



**I hereby give notice that an Ordinary Meeting of Council will be held on:**

**Date: Tuesday, 25 June 2019**

**Time: 1.00pm**

**Location: Narrabri Shire Council Chambers  
46-48 Maitland Street  
Narrabri**

## **BUSINESS PAPER**

**Ordinary Council Meeting  
25 June 2019**

**Stewart Todd  
GENERAL MANAGER**

**Request to Speak/Addressing Council on an Agenda Item:**

If the matter is listed within the Council Business Paper, you can request to address Council by:

- Completing the “*Request to Speak in Public Forum*”, at an Ordinary Council Meeting, which can be obtained, from Council’s Administration Office, or by downloading it from Council’s website. On-line at <http://www.narrabri.nsw.gov.au/speaking-at-public-forum-1232.html>
- The completed form can then be submitted via the following methods:  
Fax: **02 6799 6888**; or email to **council@narrabri.nsw.gov.au**

**Your request to address Council must be received by Council no later than 5.00pm on the day prior to the Council Meeting.**

Council's Code of Meeting Practice sets out the following guidelines for addressing Council:

- Addresses in the Public Forum will commence at 1.00pm.
- Addresses will be limited to **3 minutes** in duration.
- Council accepts no responsibility for any defamatory statements made by speakers.
- Audio-visual presentations must be received by 1.30pm on the day prior to the meeting.
- When your name is called, please proceed to the Council lectern (usually located to the right hand side of the Chamber).
- Members of the public may quietly enter and leave the Meeting at any time.

**All mobile phones are to be turned off at commencement and for the duration of the meeting.  
This request also applies to all audio and visual recording devices, unless prior approval has been sought  
from the General Manager.**





Mayor  
Cr Cathy Redding



Deputy Mayor  
Cr Robert Kneale



Cr Maxine Booby



Cr Ron Campbell



Cr Ron Campey



Cr Lloyd Finlay



Cr Ann Loder



Cr Annie McMahon



Cr Cameron Staines



General Manager  
Mr Stewart Todd



Director  
Infrastructure Delivery  
Mr Darren Raeck



Director  
Corporate Services  
Mr Lindsay Mason



Director  
Development &  
Economic Growth  
Mr Daniel Boyce

## Our Values



### Integrity

Ensuring transparency and honesty in all our activities.



### Leadership

Providing guidance and direction to our community and our people.



### Customer Focus

Delivering prompt, courteous and helpful services and being responsive to the community's changing needs.



### Accountability

Accepting our responsibility for the provision of quality services and information.



### Respect

Treating everyone with courtesy, dignity and fairness.



### Excellence

Being recognised for providing services, programs and information which consistently meet and exceeds standards.

## Our Vision

A strong and vibrant regional growth centre providing a quality living environment for the entire Shire community.

## Our Strategic Direction



### Theme 1: Our Society

#### Strategic Direction 1: Safe, Inclusive and Connected Community

*A safe, supportive community where everyone feels welcomed, valued and connected.*



### Theme 2: Our Environment

#### Strategic Direction 2: Environmentally Sustainable and Productive Shire

*Maintaining a healthy balance between our natural and built environments.*



### Theme 3: Our Economy

#### Strategic Direction 3: Progressive and Diverse Economy

*A strong, diverse economy that attracts, retains and inspires business, industry and tourism growth.*



### Theme 4: Our Civic Leadership

#### Strategic Direction 4: Collaborative and Proactive Leadership

*Working pro-actively together to achieve our shared vision with strong strategic direction.*

**AGENDA**

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**1 OPENING PRAYER BY A MEMBER OF THE NARRABRI MINISTER'S FRATERNAL**

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Councillors, Council staff and people in the gallery are asked to be upstanding for the opening prayer.

**2 ACKNOWLEDGEMENT OF COUNTRY**

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I acknowledge the Traditional Owners of the land on which we meet today, the Kamilaroi people, and pay my respects to Kamilaroi Elders both past and present.

**3 APOLOGIES/GRANTING OF LEAVE OF ABSENCES**

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Nil (at time of agenda and business paper compilation).

**4 DECLARATION OF PECUNIARY AND NON- PECUNIARY INTERESTS**

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Councillors are reminded of their obligation to declare their interest in any matters listed before them.

In considering your interest, you are reminded to include pecuniary and non-pecuniary conflicts of interest as well as any other interest you perceive or may be perceived of you.

Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.

Councillors must state their reasons in declaring any type of interest.

**5 ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL (PUBLIC EXCLUDED) MEETING**

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**Extract from Council's Code of Meeting Practice**

**Part 4 Section 17a.****17a. Which parts of a meeting can be closed to the public?**

- (1) A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in Sub-Clause (2) below, or
  - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
  - (a) personnel matters concerning particular individuals (other than Councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - i. prejudice the commercial position of the person who supplied it, or
    - ii. confer a commercial advantage on a competitor of the Council, or
    - iii. reveal a trade secret,

- (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (3) A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
  - (4) Members of the public may be allowed to make representations to or at a Council or Committee meeting for a period of up to three (3) minutes, immediately after the motion to close the part of the meeting.
  - (5) is moved and seconded, as to whether that part of the meeting should be closed at the discretion of the Council

The following matters will be considered in the Closed (Public Excluded) Meeting:

- 13.1 Contract 2019-20/04 - Supply and Laying of Asphaltic Concrete
- 13.2 Contract 2019-20/03 - Periodic Maintenance of Sealed Roads
- 13.3 Energy Savings Action Plan

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## **6 PUBLIC FORUM AND PRESENTATIONS**

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Presentation requests received to date:

- Nil.

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## **7 CONFIRMATION OF MINUTES**

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### **RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Narrabri Shire Council held on 28 May 2019 comprising Minute Nos 091/2019 to 110/2019 as circularised be confirmed and signed as a correct record by the Mayor.

**MINUTES OF NARRABRI SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI  
ON TUESDAY, 28 MAY 2019 AT 1.02PM**

**PRESENT:** Cr Catherine Redding (Mayor), Cr Robert Kneale (Deputy Mayor), Cr Maxine Booby, Cr Ron Campbell, Cr Ron Campey, Cr Lloyd Finlay, Cr Ann Loder, Cr Annie McMahon, Cr Cameron Staines.

**IN ATTENDANCE:** Stewart Todd (General Manager), Lindsay Mason (Director Corporate Services), Darren Raeck (Director Infrastructure Delivery), Delece Hartnett (Administration)

Proceedings of the meeting commenced at 1.02pm.

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**1 OPENING PRAYER BY A MEMBER OF THE NARRABRI MINISTER'S FRATERNAL**

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Members and officers were upstanding for the opening prayer by Majors Kelvin & Brenda Stace of the Salvation Army Rural Chaplaincy Narrabri, in association with the Narrabri Ministers Fraternal.

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**2 ACKNOWLEDGEMENT OF COUNTRY**

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The Mayor acknowledged the Traditional Owners of the land on which the Council met, the Kamilaroi people, and paid her respects to Elders past and present.

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**3 APOLOGIES/GRANTING OF LEAVE OF ABSENCES**

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Nil.

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**4 DECLARATION OF PECUNIARY AND NON- PECUNIARY INTERESTS**

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Nil.

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**5 ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL (PUBLIC EXCLUDED) MEETING**

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The following matters will be considered in the Closed (Public Excluded) Meeting:

- 13.1 Industrial and Logistics Hub - Land Purchase and Funding Strategy
- 13.2 Contract 2018-19/18 - Construction of a Concrete Shared Pathway along Narrabri Creek
- 13.3 Mayoral Minute - General Manager Contract Negotiation

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**6 PUBLIC FORUM AND PRESENTATIONS**

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Public Forum requests received to date:

- Nil

Presentation requests received to date:

- Nil

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**7 CONFIRMATION OF MINUTES**

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**MINUTE 091/2019**

Moved: Cr Ann Loder                      Seconded: Cr Maxine Booby

**That the minutes of Ordinary Meeting of the Narrabri Shire Council held on 29 April 2019 comprising Minute Nos 064/2019 to 090/2019 as circularised be confirmed and signed as a correct record by the Mayor.**

In Favour:      Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against:        Nil

**CARRIED 9/0**

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**8 MAYORAL MINUTE**

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**8.1 DELEGATES REPORT ON MAYOR REDDING'S ATTENDANCE AT THE CENTRAL NORTHERN REGIONAL LIBRARIES (CNRL) ORDINARY MEETING - WEDNESDAY 1 MAY 2019****MINUTE 092/2019**

Moved: Cr Catherine Redding      Seconded: Cr Robert Kneale

**That Council notes the delegates report on Mayor Redding's attendance at the CNRL Ordinary Meeting held in Tamworth, Wednesday 1 May 2019.**

In Favour:      Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against:        Nil

**CARRIED 9/0**

**8.2 MAYORAL MINUTE - MAYORAL APPOINTMENTS FOR APRIL/MAY 2019****MINUTE 093/2019**

Moved: Cr Catherine Redding

**That Council note the Mayoral Appointments for the period April/May 2019.**

In Favour:      Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against:        Nil

**CARRIED 9/0**



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**9 OUR SOCIETY**

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**9.1 REQUEST FOR MAYOR REDDING TO ATTEND THE NSW PUBLIC LIBRARIES (NSWPLA) LIBRARY CONFERENCE 19-22 NOVEMBER 2019****MINUTE 094/2019**

Moved: Cr Maxine Booby                      Seconded: Cr Lloyd Finlay

**That Council endorse the attendance of both Mayor Redding and Cr Booby to the NSWPLA Library Conference in November 2019.**

In Favour:      Crs Catherine Redding, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against:      Cr Robert Kneale

**CARRIED 8/1**

**SUSPENSION OF STANDING ORDERS****MINUTE 095/2019**

Moved: Cr Lloyd Finlay                      Seconded: Cr Ron Campey

A motion was moved that Council suspend standing orders at 1.25pm

**CARRIED**

**RESUMPTION OF STANDING ORDERS****MINUTE 096/2019**

Moved: Cr Ann Loder                      Seconded: Cr Maxine Booby

A motion was moved that Council resume standing orders at 1.46pm.

**CARRIED**

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**10 OUR ENVIRONMENT**

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Nil reports.

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**11 OUR ECONOMY**

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**11.1 DELEGATES REPORT - INLAND RAIL SUMMIT 2019****MINUTE 097/2019**

Moved: Cr Cameron Staines      Seconded: Cr Ron Campbell

- 1. That Council note Cr Staines and Campbell's Delegate Report from the Inland Rail Summit held on 30 March and 1 May 2019.**
- 2. That Council considering the advanced stages of planning and development, showcase the Industrial and Logistics Hub at opportunities such as the Inland Rail Summit in 2020 and other like events at which prominent stakeholders and investors will be present.**

In Favour:      Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 9/0**

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**12 OUR CIVIC LEADERSHIP**

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**12.1 DELEGATES REPORT - NARRABRI MINE COMMUNITY CONSULTATIVE COMMITTEE MEETING - 6 MARCH 2019****MINUTE 098/2019**

Moved: Cr Cameron Staines      Seconded: Cr Maxine Booby

**That Council note Cr Staines' Delegates Report from the Narrabri Mine Community Consultative Committee Meeting held on Wednesday 6 March 2019.**

In Favour:      Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 9/0**

**12.2 RE-NAMING OF LAGOON BRIDGE, WEE WAA - PROCESS****MINUTE 099/2019**

Moved: Cr Maxine Booby      Seconded: Cr Cameron Staines

**That Council note the information on the proposal to rename 'Wee Waa Lagoon Bridge' to 'Sweetman Bridge' Wee Waa.**

In Favour:      Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

<u>Against:</u>	Nil	
		<b>CARRIED 9/0</b>
<b>MINUTE 100/2019</b>		
Moved:	Cr Maxine Booby	Seconded: Cr Lloyd Finlay
<b>That Council:</b>		
a)	<b>advertise the proposal to rename ‘Lagoon Bridge’ to ‘Sweetman Bridge’ Wee Waa; as per Council Policy and allow a period of 28 days for public submission.</b>	
b)	<b>make arrangements for obtaining RMS’s approval should there be no objections against this renaming proposal.</b>	
<u>In Favour:</u>	Crs Catherine Redding, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay and Cameron Staines	
<u>Against:</u>	Crs Robert Kneale, Ann Loder and Annie McMahon	
		<b>CARRIED 6/3</b>

### 12.3 SETTING OF COUNCILLOR FEES 2019/2020

<b>MINUTE 101/2019</b>		
Moved:	Cr Cameron Staines	Seconded: Cr Ron Campbell
<b>That Council adopt the maximum fee payable under the Local Government Remuneration Tribunal determination, in accordance with the Local Government Act 1993.</b>		
<u>In Favour:</u>	Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines	
<u>Against:</u>	Nil	
		<b>CARRIED 9/0</b>

### 12.4 INVESTMENT REPORT - APRIL 2019

<b>MINUTE 102/2019</b>		
Moved:	Cr Maxine Booby	Seconded: Cr Robert Kneale
<b>That Council note the Investment Report for April 2019.</b>		
<u>In Favour:</u>	Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines	
<u>Against:</u>	Nil	
		<b>CARRIED 9/0</b>

**12.5 ALC/ARA INLAND RAIL CONFERENCE - TOOWOOMBA, AUGUST 2019****MINUTE 103/2019**

Moved: Cr Cameron Staines      Seconded: Cr Lloyd Finlay

That Council move into Committee of the Whole at 2.27pm.

**CARRIED****MINUTE 104/2019**

Moved: Cr Maxine Booby      Seconded: Cr Ron Campbell

That Council move out of Committee of the Whole at 2.35pm.

**CARRIED****MINUTE 105/2019**

Moved: Cr Cameron Staines      Seconded: Cr Ron Campbell

**That Council:**

- a) determine Councillor attendance at the Toowoomba 2019 Inland Rail Summit to be held in Toowoomba on 21-22 August 2019.**
- b) endorse the nominations of Mayor Redding, Cr McMahon, Cr Staines and Cr Campbell to attend the Toowoomba 2019 Inland Rail Summit.**

In Favour:      Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against:      Nil

**CARRIED 9/0**

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**13 CONFIDENTIAL (CLOSED COUNCIL) MEETING**

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**MINUTE 106/2019**

Moved: Cr Ron Campbell                      Seconded: Cr Maxine Booby

That at 2.37pm Council move into Closed (Public Excluded) Meeting of Council and that the press and members of the public be asked to leave the room whilst Council considers the following items:

**13.1 Industrial and Logistics Hub - Land Purchase and Funding Strategy**

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

**13.2 Contract 2018-19/18 - Construction of a Concrete Shared Pathway along Narrabri Creek**

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

**13.3 Mayoral Minute - General Manager Contract Negotiation**

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).

**CARRIED**

**MINUTE 107/2019**

Moved: Cr Ron Campbell                      Seconded: Cr Ron Campey

That at 3.45pm Council move out of Closed (Public Excluded) Meeting and that the resolutions from the Closed (Public Excluded) Meeting be read out aloud.

**CARRIED**



**13.1 INDUSTRIAL AND LOGISTICS HUB - LAND PURCHASE AND FUNDING STRATEGY****MINUTE 108/2019**

Moved: Cr Ron Campbell                      Seconded: Cr Ron Campey

1. That Council adopt the loan funding strategy to facilitate the purchase of land for the Industrial and Logistics Hub development.
2. That Council purchase Lot 158, DP 711841 in accordance with the Call Option.
3. That Council undertake the necessary actions to subdivide and purchase Lot 4 (Part), DP 757093 in accordance with the Call Option.
4. That Council make all the necessary arrangements to classify these parcels of land as Operational Land in accordance with section 31 of the Local Government Act, 1993.
5. That Council apply Council's common seal to all necessary documents relating to the purchase of the subject properties.
6. That Council authorise the General Manager to undertake all necessary actions to enter into a 10 year loan for the purchase of the subject properties.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

**CARRIED 9/0**

**13.2 CONTRACT 2018-19/18 - CONSTRUCTION OF A CONCRETE SHARED PATHWAY ALONG NARRABRI CREEK****MINUTE 109/2019**

Moved: Cr Lloyd Finlay                      Seconded: Cr Ann Loder

**That Council:**

1. Note that after assessing the tenders submitted (in accordance with the criteria specified in the tender documents) and having regard to all the circumstances, the Tender Panel recommends that Council accept the tender from LAM & AJW Family Investments t/as Global Utility Constructions in the GST exclusive amount of \$840,573.90 for Contract No. 2018-19/18 – Construction of a Concrete Shared Pathway along Narrabri Creek and
2. Approve additional budget from the Buildings and Other Structures Reserve Fund of \$52,160.90 to supplement the \$788,404 received from the Stronger Country Community Funds enabling sufficient funds (Total Budget allocation \$840,573.90) to the award the Contract to LAM & AJW Family Investments t/as Global Utility.
3. Authorise the General Manager to sign the Letter of Acceptance and Formal Instrument of Agreement under Delegation.
4. Note that additional funds will be required for project management and any variations to the project. As the project meets the eligible criteria for Section 94A works it is

proposed Council consider allocating funds from the Section 94A fund to allow completion of the works at the June 2019 Ordinary Council Meeting.

5. Maintain the confidentiality of the documents and considerations in respect of Contract No. 2018-19/18 – Construction of a Concrete Shared Pathway along Narrabri Creek (approx. 4000m<sup>2</sup>) (“the tender”).

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Ann Loder and Annie McMahon.

Against: Cr Cameron Staines

**CARRIED 8/1**

### 12.3 MAYORAL MINUTE - GENERAL MANAGER CONTRACT NEGOTIATION

#### MINUTE 110/2019

Moved: Cr Maxine Booby      Seconded: Cr Lloyd Finlay

1. That Council adopt the NSW Remuneration Tribunal Senior Executive Service Total Remuneration Package Range Level 4/5, currently \$268,001 to \$337,100, for the General Manager position at Narrabri Shire Council.
2. That Council having regard to Mr Todd’s previous Performance Reviews and successive ‘Better than Satisfactory’ results, offer Mr Stewart Todd a new 5-year Contract of Employment, commencing on 3 August 2019 with a Total Remuneration Package of \$323,584, which includes all of the following; salary, compulsory employer superannuation contributions, private use motor vehicle contributions, housing contributions and other benefits including any fringe benefits tax (FBT) payable on such benefits.
3. That the Mayor be authorised to negotiate the benefits that will apply to Mr Todd and which will be included in the Schedules of the Contract. Such benefits may relate to the private use of a motor vehicle, housing and what private use provisions will relate to the use of mobile phones and computers. Such benefits will be included within the Total Remuneration Package.
4. That Council continue to encourage high performance by the General Manager and evaluate the General Manager’s performance annually, in line with the best practice guidelines.
5. That the Mayor and Performance Appraisal Panel members liaise with Council and the General Manager to identify issues and priorities which will apply to the performance of the organisation and the General Manager in the first year of the new Contract of Employment. Matters identified by the Performance Appraisal Panel will be included in Mr Todd’s Performance Agreement.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Ron Campey, Lloyd Finlay, Annie McMahon and Cameron Staines

Against: Cr Ann Loder

**CARRIED 8/1**

**13 MEETING CLOSED**

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The Meeting closed at 3.45pm.

The minutes of this meeting are to be confirmed at the Ordinary Council Meeting held on 25 June 2019.

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**CHAIRPERSON**

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**8 MAYORAL MINUTE**

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**8.1 MAYORAL MINUTE - MAYORAL APPOINTMENTS FOR MAY/JUNE 2019****File Number:****Responsible Officer:** Catherine Redding, Mayor**Author:** Delece Hartnett, Personal Assistant to GM & Mayor**Attachments:** Nil**RECOMMENDATION****That Council note the Mayoral Appointments for the period May/June 2019.****MAYORAL MINUTE**

For the information of Councillors, I provide details of my Mayoral appointments and attendances between the dates (onwards from last Council Meeting) as follows:

**Friday 24 May 2019**

- Attended and officiated the 2019 Narrabri Shire Council (National) Volunteers Week Award ceremony and presentation to the nominees, and luncheon in the Council Chambers, with fellow Councillors and Senior Staff.

**Saturday 25 May 2019**

- Attended the Namoi Lodge Masonic Ball, with the meet and greet at Frank Whiddon Homes of the Debutantes and their partners, and then again at the official ceremony at the Narrabri RSL Club later same evening.

**Monday 27 May 2019**

- Attended New England Joint Organisation (NEJO) meeting at Uralla, with the General Manager.

**Tuesday 28 May 2019**

- Hosted meeting with Ray Balks - Boggabri Coal, as he was introducing the new General Manager Boggabri Coal, and also updating status on the Boggabri Childcare Facility direction by Boggabri Coal.
- Attended Council's Reconciliation Week flag raising ceremony at the Council Chambers, with fellow Councillors and staff members.
- Attended May 2019 Ordinary Council Meeting, with fellow Councillors and senior staff members.

