coffee Sydney

9/8/2020

Google Maps

Google Maps Temora Airport Site Map

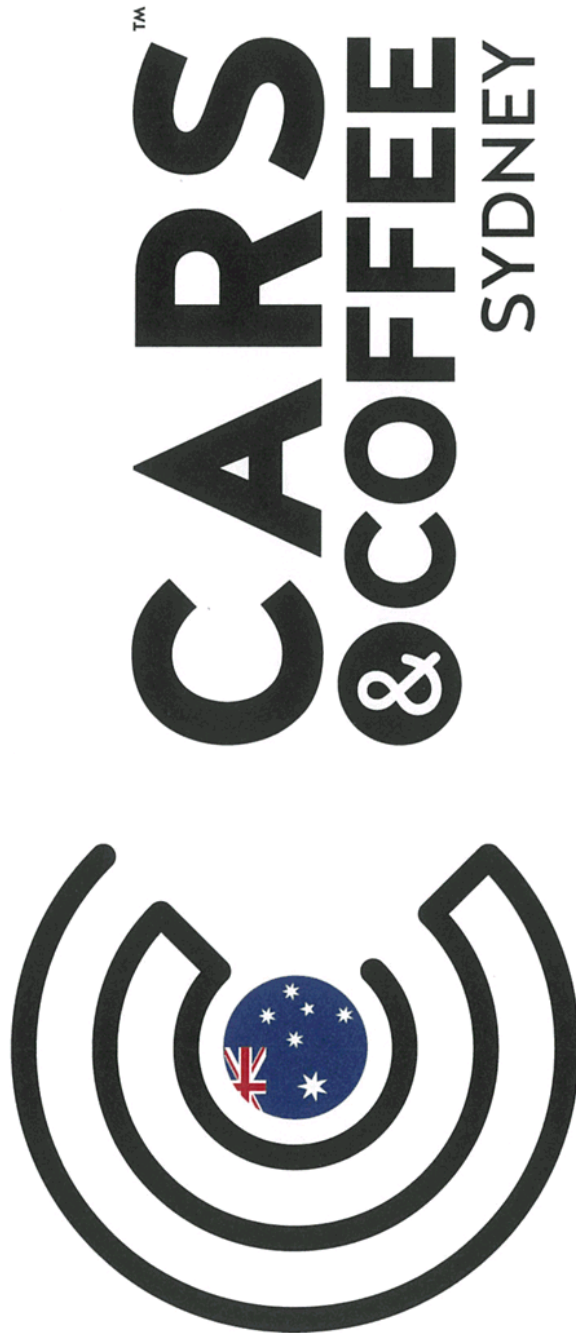


Imagery ©2020 CNES / Airbus, Maxar Technologies, Map data ©2020

100 m

<https://www.google.com/maps/@-34.4238671,147.5108465,1909m/data=!3m1!1e3>

1/1



Live your passion everywhere

The world's largest car phenomenon

**PROPOSAL
PACKAGE**

www.cars.coffee

WHO WE ARE & WHAT WE DO

Cars & Coffee Sydney is the leading Australian organiser of automotive events and is the official representative of the international Cars & Coffee group based in Italy and now operating in over 30 countries around the world.

Our events are unique in their format, hosted in bespoke venues with the highest standards of hospitality and as a result we attract some of the world's most desired and exclusive automobiles which makes for an unprecedented experience for all of our guests.

Our vision is to bring likeminded car enthusiasts together from across Sydney on a Sunday morning to appreciate one another's cars over breakfast and a cup of coffee.

We achieve this vision through holding exhibitions of privately owned vehicles in premium locations and inviting the public to join us to share their passion and participate in what is truly a unique experience for all involved.



UPCOMING EVENT – TEMORA PILOT EVENT

THE EVENT

Held over three days, this event will serve as a pilot/test event to understand how future events would run should they be organised at a larger scale both in terms of the driving event on the runway as well engaging with the town of Temora



THE VENUE

Temora, NSW

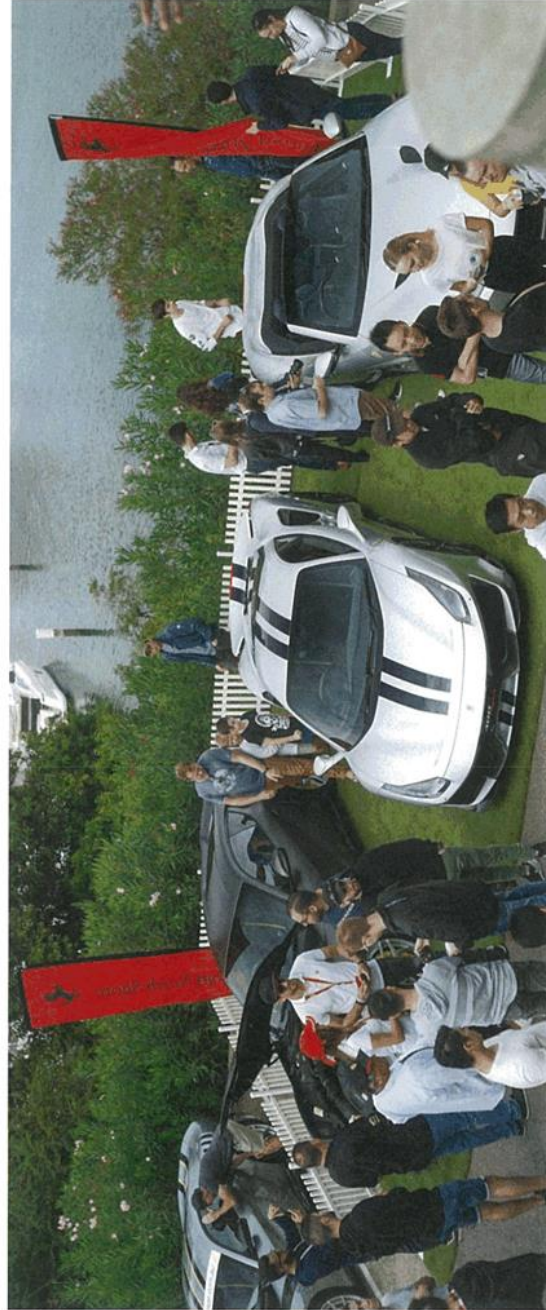
PROPOSED EVENT PROGRAM

- Friday Midday – Guests depart Sydney en route to Temora
- Friday afternoon/evening – Arrival into Temora; guest check into accommodation
- Saturday – Runway event at Temora Airport
- Sunday Morning – Cars & Coffee style display with catering at Temora Aviation Museum and depart Temora following this with our guests encouraged to explore Temora and its surrounds for the rest of the day before returning to Sydney



EVENT PARTNERS

At Cars & Coffee we pride ourselves on running high quality events and rely on our reputation to do so in order to successfully host events into the future. As a result of our reputation we have been fortunate enough to engage with a number of event partners who continue to support our events and will be invited to join us should this pilot event be successful and we run the Temora event at a larger scale so that they are able to invite their clients.



16 NOTICE OF MOTION

Nil

17 BUSINESS WITHOUT NOTICE**1. CR SMITH**

Attended the RFS Quandary AGM on Monday 14 September and roadside vegetation was raised, as it is coming into the danger period. Asked if the vegetation could be sprayed or mowed.

Engineering Works Manager advised that roadside spraying and slashing has commenced with a contractor helping out with slashing in a weeks time.

Advised that Taxi Drivers are complaining about the height of the hedges at the roundabouts.

RESOLUTION 191/2020

Moved: Cr Claire McLaren

Seconded: Cr Nigel Judd

It was resolved that the Parks and Gardens team trim the hedges on the roundabouts lower by 100ml to see if there is improvement to vision.

CARRIED

2. CR REINHOLD

RV Park – Looks fantastic and is being well maintained, and had 9 vans parked there one night this week.

Lake Centenary looks fantastic and the equipment is being well utilised and a lot of people using the walking track.

3. CR SINCLAIR

Thanked Councillors for their support for himself as Deputy Mayor for the next 12 months.

4. CR FIRMAN

Rates Notices – Commend the staff for the notice to residents to advise of what was happening with the late rate notices.

5. CR JUDD

Advised that the Rail Motor Authority will be running from Aria Park to Temora on the 31 October 2020 and has requested some promotion with the event. Hopefully this will bring some business to town, after so many events were cancelled due to Covid.

6. CR WIENCKE

Enquired about the opening of the caravan park at the airport – Is it still closed?

Director of Environmental Services advised that the caravan park at the Airport will be reopening this Saturday 19 September 2020.

Also have received complaints about the height of the hedges on the roundabouts.

18 COUNCILLORS INFORMATION PAPER

RESOLUTION 192/2020

Moved: Cr Graham Sinclair

Seconded: Cr Max Oliver

It was resolved that the Information Reports be received.

CARRIED

18.1 TEMORA MEMORIAL TOWN HALL - INCOME & EXPENDITURE AUGUST 2020

File Number: REP20/1010
Author: Executive Assistant
Authoriser: General Manager
Attachments: Nil

INCOME	\$
Bar	
Concerts	
Credit Notes	
Foyer	
Hall	
Kitchen	
Presentation Nights	
Rehearsals	
Reunions	
Stage Hire	
Supper Room	178.50
Table Hire	
Wedding Receptions	
Workshops	
TOTAL INCOME	\$178.50
EXPENDITURE	\$
Utilities	
Gas	
Water	6.12
Electricity	
Rates	
Cleaning	
Supplies	202.26
Wages	642.73
Sanitary Service	
Maintenance	
Includes Plant, Stores, Handyman's Wages	390.23
Administration	
Wages	757.59
Miscellaneous	
Organisation Support Costs	
TOTAL EXPENDITURE	\$1,998.93
YEAR TO DATE	
Income	\$973.50
Expenditure	\$4639.73
Internal Donations	\$380.86

18.2 WORKS REPORT - AUGUST 2020

File Number: REP20/1033
Author: Secretary Engineering
Authoriser: General Manager
Attachments: Nil

Main Roads

- Routine maintenance patching on Local and State Roads were conducted after the rainfall events.

Local Roads Maintenance Grading & Shoulder Widening

- Fraters Speedway
- Pringles Road
- Traeger's Road
- Rogers Road
- Haddrill's Road
- Schmidt's Road
- Campbells Lane
- Sinclair's Road
- Slingers Road
- Trevaskis Lane
- Gaunt's Lane
- Walkers Road
- Morangarell Road shoulder widening project is underway. Tree pruning and Clearing conducted. Works on shoulder widening and strengthening in progress. Drainage works to commence soon. The works are expected to be completed by Mid-October.

Urban Temora

- Bob Aldridge Park irrigation installation is in progress. Storm water dam desilting is also underway at the same time.
- DeBoos Street Footpath works Completed.
- K&G maintenance and repair underway in Town streets.
- Rubber Softfall installation at Lake Centenary and Gloucester Park.

Other Works

- Outdoor staff helped in making Covid masks during wet weather in August.
- Testing and Tagging of electrical items of all council buildings are in progress.

Works planned for next month

- Airport Project works to commence in second week of September. Airport routine inspection and maintenance underway.

- Heavy patching & sealing work induction of staff was completed. Heavy patching works on local and state roads will commence in early September and will continue towards the end of October.

Report by Mick Mannion

18.3 BUILDING APPROVALS - AUGUST 2020

File Number: REP20/1025
Author: Environmental Secretary
Authoriser: General Manager
Attachments: Nil

BUILDING APPROVALS – AUGUST 2020

- ✓ SUB 36/2020 – Lot 25; DP 1073421; 12 Kurrawong Street, Temora – Residential Subdivision (2 Lots)
- ✓ DA/CC 42/2020 – Lot 2; DP 513497; 18 Britannia Street, Temora – Residential Steel Framed Shed/Garage
- ✓ DA 43/2020 – Lot 7304; DP 1136802; 128-130 Anzac Street, Temora – Waterslide (Temora Swimming Pool)
- ✓ DA/CC 44/2020 – Lot 2; DP 593833; 29 Junee Road, Temora – Additions and Alterations to Community Facility (Bundawarra Centre)
- ✓ DA/CC 45/2020 – Lot 24; DP 7067; 14 Harrison Street, Aria Park – New Dwelling
- ✓ DA/CC 46/2020 – Lot 23; DP 7067; 16 Harrison Street, Aria Park – New Dwelling
- ✓ DA/CC/FSS 47/2020 – Lot 55; DP 1082604; 14 Spitfire Drive, Temora – New Dwelling and Hangar
- ✓ DA 49/2020 – Lot 5; DP 758957; Section 17; 121 Crowley Street, Temora – Demolition of Dwelling
- ✓ DA 50/2020 – Lot 6; DP 758957; Section 17; 123 Crowley Street, Temora – Demolition of Dwelling
- ✓ SUB 51/2020 – Lot 15, 16 & 17; DP 758957; Section 24; 192 Camp Street, Temora – Boundary Adjustment