**Thursday 30 May 2019**

- Attended the North East NSW Public Library Full Zone AGM and Ordinary Meeting in Armidale with the Narrabri Library Manager
- Travelled to Sydney same afternoon to attend Country Mayors Association Meeting the following day.

**Friday 31 May 2019**

- Attended Country Mayors Association Quarterly Meeting in Sydney, with General Manager.

**Tuesday 4 June 2019**

- Attended June 2019 Councillor Briefing/Workshop day, with fellow Councillors and senior staff members.

**Wednesday 5 June 2019**

- Attended (local) Media Announcement of the Industrial and Logistics Hub land purchase, with fellow Councillors and senior staff members.

**Thursday 6 June 2019**

- Attended full Media Announcement of the Industrial and Logistics Hub land purchase, with fellow Councillors and senior staff members.

**Wednesday 12 June 2019**

- Attended the Access and Inclusion Advisory Committee Meeting, with fellow Councillor delegates.

**Thursday 13 June 2019**

- Hosted meeting with Tourism and Economic Development staff regarding Narrabri Shire Council hosting the Small Business Summit in July 2019.

**Saturday 15 June 2019**

- Travelled to Canberra via Sydney to attend the 2019 National General Assembly Conference to start on Sunday 16 June 2019, and continue through to Wednesday 19 June 2019, with General Manager.

**Sunday 16 June 2019**

- Attended 2019 National General Assembly Conference – Day 1, the Regional Development Forum.

**Monday 17 – Wednesday 19 June 2019**

- Attended remaining days of the 2019 National General Assembly Conference.



**8.2 MAYORAL MINUTE - EMERGENCY SERVICES LEVY**

**Responsible Officer:** Catherine Redding, Mayor

**Author:** Catherine Redding, Mayor

**Attachments:** Nil

**RECOMMENDATION**

1. That Council notes during December 2018, the NSW Government enacted laws to provide better Workers Compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers. That in many areas of NSW, fire services are made up of elected and staff members of Local Government, and that Local Governments strongly support this expanded Workers compensation scheme. That as a result of these changes, the State Government has decided to implement the new scheme by charging Local Governments an increased Emergency Services Levy, without consultation. That the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in council's 2019/2020 budgets.
2. That Council notes that Local Government NSW ("LGNSW") has long advocated for the emergency services levy to be significantly modified to ensure it is transparent, equitable and accountable.
3. That Council supports Local Government NSW's calls for:
  - a. The NSW government to cover the initial additional \$19m increase to Local Governments for the first year; and
  - b. The NSW government to work with NSW Local Governments to redesign the funding mechanism for the scheme to ensure fairness into the future.
4. Requests that the general manager liaise with Local Government NSW to provide Information on:
  - a. The impact on council budgets; and
  - b. Council advocacy actions undertaken.
5. That Council write to the NSW Premier and NSW interim opposition leader, NSW Minister for Customer services, NSW Minister for Emergency Services, Minister for Local Government and shadow Minister for Local Government, and local state member/s (copy to Local Government NSW) to:
  - a. Call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated
  - b. Explain how this sudden increase will impact council services / the local community.
  - c. Highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018.
  - d. Explain that the poor planning and implementation of the increase is inconsistent with the government's commitment to work in partnership with the sector.

- e. Ask the government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.**

### **EMERGENCY SERVICE LEVY INCREASE**

Each year, the NSW Government collects payments from councils and insurers to fund Emergency Services agencies in NSW, with councils required to pay 11.7 per cent of the budget required by NSW Emergency services. These charges are embedded in council rates and insurance premiums.

From 1 July 2019 the NSW Government plans to collect an additional \$160 million (in 2019/2020) from NSW councils, communities and those paying insurance premiums to provide better Workers' Compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 Specific work-related cancers.

Councils were sent bills with a letter from revenue NSW in May 2019, saying NSW council contributions will increase by \$19 million in 2019/2020. The letter also foreshadowed increases in the following year, but not the amount.

Narrabri Shire Council received an invoice from revenue NSW for \$443,219.39 for its Emergency Services Levy contribution. This is \$78,556.03 more than last year's levy (a 21.54%) increase. This will mean Council will need to find additional funds and/or cut planned initiatives or services.

Council supports career and volunteer firefighters in NSW – as it does all Emergency Services Workers and volunteers. Indeed, many NSW council staff and councillors are volunteers. We also support the bill passed in November 2018 to address what was a workers' compensation shortfall.

However, the sector was at no point advised that it would be required to cover the cost via significant increases to the emergency services levy, or what this cost would be.

**LOCAL GOVERNMENT NSW IS CALLING UPON THE NSW GOVERNMENT TO FUND THE FIRST 12 MONTHS OF THIS EXTRA COST AND WORK WITH LOCAL GOVERNMENTS TO ENSURE THE IMPLEMENTATION OF THE FUNDING MECHANISM IS FAIRER INTO THE FUTURE.**

## 9 OUR SOCIETY



### THEME 1: OUR SOCIETY

#### STRATEGIC DIRECTION 1: SAFE, INCLUSIVE AND CONNECTED COMMUNITY

*By 2027, we will provide a safe, supportive community where everyone feels welcomes, valued and connected.*

#### COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several social priority areas to be actioned over the 2017 - 2018 financial year.

#### COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Community development
- Community health and safety
- Community arts, events and entertainment
- Community care services and transport
- Parks, open spaces and sporting facilities
- Children, youth and aged care services
- Disability access services
- Library services

#### COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following social strategic outcomes:

- Increased community arts, events and entertainment
- Reduction in anti-social behaviour and public offences
- Improved community accessibility and inclusiveness
- Improved sport and recreational services and facilities
- Improved educational services and learning pathways
- Improved community health and support services

**9.1 DELEGATES REPORT - NARRABRI DISTRICT HEALTH SERVICE ADVISORY COMMITTEE MEETING - 13 MAY 2019****File Number:****Responsible Officer:** Ann Loder, Councillor**Author:** Delece Hartnett, Personal Assistant to GM & Mayor**Attachments:** 1. Narrabri District Health Service Advisory Committee Meeting - May 2019  **DELIVERY PROGRAM ALIGNMENT****1. Society**

Objective	1.1 Community health, safety and support services will adequately meet changing community needs
Strategy	1.1.1 Support and encourage health and wellbeing programs and services to improve resident lifestyles

**RECOMMENDATION**

**That Council note Cr Loder's Delegates Report from the Narrabri District Health Service Advisory Committee Meeting held on Monday 13 May 2019.**

**DELEGATES REPORT**

The Narrabri District Health Service Advisory Committee Meeting was held on Monday 13 May 2019. The Minutes from the meeting are attached.

(Note: within the May 2019 Minutes it was indicated that the next Committee Meeting was to be held on Tuesday 11 June 2019, however, this has had to be cancelled due to a large number of staff being on (sick) leave, therefore, there will not be any June 2019 Committee Meeting Minutes).



**Health**  
Hunter New England  
Local Health District

Minutes of Narrabri Health Committee

**DATE:** 13<sup>th</sup> May 2019


**VENUE:** Narrabri District Health Service Telehealth Meeting Room





**PRESENT:** Tracey Campbell, Don Douglas, Sharon Simpson, Sally Alexander, Margo Carberry

**APOLOGIES:**

**IN ATTENDANCE:** Nil

**TIME COMMENCED:** 1400 **TIME COMPLETED:** **MINUTES:** Sharon Simpson

TOPIC	DISCUSSION	ACTION/DECISION	RESPONSIBILITY/ TIMELINE
1 Acknowledgment of Country	I would like to acknowledge the Traditional Custodians and community members of the land we are meeting on today, and pay my respects to Elders, past and present		
2 Welcome and apologies			
3 Confirmation of minutes of the previous meeting and progress with action list.	The minutes of the previous meeting 8 <sup>th</sup> April 2019 were received and taken as read.	Confirmed: Sally Alexander Seconded: Margo Carberry	
4 WORKPLAN	4.1 Progress with Work Plan	Terms of Reference  terms-of-reference.pdf	

TOPIC	DISCUSSION	ACTION/DECISION	RESPONSIBILITY/ TIMELINE
<b>5 SERVICE PLANNING</b>	5.1 Health service planning		
<b>6 PATIENT-CENTRED CARE</b>	6.1 Health service committee reports	Quality Newsletters  Quality Matters - April 2019.pdf	
	6.2 Meetings with key community groups		
	6.3 Feedback from the Community		
	6.4 District networking	Partnerships forum 16 <sup>th</sup> May 2019 Tamworth.	
<b>7 EVALUATING PERFORMANCE</b>	7.1 Health service's performance measures	 ELT Performance Report V1.pdf	
	7.2 Traffic Light Report	 2019 04 NDHS Acute TLR Traffic Lig  NCHC Traffic Light report 2019 04.docx	
<b>8 BUILD CAPACITY</b>	8.1 Recruitment and retention workforce issues	<b>Acute</b> 1.6 FTE Midwife maternity relief – nil applicants, continuing to use agency staff 1.0 RN Maternity Relief – filled with Emma Brodbeck New Grad  <b>Community Health</b>	

TOPIC	DISCUSSION	ACTION/DECISION	RESPONSIBILITY/ TIMELINE
9. Correspondence  10 General Business	8.2 Visiting Medical Officers	<p>REQ79192 Clinical Nurse Consultant Grade 2 - Integrated Chronic Care for Aboriginal People Program - Interviewed</p> <p>REQ85891 Registered Nurse Integrated Chronic Disease Ambulatory Care Service (0.2 FTE) - Readvertising closes 14/04/2019</p> <p>REQ98730 Dementia Advisory Support - Advertising closes 22/04/2019</p> <p>REQ95794 Child &amp; Family Health Nurse – interviewed &amp; offered</p> <p>REQ96642 Child &amp; Family Health Nurse – OATSIH – interviewed</p> <p>Continuing to utilise locum doctors to fill short gaps in roster. Regular locum engaged until December</p>	
	<p>10.1 Helipad &amp; Trees –</p> <p>10.2 Successful International Nurses Day 10 May morning tea held. Thank you to the UHA for their ongoing support. Information placed on Facebook page &amp; Ian from Courier took photos</p>	<p>Quotes are currently being obtained. Maintenance manager working with council.</p> <p>Helipad light rectification work in progress</p>	

TOPIC	DISCUSSION	ACTION/DECISION	RESPONSIBILITY/ TIMELINE
<b>11. Business without notice</b>	11.1 Complaints & compliments – brochure is available  11.2 New doctor is supposed to commence this week on corner of Maitland & Doyle Street. New Doctor does not have visiting rights to the health service.  Dr Ojah is moving practices to Dr Moroney old practice within the next few weeks.		
<b>12. Next Meeting</b>	Tuesday 11 <sup>th</sup> June 2019 (note change due to public holiday)		



**10 OUR ENVIRONMENT****THEME 2: OUR ENVIRONMENT****STRATEGIC DIRECTION 2: ENVIRONMENTALLY SUSTAINABLE AND PRODUCTIVE SHIRE**

*By 2027, we will maintain a healthy balance between our natural and built environments.*

**COMMUNITY ENGAGEMENT**

Through extensive community engagement, the Narrabri Shire community identified several environmental priority areas to be actioned over the 2017 - 2018 financial year.

**COMMUNITY SERVICES**

Current services provided within the Narrabri Shire community include:

- Waste management and recycling
- Environmental planning
- Planning and development
- Parks and open spaces
- Noxious weeds control
- Floodplain management
- Water and sewer management
- Stormwater management

**COMMUNITY OUTCOMES**

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following environmental strategic outcomes:

- Improved air, water and soil quality
- Reduction in domestic and industry waste
- Management of potential impacts from extractive industries
- Improved emergency service provision and resources
- Maintenance of heritage sites for future generation

**10.1 NARRABRI GAS PROJECT SUPPLEMENTARY RESPONSE TO SUBMISSIONS**

**Responsible Officer:** Daniel Boyce, Director Development and Economic Growth

**Author:** Daniel Boyce, Director Development and Economic Growth

**Attachments:**

1. Council Response to RTS  
2. Council response to supplementary RTS  

**DELIVERY PROGRAM ALIGNMENT****2. Environment**

Objective 2.2 We will protect our environment through sustainable planning and well-resourced emergency services

Strategy 2.2.4 Decision making will be informed by the principles of Ecologically Sustainable Development and the precautionary principle

**EXECUTIVE SUMMARY**

Council made a submission in response to the Narrabri Gas Project (“**NGP**”) Environmental Impact Statement in May 2017 and Santos provided a [response to submissions](#) (“**RTS**”) which Council responded to in May 2018.

Santos provided a [supplementary RTS](#) in April 2019 which Council Staff responded to on 14 May 2019.

**RECOMMENDATION**

**That Council note the attached submission on the Narrabri Gas Project Supplementary Response to Submissions.**

**BACKGROUND**

The Narrabri Gas Project (“**NGP**”) involves the progressive development of a coal seam gas field comprising up to 850 gas wells on up to 425 well pads over 20 years, and the construction and operation of gas processing and water treatment facilities.

The NGP is State significant development and the Independent Planning Commission (“**IPC**”) is the consent authority because there have been **25 or more public objections** to the application with the assessment being carried out by the Department of Planning and Environment (“**DPE**”).

Council made a submission in response to the NGP Environmental Impact Statement in May 2017 and Santos provided a [response to submissions](#) (“**RTS**”) which Council responded to in May 2018 (Attachment 1).

**CURRENT SITUATION**

Santos provided a [supplementary RTS](#) in April 2019 which Council Staff responded to on 14 May 2019 (Attachment 2).

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY AND POLICY IMPLICATIONS**

The submission has been prepared in accordance with Council's Extractive Industries Policy.

**CONSULTATION****External Consultation**

People for the Plains Environmental Group and various NSW Government Agencies were consulted in the preparation of Council's in response to the NGP Environmental Impact Statement in May 2017.

**Internal Consultation**

Internal consultation was undertaken with the Infrastructure Delivery Directorate in the preparation of Council's in the preparation of Council's in response to the NGP Environmental Impact Statement in May 2017.

Council resolved to make the submission in response to the NGP Environmental Impact Statement in May 2017 and the submission responding to the Santos RTS in May 2018.

**NARRABRI SHIRE COUNCIL** ABN 95 717 801 656  
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Our Reference: DB:MH:414144  
Your Reference: N/A  
Contact Name: Daniel Boyce  
Telephone: (02) 6799 6882

24 May 2018

NSW Planning and Environment  
GPO Box 39  
**SYDNEY NSW 2001**

[Stephen.ODonoghue@planning.nsw.gov.au](mailto:Stephen.ODonoghue@planning.nsw.gov.au)  
[narrabrigas@planning.nsw.gov.au](mailto:narrabrigas@planning.nsw.gov.au)

Dear Sir,

**Re: Response to submissions Narrabri Gas Project**

Thank you for the opportunity to make a submission on the response to submissions (RTS) for the Narrabri Gas Project (Project). Narrabri Shire Council (Council) makes the following recommendations.

**1. Sizing of produced water and brine ponds**

Council is **satisfied** with the response by the Proponent.

According to the Proponent produced water and brine ponds "...will comply with the *NSW Code of Practice: Produced Water Management, Storage and Transfer* including:

- a spillway capacity designed to pass 0.01 per cent Annual Exceedance Probability (AEP) flows; and
- wet season design storage allowance sized to provide storage for a volume equivalent to the 1:100 AEP and a storm event containment of 1:100 AEP 72-hour duration..." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-136).

**2. Chemical composition of produced and amended water**

Council requires **independent assessment** of the response by the Proponent.

According to the Proponent "The results show that the water quality complies with relevant water quality guidelines for proposed beneficial reuse activities, including recreation and long-term irrigation. The data also shows the treated water meets drinking water and stock watering guidelines. No hydrocarbons, nor metals, have been detected (above the laboratory limit of reporting) in treated water from the plant." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-137).

The NSW Environment and Protection Agency (EPA) "requested information on the management and beneficial reuse of treated, amended and produced water" (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-70) in its submission on the Project.

**Recommendation 1**

During the assessment of the application Council requests:

That the EPA satisfies itself that the chemical composition and water quality of produced and amended water associated with the Project is safe and will not negatively impact the environment.

*Reason: To ensure produced and amended water associated with the Project will not negatively impact the environment.*

**Recommendation 2**

Should development consent be granted Council requests:

1. That the EPA be responsible for the monitoring of produced and amended water associated with the Project to ensure that it is safe and will not negatively impact the environment.
2. That the monitoring results be published on the EPA website.

*Reason: To ensure produced and amended water associated with the Project will not negatively impact the environment.*

**3. Bohena Creek managed release point and Newell Highway gauging station**

Council requires **independent assessment** of the response by the Proponent.

According to the Proponent "No gauging will be required at, or upstream of, the discharge site." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-138-139). The NSW Department of Primary Industries (DPI) "recommended the installation of a hydrological gauging station in close proximity to the Bohena Creek managed release point. It also recommended the existing Bohena Creek gauging station at Newell Highway be upgraded." (Santos NSW (Eastern) Pty Ltd, 2018, 5-47).

**Recommendation 3**

During the assessment of the application Council requests:

That the DPI satisfies itself that the hydrological gauging stations will be located so as to be representative of conditions at the managed release point and will have the capacity to detect flows in the order of 100 megalitres / day.

*Reason: To ensure that there are appropriate references for triggering managed release of treated water to Bohena Creek.*

#### 4. Bohena Creek managed release and predicted cadmium levels

Council requires **independent assessment** of the response by the Proponent.

According to the Proponent "Recent samples from the Leewood water treatment facility in operation for the approved exploration and appraisal program in the project area show that cadmium concentrations in treated water are <0.0001 mg/L (0.1 micrograms per litre), which is less than the ANZECC/ARMCANZ (2000) water quality guideline of 0.2 micrograms per litre." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-139).

DPI suggested "...the potential impact of releases on Bohena Creek ecological health maybe difficult to determine in the short term..." and recommended "...continued monitoring of water quality in conjunction with ecological monitoring..." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-48).

##### **Recommendation 4**

During the assessment of the application Council requests:

That the DPI satisfies itself that the managed release of treated water to Bohena Creek will not impact on the ecological health of Bohena Creek.

**Reason:** To ensure the ecological health of Bohena Creek.

##### **Recommendation 5**

Should development consent be granted Council requests:

1. That the EPA be responsible for the monitoring the managed release of treated water to Bohena Creek to ensure that it is safe and will not negatively impact the environment.
2. That the monitoring results be published on the EPA website.

**Reason:** To ensure the ecological health of Bohena Creek.

#### 5. Water quality monitoring

Council is **not satisfied** with the response by the Proponent.

The Commonwealth Government: Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) "considered the proposed groundwater monitoring network not suitable..." and recommends a "Groundwater Monitoring Plan detailing a groundwater impact early warning monitoring system that includes management, mitigation and contingency measures." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-13).

The Proponent responds by saying, it "...will work with DPI Water and relevant Commonwealth and State Government stakeholders to refine the groundwater monitoring plan for the project." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-14).

**Recommendation 6**

During the assessment of the application Council requests:

That the proposed groundwater monitoring network and plan be amended as necessary to obtain the endorsement of the IESC.

*Reason: To ensure that the risk to groundwater is appropriately managed.*

**Recommendation 7**

Should development consent be granted Council requests:

1. That the Proponent:
  - a. Review the groundwater model two-to-three years after commencement of water production.
  - b. Undertake validation and recalibration of the groundwater modelling.
  - c. Review and revise relevant management plans to ensure early prediction of impacts and the implementation of adequate monitoring, management and contingency measures.
2. That the Proponent be required to obtain endorsement of the above by the IESC.

*Reason: To ensure that the risk to groundwater is appropriately managed.*

**6. Construction of natural gas wells**

Council is **satisfied** with the response by the Proponent.

According to the Proponent, "...gas wells would be constructed in accordance with the Code of Practice for Coal Seam Gas – Well Integrity." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-140).

The NSW Chief Scientist and Engineer has concluded that the *NSW Code of Practice for Coal Seam Gas – Well Integrity* is "in line with international best practice" (NSW Chief Scientist & Engineer, 2014, p. 12).

**7. Monitoring of natural gas wells and gathering lines**

Council is **not satisfied** with the response by the Proponent.

The Chief Scientist and Engineer concluded that the *NSW Code of Practice for Coal Seam Gas – Well Integrity* is "in line with international best practice" (p. 12) and that "...a conclusion can be drawn that if wells are properly designed, installed and maintained, the risk of long-term leakage from CSG wells from both the casing and cement can be considered to be minimal,..." (NSW Chief Scientist & Engineer, 2014, p. 5).

Professor O’Kane did however acknowledge “...no long-term studies could be found dealing specifically with deterioration of CSG wells...” (NSW Chief Scientist & Engineer, 2014, p. 5) and that “there is scope for additional research specifically to assess the impact of abandoned CSG wells over extended timeframes.” (NSW Chief Scientist & Engineer, 2014, p. 5).

The NSW Chief Scientist and Engineer further concluded that “...if the integrity of these wells is compromised at any stage during construction, operation or after abandonment, they have the potential to affect the environment adversely, mainly in the form of either contamination of subsurface water systems or via fugitive methane emissions.” (NSW Chief Scientist & Engineer, 2014, p. 12)

Anderson, Rahman, Davey, Miller and Glamore (2013) concluded that without the indefinite monitoring of decommissioned coal seam gas wells “any of the adverse consequences may be realised” (Anderson et al., 2013, p. 28). The “adverse consequences” referred to include contamination of the “Water Resource Aquifer” (Anderson et al., 2013, p. 25).

Council is of the view that the precautionary principle should be applied in this matter and indefinite monitoring of decommissioned coal seam gas wells by a public authority should be required until there is a sufficient body of evidence by way of long-term studies to conclude that the risk of contamination of water resource aquifers is negligible

**Recommendation 8**

Should development consent be granted Council requests:

1. That the Proponent pay for independent third party monitoring of decommissioned coal seam gas wells indefinitely.
2. That the monitoring be overseen by the EPA and results published on the EPA website.

*Reason: To ensure that decommissioned coal seam gas wells do not contaminate water resource aquifers.*

**8. Rehabilitation fund**

Council is **not satisfied** with the response by the Proponent.

Council does not consider the current requirement to lodge a security deposit to cover the cost of undertaking rehabilitation to be adequate given the experience in other jurisdictions (Evans, 2014; Abbott, 2014).

The NSW Chief Scientist and Engineer recommended, “...potential adoption of a 3-layered policy of security deposits, enhanced insurance coverage and an environmental rehabilitation fund administered by government.” (NSW Chief Scientist & Engineer, 2014b, p.8)

The NSW Chief Scientist and Engineer further recommended, “That Government consider a robust and comprehensive policy of appropriate insurance and environmental risk coverage of the CSG industry to ensure financial protection short and long term. Government should examine the potential adoption of a three-layered policy of security deposits, enhanced insurance coverage, and an environmental rehabilitation fund.” (NSW Chief Scientist & Engineer, 2014c, p.13)



According to the NSW Government, it "...accepts all the recommendations of the Chief Scientist and Engineer's independent review and is committed to building a world class regime for the extraction of gas." (NSW Government, 2015, p.3)

Council is of the view that a "world class regime for the extraction of gas" cannot be achieved unless the State holds sufficient financial assurance to cover the true cost of rehabilitation, pollution and natural resource damage both on-site and off-site and unforeseen long term impacts.

#### **Recommendation 9**

Should development consent be granted Council requests:

1. The Proponent shall pay a security deposit in the form of a cash bond or bank guarantee of an appropriate amount that covers the true cost of rehabilitation.
2. The Proponent shall carry pollution legal liability insurance that covers pollution and natural resource damage both on-site and off-site including groundwater contamination and for the benefit of the insured, third parties, and contractors.
3. The Proponent shall contribute to an Environmental Fund (similar to the Western Australian Government Mining Rehabilitation Fund) established to cover off-site remediation and rehabilitation including groundwater contamination and other long term, gradual onset damage.

#### **Recommendation 10**

Should development consent be granted Council requests:

1. That the DPE:
  - a. Publish details of the financial assurance that the State will hold to cover the cost of on-site and off-site remediation and rehabilitation in the event of sudden accidental pollution and from unforeseen and long term impacts of the Project including groundwater contamination, and
  - b. Explains the methodology used to determine that this amount is sufficient to ensure that no costs are passed on to the Public.

**Reason:** *To provide public confidence that the amount of financial assurance that the State holds is sufficient to cover the cost of rehabilitation and the Public are protected in the event of sudden accidental pollution caused by the Project and from unforeseen and long term impacts of the Project including groundwater contamination.*

### **9. Principles of land access**

Council is **satisfied** with the response by the Proponent.

The Proponent advises that it "is a signatory to the Agreed Principles of Land Access." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-142).

**Recommendation 11**

Should development consent be granted Council requests:

1. That the Proponent be bound by the Agreed Principles of Land Access

**Reason:** To ensure that decommissioned coal seam gas wells do not contaminate water resource aquifers.

**10. Air quality impacts near Leewood**

Council requires **independent assessment** of the response by the Proponent.

The EPA "...notes that the Air Quality Impact Assessment omits fugitive methane and carbon dioxide emissions..." and "...recommends that all potential components of fugitive emissions should be assessed, and measures to mitigate and manage the emissions should be proposed." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-75).

NSW Health stated that "...air quality monitoring should be undertaken prior to, and during, the project, and be independently verified to validate the findings of the Air Quality Impact Assessment." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-104).

**Recommendation 12**

During the assessment of the application Council requests:

That the EPA and NSW Health satisfies itself that the Air Quality Impact Assessment and measures to mitigate and manage the emissions are acceptable.

**Reason:** To ensure the Project will not impact on the environment or human health in terms of air quality.

**Recommendation 13**

Should development consent be granted Council requests:

1. That the EPA be responsible for the monitoring of air quality prior to, and during, the Project to ensure that it is safe and will not negatively impact the environment or human health.
2. That the monitoring results be published on the EPA website.

**Reason:** To ensure the Project will not impact on the environment or human health in terms of air quality.

**11. Chemical composition of dust suppressant**

Council is **satisfied** with the response by the Proponent.

According to the Proponent, "The specific commercial dust suppressants that would be used will be finalised during construction of the project. However, it should be noted that the use of commercial dust suppressants is standard practice for construction activities and would not be expected to introduce adverse environmental impacts." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-142).

**12. Characterisation of natural gas**

Council is **satisfied** with the response by the Proponent.

According to the Proponent "The Air Quality Impact Assessment (EIS Appendix L) considered the composition of natural gas based on data from existing exploration and appraisal wells and the predicted products of the processing and combustion of the natural gas." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-143).

**13. Air Quality Management Plan**

Council is **satisfied** with the response by the Proponent.

According to the Proponent, "...an Air Quality Management Plan would be implemented during construction and operation of the project. The Air Quality Management Plan would include an air quality monitoring program." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-143).

**Recommendation 14**

Should development consent be granted Council requests:

1. That the Proponent be required to liaise with sensitive receptors and Council in the preparation and annual review of the Air Quality Management Plan.

**Reason:** To ensure the Project will not impact on the environment or human health in terms of air quality.

**14. Road maintenance agreement**

Council is **not satisfied** with the response by the Proponent.

The Proponent does not dispute that the Project will result in increased traffic generation despite concluding that roads are generally expected "...to operate within ... functional classification under the ultimate peak traffic scenario for the project." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-143-144).

In September 2014 the NSW Chief Scientist and Engineer recommended, "That Government investigate ... funding (derived from the fees and levies paid by CSG companies) for local councils to enable them to fund, in a transparent manner, infrastructure and repairs required as a consequence of the CSG industry." (NSW Chief Scientist & Engineer, 2014c, p. 12).

**Recommendation 15**

Should development consent be granted Council requests:

1. That the Proponent be required to enter into a road maintenance agreement with Narrabri Shire Council.

**Reason:** To ensure the Narrabri Shire community is not unfairly burdened by maintenance of road infrastructure as a result of the Project.

**15. Timing of intersection upgrades**

Council is **satisfied** with the response by the Proponent.

According to the Proponent, "The proposed upgrades to the Newell Highway/Old Mill Road and Newell Highway/X-Line Road intersections would be provided following a final investment decision on the production project and before significant construction commences." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-144).

**16. Light at Siding Spring Observatory**

Council requires **independent assessment** of the response by the Proponent.

According to the Proponent, "...a Gas Flare Light Assessment to assess the light impacts of the project flares and their potential to contribute to skyglow that would affect observing conditions at the Observatory." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-144).

**Recommendation 16**

During the assessment of the application Council requests:

That the Proponent be required to obtain endorsement of the Gas Flare Light Assessment and proposed mitigating practices by the Siding Spring Observatory.

**Reason:** To ensure the Project will not impact observing conditions at the Siding Spring Observatory.

**17. Social impacts on vulnerable groups**

Council is **not satisfied** with the response by the Proponent.

The Proponent acknowledges "The potential for localised inequality in the distribution of potential socio-economic benefits or impacts..." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-145).

According to the Proponent, "Social impact monitoring would be undertaken in line with the proponent's Social Impact Management Plan." Investment in social infrastructure and services will be provided through "...the Gas Community Benefit Fund..." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-145).

Council is of the view that the Gas Community Benefit Funds should not be used to provide essential services and infrastructure but rather support improved economic and social outcomes for the community so that the people of Narrabri benefit from the Project not merely maintain the status quo.

**Recommendation 17**

During the assessment of the application Council requests:

That the Proponent be required to demonstrate to the satisfaction of NSW Health how social impacts on vulnerable groups will be managed.

*Reason: To ensure improved social outcomes for vulnerable groups.*

**18. Social impacts on vital health services**

Council is **satisfied** with the response by the Proponent.

The Proponent acknowledges, "...that there will be an increase in demand on local health services...", however, "...consultation with the Narrabri District Health Service... indicated that local health services had sufficient capacity to cater for population growth in the region including the project workforce." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-145).

**19. Aboriginal employment agreement**

Council is **satisfied** with the response by the Proponent.

According to the Proponent, "A Diversity and Equal Opportunity Policy would be implemented to achieve representative Aboriginal employment, including for contractors (refer to Appendix A of Appendix T1 of the EIS). Aboriginal employment opportunities would be part of ongoing Native Title negotiations with the Gomeroi Applicants, with final details subject to the finalisation of a Native Title agreement." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-147).

**20. Local skills development**

Council is **satisfied** with the response by the Proponent.

According to the Proponent, "To provide long term career pathways for locals and ensure that an appropriately skilled workforce is employed, the proponent will provide scholarships and develop suitable training and apprenticeship programs in consultation with local TAFE and other training institutions." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-147).

**21. Monitoring of social impacts**

Council is **satisfied** with the response by the Proponent.

According to the Proponent, "...social impacts would be monitored and managed over the life of the project through engagement with landholders, the community, service providers, industry bodies and government." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-147)

**Recommendation 18**

Should development consent be granted Council requests:

1. That the Proponent be required to engage with the public and Narrabri Shire Council and community in the preparation and review of the social impact management plan.
2. That the Proponent be required to review the social impact management plan annually in consultation with Narrabri Shire Council and community to ensure that they are fit for purpose.

*Reason: To ensure that social impacts from the Project are managed.*

**22. Adjoining landholders**

Council is **satisfied** with the response by the Proponent.

According to the Proponent, "Unless a written agreement is in place with the relevant landholder, no project infrastructure will be located within 200 m of an occupied residence on that property." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-148).

**23. Chemical monitoring of health impacts**

Council is **satisfied** with the response by the Proponent.

According to NSW Health, "Based on the nature and scale of the operation and distance from townships we expect there will be minimal impact on human health..." (Dalton, 2017). The Proponent advised "The Environmental Management Strategy for the project includes a number of sub-plans with chemical monitoring requirements including surface water, groundwater and air quality. As such, specific chemical monitoring for health impacts is not considered to be necessary." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-148).

**24. Verification of gas price assumption**

Council is **satisfied** with the response by the Proponent.

The Proponent advised "It is noted that the NSW Division of Resources and Geoscience noted in its EIS submission that the forecast gas price used in the cost-benefit analysis (Appendix U1 of the EIS) of \$8.70 GJ lies within the range of expected future gas prices in the east coast market over the more than 20-year project life." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-149).

**25. Gas community benefit fund**

Council is **satisfied** with the response by the Proponent, however, takes the opportunity to raise the following concerns with the Gas community benefit fund (**Fund**) in general:

- The Fund represents a once in a generation opportunity for the Narrabri Shire Community to benefit from potential Coal Seam Gas extraction projects within the Shire. Council believes the guidelines that have been developed do not/will not achieve the desired outcomes of the Fund nor deliver the intended benefit to the Narrabri Shire Community.
- There needs to be greater Local Government representation on the Community Benefits Fund Committee.
- The maximum of \$500,000 per project needs to be increased to \$2,000,000 to ensure that impactful projects can be funded.
- Operational costs of new infrastructure need to be funded.
- The "geographical area for the Fund" should be based on where the most significant impact on the community occurs not the footprint of PELs or Projects and requires a definitive definition to ensure certainty of eligibility of applications.

**26. Local employment and procurement**

Council is **satisfied** with the response by the Proponent.

The Proponent advised it "...will continue to engage with, the Narrabri Shire Council and other relevant stakeholders for their input and feedback into the project's regional and local employment and business development initiatives and workforce management strategies." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-149).

**27. Capacity of local waste facilities for waste salt**

Council requires **independent assessment** of the response by the Proponent.

The EPA requested "...information should be provided on the facilities to be utilised for waste salt disposal and their long-term capacity to accept it. It also recommended that information be provided on contingency planning in the event that licensed facilities within 150 kilometres of the project be unable to accept waste salt." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-68).

The Proponent advised, "There are a substantial number of waste facilities available, including government and privately owned facilities that are licensed to receive general solid waste in the order of hundreds of thousands of tonnes per annum. The average volume of salt produced annually by the project would be a very small proportion of the overall capacity of any one such facility.

As part of the ongoing development of salt management, options for alternative beneficial reuse applications are being investigated." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-150).

**Recommendation 19**

During the assessment of the application Council requests:

That the EPA satisfies itself that the facilities to be utilised for waste salt disposal have long-term capacity to accept it and adequate contingency planning is in place for disposal of waste salt.

*Reason: To ensure the waste salt is appropriately disposed.*

**28. Composition and classification of waste salt**

Council requires **independent assessment** of the response by the Proponent.

The EPA requested that "...further information should be provided to demonstrate that waste salt would not contain other contaminants, and therefore classify as general solid waste." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-65)

According to the Proponent, the waste salt "...would be classified as general solid waste, with contaminants significantly below threshold values." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-150).

**Recommendation 20**

During the assessment of the application Council requests:

That the EPA satisfies itself that the waste salt would not contain other contaminants, and therefore classify as general solid waste.

*Reason: To ensure the waste salt is appropriately disposed.*

**29. Waste management**

Council requires **independent assessment** of the response by the Proponent.

The EPA requested details of the "...Waste Management Plan and requests further information on the mitigation measures to be included in the Plan." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-72).

The Proponent advised, "The Waste Management Plan would be structured around the waste management hierarchy defined under the Protection of the Environment Operations Act 1997. That is, opportunities to avoid, reduce, reuse, recycle and treat waste would be investigated in order to reduce the volumes waste and minimise potential environmental impacts." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-151).



**Recommendation 21**

During the assessment of the application Council requests:

That the EPA satisfies itself that the Waste Management Plan is acceptable.

*Reason: To minimise and manage waste from the Project.*

**30. Westport workers' accommodation**

Council is **satisfied** with the response by the Proponent.

**31. Westport workers' accommodation bushfire risk**

Council is **satisfied** with the response by the Proponent.

According to the Proponent, "The existing accommodation was granted a bush fire safety authority that prescribed bush fire protection specifications and requirements including asset protection zones, water supplies for firefighting and emergency procedures. It is expected that a similar level of bush fire protection would be provided to the expanded facility. An updated bushfire response and evacuation plan would also be prepared." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-152).

**32. Environmental management plans**

Council is **satisfied** with the response by the Proponent.

**Recommendation 22**

Should development consent be granted Council requests:

1. That the Proponent be required to engage with the public and Narrabri Shire Council in the preparation and review of all environmental management plans.
2. That the Proponent be required to review all environmental management plans annually to ensure that they are fit for purpose.

*Reason: To ensure the Narrabri Shire community is involved in environmental management for the Project.*

**33. Independent monitoring**

Council is **not satisfied** with the response by the Proponent.

According to the Proponent, "Within three years of commencement of the project, and every three years thereafter, the proponent will facilitate a third-party environmental audit to ensure compliance..." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-153).

**Recommendation 23**

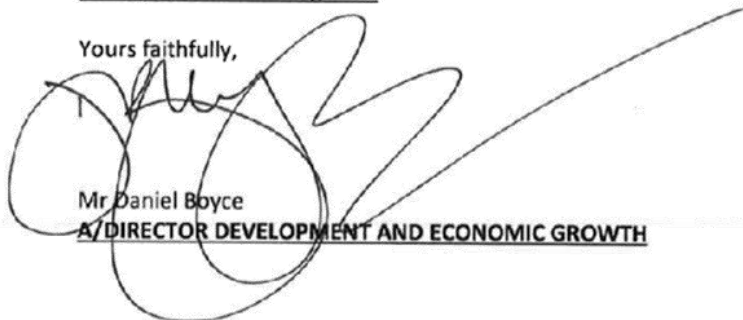
Should development consent be granted Council requests:

1. That the EPA be responsible for the monitoring of environmental and human health compliance including but not limited to:
  - a. *Air quality — particulate matter, volatile organic compounds, hydrogen sulfide, nitrogen dioxide, sulphur dioxide, sulfuric acid mist, molecular weight of stack gases, odour.*
  - b. *Noise — annual monitoring of premises and flaring events in accordance with the NSW Industrial Noise Policy and AS 1055.1-1997 Acoustics - Description and measurement of environmental noise General procedures.*
  - c. *Soil — cation exchange capacity, electrical conductivity, pH, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, heavy metals, sodium adsorption ratio, boron, sodium, calcium, potassium, benzene, toluene, ethylbenzene and xylene.*
  - d. *Sediment (Bohena Creek) — cation exchange capacity, electrical conductivity, pH, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, heavy metals, sodium adsorption ratio, boron, sodium, calcium, potassium, benzene, toluene, ethylbenzene and xylene.*
  - e. *Water quality — suspended solids, biochemical oxygen demand, oil and grease, polycyclic aromatic hydrocarbons, phenols, organic carbon, petroleum hydrocarbons, recoverable hydrocarbons, electrical conductivity, pH, sodium adsorption ratio, boron, sodium, calcium, potassium, heavy metals (particularly cadmium), benzene, toluene, ethylbenzene and xylene.*
2. That the monitoring results be published on the EPA website.

**Reason:** To ensure community confidence in that the Project will have an acceptable impact on the environment and human health.

If you require any further clarification, please do not hesitate to contact me on (02) 6799 6882 or [danielb@narrabri.nsw.gov.au](mailto:danielb@narrabri.nsw.gov.au).

Yours faithfully,



Mr Daniel Boyce  
A/DIRECTOR DEVELOPMENT AND ECONOMIC GROWTH

**References**

Abbott, T. (2014). *Peer Comment on "Insurance and Environmental Securities"*. Piper Alderman.

Anderson, D., Rahman, P., Davey, E., Miller, B. and Glamore, W. (2013). *Background Paper on Groundwater Resources in Relation to Coal Seam Gas Production*. Water Research Laboratory, University of NSW.

Evans, B. (2014). *Insurance and Environmental Securities*. Hicksons Lawyers.

Dalton, C. (2017). *FW: Narrabri Gas Project (SSD 6456)*. [email].

NSW Chief Scientist & Engineer (2014a). *Independent Review of Coal Seam Gas Activities in NSW*. Information paper: Abandoned wells.

NSW Chief Scientist & Engineer (2014b). *Environmental risk & responsibility and insurance arrangements for the NSW CSG industry*.

NSW Chief Scientist & Engineer (2014c). *Final Report of the Independent Review of Coal Seam Gas Activities in NSW*.

Santos NSW (Eastern) Pty Ltd (2018). *Narrabri Gas Project - Response to Submissions - Report Part A*.

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Contact Name:

Erika Dawson

Telephone:

(02) 67996866

14 May 2019

Ms Rose-Anne Hawkeswood  
NSW Planning and Environment  
GPO Box 39  
**SYDNEY NSW 2001**

[Rose-Anne.Hawkeswood@planning.nsw.gov.au](mailto:Rose-Anne.Hawkeswood@planning.nsw.gov.au)

Dear Madam

**RE: NARRABRI GAS PROJECT - RESPONSE TO SUPPLEMENTARY RESPONSE TO SUBMISSIONS**

Thank you for the opportunity to make a submission on the supplementary response to submissions (**SRTS**) for the Narrabri Gas Project (**Project**). Narrabri Shire Council (**NSC**) makes the following recommendations.

**1. Chemical composition of produced and amended water**

Council is **satisfied** with the response provided by the applicant subject to acceptance by and conditions as required by the Environment Protection Authority (**EPA**).

**2. Bohena Creek managed release point and Newell Highway gauging station**

Council is **satisfied** with the response provided by the applicant subject to acceptance by and conditions as required by the EPA.

**3. Bohena Creek managed release and predicted cadmium levels**

Council is **satisfied** with the response provided by the applicant subject to acceptance by and conditions as required by the EPA.

**4. Water quality monitoring**

Council is **satisfied** with the response provided by the applicant subject to acceptance by and conditions as required by Department of Primary Industries (**DPI**) Water.