COMPLYING DEVELOPMENT ISSUED

- ✓ CDC 27/2020 – Lot B; DP 360985; 559 Back Aria Park Road, Aria Park – Inground Swimming Pool
- ✓ CDC 28/2020 – Lot 2; DP 1223726; 13 Timmins Street, Temora – New Dwelling
- ✓ CDC 29/2020 – Lot 51; DP 1262606; 9B Rosella Street, Temora – Residential Steel Framed Shed/Garage

COMPLYING DEVELOPMENT CONSENTS ISSUED BY PRIVATE CERTIFIER

- ✓ CDC 6384 – Lot 2; DP 758957; Section 13; 103-109 Baker Street, Temora – New entrance gateway to shop

18.4 REGULATORY CONTROL - AUGUST 2020**File Number:** REP20/1034**Author:** Environmental Secretary**Authoriser:** General Manager**Attachments:** Nil

Item	Inspection/ Incidents (Number)	Orders Issued Y/N	Penalty Infringement Y/N	Notes
Illegal Parking - Check	4	No	No	Police contacted. Moved on. No other issues.
Scooters & Bikes	11	No	No	1 x Monitor 1 x Moved on No other issues.
School Zones	18	No	No	All schools checked. No issues.
Noise	2	No	No	Monitoring.
Air Quality		No	No	
Illegal Dumping/Littering	3	No	No	National Parks contacted – Illegal Woodcutting. No other issues.
Overgrown/Untidy Blocks	3	No	No	2 x letter sent. 1 x Monitor.
Lake Walking Track – leashed animals	18	No	No	No issues.
Animal Welfare	11	No	No	4 x Monitoring 2 x Owners found 2 x Nothing found 1 x Barking Collar Supplied 1 x Dept. Housing contacted 1 x RSPCA
Dangerous Dogs	3	Yes	No	1 x Problem solved 1 x Nothing found 1 x Monitor
Impounded	4	No	No	4 x Dog taken to pound
Noise Animals	4	No	No	2 x Nothing found 2 x Monitor
Nuisance Animals / Trapping	7	No	No	2 x Removed 2 x Feral Cat 1 x Rescue 1 x Trap 1 x Monitor
Dead Animal Removal	3	No	No	2 x Kangaroo removed 1 x Sheep destroyed
Keeping of Horses in Residential Areas		No	No	
Main Street Sign Approvals Inspections		No	No	
Rural Stock Incidents	4	No	No	1 x Nothing Found

				1 x Removed 2 x Checked, all fine
Fruit Fly		No	No	
Euthanised	3	No	No	3 x Feral Cats
Other	30	No	No	17 x Check Showgrounds, Airport, Cemetery & Parks 1 x RSPCA 1 x Ute Service – Key replacement 2 x Ingalba checked 1 x Meeting with Police 8 x Days with work experience student

Report by Ross Gillard

18.5 CASH & INVESTMENTS FOR PERIOD ENDED 31 AUGUST 2020

File Number: REP20/1017

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. Cash & Investments  




Temora Shire Council

Cash & Investments

For the period ended 31st August, 2020

	Original Budget 2020/21	Revised Budget 2020/21	Actual YTD Figures
Externally Restricted			
Sewerage Services	2,428,831	2,428,831	2,079,379
Domestic Waste Management	1,139,266	1,139,266	998,483
Stormwater Drainage Flood Studies & Construction Programs	190,661	190,661	162,959
S94 Contributions	133,670	133,670	141,831
HACC Unexpended	1,090,288	1,090,288	2,000,936
Drought Funding	446,720	446,720	725,230
Total Externally Restricted	5,429,435	5,429,435	6,108,817
Internally Restricted			
Leave Reserves	1,637,014	1,637,014	1,637,014
Roads Reserve	1,890,717	1,890,717	1,718,908
Local Roads	637,579	637,579	204,156
FAGS Received in Advance	0	0	0
Industrial Development	197,603	197,603	197,603
Plant & Vehicle	244,703	244,703	686,225
Izumizaki Donation	2,152	2,152	2,152
Gravel Royalty	313,754	313,754	306,754
Medical Complex Development	11,645	11,645	5,269
Infrastructure	848,203	848,203	900,403
Infrastructure - Airpark Estate	152,892	152,892	31,869
MapInfo/GIS Upgrades	17,700	17,700	17,700
Digital Two Way Radio Upgrade	50,000	50,000	37,500
Computer Upgrade	50,577	50,577	215,577
Sports Council Requirements	10,000	10,000	10,000
Youth Hospitality	32,894	32,894	32,893
Revotes & Unspent Grants	311,636	311,636	1,071,887
Airside Maintenance	67,819	67,819	62,127
Total Internally Restricted	6,476,887	6,476,887	7,138,038
Total Reserves	11,906,322	11,906,322	13,246,855
Cash & Investments			
Westpac Cheque Account			560,690
Macquarie Bank DEFT Account			128,599
AMP Business Saver Account			552,499
AMP Notice Account			3,596
Westpac Cash Reserve			2,501,363
Term Deposits:			
Bank of Queensland			500,000
National Australia Bank			503,312
National Australia Bank			516,193
National Australia Bank			500,000
Bank of Queensland			500,000
National Australia Bank			500,000
Bank of Queensland			500,000
National Australia Bank			506,869
Macquarie Bank			500,000
AMP Bank			515,087
AMP Bank			504,364
National Australia Bank			538,998
National Australia Bank			524,213
Suncorp Bank			0
Bank of Queensland			500,000
Macquarie Bank			502,096
Westpac Bank			500,000
Macquarie Bank			500,000
National Australia Bank			500,000
National Australia Bank			500,000
National Australia Bank			500,000
National Australia Bank			500,000
Macquarie Bank			500,000
Total Cash & Investments	11,906,322	11,906,322	15,357,880
Less Funds required for operational purposes			(500,000)
Cash & Investments Available for Reserves			14,857,880
Funds Available for Operating Cashflow			1,611,024

I certify that the investments have been made in accordance with the Act, the Regulations and Council's actual Investment Policy.


Elizabeth Smith
Responsible Accounting Officer

18.6 RATES COLLECTION - AUGUST 2020**File Number:** REP20/1013**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Rates Collection August 2020 [↓](#) 

Rates Collections											
Rates 2020/21											
Category	Levies including Interest & Legals			Pension Rebates	Adjusted Total	Payments	Rates Outstanding 01/09/2020		Rates Outstanding % 01/09/2020	same period last year	
	Arrears	Interest & Legals	Total				Rates Outstanding	Rates Outstanding %		Rates Outstanding 04/09/2019	Rates Outstanding % 04/09/2019
Farmland	49,725.26	1,942,355.42	1,992,080.68	-3,731.32	1,988,349.36	-61,239.42	1,927,109.94	97%		1,362,627.72	71%
Residential Temora Occupied	58,833.90	1,276,639.14	1,335,473.04	-83,524.36	1,251,948.68	-101,559.41	1,150,389.27	92%		815,950.68	69%
Residential Temora Vacant	3,884.56	72,921.18	76,805.74	0.00	76,805.74	-2,907.25	73,898.49	96%		42,873.71	61%
Residential Ariah Park	15,147.60	72,389.42	87,537.02	-6,840.41	80,696.61	-6,484.11	74,212.50	92%		53,242.64	68%
Residential Springdale	771.48	10,159.00	10,930.48	-992.53	9,937.95	-1,011.97	8,925.98	90%		6,023.95	76%
Rural Residential	7,130.86	149,757.69	156,888.55	-10,217.59	146,680.96	-12,338.76	134,342.20	92%		80,904.44	56%
Residential - Temora Aviation	264.84	41,859.45	42,124.29	-570.63	41,553.66	-3,465.58	38,088.08	92%		20,323.20	52%
Business Temora - Hoskins Street	6,541.41	252,605.11	259,146.52		259,146.52	-13,938.91	245,207.61	95%		178,664.50	68%
Business Temora - Town	8,017.10	268,433.61	276,450.71		276,450.71	-15,555.83	260,894.88	94%		144,061.51	54%
Business Temora - Aviation	0.00	26,774.53	26,774.53		26,774.53	-911.83	25,862.70	97%		6,256.44	24%
Business Ariah Park	1,640.83	17,593.72	19,234.55		19,234.55	-711.32	18,523.23	96%		8,962.19	52%
Business Other	134.34	9,453.29	9,587.63		9,587.63	-245.69	9,341.94	97%		4,194.81	42%
Residential Sewer	40,328.71	924,805.44	965,134.15	-40,220.87	924,913.28	-75,820.46	849,092.82	92%		579,566.26	65%
Non-Residential Sewer	11,543.77	76,435.23	87,979.00		87,979.00	-7,707.88	80,271.12	91%		10,654.90	18%
Storm Water Levy	2,366.33	48,664.15	51,030.48		51,030.48	-4,363.01	46,667.47	91%		34,253.69	67%
Domestic & Rural Waste	30,815.27	566,428.11	597,243.38	-38,766.15	558,477.23	-45,302.22	513,175.01	92%		350,122.75	65%
Trade Waste	4,663.93	120,055.24	124,719.17		124,719.17	-8,130.24	116,588.93	93%		73,140.41	57%
Overpayments	-84,401.56		-84,401.56		-84,401.56	76,311.47	-8,090.09			-12,001.68	
	\$157,408.63	\$5,877,339.73	\$5,034,748.36	-\$184,863.86	\$5,934,285.06	-\$285,382.42	\$5,564,502.08	94%		\$3,759,822.12	66%

18.7 TOWN HALL THEATRE - OPERATING RESULTS AUGUST 2020**File Number:** REP20/977**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Cinema Operating Results August 2020 [↓](#) 

TOWN HALL THEATRE
Operating Statement


	July	August	Total YTD
Candy Bar			
Income	692	238	930
Purchases	(558)	-	(558)
	<u>134</u>	<u>238</u>	<u>372</u>
Admissions			
Income	1,382	693	2,075
Audio Visual Purchases	(317)	(815)	(1,132)
	<u>1,065</u>	<u>(122)</u>	<u>942</u>
Other Income			
Sale of Advertising	182	182	364
	<u>182</u>	<u>182</u>	<u>364</u>
Other Costs			
Advertising	(210)	-	(210)
Bank Fees	(85)	(85)	(170)
Cleaning	(164)	(1,047)	(1,211)
Computer Costs	-	(80)	(80)
General Maintenance	(128)	-	(128)
Insurance	(5,352)	-	(5,352)
Rates & Electricity	(574)	-	(574)
Employee Costs	(2,940)	(799)	(3,740)
Telephone & Internet	-	(82)	(82)
	<u>(9,453)</u>	<u>(2,093)</u>	<u>(11,546)</u>
Total Cinema Surplus/(Deficit)	<u>(8,073)</u>	<u>(1,796)</u>	<u>(9,868)</u>

18.8 IMAGINE TEMORA COMMITTEE - MINUTES 18 AUGUST 2020

File Number: REP20/937

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. Imagine Temora [↓](#) 

Minutes of a Meeting of the IMAGINE TEMORA Committee held on 18th August 2020 at Temora Council Chambers.**Present:**

Colette Blazer – Chair, Taz Rundle – Secretary, Susan Jeri – Temora Performing Arts and Amanda Gay – Temora Community and Cultural Services (TSC). Late to arrive Fran Cahill Temora Performing Arts.

Apologies:

Lindy Reinhold - Temora Shire Council Representative.

Opening and Attendance:

The Chairperson declares a quorum is present (50% +1) and the meeting opened at 1711hrs and no apologies had been received by the Secretary.

Declaration of Interests:

N/a

Minutes of the previous meeting:

Had been circulated twice electronically and were read by Secretary, moved as true and accurate record by Colette Blazer and seconded by Susan Jeri.

CARRIED:

Business arising from previous minutes:

The Mobile Stage – Confirmed that it is here in Temora but the Service Agent from QLD has not been able to get here to fix it.

Correspondence:

NIL:

Reports:

Colette Blazer – Indi Artists: She will be running a workshop in acrylic's in August 18th-22nd
CANCELLED
Nothing else

Susan Jeri & Fran Cahill – Temora Performing Arts:

22nd August RedKite Concert, Temora Memorial Town Hall
3-6pm Young performers. POSTPONED

10th October CanAssist Variety Concert, Temora Memorial Town Hall
7pm – TBA

15th November A piano recital, Temora Memorial Town Hall
World class pianist, Tony Bozicevic.

Are investigating how they may still do the redkite/Canassist concert on line.

Amanda Gay – Temora Community and Cultural Services:

Postponement of 'Becoming a Bohemian' was only for 17th July it is running this Friday.

Temora Arts Prize month changed to Oct from Sept (4-30th) now to allow more time after consultation with local artists.