**5. Monitoring of natural gas wells and gathering lines**

Council is **not satisfied** with the response provided by the applicant and reiterates its previous comments, being:

**Recommendation 8**

Should development consent be granted Council requests:



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1. That the Proponent pay for independent third party monitoring of decommissioned coal seam gas wells indefinitely.
2. That the monitoring be overseen by the EPA and results published on the EPA website.

#### 6. Rehabilitation fund

Council is **not satisfied** with the response provided by the applicant and reiterates its previous comments, being:

##### Recommendation 9

Should development consent be granted Council requests:

1. The Proponent shall pay a security deposit in the form of a cash bond or bank guarantee of an appropriate amount that covers the true cost of rehabilitation.
2. The Proponent shall carry pollution legal liability insurance that covers pollution and natural resource damage both on-site and off-site including groundwater contamination and for the benefit of the insured, third parties, and contractors.
3. The Proponent shall contribute to an Environmental Fund (similar to the Western Australian Government Mining Rehabilitation Fund) established to cover off-site remediation and rehabilitation including groundwater contamination and other long term, gradual onset damage.

##### Recommendation 10

Should development consent be granted Council requests:

1. That the DPE:
  - a. Publish details of the financial assurance that the State will hold to cover the cost of on-site and off-site remediation and rehabilitation in the event of sudden accidental pollution and from unforeseen and long term impacts of the Project including groundwater contamination, and
  - b. Explains the methodology used to determine that this amount is sufficient to ensure that no costs are passed on to the Public.

#### 7. Air quality impacts near Leewood

Council is **satisfied** with the response provided by the applicant subject to acceptance by and conditions as required by the EPA and NSW Health.

#### 8. Road maintenance agreement

Council is **not satisfied** with the response provided by the applicant and reiterates its previous comments, being:

##### Recommendation 15

Should development consent be granted Council requests:



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1. That the Proponent be required to enter into a road maintenance agreement with Narrabri Shire Council.

#### 9. Light at Siding Spring Observatory

Council is **satisfied** with the response provided by the applicant subject to acceptance by and conditions as required by the Siding Spring Observatory.

#### 10. Social impacts on vulnerable groups

Council is **not satisfied** with the response provided by the applicant and reiterates its previous comments, being:

The Proponent acknowledges "The potential for localised inequality in the distribution of potential socio-economic benefits or impacts ..." (Santos NSW (Eastern) Pty Ltd, 2018, p. 5-145).

According to the Proponent, "Social impact monitoring would be undertaken in line with the proponent's Social Impact Management Plan." *Investment in social infrastructure and services will be provided through "... the Gas Community Benefit Fund ..."* (Santos NSW (Eastern) Pty Ltd, 2018, p. 5- 145).

Council is of the view that the Gas Community Benefit Funds should not be used to provide essential services and infrastructure but rather support improved economic and social outcomes for the community so that the people of Narrabri benefit from the Project not merely maintain the status quo.

The SRTS identifies that NSW Health did not raise social impacts on vulnerable groups as a concern in their submission dated 6 September 2018 on the RTS document. Subsequent discussions with NSW Health have indicated that they would not ordinarily provide comments on social impacts. Nevertheless, Council In this regard a revised recommendation 17 is provided for this issue:

##### Recommendation 17

During the assessment of the application, Council requests:

That the proponent enter into a VPA with Council that reflects the socio-economic impacts in, and immediately around, the locality and provides a lasting net economic benefit to the locality, the wider Narrabri Shire.

#### 11. Capacity of local waste facilities for waste salt

Council is **not satisfied** with the response provided by the applicant and reiterates its previous comments, being:

##### Recommendation 19

During the assessment of the application Council requests:

That the EPA satisfies itself that the facilities to be utilised for waste salt disposal have long term capacity to accept it and adequate contingency planning is in place for disposal of waste salt.

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E. [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)**12. Composition and classification of waste salt**

Council is **satisfied** with the response provided by the applicant subject to acceptance by and conditions as required by the EPA.

**13. Waste management**

Council is **satisfied** with the response provided by the applicant subject to acceptance by and conditions as required by the EPA.

**14. Independent monitoring**

Council is **satisfied** with the response provided by the applicant subject to acceptance by and conditions as required by the EPA.

If you require any further clarification, please do not hesitate to contact Council's Development and Economic Growth Department on 6799 6866.

Yours faithfully,

Erika Dawson

**ACTING MANAGER PLANNING AND REGULATORY SERVICES**

**10.2 NARRABRI COAL MINE STAGE 3 - INPUT INTO THE SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

**Responsible Officer:** Daniel Boyce, Director Development and Economic Growth

**Author:** Daniel Boyce, Director Development and Economic Growth

**Attachments:** 1. Council comments on Narrabri Coal Mine Stage 3 SEARs  

**DELIVERY PROGRAM ALIGNMENT****2. Environment**

Objective 2.2 We will protect our environment through sustainable planning and well-resourced emergency services

Strategy 2.2.4 Decision making will be informed by the principles of Ecologically Sustainable Development and the precautionary principle

**EXECUTIVE SUMMARY**

Narrabri Coal Operations Pty Ltd has submitted a request for Secretary's Environmental Assessment Requirements ("SEARs") for Narrabri Coal Mine Stage 3. The Project involves the expansion of the existing Narrabri Underground Coal Mine.

Council Staff provided comment to the Department of Planning and Environment on the proposed SEARs on 18 April 2019, attached to this report.

**RECOMMENDATION**

**That Council note the submission on the Narrabri Coal Mine Stage 3 Secretary's Environmental Assessment Requirements.**

**BACKGROUND**

Narrabri Coal Operations Pty Ltd has submitted a request for Secretary's Environmental Assessment Requirements ("SEARs") for Narrabri Coal Mine Stage 3. The Project involves the expansion of the existing Narrabri Underground Coal Mine, including;

- a southern extension of approved longwall panels and one additional longwall panel;
- an increase in the approved run-of mine ("ROM") coal mining and production rates up to 13 Mtpa of ROM coal (increased from 11 Mtpa);
- continued use of approved ancillary underground and surface ancillary infrastructure, rail load out facility and transport of product coal from the site by rail; and
- additional surface development areas and ancillary surface infrastructure.

The Department of Planning and Environment ("DPE") wrote to Council 8 April 2019 providing a draft copy of the proposed SEARs and inviting Council to provide comments for DPE consideration by 22 April 2019.

**CURRENT SITUATION**

Council Staff provided comment on 18 April 2019.



**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY AND POLICY IMPLICATIONS**

The submission has been prepared in accordance with Council's Extractive Industries Policy.

**CONSULTATION****External Consultation**

Council Staff have met with some residents in the vicinity of the Narrabri Coal Mine.

**Internal Consultation**

- Design Services Manager.

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Our Reference: ED:KDK: 451537  
Your Reference: SSD 10269  
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Rose-Anne Hawkeswood – A/Team Leader  
Resource & Energy Assessments  
Planning Services  
GPO Box 39  
**SYDNEY NSW 2001**

18 April 2019

E: Rose-Anne.Hawkeswood@planning.nsw.gov.au

Dear Ms Hawkeswood,

**Re: NARRABRI COAL MINE STAGE 3 (SSD 10269) - REQUEST FOR INPUT INTO SECRETARY'S ENVIRONMENT ASSESSMENT REQUIREMENTS (SEARS)**

I refer to your email dated 8 April 2019 requesting input from Narrabri Shire Council in relation to the above State Significant Development. We have reviewed the Preliminary Environmental Assessment (PEA) as supplied. Please find following the Council's comments:

**1. Draft SEARs**

Council is generally satisfied with the proposed draft SEARs. The following additional matters are also requested to be included.

**2. Narrabri Local Environmental Plan 2012 (LEP)**

The following provisions of the LEP are to be addressed within the EIS:

- a. Clause 6.1 – Earthworks
- b. Clause 6.5 – Essential Services

**3. Mining SEPP**

Full consideration of the relevant clauses of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP) is to be provided within the EIS. In particular the following are to be specifically addressed in the EIS:

- a. An assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.
- b. Impacts on surface and groundwater.
- c. The suitability of the site to return to agricultural land uses following completion of the development, considering any subsidence and on-going management of groundwater or gas production from the underground workings.



**4. Sensitive Receptors**

- a. Council has received advice that not all sensitive receptors have been included in previous environmental assessments and ongoing monitoring commitments. It is requested that as part of this assessment a review of sensitive receptors be undertaken to ensure all are included, including (but not limited to) those on Davis Road, Turrawan.
- b. It is recommended that consultation be undertaken with all the identified sensitive receptors during the EIS preparation process.

**5. Bushfire**

The site is partially mapped as being bushfire prone. Other areas of grassland, that are not currently mapped, provide a bushfire risk in accordance with the NSW Rural Fire Services' *Guideline for Council to Bushfire Prone Area Land Mapping* which includes a Category 3 incorporating grasslands.

The change of land use/extension of use has the potential to create a bushfire risk both through activities on site and change in land management practices, particularly in the area retains for ecological purposes. In this regard, it is recommended that a Bush Fire Assessment Report be prepared as part of the EIS documentation, in accordance with the NSW Rural Fire Services' *Planning for Bush Fire Protection*.

**6. Water**

- a. A Water Balance is to be provided for the project (expansion and intensification) to demonstrate sufficient water supply can be made available for the development and to enable assessment of the impacts of any proposed measures.
- b. The stormwater generation shall be considered as part of the EIS, including potential erosion and sediment generation. Measures shall be included in the development to mitigate any adverse impacts from stormwater, erosion and sedimentation both on and off site.

**7. Rail Impacts**

It is understood that there are capacity issues with the rail network. With the proposed intensification of the project, it should be demonstrated that the network is capable of accommodating the proposed intensification of the project.

**8. Road Impacts**

The impacts on the local road network, in terms of the extension and expansion of the project, need to be considered. There have been some issues to date with mine related traffic using alternate routes to the site and adversely impacting upon Kurrajong Creek Road. In particular consideration needs to be given to improving road safety and on-going maintenance of the local roads affected by the project related traffic.

**9. Risks & Hazards**

Details of risks and hazards from the development shall be considered and assessed as part of the EIS and in accordance with SEPP 33.

**10. Economic Impacts**

An Economic Assessment is to be undertaken in accordance with the *Guidelines for the economic assessment of mining and coal seam gas proposals*.

**11. Cumulative/Interaction Impacts**

The Project Area is situated directly adjacent to the project area of the proposed Narrabri Gas Project. Consideration needs to be given to any impacts (including risks) occurring as a result of the two projects operating concurrently and any cumulative impacts that may result from the two projects operating.

**12. Voluntary Planning Agreement**

Council requests further consultation with the applicant during the EIS preparation process regarding the terms of any Voluntary Planning Agreement proposed. Any VPA with Council is to reflect the socio-economic impacts in, and immediately around, the local community and provides a lasting net economic benefit to the local community and, the wider Narrabri Shire.

**13. Ecologically Sustainable Development**

- a. The project is to ensure that it is ecologically sustainable from an economic, environmental and social perspective.
- b. The precautionary principle is to be applied in the assessment of the economic, environmental and social impact of the Project.

I trust this information is to your satisfaction, should you require any further clarification, please do not hesitate to contact me on (02) 6799 6866.

Yours faithfully,



Erika Dawson  
**ACTING MANAGER PLANNING AND DEVELOPMENT**

**10.3 SECTION 94A PLAN - APPROVAL OF UPDATED SCHEDULE OF WORKS**

**Responsible Officer:** Daniel Boyce, Director Development and Economic Growth

**Author:** Daniel Boyce, Director Development and Economic Growth

**Attachments:** 1. Updated Schedule of Works  

**DELIVERY PROGRAM ALIGNMENT****2. Environment**

Objective 2.1 We will maintain our open spaces, natural environment and heritage for future generations

Strategy 2.1.3 Passive recreational open spaces are well maintained and accessible for public use

**EXECUTIVE SUMMARY**

Council approved the Narrabri Shire Council Section 94A Development Contributions Plan (“**Plan**”) in 2011. The Plan included a Schedule of Works, which identified projects within the Shire that the development contributions may fund.

The original Schedule of Works was updated to better reflect the current priorities of Council and remove the projects that have been completed and was adopted for public exhibition at the Ordinary Council Meeting in April 2019.

The updated Schedule of Works was publicly exhibited for a period of twenty-eight (28) days concluding 14 June 2019.

During this time, no submissions were received.

Council may now approve the plan in the form in which it was publicly exhibited (Attachment 1).

**RECOMMENDATION**

- 1. That Council approve the amended Schedule of Works to the Narrabri Shire Section 94A Development Contributions Plan in the form in which it was publicly exhibited.**
- 2. That Council give public notice of its decision in accordance with the *Environmental Planning and Assessment Regulation 2000*.**

**BACKGROUND**

The *Environmental Planning and Assessment Act 1979* (“**EPA Act**”) contains mechanisms for local authorities to raise developer contributions from applicants seeking development approval to assist in offsetting the extra demands on public infrastructure created as a result of the development activity. Council has a duty to progressively expend the funds raised for the nominated purpose.

Council approved the Narrabri Shire Council Section 94A Development Contributions Plan (“**Plan**”) in 2011. The majority of the items on the original Schedule of Works have been completed, and others have been identified as no longer a priority. Therefore, at the Ordinary Council Meeting in April 2019 (MINUTE 069/2019) Council adopted for the purposes of public exhibition an updated

Schedule of Works which better reflects the current priorities of Council and removes the projects that have been completed.

The focus of the updated Schedule of Works is Shire wide, with civic improvements proposed for both Wee Waa and Boggabri as well as delivering infrastructure recommended by the Narrabri Shire Walk and Cycle Strategy.

The updated Schedule of Works was publicly exhibited for a period of twenty-eight (28) days concluding 14 June 2019.

During this time, no submissions were received.

### CURRENT SITUATION

Pursuant to Clause 31 of the *Environmental Planning and Assessment Regulation 2000* Council may now approve the plan in the form in which it was publicly exhibited (Attachment 1) and give public notice of its decision in a local newspaper.

### FINANCIAL IMPLICATIONS

Levies are collected on all developments within the Shire requiring development or Complying Development consent, prior to works commencing, with a value over \$100,000 at the rate of:

Proposed cost of the development	Percentage of levy
\$100,001 - \$200,000	0.5%
Greater than \$200,000	1.0%

### STATUTORY AND POLICY IMPLICATIONS

The amended Schedule of Works will allow improved public amenities and services which assist in improving the health and wellbeing of the community as well as providing safe pathways, for pedestrian and cycling traffic, connecting to facilities and services.

In accordance with the Community Strategic Plan, the implementation of the amended Schedule of Works will ensure that public facilities in the shire are sufficient for residents and visitors and will improve our towns and villages making them more liveable.

Pursuant to Clause 31 of the *Environmental Planning and Assessment Regulation 2000* the amended plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.

### CONSULTATION

Pursuant to clause 33A of the *Environmental Planning and Assessment Regulation 2000* Council publicly exhibit the amended Schedule of Works for a period of twenty-eight (28) days.

#### External Consultation

No public submissions were received.

#### Internal Consultation

- Community Facilities Manager.
- Design Services Manager.

- Roads Services Manager.

**NOTICE OF PUBLIC EXHIBITION****Section 94A Development Contributions Plan – Amended Schedule of Works**

Priority	Description
Low (L)	Capital Works prioritised and expected to be needed from 7 – 10 years
Medium (M)	Capital Works prioritised and expected to be needed from 3 – 7 years
High (H)	Capital Works prioritised and expected to be needed from 1 – 3 years

Item	Infrastructure	Location	Priority	Estimate (\$)
1	Community Facilities Upgrades	Narrabri - Cooma Oval - playground area additional seating	H	5,000
2	Community Facilities Upgrades	Narrabri - Cooma oval shelters - Covered seating areas on the edge of field	H	45,000
3	Community Facilities Upgrades	Narrabri - Collins Park - four new seating structures for the riverbank area	H	15,000
4	Community Facilities Upgrades	Narrabri - Pirate Playground - additional shelter & BBQ area	H	45,000
5	Community Facilities Upgrades	Narrabri - Pirate Playground - shade shelter over playground	H	30,000
6	Community Facilities Upgrades	Narrabri – Cooma Oval – widen access area to Ugoa Street Carpark	H	5,000
7	Communities Facilities Upgrade	Narrabri - Narrabri creek accessible jetty - All accessible concrete jetty next to boat ramp	H	90,000
8	Communities Facilities Upgrade	Narrabri - Gately field - Covered seating areas on the edge of field	H	45,000
9	Communities Facilities Upgrade	Narrabri - leash free park - Construct a leash free dog park	H	50,000
10	Communities Facilities Upgrade	Boggabri – Middle Park – install additional picnic table and shelter	H	20,000
11	Communities Facilities Upgrade	Boggabri - Vickery Park Gym equipment - Two cover gym stations and connecting pathway	H	85,000
12	Communities Facilities Upgrade	Boggabri - New fence and gate and pathway to link equipment and park furniture	H	60,000
13	Communities Facilities Upgrade	Wee Waa - Dangar Park - construct shelters	H	45,000
14	Communities Facilities Upgrade	Wee Waa - Dangar Park - install basketball half court & rebound wall	H	50,000
15	Communities Facilities Upgrade	Wee Waa - Dangar Park - install new outdoor gym equipment	H	40,000
16	Communities Facilities Upgrade	Wee Waa - Dangar Park - install pathway to link entry to facilities	H	15,000
17	Communities Facilities Upgrade	Wee Waa - Dangar Park - install shade sail to playground	H	35,000



18	Communities Facilities Upgrade	Wee Waa - Dangar Park - playground equipment	H	50,000
19	Communities Facilities Upgrade	Wee Waa - Ludowici Park - install BBQ into sheltered area	H	8,000
20	Communities Facilities Upgrade	Wee Waa - Ludowici Park - install pathway to link new shelter to playground	H	25,000
21	Communities Facilities Upgrade	Wee Waa - Ludowici Park - install shade shelter	H	35,000
22	Communities Facilities Upgrade	Wee Waa - Ludowici Park - replace swing set	H	8,000
23	Communities Facilities Upgrade	Gwabegar - Anzac Park - renew playground equipment	H	60,000
24	Communities Facilities Upgrade	Gwabegar - Anzac Park - install shade shelter	H	25,000
25	Communities Facilities Upgrade	Pilliga - Anzac Park - install new playground equipment	H	50,000
26	Communities Facilities Upgrade	Pilliga - Anzac Park - install shade shelter	H	25,000
27	Communities Facilities Upgrade	Pilliga - Rural Transaction Centre - replace amenities	H	60,000
28	Communities Facilities Upgrade	Baan Baa – Hall – new playground and shade	H	60,000
29	Communities Facilities Upgrade	Bellata – Public Toilet - toilet installed at playground or camping site	H	100,000
30	Communities Facilities Upgrade	Bellata – Picnic Shelter and seat	H	40,000
31	Footpath	Killarney Street from Tibbereena Street to Barwan Street	H	51,000
32	Footpath	Barwan Street from Bowen Street to Denison Street	H	51,000
33	Footpath	Gibbons Street from Wandii Place to Existing Footpath	H	28,000
34	Footpath	Boheena Street Wukawa Street to Cooma Road	H	73,000
35	Footpath	Wee Waa Street from Brent Street to Caxton Street	H	64,000
36	Pools Boggabri	Pools - Boggabri Pool - Tables & Chairs for BBQ Area	H	5,000
37	Pools Narrabri	Pools - Narrabri Aquatic Centre - Outdoor Tables & Chairs for Canteen Area	H	10000
38	Pools Wee Waa	Pools - Wee Waa Pool - Tables & Chairs for BBQ Area	H	5,000
39	Footpath	Narrabri Jetty Area pathway to link arterial pathway	H	35,000
40	Community Facilities Upgrades	Narrabri Lake additional seating	H	15,000
41	Community Facilities Upgrades	Boggabri Vickery Park flying fox	H	30,000

## 11 OUR ECONOMY



### THEME 3: OUR ECONOMY

#### STRATEGIC DIRECTION 3: PROGRESSIVE AND DIVERSE ECONOMY

*By 2027, we will have developed a strong, diverse economy that attracts, retains and inspires business, industry and tourism growth.*

#### COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several economic priority areas to be actioned over the 2017 - 2018 financial year.

#### COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Economic development
- Planning and development
- Entertainment and conferences
- Local and regional tourism and events
- Saleyards
- Airport

#### COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following economic strategic outcomes:

- Increased community events, conferences and entertainment
- Increased employment through industry innovation, investment and value adding
- Established freight hub for the Norther Inland Region
- Increased housing availability and affordability
- Broadened economic base

**11.1 NOTICE OF MOTION - LOCAL PROCUREMENT AND TENDER INFORMATION SESSION****Attachments: Nil**

I, Councillor Cameron Staines, give notice that at the next Ordinary Meeting of Council be held on 25 June 2019, I intend to move the following motion:

**MOTION**

**That Council develops and runs a local contractor procurement and tender process information session in the next 3 months with the aim of improving knowledge of Council's procurement processes, providing confidence for local businesses and contractors to apply and submit tenders for Narrabri Shire Council capital works and maintenance programs.**

**RATIONALE**

I am receiving feedback from the Community that local businesses in Narrabri Shire have not been putting in tenders for capital works and maintenance programs. If Council was to run an information session it would give more confidence to the local businesses and contractors to submit tenders. Running an information session like this while we are suffering bad drought conditions will assist in improving and boosting local economics in the towns and villages of the Shire.