Google Slideshow has been decided as the platform to display Exhibitions, work continues

Tabled a promotional generic email from 'Colin Baldwin Live Events Services' to run a Drive IN Concert format. Discussed at the meeting and we have had some really good live music events that have not been supported well by the community. The business model is not viable in this community.

The Local Government Week display in Paleface park was received well by the community and media.

The meeting Closed 1800hrs.

Next meeting 8th September 2020

18.9 AUSTRALIA DAY COMMITTEE - AGM MINUTES 13 AUGUST 2020**File Number:** REP20/939**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Australia Day AGM [↓](#) 

TEMORA SHIRE AUSTRALIA DAY COUNCIL

MINUTES OF THE LAST ANNUAL GENERAL MEETING HELD ON MONDAY 13TH AUGUST, 2020 HELD AT THE TEMORA SHIRE COUNCIL CHAMBERS, COMMENCING AT 5.00PM

PRESENT: Cr Graham Sinclair (Chairman), Cr Rick Firman (Vice Chairman), Cr Max Oliver (Treasurer), Mrs Beth Firman (Secretary), Mr Taz Rundle

APOLOGIES**MINUTES OF LAST MEETING:**

The minutes of the last meeting were read and confirmed on the motion of Cr Firman and Cr Oliver **CARRIED**

BUSINESS ARISING: Nil

CORRESPONDENCE:

Incoming: Nil

Outgoing: Nil

TREASURERS REPORT:

The treasurer reported a credit of \$847.88 for the 2019/20

The treasurer's report was read, dealt with and approved on the motion of Cr Oliver and Mr Taz Rundle **CARRIED**

ELECTION OF OFFICE BEARERS FOR 2020/21

The Chairman, Cr Graham Sinclair requested Cr Rick Firman conduct the election of officers for the ensuing 12 months and Cr Firman declared the positions open.

CHAIRMAN: Cr Graham Sinclair was nominated by Cr Oliver. Cr Sinclair accepted the nomination. There being no further nominations, Cr Graham Sinclair was declared elected Chairman.

DEPUTY CHAIRMAN: Cr Rick Firman was nominated by Mrs Beth Firman. The nomination was accepted. There being no further nominations Cr Firman was declared elected Deputy Chairman.

SECRETARY: Beth Firman was nominated by Mr Taz Rundle. Mrs Firman accepted the nomination. There being no further nominations Mrs Firman was declared elected Secretary.

TREASURER: Cr Max Oliver was nominated by Mr Taz Rundle. There being no further nominations Cr Oliver was declared elected Treasurer.

AUSTRALIA DAY COUNCIL MEMBERS: Cr Rick Firman called for nominations for positions on the TSADC as Committee Members. The following were nominated by various members present and subsequently declared elected (with power to add)
Mr Michael (Taz) Rundle

Council Delegates: Cr Rick Firman (Mayor), Cr Graham Sinclair (Deputy Mayor), Cr Max Oliver, Cr Firman congratulated all those elected to their respective positions

GENERAL BUSINESS:

- Cr Firman asked if replacement plaques and general tidying of the Citizen of the Year Garden had been done Beth Firman is to investigate.
- Cr Oliver said Mr Dallas McKelvie suggested simplifying the power supply.

There being no further general business, the chairman thanked all for their attendance and declared the meeting closed at 5.32pm.

DATE: _____

SIGNED: _____

Chairman

18.10 AUSTRALIA DAY COMMITTEE - MINUTES 13 AUGUST 2020**File Number:** REP20/941**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Australia Day Minutes [!\[\]\(8d0f0e0fe25b320c33272c52aec1fbca_img.jpg\)](#) 

TEMORA SHIRE AUSTRALIA DAY COUNCIL

MINUTES OF THE LAST GENERAL MEETING HELD ON THURSDAY 13TH AUGUST 2020 HELD AT THE TEMORA SHIRE COUNCIL CHAMBERS, COMMENCING AT 5.30PM

PRESENT: Cr Graham Sinclair (Chairman), Cr Rick Firman (Vice Chairman), Cr M Oliver (Treasurer) Mrs Beth Firman (Secretary), Mr Michael (Taz) Rundle

APOLOGIES: Nil

MINUTES OF LAST MEETING:

The minutes of the last meeting were read and confirmed on the motion of Cr Firman and Cr Oliver **CARRIED**

BUSINESS ARISING: Nil

CORRESPONDENCE:

Incoming: Nil

Outgoing: Nil

TREASURERS REPORT: Nil to Report

GENERAL BUSINESS:

- All agreed to again conduct the Australia day celebrations at Gloucester Park for a breakfast and conduct Citizen and Young Citizen of the Year ceremonies. Moved Cr Firman and seconded Cr Oliver. **CARRIED**
- Beth is to book the Town Hall (in case of inclement weather), the mobile stage and the street banner
- Beth is to email the Australia Day Council to ask if they have any information regarding the 2021 Australia Day celebrations
- The committee is to look at finding a local Ambassador.

There being no further general business, the chairman thanked all for their attendance and declared the meeting closed at 5.56pm. Next meeting to be Monday 14th September 2020 at 6.00pm

DATE: _____

SIGNED: _____
Chairman

18.11 TEMORA RURAL MUSEUM MANAGEMENT AGM MINUTES HELD 27 AUGUST 2020**File Number:** REP20/967**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. TRM AGM Minutes [↓](#) 

**MINUTES OF THE FINAL ANNUAL GENERAL MEETING
OF THE TEMORA RURAL MUSEUM MANAGEMENT COMMITTEE
held at the museum on 27th August 2020**

Meeting commenced at 7.30pm

Present: Ken Hewett (Chair), Allan Penfold & Robyn Wall, Howard & Marion Ruth, Neil Martin, Graham Crawford, Kate Hewett, Graham Lynch, Robert Maslin, Brian Jennings, Jean Luck, Cr. Ken Smith, Cr. Max Oliver, Greg Matthews, Paul Harmon, Greg Pickersgill, Doug Oliver, John Harris, Gordon Muir, Neil Storm

Apologies: Harold Fritsch, Col & Keri Perry, Steve Holden, Jack & Jan Oliver, Mick O'Connor.

MOVED that the apologies be accepted. Graham Lynch / Cr. Ken Smith - carried

Minutes:

MOVED that the minutes of the annual general meeting held on 5th September 2019 be accepted as a true and accurate record. Neil Martin / Allan Penfold – carried.