I commend this Notice of Motion to Council.

**11.2 NOTICE OF MOTION - LOCAL PURCHASE PROVISION REVIEW****Attachments: Nil**

I, Councillor Cameron Staines, give notice that at the next Ordinary Meeting of Council be held on 25 June 2019, I intend to move the following motion:

**MOTION**

**That Council conduct a review of its procurement and tendering policies, protocols and processes. As part of the review investigations into the current and potential options for local purchase provisions are to be explored.**

**RATIONALE**

The Shire is facing difficulties at the moment right across our LGA area.

Council need to ensure we are doing what we can and find ways to stimulate our Shire economy in such trying times.

Increasing local spend should help simulate the local economy. I believe it is an appropriate time to review Council's current local purchase provisions, be inventive and innovative with regards to solutions.

I commend this Notice of Motion to Council.

## 12 OUR CIVIC LEADERSHIP



### THEME 4: OUR CIVIC LEADERSHIP

#### STRATEGIC DIRECTION 4: COLLABORATIVE AND PROACTIVE LEADERSHIP

*By 2027, we will proactively together to achieve our shared vision with strong strategic direction.*

##### COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several civic leadership priority areas to be actioned over the 2017 - 2018 financial year.

##### COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Integrated strategic planning and reporting
- Community engagement and consultation
- Representation and governance
- Human resource management
- Customer services
- Information services
- Financial services
- Risk management
- Compliance and regulation

##### COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following civic leadership strategic outcomes:

- Improved community engagement and decision-making processes
- Well established community, industry, government and non-government partnerships
- Well maintained core infrastructure and service provision that delivers public value
- Transparent and accountable planning and reporting
- Financial efficiency and sustainability

**12.1 DELEGATES REPORT - MAULES CREEK COAL COMMUNITY CONSULTATIVE COMMITTEE MEETING - 15 MAY 2019**

**File Number:**

**Responsible Officer:** Robert Kneale, Deputy Mayor

**Author:** Delece Hartnett, Personal Assistant to GM & Mayor

**Attachments:** 1. Maules Creek Coal CCC Meeting - Wednesday 15 May 2019  

**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective	4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting
Strategy	4.4.2 Ensure effective and sound local governance practice

**RECOMMENDATION**

**That Council note Cr Kneale's Delegate Report from the Maules Creek Coal Community Consultative Committee Meeting held on Wednesday 15 May 2019.**

**DELEGATES REPORT**

The Maules Creek Coal Community Consultative Committee held a meeting on Wednesday 15 May 2019.

The Minutes from the meeting are attached.

**Minutes:** Minutes of the 25<sup>th</sup> Meeting of the Maules Creek Coal Community Consultative Committee  
Held at the Boggabri Golf Club, Gunnedah Road, Boggabri NSW 2382

**Wednesday 15 May 2019**

**Members Present:** Cath Collyer (CC) – Community Representative, Cr Robert Kneale (RK) – Narrabri Shire Council, Darren Swain (DS) – WHC, Emma Bulkeley (EB) – WHC, Jack Warnock (JW) – Community Representative, Julie Heiler (JH) – Community Representative (Alternate), Libby Laird (LL) – Maules Creek Community Representative, Lloyd Finlay (LF) – Narrabri Shire Council, Ross Wilson (RW) – WHC, Steve Eather (SE) – Community Representative

**Apologies:** David Paull (DP) – Sustainable Living Armidale, Nigel Wood (NW) – WHC, Simone Moodie (SMo) – Community Aboriginal Representative

**Observers:** N / A

**Independent Chair:** David Ross (DR)

**Independent Secretary:** Debbie Corlet (DC)

Agenda Items	Who to Present
1. Apologies	DR
2. Declaration of pecuniary or other interests	DR
3. Confirmation and Discussion of the minutes of the previous meetings – 13 February 2019	DR
4. Business arising from the previous minutes – Action List Distributed	DR
5. Correspondence	ALL
6. Questions and Answers Session	ALL
7. Company Reports and Overview of Activities: <ul style="list-style-type: none"> <li>a. Progress at the mine</li> <li>b. Monitoring and environmental performance</li> <li>c. Community complaints and response to complaints</li> <li>d. Information provided to the community and any feedback</li> </ul>	
8. General Business	ALL
9. Next Meeting – 14 August 2019	ALL

Agenda Item	Discussion	Action/By Whom
1.	<p><b>Welcome and Apologies</b> – David Paull (replacing Kerri Clarke), Nigel Wood, Simmone Moodie.</p> <p>DR advised that Kerri and Anna had both resigned from the CCC. DR has sent a letter on behalf of the CCC thanking them for their contribution. DR welcomed Ross, Emma and Julie to the CCC.</p>	
2.	<p><b>Declaration of pecuniary or other interests</b> – DR advised he is paid a fee to chair these meetings as is DC for typing the Minutes.</p>	
3.	<p><b>Confirmation of the minutes of the previous meetings (13 February 2019)</b> – The CCC endorsed the minutes as an acceptable record of what was discussed.</p>	
4.	<p><b>Business arising from the previous minutes</b> – DR observed all actions from previous meeting completed.</p> <p>LL – from August CCC minutes – regulatory processing – sound power. Caution was received in 2016 and 2017. LL wanted it to be clarified and put in the minutes. DR noted some of this was discussed in February CCC meeting.</p> <p>Annual Review still hasn't been approved but will be circulated as soon as it has.</p>	
5.	<p><b>Correspondence</b> – No correspondence received by DR.</p>	
6.	<p><b>Company Reports and Overview of Activities</b></p> <ul style="list-style-type: none"> <li>March 2019 quarter production figure 1.7Mt. FY19 production target of 11.8Mtpa ROM (Run of Mine) coal.</li> <li>Continued focus to improve safety record within the mine.</li> </ul> <p><b>Health &amp; Safety; Drug and Alcohol Testing Program</b></p> <ul style="list-style-type: none"> <li>Employee health programs continued focus on personal health, including Safety Coaching Training for Supervisors, Fatigue Management Focus, Skin Check Program and Health Haven Program.</li> <li>Ongoing Employee Drug and Alcohol testing carried out.</li> <li>All our Supervisors are trained in drug screening and fitness for work assessment processes.</li> </ul> <p><b>Employment</b></p> <ul style="list-style-type: none"> <li>Continued focus on local, indigenous and female employment with ongoing training programs undertaken.</li> <li>There have been 24 new trainees employed from January to March. 1 of these is a new Indigenous trainee.</li> </ul> <p><b>Air Quality Management</b></p> <ul style="list-style-type: none"> <li>Publically available results of TEOM1 available on the EPA website. Annual rolling average for TEOM1 is 18.6 ug/m<sup>3</sup> at 31 March 2019 (criteria 30ug/m<sup>3</sup>). Ongoing dust suppressant application across the operation.</li> <li>Progressive overburden emplacement and bulk shaping on the northern dump.</li> <li>MCC air emissions are lower (over 30%) than those modelled in the Environmental Assessment.</li> </ul> <p><b>Biodiversity Management</b></p>	



Agenda Item	Discussion	Action/By Whom
	<ul style="list-style-type: none"> <li>• <b>Feral Animal Management</b> <ul style="list-style-type: none"> <li>○ During the most recent routine Whitehaven Offset Area Feral Animal Control program (Feb and Mar 19): <ul style="list-style-type: none"> <li>▪ 50 out of total 129 pigs trapped were from the Maules Creek/ Boggabri area; and</li> <li>▪ 32 out of total 111 foxes baited were from the Maules Creek/ Boggabri area.</li> </ul> </li> </ul> </li> <li>• <b>Weed Management</b> <ul style="list-style-type: none"> <li>○ Broadleaf weed control and Box Thorn were targeted for spraying prior to Xmas. Targeted Tiger Pear spraying has been ongoing for the Southern Offsets.</li> </ul> </li> <li>• <b>Revegetation and Monitoring</b> <ul style="list-style-type: none"> <li>○ During the prevailing hot/ dry conditions; resources have been deployed to undertake tree watering of the Maules Offset FY18 revegetation areas to minimise mortality. Now with conditions cooling; Maules Offset FY19 revegetation will commence in May 2019.</li> <li>○ Autumn ecological monitoring of Maules Offsets was completed in April 2019 including flora surveys in accordance with the Biodiversity Management Plan.</li> </ul> </li> <li>• <b>Biodiversity Management – Upcoming Works:</b> <ul style="list-style-type: none"> <li>○ Feral animal control in May/ June 2019. Weed spraying/ tree watering ongoing.</li> <li>○ Undertake FY19 Controlled/ Ecological Burns in Autumn 2019: <ul style="list-style-type: none"> <li>▪ Roseglass/ Bimbooria 128ha.</li> <li>▪ Kenna 107ha.</li> <li>▪ Olivedene 60ha.</li> <li>▪ Werris Creek 80ha.</li> </ul> </li> <li>○ Undertake FY19 Revegetation Program (Seeding and Tree Planting) starting in May 2019.</li> <li>○ Demolition of derelict/ obsolete above ground structures ongoing in Autumn 2019.</li> <li>○ Annual reporting and communication in accordance with Regional Biodiversity Strategy.</li> </ul> </li> </ul> <p><b>Groundwater Monitoring</b></p> <ul style="list-style-type: none"> <li>• Slides presented on groundwater locations and standing water levels.</li> </ul> <p><b>Water Management</b></p> <ul style="list-style-type: none"> <li>• Current Project Approvals for each of the BTM sites envisage the potential need for mines to share water/ transfer water between sites. The BTM Water Management Strategy reflects this potential requirement. These safeguards ensure that, during prolonged dry spells or periods of drought, security of supply is maintained and therefore hundreds of jobs continue. These arrangements within the BTM Complex are not new.</li> <li>• Appropriate water licences are held to accommodate volumes being shared and the process of water trading is overseen by WaterNSW.</li> </ul> <p><b>High Security Water</b></p> <ul style="list-style-type: none"> <li>• 3,000ML High Security (HS) Water Licence held by MCC. HS water licenses in total held by entities such as sporting clubs, mining companies, construction companies, landholders and Government entities.</li> </ul>	

Agenda Item	Discussion	Action/By Whom
	<p><b>Autonomous Haulage</b></p> <ul style="list-style-type: none"> <li>• Phased introduction of AHS pending evaluation over the next few years. Supporting employees in affected roles to transition into jobs operating the new technology or be redeployed to Whitehaven's other local mines.</li> <li>• AHS will create new and highly skilled jobs at Maules Creek in haulage systems integration and operation.</li> <li>• Truck has carted two loads of overburden. No work on autonomous drill rigs or excavators being undertaken.</li> </ul> <p><b>Community</b></p> <ul style="list-style-type: none"> <li>• Complaints details – Noted in Environmental Monitoring Report and on the website.</li> <li>• Whitehaven are advertising for 2020 Graduate Program.</li> </ul> <p><b>Sponsorships and Donations Criteria</b></p> <ul style="list-style-type: none"> <li>• WHC regularly considers requests for donations, sponsorship and gifts in kind, which provide benefit in the following areas: Health, Education, Whole of Community, Representative Level Indigenous Sport</li> <li>• Check – <a href="http://www.whitehavencoal.com.au/donations-and-sponsorship/">http://www.whitehavencoal.com.au/donations-and-sponsorship/</a></li> </ul> <p><b>Voluntary Planning Agreement (VPA) Payments and Local Spend</b></p> <ul style="list-style-type: none"> <li>• MCCM were required to negotiate a VPA with Narrabri Shire Council (NSC) as per Project Approval. Completed in 2014. Contributions have been paid to Narrabri Shire Council of: <ul style="list-style-type: none"> <li>○ \$13,425,000 paid in lump sum contributions.</li> <li>○ Ongoing monthly payments of \$0.075 per saleable coal tonne + CPI – ongoing. (FY19 almost \$600,000 allocated).</li> </ul> </li> <li>• Sponsorships and donations have been made to a number of causes, including but not limited to \$35,400 in the Narrabri area community for Jan – Mar and \$68,500 in the Gunnedah area community for Jan – Mar.</li> <li>• Whitehaven has spent \$1.5 billion in the North West NSW economy since 2013.</li> </ul> <p><b>General Discussion re the WHC Presentation</b></p> <p>A discussion was had about whether the northern dump at its final height. It was noted that the dump is still going up. Changed the rehab – strategically dump going forward. The dump is below it's approved height but may be anticipated to get to its approved height with more rolling hills designed into it in order for water to move through it nicely. Darren noted that there had been two air quality exceedances due to regional dust events, which were self reported. Dust minimisation procedures such as shutting down dumps and fleet took place.</p> <p>LL asked whether the EPA issued regulatory notices – re dust in the January and February? EB responded that no, MCCM self-reported, letting the EPA know that dust is high and where the dust is coming from.</p> <p>LL – Do you know the dates of the self-reporting?</p>	<p>ACTION 1 – WHC to provide the dates and times of the self-reporting to EPA.</p>

Agenda Item	Discussion	Action/By Whom
	<p>A discussion was then held on the obsolete/ derelict houses etc across all the offsets. DS noted that the small number of houses within Offset land containing asbestos and derelict will be demolished or relocated. Most houses are tenanted.</p> <p>CC – Re tree planting – how have the trees gone? What is the survival rate? Tarrawonga have – 80 to 85% on mine rehabilitation area.  EB – Not sure if we have that information.  DS – We haven't planted trees on MCCM rehabilitation area yet however we do on the offsets.</p> <p><b>Monitoring Locations</b>  CC – Do you have a new bore in Maules Creek? Actual bore to get water?  DS – Installed an in-pit dewatering bore and a replacement bore on Olivedene.</p> <p><b>Water Management</b>  A discussion was held about MCCM sharing water with Boggabri Coal, from a groundwater bore. MCCM has a bore licence with Boggabri Coal pumping to MCCM. Part of the mine's approvals. DS noted that Boggabri Coal don't pump continually – now they have plenty of water. There is currently no intent to provide water to Tarrawonga.  CC: have you put in a new bore in the Northern area in Maules Creek?  DS: An in-pit dewatering bore. Extracted with bore, not excavator.  CC: for water monitoring?  DS: Not for water monitoring. We put one in pit. Also, one on Olivedene. No better than the one we had. So we didn't equip it. A replacement bore for the one we had.</p> <p>JW – Where is Boggabri water being sourced.  DS – They have 3 bores – Zone 4 – it'll come out of that zone.  JH – Isn't there an embargo?  DS – There was an embargo on general security pumping from the river. Applied to the general security not the high security.  Darren: We extracted high security water licence-  LL: How much water, 500ML?  DS: No. a couple of hundred ML.  LL: so MCCM extracted 200ML- approximately after recent rain?  DS: about.  LL – where are you storing it?  DS – On site – water dam.</p>	

Agenda Item	Discussion	Action/By Whom
	<p><b>Autonomous Haulage</b>  During the discussions about autonomous haulage, it was noted by MCCM that the use of the vehicles in the future would provide more specialised work and that, with the possibility of Vickery's and Santos projects, there will be plenty of jobs. Only a trial at present with just one truck being used. 2 loads of overburden so far—it is a slow trialling process. Enormous amount of complexity involved. There is a separate circuit that is set up.  JH – More options for them now.  SE – All trucks and machinery will need fitters and mechanics.  DS – Because the trucks work more hours – you need more maintenance people to work on them to keep them on the road – electricians, fitters etc.</p> <p><b>Sponsorships and Donations</b>  DR – Any examples of what WHC have sponsored.  DS – ANZAC Memorial. I can bring some examples in next CCC.  LL – You haven't funded any political campaigns through this federal election, have you?  DS – I wouldn't know the answer to this – certainly not at our level.</p>	ACTION 2 – DS to provide examples of whole of community sponsorships
7.	<p><b>General Business</b></p> <p>LL – Concerned about the correspondence from Darren – re Country Women's letter to MCCM re Federal EPBC offsets – concerned it was suggested by MCCM that CWA had not done their homework. We asked that the letter be read out and we have been informed that this did not happen – our concern was the offsets – at the time of writing by CWA, MCCM had not been secured. Our organisation had done its homework – there was no extension to the offsets? 12-month extension – is that correct?  DS – Correct.</p> <p>LL – Community should be concerned about threatened species. The EPBC offsets are to be like for like. It is about offsetting the best of the best- high quality habitat for these species. There has this week been a UN Report raising the alarm about loss of threatened species world wide because of habitat loss. I know it is not in your interest – once this company has moved on – I don't think that is acceptable to dismiss that in the community.</p> <p>DS responded that WHC appreciate offsets. It is approved. Extension at March 2020.  JH – Biodiversity is such a big mess. Offsets in productive agricultural land. I think the whole thing should be revised and back on the table. The forest has gone, and the animals have gone. Parks &amp; Wildlife don't want it.  DR – Maybe an issue for DPE.  DS – We need to bring the offsets up to a standard and then give it back to the government. Then there is a monetary component – government may need to manage them going forward. We pay them a one-off fee to look after it.</p>	

Agenda Item	Discussion	Action/By Whom
	<p>JH – They have lost so much. Understand the environmental side of it but it is an agriculture community, but we don't have farmland left.</p> <p>LL – Our community were happy with the forest where it was originally. We didn't want it moved and to be fair, our community put in substantial submissions ahead of the approval of these mines in relation to these and other issues related to loss of farming communities and the impacts. It must be high quality re biodiversity to start with.</p> <p>DR – (to LL and JH) Comments you've been raising – you are both right – you need a community long term. But biodiversity issues in Australia are becoming huge concerns. It's a higher order issue than MCCM.</p> <p>DS – Handed out a sheet in response to Libby's questions.</p> <p>LL: These questions were tabled ahead of the meeting as requested by David from all community reps. I thought they were to be the contents of General Business for discussion. They are from the Maules Creek community members I represent.</p>	
8.	<b>Next meeting date to be agreed</b> - Next meeting Wednesday 14 August 2019 at 2:00pm.	

Meeting Closed:

3:26pm

## Appendix 1: Actions

Page No	Action No	Description	Date Raised
6	1	WHC to provide the dates and times of the self-reporting to EPA.	15 May 2019
6	2	DS to provide examples of whole of community sponsorships	15 May 2019

**12.2 DELEGATES REPORT - COUNTRY MAYORS ASSOCIATION MEETING - 31 MAY 2019****File Number:****Responsible Officer:** Catherine Redding, Mayor**Author:** Delece Hartnett, Personal Assistant to GM & Mayor**Attachments:** 1. Country Mayors Association Meeting Minutes - 31 May 2019  **DELIVERY PROGRAM ALIGNMENT**

## 4. Leadership

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

**RECOMMENDATION**

**That Council note Mayor Reddings' Delegate Report from the Country Mayors Association Ordinary Meeting held in Sydney on Friday 31 May 2019.**

**DELEGATES REPORT**

The Minutes from the Country Mayors Association Ordinary Meeting held in Sydney on Friday 31 May 2019, are attached.



# Country Mayors Association of NEW SOUTH WALES

Chairperson: Cr Katrina Humphries  
PO Box 420 Moree NSW 2400  
02 6757 3222  
ABN 92 803 490 533

## MINUTES

### GENERAL MEETING

FRIDAY, 31 MAY 2019 THEATRETTE, PARLIAMENT HOUSE, SYDNEY

The meeting opened at 9.00 a.m.

#### 1. ATTENDANCE:

Armidale Regional Council, Cr Simon Murray, Mayor  
Bega Valley Shire Council, Cr Kristy McBain, Mayor  
Bellingen Shire Council, Cr Dominic King, Mayor  
Bland Shire Council, Cr Brian Monaghan, Mayor  
Bland Shire Council, Mr Ray Smith, General Manager  
Blayney Shire Council, Cr Scott Ferguson, Mayor  
Blayney Shire Council, Ms Rebecca Ryan, General Manager  
Bourke Shire Council, Cr Barry Hollman, Mayor  
Broken Hill City Council, Cr Darriea Turley, Mayor  
Broken Hill city Council, Mr James Roncon, General Manager  
Cabonne Shire Council, Cr Kevin Beatty, Mayor  
Cabonne Shire Council, Ms Heather Nicholls, Acting General Manager  
Carrathool Shire Council, Cr Peter Laird, Mayor  
Carrathool Shire Council, Mr, Rick Warren General Manager  
Coffs Harbour City Council, Mr Stephen McGrath, General Manager  
Coolamon Shire Council, Cr John Seymour, Mayor  
Cootamundra-Gundagai Regional Council, Cr Abb McAlister  
Cootamundra-Gundagai Regional Council, Cr Dennis Palmer, Deputy Mayor  
Cootamundra-Gundagai Regional Council, Mr Phil McMurray, Acting  
General Manager  
Cowra Shire Council, Cr Bill West, Mayor  
Dubbo Regional Council, Cr Ben Shields. Mayor  
Dubbo Regional Council, Mr Michael McMahon, CEO  
Dungog Shire Council, Cr Tracy Norman, Mayor  
Dungog Shire Council, Ms Coralie Nichols, General Manager  
Eurobodalla Shire Council, Cr Liz Innes, Mayor  
Federation Council, Cr Patrick Bourke, Mayor  
Forbes Shire Council, Cr Phyllis Miller, Mayor  
Forbes Shire Council, Mr Steve Loane, General Manager

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Gilgandra Shire Council, Cr Ash Walker, Deputy Mayor  
Goulburn Mulwaree Council, Cr Bob Kirk, Mayor  
Goulburn Mulwaree Council, Cr Peter Walker, Deputy Mayor  
Goulburn Mulwaree Council, Mr Warrick Bennett, General Manager  
Griffith City Council, Cr John Dal Broi, Mayor  
Griffith City Council, Mr Brett Stonestreet, General Manager  
Gunnedah Shire Council, Cr Jamie Chaffey, Mayor  
Gunnedah Shire Council, Mr Eric Growth, General Manager  
Gwydir Shire Council, Cr John Coulton, Mayor  
Gwydir Shire Council, Mr Max Eastcott, General Manager  
Inverell Shire Council, Cr Paul Harmon, Mayor  
Kempsey Shire Council, Cr Liz Campbell, Mayor  
Kempsey Shire Council, Mr Craig Milburn, General Manager  
Kiama Municipal Council, Cr Mark Honey, Mayor  
Kyogle Council, Cr Danielle Mulholland, Mayor  
Leeton Shire Council, Cr Paul Maytom, Mayor  
Leeton Shire Council, Ms Jackie Kruger, General Manager  
Lithgow City Council, Cr Ray Thompson, Mayor  
Lithgow City Council, Mr Graeme Faulkner, General Manager  
Liverpool Plains Shire Council, Cr Andrew Hope, Mayor  
Lockhart Shire Council, Cr Roger Schirmer, Mayor  
Lockhart Shire Council, Mr Peter Veneris, General Manager  
Mid-Western/Mudgee Regional Council, Cr Des Kennedy, Mayor  
Mid-Western/Mudgee Regional Council, Mr Brad Cam, General Manager  
Moree Plains Shire Council, Cr Katrina Humphries, Mayor  
Moree Plains Shire Council, Mr Lester Rogers, General Manager  
Murray River Council, Cr Christopher Bilkey, Mayor  
Murray River Council, Mr Des Bilske, General Manager  
Murrumbidgee Council, Mr John Scarce, General Manager  
Narrabri Shire Council, Cr Catherine Redding, Mayor  
Narrabri Shire Council, Mr Stewart Todd, General Manager  
Narrandera Shire Council, Cr Neville Schenka, Mayor  
Narrandera Shire Council, Mr George Cowan, General Manager  
Narromine Shire Council, Cr Craig Davies, Mayor  
Oberon Shire Council, Cr Kathy Sajowitz, Mayor  
Oberon Shire Council, Ms Lynette Safranek, Director Corporate Services  
Parkes Shire Council, Cr Ken Keith, Mayor  
Parkes Shire Council, Cr Barbara Newton, Deputy Mayor  
Parkes Shire Council, Cr Alan Ward  
Port Stephens Council, Cr Ryan Palmer, Mayor  
Port Stephens Council, Tim Crosdale, Group Manager Development Services  
Shoalhaven City Council, Cr Amanda Findley, Mayor  
Shoalhaven City Council, Mr Stephen Dunshea, Acting General Manager  
Singleton Council, Cr Sue Moore, Mayor  
Temora Shire Council, Cr Rick Firman, Mayor  
Temora Shire Council, Mr Gary Lavelle, General Manager  
Tenterfield Shire Council, Cr Peter Petty, Mayor  
Tenterfield Shire Council, Mr Terry Dodds, General Manager  
Upper Lachlan Shire Council, Cr John Stafford, Mayor  
Uralla Shire Council, Cr Michael Pearce, Mayor  
Wagga Wagga City Council, Cr Greg Conkey, Mayor

Walcha Council, Cr Eric Noakes, Mayor  
Walcha Council, Mr Jack O'Hara, General Manager  
Warren Shire Council, Cr Katrina Walker  
Warren Shire Council, Mr Glen Wilcox, General Manager  
Warrumbungle Shire Council, Cr Denis Todd, Mayor  
Warrumbungle Shire Council, Mr Roger Bailey, General Manager  
Wentworth Shire Council, Cr Melisa Hendrics, Mayor  
Yass Valley Council, Cr Rowena Abbey, Mayor  
Yass Valley Council, Ms Sharon Hutch, General Manager  
Orana Joint Organisation, Ms Berlinda Barlow, Interim Executive Officer  
Cr Linda Scott, President, LGNSW

**APOLOGIES:**

As submitted

**SPECIAL GUESTS:**

Hon Shelley Hancock, MP, Minister for Local Government  
Gordon Hinds, Managing Director, Better Energy Technology  
Hon Brad Hazzard, MP, Minister for Health and Medical Research  
Andrew Roberts, CEO, Field Solutions Group  
Cr Bruce Miller, Chairman, LGSuper

**2. ADOPTION OF MINUTES OF PREVIOUS MEETING:**

RESOLVED that the minutes of the General Meeting held on 8 March 2019 be accepted as a true and accurate record (Singleton Council / Oberon Shire Council).

**3. Matters Arising from the Minutes**

NIL

**4. CORRESPONDENCE****Outward**

- (a) Cr Linda Scott, President, Local government NSW, regarding Defined Benefits Scheme Contributions
- (b) Cr Ryan Palmer, Mayor, Port Stephens Council, advising that Port Stephens Council was admitted as a member of the Association on 8 March 2019
- (c) Mr Richard Colbran, Chief Executive Officer, NSW Rural doctors Network thanking him for his presentation to the 8 March 2019 meeting
- (d) Cr Melissa Hederics, Mayor, Wentworth Shire Council, advising that Wentworth Shire Council was admitted as a member of the Association on 8 March 2019

**Inward**

- (a) Cr Linda Scott, President, Local Government NSW. forwarding letters to LGSuper regarding the Defined Benefits Scheme (Copy Attached)
- (b) Institute Public Works Engineering Australia (NSW Division) advising that the Local Roads Congress will be held in Sydney on 3 June 2019

NOTED

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**5. Financial Report**

RESOLVED That the financial reports for the last quarter were tabled and accepted (Temora Shire Council / Shoalhaven City Council)

**6. Royalties for Regions Program**

RESOLVED That Country Mayors calls upon the NSW Government to implement a "Royalties for Regions" program based upon a set percentage of royalties being returned to Local Government Areas from where they originate and/or that are directly affected.

That LGA representatives from the identified affected areas be invited to participate in the redesign of the new "Royalties for Regions program"  
(Gunnedah Shire Council / Singleton Council)

**7. Increased Fire Management Activities**

RESOLVED That the Country Mayors Association write to the appropriate Federal and State Ministers requesting that NSW National Parks and Wildlife Service, NSW Forestry Corporation and NSW Local Land Services, as a duty of care undertake an increased level of park and forest fire management activities, including increased hazard reduction burns and increased numbers of dams and water infrastructure points for firefighting purposes into the future (Tenterfield Shire Council / Kyogle Shire Council)

**8. RFS Contribution Increase 2019/10**

RESOLVED (a) That the Country Mayors Association supports the LGNSW campaign strongly and the State Government be requested to defer any RFS contribution increases for at least 12 months to allow for consultation and any future increases be shown on a separate line on the rate notice and not be included in the rate pegging formula

(b) That the Association write to the Premier requesting that the Department of Premier and Cabinet and the Independent Pricing and Regulatory Tribunal be directed to investigate the current Emergency Services arrangements in NSW including the efficiencies and effectiveness to be gained by such an investigation (Kempsey Shire Council / Yass valley Council)

**9. HON SHELLEY HANCOCK, MP, MINISTER FOR LOCAL GOVERNMENT**

The Minister started her career in Sydney as a teacher and then settled in Ulladulla where she also taught. She was elected to Shoalhaven City Council in 1987 and served four terms. She ran for State Parliament was elected and became Speaker of Parliament in 2011 and Minister for Local Government in 2019

The increased RFS contributions are mostly going towards the funded Compensation Scheme. The Minister lobbied on behalf of Local Government to have the increase adsorbed by the State Government but sadly that is not the case as it was overturned by Treasury. The Minister is anxious to have improved relations with Joint

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Organisations and a meeting with the Joint Organisations was held on Thursday 30 May to discuss issues. Seed funding of \$300,000 will soon come to an end. The Office of Local Government is looking at ways Joint Organisations can be self funded and is looking at issues raised at yesterday's meeting. The Office of Local Government has not been disbanded contrary to rumours.

**10. Gordon Hinds, Managing Director, Better Energy Technology**

The energy market in Australia is undergoing a revolution as we migrate from centralised large-scale coal generation to distributed renewable energy. The role of towns throughout NSW in this revolution is not clear and to date there have not been many benefits that flowed through to them beyond the initial construction.

Basically renewable energy plants are highly automated and don't employ people, certainly not in the local communities other than occasional maintenance. Developers mostly by-pass section 94 contributions as they are classified as 'state significant' developments. The energy they produce goes into the grid and is bought by large scale users or retailers and then sold back to communities through the existing channels. Rural towns are being ripped off and bypassed.

There is another way and that is what Better Energy Technology is trying to do at Lockhart, with the support of the Deputy Prime Minister and Minister for Regional Development, Michael McCormack.

The Lockhart demonstration will supply power to the town of Lockhart, insulate it from blackouts, provide long-term stable energy pricing and have the potential for a dividend if the Council takes an equity position in the project. It is an Australian first and follows a design that has been in Germany for nearly 20 years - an 'export' model where 80% of the power produced is exported into the grid. It has a 10MW solar farm a large battery, the fixed power tariff is to be 28 cents a kilowatt, with long term income to council of possibly \$500,000 PA. The project cost is \$30 Million.

There are barriers to this being rolled out in NSW and the key one is access to the grid via the local substation. Most of the applications to connect to the grid through the substations are already in the hands of developers, mostly foreign owned or backed. None of these applications have community benefit at the heart of their plan, nor localised generation for local consumption. This can change.

The Minister for Energy has the power to direct the grid owners (Essential Energy in most cases) to give priority to projects that have a direct benefit in energy supply to local communities. He can do this in the simple form of a letter. With the political landscape now secure at both the Federal and State Level, now is the time for Country Mayors to step up to ensure their communities are part of this revolution and beneficiaries beyond construction. There is a need to push for long-term energy supply directly to communities such as what is planned at Lockhart.

It is possible, but it will require strong lobbying to ensure the Ministers act in the interests of communities

RESOLVED That the Country Mayors' Association make representations to the NSW Energy Minister and the Federal Energy Ministers seeking their support for the prioritisation of electricity grid connections at substations that are relevant to rural and regional towns, with priority to be given to applications that have an ongoing community benefit beyond construction of new energy developments that connect to those substations (Lockhart Shire Council / Bland Shire Council)

**11. Hon Brad Hazzard, MP, Minister for Health and Medical Research**

The Minister has tried to get around the regions as much as possible. There is a huge commitment by the State Government for the regions to get a fair go. One third of the State budget \$25billion is allocated to health. 25% of health infrastructure is to go to the regions. As part of the regional commitment the Regional Ambulance Update program has been allocated \$122million and many hospitals are being upgraded. The Government is trying to get medical students to do their training in the regions as this has proven to have higher success in keeping graduates in rural areas. Training facilities are situated in Wagga Wagga, Dubbo and Orange. Tele Health Stroke services are being introduced.

**12. Andrew Roberts, CEO, Field Solutions Group**

Field Solutions Vision is to be Australia's Leading Rural, Remote and Regional Telecommunications Provider through carrier services, retail services provision and Cloud services. Their brands are Just ISP and Ant Communications. Field Solutions provide township base networks built to the populations and multisite on farm networks. They strive to greatly reduce council spend, to provide connectivity to council premises, a business grade symmetric network with additional Cloud services and true broadband deep into communities that is cost effective with unlimited data. They provide coverage throughout NSW in three corridors, Northern, Central and Southern with local bases, hiring local staff, using local businesses, and providing on going support and maintenance. \$100 million has been pledged by the Nationals. The assistance needed is Regional Digital Connectivity, growing local communities, Community/FSG funded and Council/ FSG funded

RESOLVED That the Association write to the Deputy Premier advising that it supports Rural Regional Internet Connectivity through Field Solutions and requests urgent attention to this matter (Narromine Shire Council / Shoalhaven City Council)

**13. Cr Bruce Miller, Chairman, LGSuper**

LGSuper originated from State Super 23 years ago. A Trust Deed and Constitution were prepared. The Defined Benefits Scheme was funded prior to the financial crisis at a surplus, and councils took the opportunity to receive a holiday from contributions

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but to put the saved funding aside. The financial crisis resulted in the fund going into deficit. The fund is examined each year to assess its position. Regulated funds need to be fully funded each and every day of the year. LGSuper looked at options to be 100% funded. Investments are currently 80% growth 20% conservative but the objective is 70% growth 30% conservative. The Board has reviewed the two LGNSW resolutions. The current investment strategy is subject to stringent reviews and a further review as suggested is not necessary. In respect of Past Service Contributions after considering advice of actuary and legal opinions LGSuper will look at the level of contributions. LGNSW cannot instruct LGSuper. Irrespective of where Directors come from their responsibility is to the entity and its members. Shares in LGSuper have zero value but shareholders have a right to appoint Directors. Under new legislation the Regulator has power to do whatever. The Board will increase from 8 Directors to 9 Directors one independent to be the Chair with 3 independents, 3 employee and 3 employer representation.

**14. Meeting with Local Government Super**

NOTED

**15. Local Government Superannuation Report by Goulburn/Mulwaree**

NOTED

**16. Waste Levy Taskforce**

RESOLVED1. The NSW Country Mayors recognise that:

- a) The NSW Government still has no clear plan to manage waste in light of the China Sword and other international changes to recycling.
  - b) That land fill sites are processing higher amounts of waste and therefore shortening the lifecycle of these sites.
  - c) That the increase in waste going to landfill also increases the governments revenue and has impacts on the wider environment.
  - d) That NSW are falling behind other States such as Victoria and SA in terms of management of waste
  - e) That Local Government Areas (LGAs) should receive a higher amount of the waste Levy to deal with increase in cost to manage waste.
  - f) That Councils are the best placed government bodies to develop new strategies and industries to better manage waste for their communities.
2. That NSW Country Mayors urge the Minister for Local Government take action by
- a) Establishing a Waste Levy Task Force consisting of EPA, Mayors and LGNSW to begin immediate action to address the waste concerns of LGAs
  - b) Returning the full amount of the waste Levy to LGA's till there is an acceptable outcome agreed to by all parties.
3. That NSW Country Mayor's Association take their own action by:
- a) establish a working group of Country Mayors to:
    - i) identify the total amount of waste levies collected by the NSW Government from regional Councils
    - ii) identify the amount spent by the NSW government on waste reduction strategies in regional areas

iii) identify strategies for regional councils to withhold payment of the waste levy might be implemented if the NSW Government does not agree to form the task force recommended in (2) above

iv) bring a report back to the next meeting of the Country Mayors outlining options available to Country Mayors to get action on the Waste Levy, including consideration of the withholding of payment of the levy.

v) the working group comprise Michael Pearce (Uralla Shire Council), Peter Petty (Tenterfield Shire Council), Amanda Findley (Shoalhaven City Council) Tracey Norman (Dungog Shire Council) and Dominic King (Bellingen Shire Council)

4. That LGNSW be advised of Country Mayors position  
(Bellingen shire Council / Shoalhaven City Council)

<https://www.epa.nsw.gov.au/your-environment/waste/waste-levy/scheduled-waste>

<https://www.smh.com.au/environment/sustainability/nsw-waste-crisis-landfill-levy-gains-20190104-p50pp3.html>

<https://www.lgnsw.org.au/news/publication/save-our-recycling>

#### **17. Rural Fire Act 1997 - Grasslands**

RESOLVED that Country Mayors ask the RFS Commissioner to have a stay on implementation of the requirements under the Rural Fire Act 1997 to cover grasslands and an invitation be issued to the Commissioner to attend a future meeting (Gwydir Shire Council / Lockhart Shire Council)

There being no further business the meeting closed at 12.40pm.

Cr Katrina Humphries

Chair – Country Mayor's Association of NSW

**12.3 DELEGATES REPORT - BOGGABRI COAL COMMUNITY CONSULTATIVE COMMITTEE MEETING - 16 MAY 2019****File Number:****Responsible Officer:** Robert Kneale, Deputy Mayor**Author:** Delece Hartnett, Personal Assistant to GM & Mayor**Attachments:** 1. Minutes from Boggari Coal CCC Meeting - 16 May 2019  **DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

**RECOMMENDATION**

**That Council note Cr Kneale's Delegates Report from the Boggabri Coal Community Consultative Committee held on 16 May 2019.**

**DELEGATES REPORT**

The Boggabri Coal Community Consultative Committee held a Meeting on 16 May 2019.

The Minutes from the meeting are attached.





OVERVIEW			
Meeting	Community Consultative Committee		
Date	16/05/2019	Time	9.15am
Venue	Boggabri Golf Club		
Chairperson	David Ross		
Presenter	Daniel Martin		
Attendees	Sarah Torrance (ST), Hamish Russell (HR), Cath Collyer (CC), Ros Druce (RD), Mitchum Neave (MN), Peter Forbes (PF), Daniel Martin (DM), Tim McDermott (TM), Ray Balks (RB), Robert Kneale (RK), Anthony Margetts (AM), Alex Cockrill (AC)		
Apologies	Richard Gilham (RG), David Paull (DP), Geoff Eather (GE)		
Next Meeting	Thursday 15 <sup>th</sup> August 2019, 9am at the Boggabri Coal Operations Boardroom.		
ITEM	AGENDA		
1	Apologies		
2	Declaration of Pecuniary or other Interests		
3	Confirmation of previous minutes		
4	Changes to CCC Membership		
5	Business arising from previous minutes		
6	Correspondence		
7	Company reports and overview		
8	General business/questions		
9	Next Meeting		
Discussion Items			
<b>1. Apologies:</b> See above.  DR – informed the members of Kerri Clarke and Anna Christie’s resignation from the Boggabri Coal CCC and the appointment of David Paull as primary representative of Sustainable Living Armidale (SLA). Thank you letters were sent to Anna and Kerri, for their contribution on the Boggabri Coal CCC.			
<b>2. Declarations of Pecuniary Interests:</b>  (DR) declared that he is paid a fee for his chairing services.			
<b>3. Acceptance of previous minutes:</b> All members moved and endorsed previous meeting minutes.			
<b>4. Business from previous minutes:</b>  DM – To organise field trip for the August meeting to attend rehab areas and look at noise attenuation equipment on trucks  DM – Dust information/handouts have been provided for the 19 <sup>th</sup> of December which indicate the dust was a regional event with winds from the North West. Not mine related. ST – No alarms were triggered on this day. MN – Asked which monitor did the spike occur on the 19 <sup>th</sup> ? ST – Replied the Tarrawonga Monitor.			



HR – Explained the location of the monitor on a map to MN. MN – Further explains the air quality on the day of the 18 <sup>th</sup> and how bad the dust was. DM – Explained how we can only use the data we get from the monitors. MN – Will refer the matter to joint CCC. CC – Asked if the Tarrawonga monitor is a joint one? DM – Replied it is BCOP monitor, located on the Tarrawonga property owned by Whitehaven Coal.
All remaining actions from the February CCC were closed out.
<b>5. Correspondence:</b>
NSW Department of Planning & Environment. – Submission of Annual review. Department of the Environment and Energy. – EPBC compliance audit submitted.
<b>6. Company Reports &amp; Reviews:</b>
<b>Presentation</b> <b>Noise Monitoring:</b> DM – Showed locations of monitors and that no exceedances occurred and explained the results table.
<b>Air quality monitoring:</b> DM - showed members the location of the Tarrawonga monitor from the previous request. Explained Merriown and Roma Data and the change in location from Roma to Cooboobindi HVAS. DM also ran through depositional dust results.
<b>Groundwater monitoring</b> DM - Referring to the groundwater levels that are dropping in the graph, DM stated that this is occurring due to those points being in the northern progression of the mine. The bores on the alluvium have stayed the same or become shallower. CC – asked for the dates of when the graph started? DM - 2008-current, we have a long history of data.
<b>Rainfall</b> No comments
Standing Water Levels of Surrounding Bores RD – asked about a slide that was in the members handouts but not in the presentation.  ST – explained that it was an action for the February meeting which BCOP updated with new SWL data.
<b>Water Storage</b> HR – Discussed water storage trends on site. Spikes where storage increases from rainfall events or pumping from the river. Using less water for dust suppression and being more efficient explains long term increase over the last couple of years despite the drought. Currently around 800-900ML of water stored on site.