Correspondence:

There was no correspondence for the Annual Meeting

Treasurer's Report: The treasurer presented the audited annual financial return for the year ending 30th June 2020 and reported an Income of \$47,655-84, Expenditure of \$68,895-96 and Closing Balance of \$22,073-87.

MOVED that the Treasurer's report be accepted. Graham Lynch / Robert Maslin – carried.

Chairman's Annual Report: as attached

MOVED that the Annual Report be accepted. Ken Hewett / Brian Jennings - carried

General Business:

MOVED: That the Temora Historical Society Inc. be invited to exercise its authority, under Clause 10 of the Deed of Agreement between the "Temora Historical Society Inc." and the "Temora Rural Museum" dated 6th October 2005, to terminate the said Agreement on 1st October 2020, and resume direct responsibility for the conduct of all aspects of its affairs. Graham Lynch / Allan Penfold - carried.

There being no further business, the meeting closed at 8.02pm

18.12 TEMORA HISTORICAL SOCIETY AGM MINUTES HELD 27 AUGUST 2020**File Number:** REP20/969**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. THS AGM Minutes [↓](#) 

**MINUTES OF THE ANNUAL GENERAL MEETING
OF THE TEMORA HISTORICAL SOCIETY INC.**

held at the museum on 27th August 2020

Meeting commenced at 8.03 pm

Present: Ken Hewett (Chair), Allan Penfold & Robyn Wall, Howard & Marion Ruth, Neil Martin, Graham Crawford, Kate Hewett, Graham Lynch, Robert Maslin, Brian Jennings, Jean Luck, Cr. Ken Smith, Cr. Max Oliver, Greg Matthews, Paul Harmon, Greg Pickersgill, Doug Oliver, John Harris, Gordon Muir, Neil Storm

Apologies: Harold Fritsch, Col & Keri Perry, Steve Holden, Jack & Jan Oliver, Mick O'Connor.

MOVED that the apologies be accepted. Jean Luck / John Harris - carried

Minutes:

MOVED that the minutes of the annual general meeting held on 5th September 2019 be accepted as a true and accurate record. Neil Martin / Cr. Ken Smith – carried.

Correspondence: none relevant to the AGM

Treasurer's Report: The treasurer presented the audited annual financial return for the year ending 30th June 2020 and reported an Income of \$1,964-49, Expenditure of \$4,396-13 and Closing Balance of \$15,277-34.

MOVED that the Treasurer's report be accepted. Graham Lynch / Robert Maslin – carried.

MOVED that the meeting confirm the existing bank signatories for 2020-2021. Allan enfold / Ken Hewett – carried.

President's Annual Report: The president presented a brief verbal report.

MOVED that the Annual Report be accepted. Neil Martin / Graham Crawford – carried.

Extraordinary General Business:

MOVED: That the Temora Historical Society Inc. accept the invitation from the "Temora Rural Museum Management Committee", and exercise its authority, under Clause 10 of the Deed of Agreement between the "Temora Historical Society Inc." and the "Temora Rural Museum" dated 6th October 2005, to terminate the said Agreement on 1st October 2020, and resume direct responsibility for the conduct of all aspects of its affairs. Neil Storm / Greg Matthews - carried.

Election of Officers:

Cr. Ken Smith occupied the chair for the Election of Officers.

President: Robert Maslin, nominated by Bill Speirs

Vice President: John Harris, nominated by Allan Penfold

Vice President: Mick O'Connor, nominated by Robert Maslin

Secretary: Bill Speirs, nominated by Neil Martin

Treasurer: Graham Lynch, nominated by Ken Hewett

Public Officer: Bill Speirs, nominated by Allan Penfold

Auditors: Auswild & Broad, nominated by Neil Martin

Curators: Textiles – Jean Luck & Kate Hewett

Steam – John Flakelar & John Hingerty

Stationary Engines – Jack Oliver & Gordon Muir

Tractors – John Harris, Brian Jennings & Mick O'Connor

Machinery – Doug Oliver

Print Shop – Ken Hewett

Telecom – Gordon McGeorge

Rock & Mineral – Gordon McGeorge & Ken Davis

Ambulance – Bill Speirs

Flour Mill – Neil Storm

Bradman Cottage – Brian Durham

Grounds – Col Perry & Brian Sandow

Archives – Bill Speirs

Fire Brigade – Greg Matthews & Greg Pickersgill

RFS- Steve Holden

Shearing Shed - Graham Crawford

Supervisors: Saturday Working Bee Task Manager – Robert Maslin

Annual Exhibition Co-ordinator – Robert Maslin

WH&S – Ken Hewett

Electrical Maintenance – Neil Storm

Workshop – Jack Oliver

Roster – Bill Speirs

Housekeeping – Jan Oliver

Catering – Keri Perry

MOVED that the nominations as listed above be accepted for all positions.

Neil Storm / Brian Jennings – carried.

General Business:

MOVED That the Treasurer be authorized, at his discretion, to close the bank accounts held in the name of the Temora Rural Museum and transfer the funds into the Temora Historical Society Inc. account. Allan Penfold / Ken Hewett - carried.

MOVED that the Treasurer be authorized to continue to pay any accounts, incurred in the name of the Temora Rural Museum, from Temora Historical Society Inc. funds and deposit any funds received by the Temora Rural Museum to the credit of the Temora Historical Society Inc. Robyn Wall / Graham Crawford - carried.

MOVED that the Treasurer be authorized to register the Temora Historical Society Inc. for GST if necessary. Graham Lynch / Neil Martin - carried

MOVED that the Society negotiate a Memorandum of Understanding with Temora Shire Council to define the rights, responsibilities and expectations of each party, with regard to the development and management of Temora Historical Society Inc. projects, on the Bundawarra Centre site at 29 Junee Road Temora. Cr. Ken Smith / Allan Penfold - Carried.

MOVED that the Temora Local and Family History Group be invited to nominate its Research Centre as a project of Temora Historical Society Inc. and thereafter conduct its activity as a special interest group within the Society. Neil Martin / Neil Storm – carried.

Annual Subscriptions:

MOVED that Annual Subscriptions (viz. Adult \$10.00, _____
Couple \$15.00, _____
Senior Couple \$12.00, _____
Concession Card Holder \$8.00 _____
and School student \$8.00) _____
be applied for 2020-2021. Brian Jennings / Jean Luck – carried

Admission Prices:

MOVED that all Daily Admission Prices (viz. Adult \$10.00, Adult Concession and Group booked Adult \$8.00, Child [school age] \$4.00 and Joint Museum Ticket Adult \$9.00, Senior Adult \$7.00, Child \$3.00) be applied until the next AGM. Kate Hewett / John Harris - carried

MOVED that Annual Live Exhibition Admission Prices be set at Adults \$15-00 and Child \$4-00 for 2021. Graham Crawford / Ken Hewett – carried.