CC – The trend is increasing?

HM – Yes, it did drop down to 600ML, but trend is increasing.

CC – Through the drought you keep increasing?

HR – We have improved our management of water.

CC – Water Sharing?

HR – Will discuss later.

#### **Water sharing**

HR – Discussed how 2012 project approval allows for the mines to share water and are currently working through a process to share water with Maules Creek.

DR – Explains the mines are working together to achieve an outcome.

HR – Water NSW have always been the regulator. BCOP is working with agencies. Consulted with CCC before regarding water sharing with Tarrawonga. BTM water strategy has been submitted for approval.

CC – Asked do they (Maules Creek) need a licence?

HR – It must be lawful.

CC – Comment. Agrees it has to be lawful.

HR – Explained to members the process of sharing water with Maules Creek Coal.

RD – Asked if it is in the same zone?

HR – Explained it must be in the same zone, Zone 4.

RB – Explains bottom dot point about Maules Creek transferring water to BCOP's licence.

HR – Maules Creek will be transferring Zone 4 allocation onto one of BCOP's licences. BCOP will be pumping from our infrastructure to theirs.

MN – Asked if BCOP has a high security water licence like Maules Creek? Can Males Creek pass that onto you and is there a cap for the water on WHC or each mine?

HR – Stated that BCOP does not have a high security water licence. BCOP will consider water proposals, but will only progress these based on what is legal.

RB – Explained to members there is no limit on Maules Creek in this context because BCOP has a cap. BCOP can only supply water within the BCOP cap.

HR – Explained ground water assessments about sustainable amount of water that can be extracted. There are 2 limits we must abide by. Maules Creek are transferring around 400ML of Zone 4 GW licence.

CC – Does BCOP have a high security water licence. HR – No, Maules Creek own high security river water. We are only sharing groundwater. Only using Zone 4 groundwater using our infrastructure.

MN – Whitehaven have high security licence, shared water, was it legal?

HR – Explained the process and stated that BCOP will only do what is legal.

#### **Water management plans**

RD - Referring to correspondence

HR - Submitted jointly last week

DM - Submitted a Strategy for BTM

RB - Explains how water management strategy reflects the ability to share water between mines

DM - Submitted to everyone for comment.

CC - Is the plan awaiting response from departments?

DM – Yes

#### **Dust Suppression products**



HR – Explained the aim of dust suppression products is to minimise dust and reduce water use. He explained different uses for different products. Lignosulfonate and a polymer are applied to roads. Lignosulfonate is applied from the main haul road to ROM, and polymer is used further into the pit. BCOP completed a lot of monitoring on effectiveness and agrees they are effective but no hard-hitting evidence to quantify by how much.

MN – Asked are you using pit water? What chemicals are in that water? Is it being analysed?

HR – Replied we do sample the water in water carts. Explained water sources e.g. river, ground, runoff, pump from pit floor.

MN - explained his concerns for evaporation of filthy water can affect air quality.

HR - To provide analysis of mine pit water for next CCC meeting.

CC - Are there any changes in analysis of water over the progression of the mine.

HR - Unsure, we can provide that next time.

PF – Commented that he doesn't think there has been any change, but we will check. There is not much water coming out of the walls of the pit.

MN - explained his concerns for naturally forming asbestos in the area.

DM - Will check analysis

#### **YTD Rainfall**

No comments

#### **Exploration activities**

DM - Make map bigger next time.

ST - Will include map in minutes.

CC – Asked if MW5 on the map was still only used as a water holding dam? DM – Replied yes.

RD – Asked, with the inclusion of drilling and exploration activities in MOD7 how deep the exploration holes and is there a change in drilling processes?

DM – Responded that he will need to check the depths of the drill holes.

RB – Replied that there is no change from historical drilling processes on site and BCOP have explored basement holes in the past and will continue to.

RD – Asked why BCOP drilled so deep historically, would you mine deeper?

RB – Replied if it made sense and we got approval, maybe. Historically it has been uneconomical to mine deeper. Currently we can only mine to Merriown seam.

RD – Asked if BCOP looks at mining deeper?

RB – Explained that it is reviewed frequently and explained the long term mining process.

RB - Explained non-destructive testing and different types of drilling.

RB - Explains how a flyover can also be used to pick up large-scale geological pictures.

PF - Mod 7 update, presented to planning commission on the 12<sup>th</sup> April, further submissions and maps required, still waiting for a decision.

MN – Asked how many submissions were received?

PF – Replied roughly 30

MN – Asked how many after meeting?

RB – After recently looking at the website there were 35 before the meeting and 5 after the meeting.

#### **Community and complaints**

DM - no complaints



#### **Community Sponsorship**

PF – Explained that recently Idemitsu Australian Resources took the Girls Academy over to Japan to show them opportunities and there were a couple from Muswellbrook also. PF also noted the news article in the Namoi Valley Independent.

CC – Informed Boggabri Coal that at the Drovers Campfire, visitors to the mine have to pay \$12 for the bus tour of the mine site.

DM, PF and RB had not heard about this fee and will look into it.

#### **Other business - Alex Cockrill presentation**

**Q1. The community have asked for a brief overview of the 2018 Annual Audit to be distributed prior to the next meeting on the 16th, so the community can then ask more relevant questions at the meeting. (in light of the fact that we may not get to see the last {2018} Annual Review for some months, and this would make the most of your visit)**

AC – acknowledged the 2018 Annual Review has not yet been approved but will discuss. The following is information in the annual review.

Biodiversity, over 11,000 hectares. During 2018 there was running of a total of 29.3km of fencing of offset areas which is the first step of the land restoration process. Undertook bushfire hazard reduction activities, two burns on offset around 234 hectares on Willeroi and Wirradale. There are now livestock restrictions on all offsets except Jeralong and Nioka North.

DM - Cattle grazing is used for weed management and fire reduction.

AC - 650 hectares across offset active vegetation of planting, around 1000 kms of tree plantings. 103.7 hectares of grasslands plants and box gum woodland threatened. Weed spraying for box thorns on Namoi floodplain.

RD - How are you going to targeting weeds?

DM - Chemical targeting, then push into a pile and potentially burn.

RD - Finding any weeds dead?

DM - In some areas, but other places they grow back. E.g. Vic Park.

AC - Joint pest management, 1732 1080 baits, 259 baits taken by foxes. 60 pig traps across 683 trapping nights, 235 pigs controlled

RD – Are you trapping or aerial shooting?

DM – Replied trapping is best for numbers.

RD - Explained effective pest control shooting out west. (National Parks, information)

AC - 20 cat traps, 412 trap nights. None caught. Open range shooting conducted in 2018 resulting in around 500 Eastern grey kangaroos, 17 pigs, 33 rabbits/hares, 4 foxes and 1 fallow deer being controlled.

RK - Asked how the shootings are being carried out?

DM – replied, by professional shooters and trappers with licences.

MN – Have you come across any wild dogs?

AC – Nothing that has come up in these events.

DM - Will talk to Hunter Land Management for neighbouring properties about the presence of dogs?

AC - Dogs not recognised as an issue based on historical data and compared to other areas.

AC - Box gum woodland. Most benchmarks hit regarding community bar one. Seeking to work to improve native grasslands, exceeding benchmarks on all monitoring sites. Targeting priority weeds, trying to retain threatened species.





RD – Thanked AC for his report, but requested that just the provided questions be answered to save time and have all the community questions answered.

**Q2 In addition to the annual biodiversity monitoring program, BCOPL commissioned Parsons Brinckerhoff/WSP in 2017 to undertake ecological monitoring for the Leard State Forest wildlife corridor. The 2017 monitoring was undertaken between 11 and 20 September, comprising five replicate survey sites within the corridor. There doesn't appear to be any maps showing the survey sites that were used in this Corridor in Appendix B (Biodiversity Monitoring Maps) along with the other maps. Could you please provide a map and indicate where the monitoring sites LC1, LC2, LC3, LC4, LC5 are within the Biodiversity Wildlife Corridor?**

AC - Explained that Figure 2.1 in the Corridor monitoring report will highlight the survey sites.

**Q3 Although there are lists of the threatened species and animals that were encountered during clearing operations, the community would like a comprehensive list of each species that were either relocated, observed and killed or euthanised, for 2017, 2018 & 2019 pre-clearing surveys. Just to state (2017) that there were 323 reptiles relocated, 194 observed & 8 deceased/euthanised may be satisfactory for the Department, but is not satisfactory information for the community, data and numbers don't show us the real story of the species that are being disturbed, relocated or killed in the Leard State Forest due to mining. We believe that the community need to see what is happening with the fauna in the Leard State Forest.**

AC – Informed members that the tree clearing summary report goes the Department of Planning and Environment.

**Q4 Where are the fauna species that are collected prior to clearing, being relocated? Please state specific properties or locations**

AC – BCOP to provide a copy of the tree clearing summary report.

AC - 300 trapping nights, 4 species caught. Tree traps, 0 caught after 120 trap nights. Getting species in stage 1 and 2 of clearing is more effective than trapping, disturbance for animals to relocate.

AC - Described the process, ecologists walk in front of machines. These machines disturb the animals and often they move outside the area. Observed and trapped animals are counted.

RD – Where are the animals relocated?

AC - Outside of project boundaries in the Leard Forest with habitat similar to the one they were removed from.

CC – Asked is it within forest?

AC – Replied always, must be like for like e.g. hollows. Naturally would expect to see differences in populations though. AC explained that Leard Forest has a very low species density and there should be no issues with the increase in animals in a smaller area.

MN - Asked if WSP has come across any porcupines?

AC - No, but on offset areas there have been echindas sighted.

MN – Asked about sightings of black throat finches?

AC – Replied No

MN – Asked if BCOP record new species? Threatened species?



AC - Every species has been recorded. Species not in the condition of approval, must be notified to The Department. Has to be submitted as part of our licence.

MN – Requested BCOP provide a list of new species with photos related to the region

AC - Will provide all tree clearing information. Past 3 years 600-1400 species encountered, euthanised or caught. Each year, around 95% escape or are relocated. Overall a very good tree clearing process.

**Q5 What % of local (Leard) endemic seed species are being used in the southern rehabilitation species.**

AC - The Leard Forest does not have any endemic species. Every species planted is from the same vegetation communities as the Leard Forest. Uralla nurseries are responsible for seeds.

RD – Asked if there is the potential for losing Leard genetics?

AC - It is tube stock from the bioregion , which is quite large.

RD – Explained that the community concerned about seeds from other regions.

AC - A lot comes from existing soil seedbank from within Leard State Forest.

**Q6 What % of local endemic seed species are being used in all the other Biodiversity Offset properties? are they being collected from those properties or from what distance have they been collected?**

Answered as above

**Q7 Can you please give us an overview of the fauna species return rate to the rehab areas, particularly the Southern Rehab?**

AC - Fauna returning to rehab, 23 bird species, 4 bat species

RD – Stated that it does not appear to be many.

AC – Informed the members that it is good considering the age of rehab and it is trending well. Monitoring reports are corridor, rehab, offsets. There are 2 threatened species from the forest have been observed in the rehab. 88 of species diversity is coming back to monitoring sites. Trends are progressing to the 80% benchmark.

RD – Asked if hollow logs been placed in the rehab?

DM – Replied yes there have been some logs placed on rehab

RD – Asked how that has been going?

RD – Asked why reptiles in the rehab have not been monitored?

AC – Explained that data is not informative enough on young rehab to do reptile monitoring, will do monitoring when rehab is old enough.

**Q8 Have any Koala surveys been included in any of the Offset areas, or in the Leard State Forest?**

AC - 3 offset properties have recorded koalas. There have been 166 koala surveys conducted in total with 5 sites recording evidence of koala presence (koala scat). Activity is less than 3% of survey area. Koala population isolated in small and discrete areas.

CC - How do koalas travel through the area? Public data providing koala records for the next meeting

AC - yes will prove a connective wildlife corridor for the next meeting. Koala's on Myall Plains and Namoi offset.



**Q9 Why are there higher numbers exotic species recorded in rehabilitation monitoring sites?**

AC - Rehab is highly disturbed, exotics are pioneer species and thrive and are transferred via many methods including airborne processes. These numbers decline overtime as native diversity richness increases. As the rehab ages the structure of the rehab will choke out the exotics.

DM – Noted that BCOP has an original condition of approval to plant 178ha of eucalyptus in consultation with NSW Forestry. This was rejected by NSW Forestry as they are in the Cypress Pine Division rather than Eucalypt. BCOP is working with NSW Forestry to come to an agreement.

AC - Threatened birds are coming back, DM to provide a list

**Q10 How did exotic plants get into rehabilitation sites?**

- Introduction from vehicles (i.e. exotic seed on vehicle wheels & tracks)
- Introduction from soil seed bank in top soil

Introduction from seed dispersal from adjoining disturbed areas (i.e. wind dispersal or animal dispersal – animal scats) **Can WSP look at the original plant/weed species lists and ascertain:**

- A. If there are any different/new exotics that have arrived onsite that were not previously recorded?**
- B. If they will be a threat to the rest of the area and likely to spread back into the untouched LSF area or to other surrounding farmlands or the Leard State Conservation Area?**

AC - Rhodes grass was introduced to stabilise soil, not any more. There is a big decrease once shaded out by natural rehab forest.

DM - Controlled by native vegetation

**Polycarpon tetraphyllum is a native of Europe, which makes it an exotic. However, in Appendix A (A-4) it is described as a native at two monitoring sites. Can WSP please provide clarification on Polycarpon tetraphyllum?**

AC - Polycarpon tetraphyllum was a typo in 2016 it is isolated but turns up occasionally. It was not recorded in 2017 and 2018.

**Q11 Has there been an increase/return of woodland bird species to the Southern Rehab area? If so what species, if not what is the major reason?**

Yes, there has been an increase in the diversity of species using the Southern Rehab as it matures and becomes more complex in structure (trees, shrubs and grasses present). Woodland specialists such as the threatened species Speckled Warbler, Varied Sittella, Little Lorikeet and Brown Treecreeper have all been recorded utilising the rehab, demonstrating how the woodland is improving in structural quality and diversity.

DR - Thanked AC, and asked is the species richness and diversity good?

AC - Beyond expectation, and well above industry average. Still some issues and improvements. E.g. Understory species.

MN – Has there been Indigenous input into deciding the types of plant rehab, are the seeds from Coonabarabran?





DM - Seed bank, Fields plant the trees and water. Quinine bush is one example of indigenous medicine that is being planted. Some can't grow in nurseries. Some are difficult to propagate to be put in a tube stock.

MN - Asked AC if he has come across any native orange trees over 6ft? They should be transplanted if over 6 ft tall.

AC - Replied no tall ones have been sighted, pre-clearing survey should identify these.

HR - Mentioned that RAPS have identified them in the past and are out there looking for them.

MN - Asked AC if there were records of emus or wombats?

AC - Replied that emus have been recorded in the offsets but was unsure of wombats. AC to check data regarding wombats.

CC - Asked how does federal policy come into offsets?

AC - Like for like condition at State level. Commonwealth offset is only a small component. State government policy and approvals are the largest commitment.

RD - Asked how the Koala Recovery Plan coming along?

DM - Replied that he will check.

PF - Stated the rehab and offsets are being planted to encourage the koalas.

RD - Asked if the vegetated corridor fenced?

DM - Replied that there is a project boundary fence, the corridor is not fenced.

CC - Asked AC what would the benefit of fencing be?

AC - Replied none, as fencing is more used to keep out species.

RD - Stated in May 2013 offset plan that BCOP will fence the corridor.

DM - Commented that he will check, can't clear boundary, mine signs have been placed on the borders.

RD - Comment. The community need to have the confidence in what the mine say in their Management Plans, they will do, and what they actually do.

## 7. General Business

DR - Introduced Anthony Margetts as the new General Manager of Operations for BCOP

RB - explained his new role and how he has been relocated to Brisbane, AM has taken over as general manager. RB is now responsible for stakeholder relations for Idemitsu and will continue to try and come to joint CCC's and support Boggabri.

MN - Asked DR does the government gives feedback about CCC meetings? Do they get a report or respond in any way?

CC - Added do CCC discussions go any higher?

DR - Explained how he reports to the DPE at different levels, as per issues of significance.

RD - Asked if the CCC can decide on important issues which should be reported back to the DPE?

DR - Informed the members that he takes it upon himself to report major issues to DPE and he has to complete an annual report.

MN - Stated that he believes that if the DPE engages members they should be giving the members feedback on their performance.

RB - Explained how vital these CCC meetings are for the business. Although it is a regulation to have a CCC, BCOP would have a one even if it wasn't a regulation. It adds a lot of value to the business.



MN – Asked how the 10 houses for Boggabri was progressing?  
 PF – replied that BCOP is progressing the Early Learning Facility (ELF) for 2019 and will build the balance in coming years. The ELF is sitting with Narrabri Shire Council waiting on Development Approval.  
 CC - Previous CCC meetings state 2020 onwards.

CC – Thought that CCC information, went to department. Time to discuss avenue to bring up complaints  
 DR – Action to put to The Department that the CCCs from the BTM want to see feedback on how each individual CCC is working and if they are a useful tool for them.

DR – Thanked Sarah for her time on the CCC  
 DM - Bring suitable footwear and clothing for next CCC and mine visit.

#### 8. Next Meeting

Thursday 15/08/2019 at 9am at Boggabri Coal Operations Boardroom

Meeting Closed at 12.10pm.

Actioned against	Action to be done
CC	CCC's would like feedback on how they are doing, are they useful, good for the community, add to communication? An avenue to report through chair.
BCOP	Organise field trip to visit rehab area and look at noise attenuation equipment on trucks.
BCOP	Print slides one to a page.
HR	Provide analysis of water from the pit and dams used for water carts.
BCOP	Provide a big map of exploration
BCOP	Look into \$12 bus fee at the Drovers Campfire required for mine visit.
DM	Provide details on the depth of exploration holes
DM	Talk to Hunter Land Management regarding dog shootings/sightings within the BTM and neighbouring properties
BCOP	Provide a copy of tree clearing summary report
BCOP	Provide a list/photos of new species since EA surveys
BCOP	Provide maps of public data for Koalas and where they travel.
BCOP	Provide a list of all species returning to the southern rehab.
AC	Check data regarding wombats
DM	Check the progression/status of the Koala Recovery Plan

3/06/2019




## CCC MEETING MAY 2019






## Agenda

- Confirmation of record keeping
- Apologies
- Declaration of pecuniary or other interests
- Confirmation of minutes
- Business arising from previous minutes
- Correspondence
- Company reports and overview
- General Business
- Next Meeting





3/06/2019



## Business arising from previous minutes

Actioned against	Action to be done
BCOP	Organise a field trip for the August meeting for members to see sound attenuation equip on plant and visit rehab areas
BCOP	Provide a copy of the AGE Hydrogeologist presentation from August 2018 to members
BCOP	Provide presentation handouts to members prior to the commencement of CCC meetings
BCOP	Look into site dust levels for the 19 <sup>th</sup> December 2018.
BCOP	Provide members with water licence numbers
HR	Give an overview of dust suppression products used on site.
BCOP	Provide members with a list of the dust suppression products used on site.
BCOP	Provide new exploration map in the presentation
DR	Provide link to the NRAQAC website to members
BCOP	Respond to the CWA letter requesting BCOP to cease tree clearing in 2019.
BCOP	Provide a concept of the final void based on the 2010 EA
BCOP	Organise for Alex Cockerill to give an overview of the biodiversity offsets at the May CCC meeting.
Members	Provide questions for Alex by the end of March 2019