The date for the next annual meeting was determined as Thursday 26th August 2021.

There being no further business, the meeting closed at 8.25pm

18.13 BUNDAWARRAH CENTRE AGM MINUTES HELD 27 AUGUST 2020**File Number:** REP20/971**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Bundawarra Centre AGM minutes [↓](#) 

**MINUTES OF THE ANNUAL GENERAL MEETING
OF THE BUNDAWARRAH CENTRE MANAGEMENT (355) COMMITTEE
held at the museum on 27th August 2020**

Meeting commenced at 8.27pm

Present: Ken Hewett (Chair)(THS), John Harris, (THS), Robert Maslin (THS), Howard Ruth, (TS4M), Neil Martin (TLFHG), Cr. Ken Smith (TSC), Cr. Max Oliver (TSC). Bill Speirs TSC Staff also present

Apologies: Ann Pike, Ken Davis (TEFM)

MOVED that the apologies be accepted. Cr. Ken Smith / Ken Hewett - carried

Minutes:

MOVED that the minutes of the annual general meeting held on 5th September 2019 be accepted as a true and accurate record. Neil Martin / Howard Ruth – carried.

Correspondence: none relevant to the AGM

Rural Museum Manager's Annual Report: as attached

Shed 4 Men Chairman's Annual Report: as attached

Local and Family History Group Chairman's Annual Report: as attached

MOVED that the Annual Reports be accepted. Robert Maslin / Cr. Max Oliver – carried.

MOVED that the Delegates to the Committee for 2020-2021 comprise:-
Robert Maslin, John Harris and Neil Martin (THS), Howard Ruth (TS4M), Ken Davis (TEFM), Two delegates as appointed (TSC), Bill Speirs and Ann Pike (TSC Staff)
Ken Hewett / Neil Martin - carried

Election of Officers:

Cr. Ken Smith occupied the chair for the Election of Officers.

Chairman: Robert Maslin, nominated by Ken Hewett

Deputy Chairman: Howard Ruth, nominated by Cr. Ken Smith

Deputy Chairman: Neil Martin, nominated by Cr. Max Oliver

Secretary: Bill Speirs, nominated by Neil Martin

MOVED that the nominations be accepted. Robert Maslin, Cr. Max Oliver – carried.

General Business:

The date for the next annual meeting was determined as Thursday 26th August 2019.

There being no further business, the meeting closed at 8.45pm

18.14 BUNDAWARRAH CENTRE - ANNUAL REPORT 2019-2020**File Number:** REP20/973**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Bundawarra Centre Annual Report 2019-2020 [↓](#) 

The Bundawarra Centre (Temora Rural Museum)
Annual Report 2019-2020

Good Evening Ladies and Gentlemen,

Thank you for the opportunity to review a most memorable year, one which I am sure will be widely recalled as “the year of living cautiously”! It would however, be unfortunate if our necessary preoccupation with increasing our capacity to promote and preserve public health awareness among our volunteers and visitors, was allowed to overshadow our achievements over the past twelve months.

Foremost among these is the addition of our new tractor display shed. An already long felt need to provide better visitor access to our outstanding tractor collection was becoming more apparent with every generous addition to this “flagship” attraction of our agricultural collection. It is a fine testament to the management of the museum that we were not only able to fund the development from our own resources, but were able to engage local business in every aspect of its design and installation. Ever resourceful, our volunteers took the opportunity afforded by the closure of the museum to the public due to COVID 19, to safely relocate and reposition the trucks, tractors and machinery within the enlarged display space.

During the past year, we have added a Fordson Super Major, International W7 and International 624 to the collection, while Robert Maslin’s Titan tractor has also joined the exhibition.

The refurbishment of the former museum office which began this year, with the aim of creating a permanent textile exhibition gallery, will also add a significant new improvement to both our visitor and curatorial experience. Facilitating this project necessitated the creation of a dedicated Ambulance Uniform storage in the Telecom Building which, in combination with the clearing of the office space, occasioned a long overdue re-evaluation of collection items relegated to these stores.

Ongoing maintenance and development of the museum has included the relocation of the horseworks from in front of the Textile storeroom, installation of double glass doors at the rear of the main building, re-wiring of the new textile gallery and tractor restoration bay, addition of display furniture in the RFS shed, repair and repainting of the school doors, removal of the mulberry tree following the discovery of termite infestation and an upgrade to internet banking to streamline the financial affairs of the museum.

Ensuring that the museum continues to provide a safe, well equipped and enjoyable environment in which to volunteer, lies at the heart of all activity on the site. With this aim in mind, we upgraded the forklift and trained and licensed five additional volunteers as operators. We also purchased an industrial floor scrubber to facilitate cleaning of our larger exhibition floor spaces. Given the ever-increasing restrictions upon museum firearms exhibitions, we also resolved to divest ourselves of our modest holding and not renew our firearms museum permit.

The 47th Annual Live Exhibition proved a bitter-sweet experience in March. The development of a Ford feature parade brought “Leapin Lena” back to life in the last large community event in Temora before COVID 19 severely restricted social interaction. The event also provided the museum fellowship with the opportunity to recognise the wonderful contribution to the preservation of local and State heritage Eddie Sams had made by pioneering the development of the Temora Ambulance

Museum. In the presence of leading figures within the NSW and ACT Ambulance Services, the building was named in his honour.

Eddie's dedication and commitment to the aims of the museum mirrored that of so many past and present volunteers, their generous contributions always leaving Temora the poorer for their loss but the richer for their legacy.

Needless to say, visitation to the museum over the past twelve months has been severely impacted by the restrictions introduced to contain COVID 19, neatly halving the numbers of both events and visitors year on year. Within these totals, the greatest impact has been felt through the collapse in all group visitation categories, which ceased abruptly in mid-March and is only now beginning to resume.

That said, the Bundawarra Centre was only closed to the public for the minimum ten week period between 23rd March and 31st May with temporary Exhibitions resuming on 1st August. Prior to closure the Centre hosted four consecutive temporary exhibitions highlighted by what may well have been the final Bald Archy Prize. These displays have been complemented by a year-long special exhibition celebrating the 150th anniversary of the birth of Temora's "Queen of Irish Song", Marie Narelle.

Despite all of the peculiar circumstances for which 2020 will be remembered, the museum has continued to enjoy undiminished support from our volunteers, donors and the local community, underpinned by that of Temora Shire Council for whose ongoing generous interest we are ever grateful.

As we look forward to the year ahead, plans are well in hand for the installation of the bridge over our dam, the redesign of the Bundawarra Centre forecourt and refurbishment of the Visitor's Centre. We will also begin a modest management restructure to ensure that we can continue to meet Council's requirements to qualify as a Local Government Section 355 Community Committee.

I heartily congratulate our Chairman, Ken Hewett, the Museum Management Committee, and all of our volunteers upon the way in which we have risen to the challenges of the past year and worked together to advance our organisation, and I thank each of you, most sincerely, for your fellowship, friendship and support for me in my role as your museum manager.

Bill Speirs

27th August 2020

18.15 MICHAEL MCCORMACK - MP - ONLINE MENTAL HEALTH SUPPORT FOR SMALL BUSINESS**File Number:** REP20/1028**Author:** Executive Assistant**Authoriser:** General Manager**Attachments:** 1. Michael McCormack - Mental Health Support for Small Business [↓](#) **FIRST HEADING**

Advising of a new mental health service for small business owners and their staff to access. Everymind, the digital hub offers small and family businesses resources including articles, videos, podcasts and toolkits.



77140

The Hon Michael McCormack MP

Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for Riverina

MEDIA RELEASE

28 August 2020

**McCORMACK WELCOMES ONLINE MENTAL HEALTH
SUPPORT FOR SMALL BUSINESS**

Riverina and Central West small business owners and their staff have a new mental health service to turn to for help.

Member for Riverina and Deputy Prime Minister Michael McCormack said the Federal Government was investing an additional \$3.1 million to expand mental health and wellbeing services available through the *Ahead for Business* initiative to ensure small business owners and their staff could access support and resources.

"Like many other regions across Australia, the Riverina and Central West has been severely affected by a long drought and now the COVID-19 pandemic and these crises have taken their toll on hard-working small business operators and their most valuable asset – their staff," Mr McCormack said.

"The Government has responded in many ways to help people cope with the financial and mental health challenges faced by the small business sector and I am pleased it is reaching out in another way through *Ahead for Business*."

Hosted by mental health organisation **Everymind**, the digital hub offers small and family businesses resources including articles, videos, podcasts and toolkits.

Minister for Employment, Skills, Small and Family Business, Senator the Hon Michaelia Cash, said while the financial assistance the government had provided was essential, it was imperative to also provide mental health and wellbeing support for those working in small businesses.

"Being a small-business owner comes with a unique set of pressures and responsibilities such as isolation, financial stress and workload pressure," Minister Cash said.

The Government is making record investments in mental health services and support with expenditure estimated to be \$5.2 billion this year alone.

Supporting mental health and suicide prevention remains one of the Government's highest priorities.

Everymind Acting Director, Associate Professor Carmel Loughland said the Institute was proud to launch the new *Ahead for Business* digital hub.

The Hon Michael McCormack MP

Parliament House Canberra | (02) 6277 7520 | minister.mccormack@infrastructure.gov.au
Suite 2 11-15 Fitzmaurice Street Wagga Wagga NSW 2650 | michael.mccormack.mp@aph.gov.au

"The *Ahead for Business* digital hub is part of a national strategy designed to support small business owners in every setting and empower them to prioritise their mental health and wellbeing," Associate Professor Loughland said.

"A healthy mind supports a healthy business."

Users of *Ahead for Business* will also be able to access anonymous peer-to-peer forums and an online wellbeing plan is among the range of supports available.

For more information on *Ahead for Business* visit: www.aheadforbusiness.org.au

Further resources to support small business owners' health and wellbeing can be found at [My Business Health](#) and Beyond Blue's [Coronavirus Mental Wellbeing Support Service](#).

ENDS

Media contact: Shane Manning 0439 550 506

19 CONFIDENTIAL REPORTS**RESOLUTION 193/2020**

Moved: Cr Graham Sinclair

Seconded: Cr Max Oliver

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 at 6:17pm:

19.1 Confidential Minutes of the Assets & Operations Committee Meeting held on 8 September 2020

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

RESOLUTION 194/2020

Moved: Cr Graham Sinclair

Seconded: Cr Dale Wiencke

It was resolved that the reports be received.

Carried

RESOLUTION 195/2020

Moved: Cr Graham Sinclair

Seconded: Cr Lindy Reinhold

It was resolved that Council arranges a meeting with the two landowners and a delegation from Council consisting of the Deputy Mayor, Cr Wiencke, and two Senior Engineering staff to work out a way forward.

Carried

RESOLUTION 196/2020

Moved: Cr Max Oliver

Seconded: Cr Lindy Reinhold

It was resolved that the remainder of the reports and recommendations as presented be adopted.

Carried

19.2 Confidential Minutes of the Economic Development and Visitations Committee Meeting held on 8 September 2020

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.

RESOLUTION 197/2020

Moved: Cr Graham Sinclair

Seconded: Cr Dennis Sleigh

It was resolved that the reports be received.

Carried

RESOLUTION 198/2020

Moved: Cr Kenneth Smith

Seconded: Cr Dennis Sleigh

It was resolved that the reports and recommendations as presented be adopted.

Carried

19.3 TAIC Review Workshop Notes - 8 September 2020

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.

RESOLUTION 199/2020

Moved: Cr Max Oliver

Seconded: Cr Dennis Sleigh

It was resolved that Council endorses the outcomes from the workshop

AND FURTHER

A report be brought to Council on the Contract negotiations.

Carried

19.4 Staff Incentive Award

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

RESOLUTION 200/2020

Moved: Cr Nigel Judd

Seconded: Cr Dennis Sleigh

It was resolved that Council awards a Staff Incentive Award in the form of a Temora Gift Card to the value of \$150.00 to the relevant staff member.

Carried

19.5 Temora Agriculture & Innovation Centre Minutes held 10 September 2020

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.

RESOLUTION 201/2020

Moved: Cr Nigel Judd

Seconded: Cr Dennis Sleigh

It was resolved that Council notes the minutes of the Temora Agriculture & Innovation Centre held 10 September 2020.

Carried

CARRIED

RESOLUTION 194/2020

Moved: Cr Dennis Sleigh

Seconded: Cr Graham Sinclair

It was resolved that Council adopts the motions from the closed committee of Council.

20 MEETING CLOSE

The Meeting closed at 7:09pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 October 2020.

.....
GENERAL MANAGER

.....
CHAIRPERSON