## Correspondence

**NSW Department of Planning & Environment**  
- Submission of Annual Review.

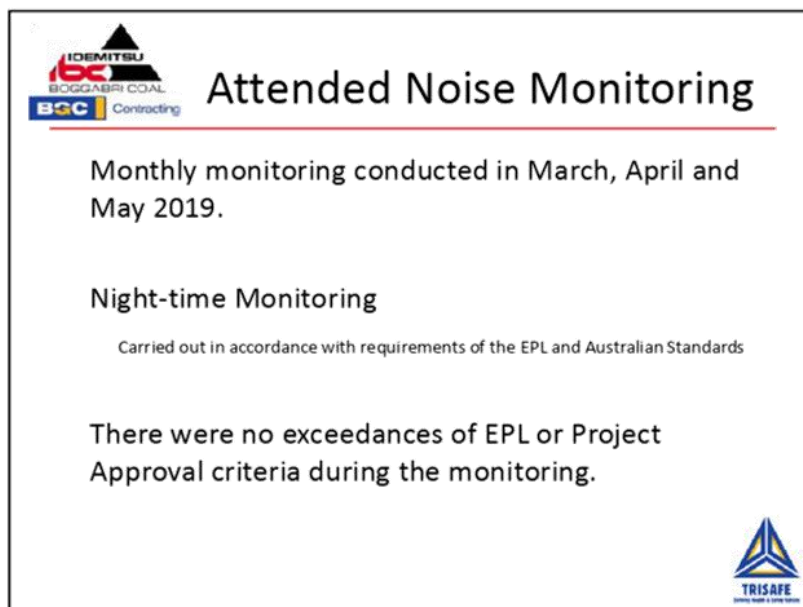
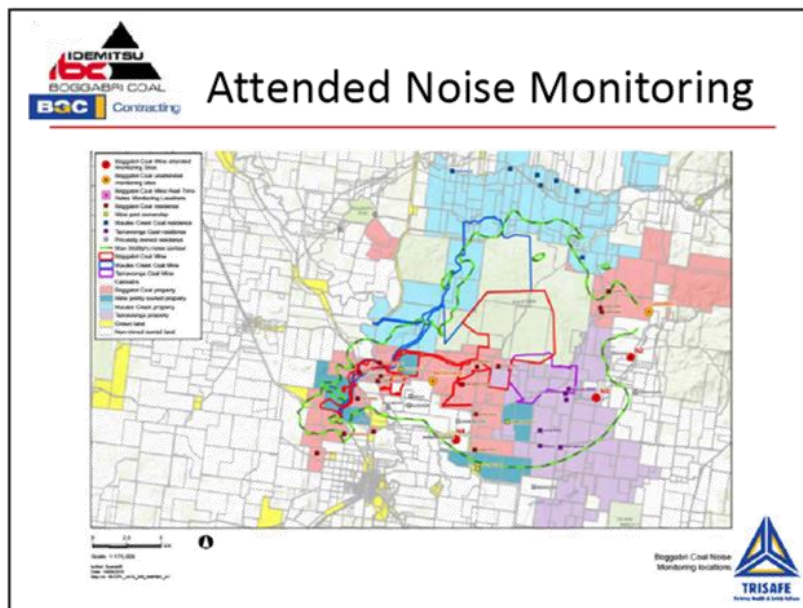
**NSW Department of Planning & Environment Resources Regulator**  
Nil

**Department of the Environment and Energy**  
- EPBC compliance audit submitted

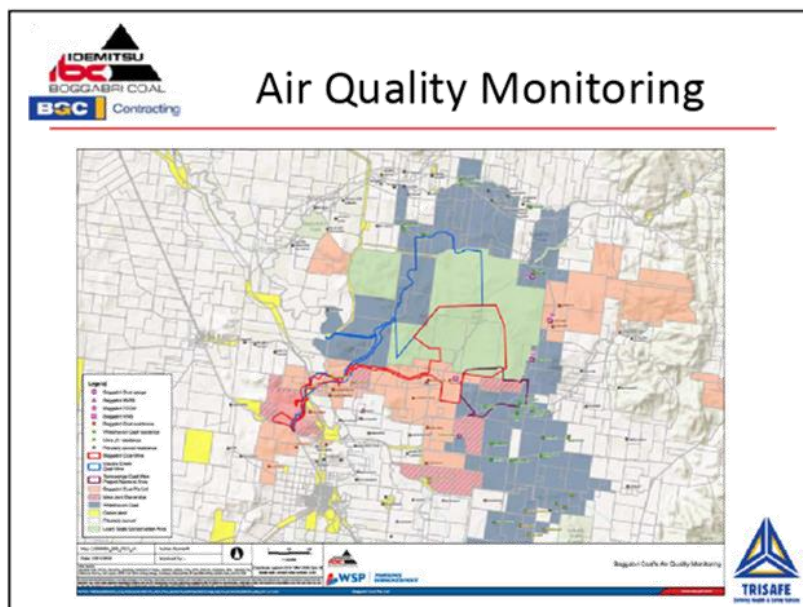
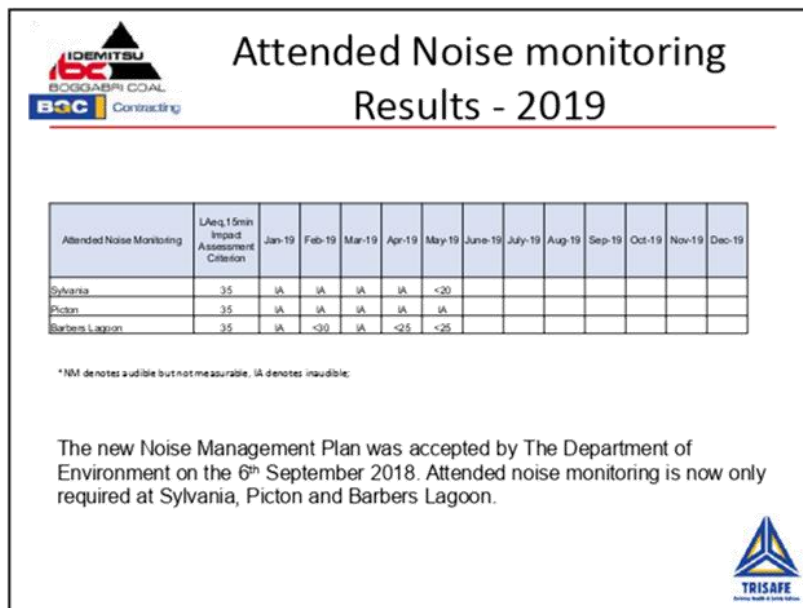
**Environment Protection Authority (EPA)**  
Nil



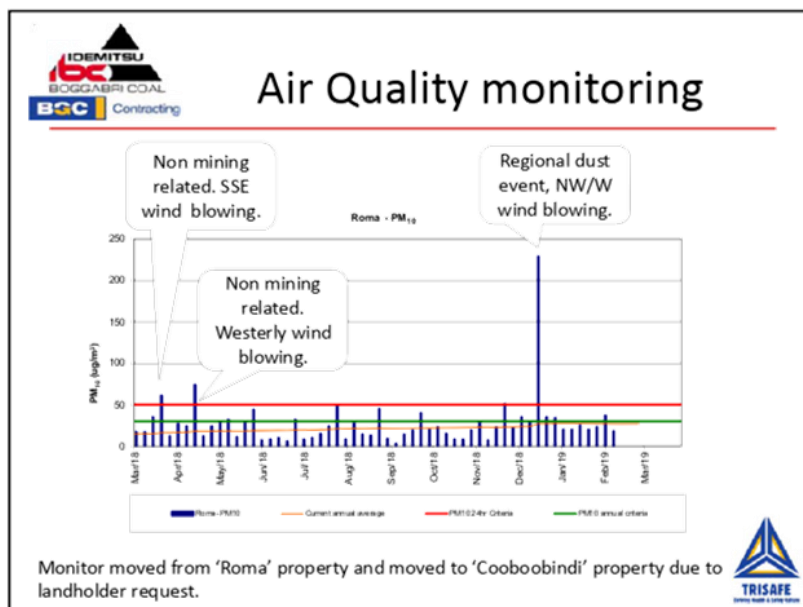
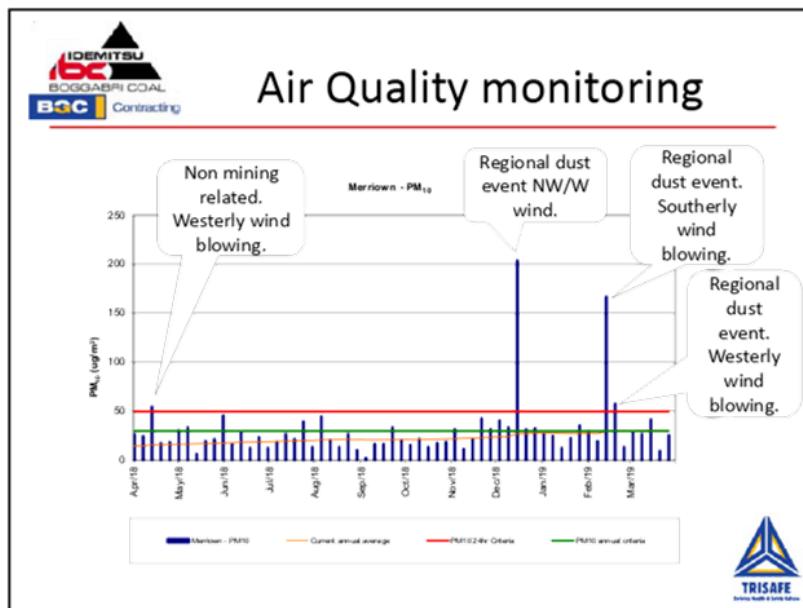
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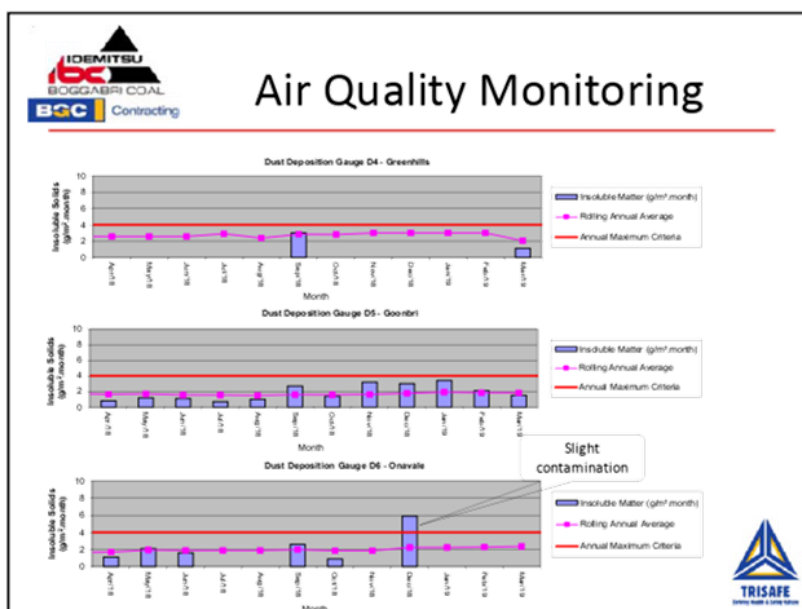
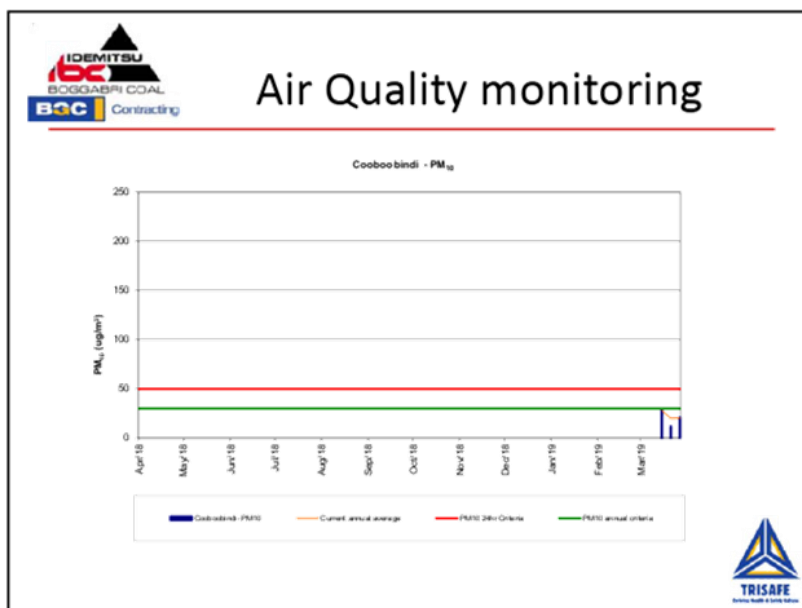


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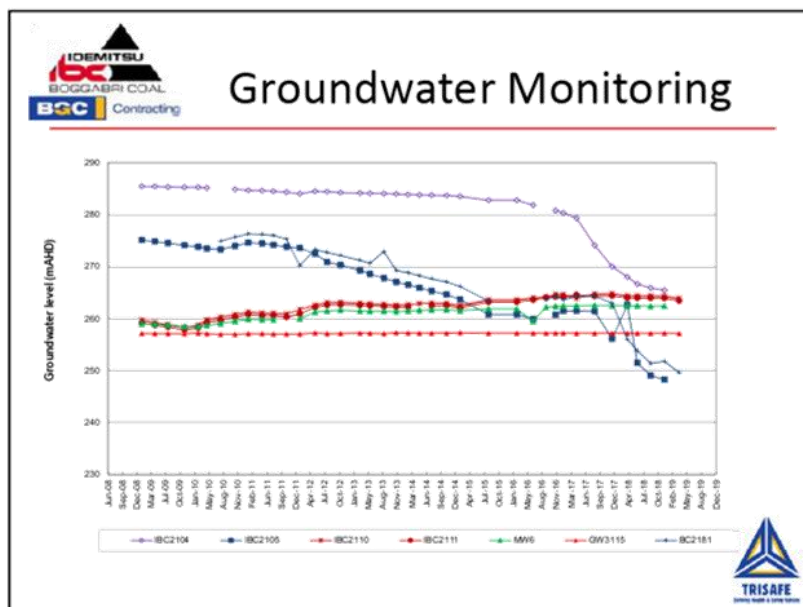
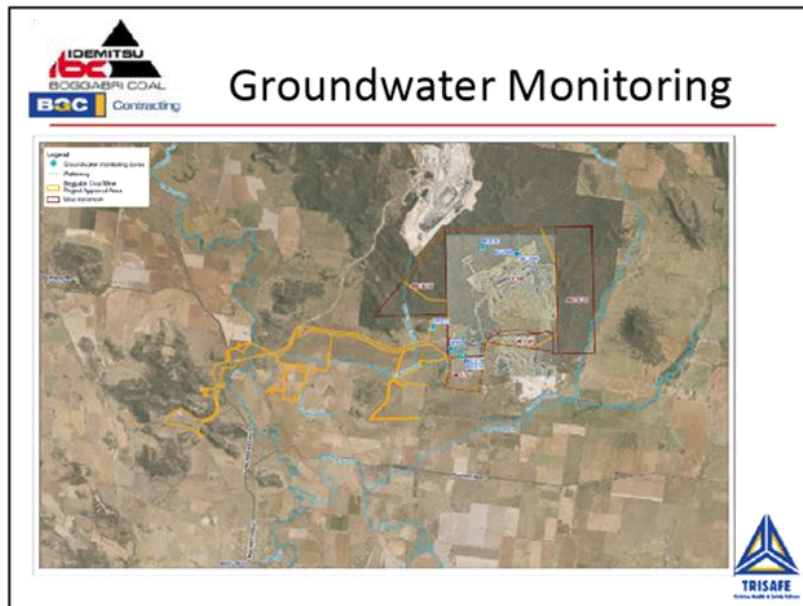


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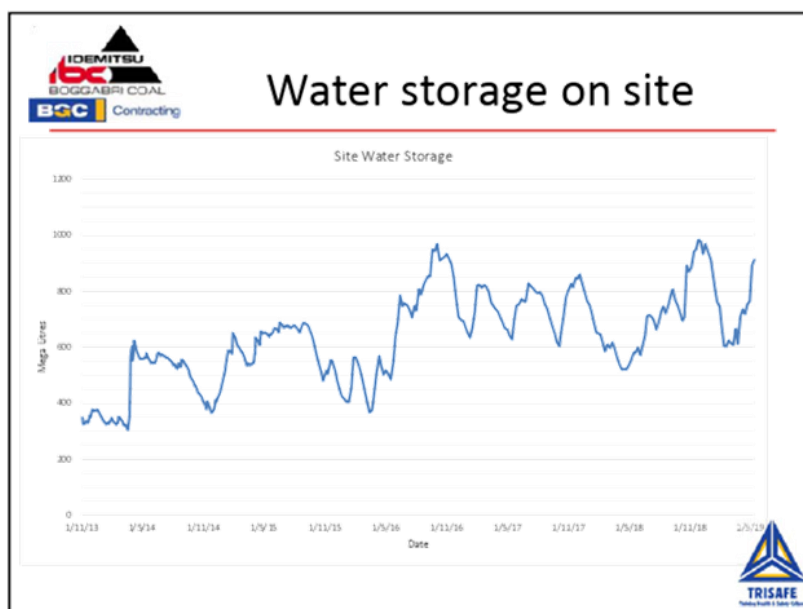
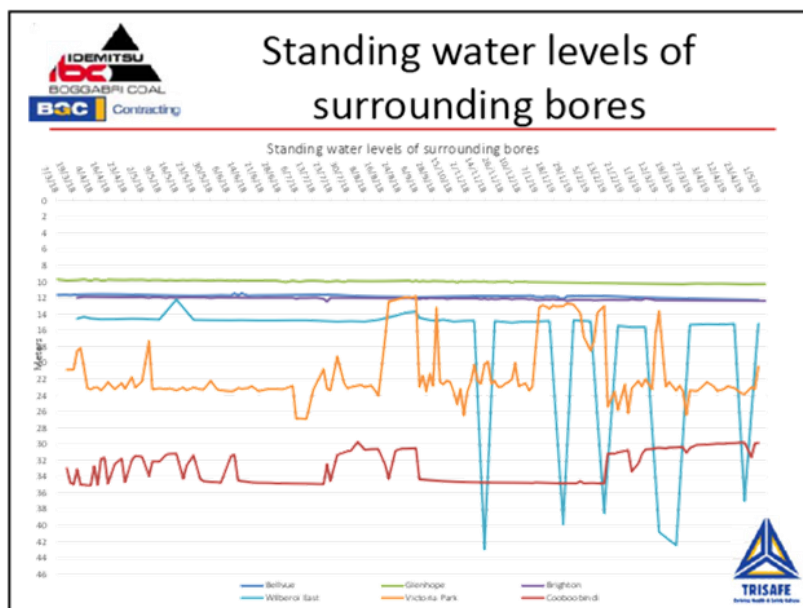





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## Water sharing

- Current project approvals for each of the Boggabri, Tarrawonga and Maules Creek sites (BTM) envisage the potential need for mines to share water/transfer water between sites
- The BTM Water Management Strategy reflects this potential requirement. The most recent revision of the BTM Water Management Strategy was submitted the NSW DP&E this week for their approval
- Water sharing arrangements within the BTM Complex are contemplated in each mines Project Approval and a water sharing occurred between Boggabri Coal and Tarrawonga Coal in 2018
- As part of the sharing arrangements appropriate water licences and sufficient allocation are required to be held to accommodate the volumes being shared. The process of water trading is overseen by WaterNSW
- Maules Creek Coal have requested Boggabri Coal transfer water to Maules Creek mine which will involve them transferring approximately 400ML of Zone 4 Water Access Licence allocation to Boggabri Coal







## Water Management Plans

Water Management Plans have been recently revised to accommodate the evolving nature of the operation.

Changes include revised catchment details, monitoring locations, some site water balance reporting and inclusions to satisfy project approval requirements such as water sharing.



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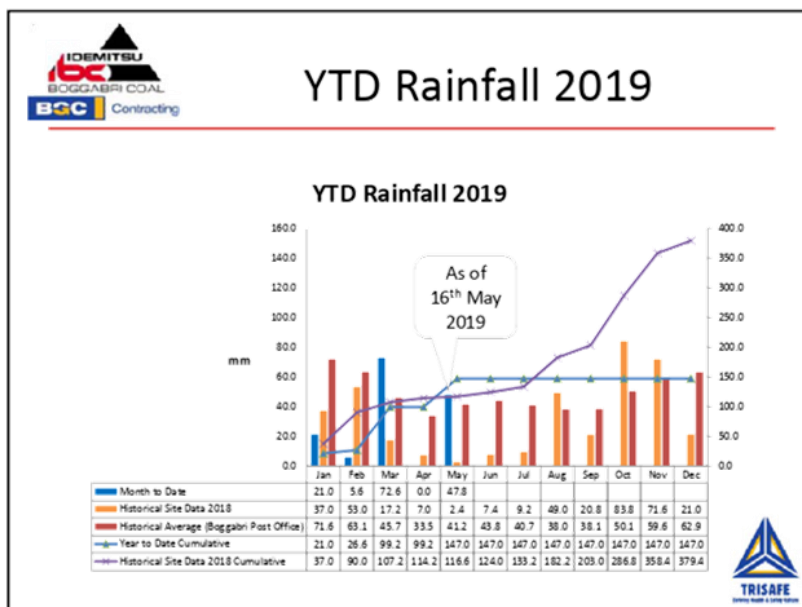
## Dust Suppression Products

BCM has used a variety of dust suppression and water usage minimisation technologies since inception.


In 2018/19 we added Dustasides Hydrotac product and RST's Avenger product to our water carts to improve the waters soil binding capabilities and 'wetting' properties.

Extensive monitoring and analysis of the effectiveness of all products used, over many years.







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## Exploration Activities




Exploration activities for 2019 are located on CL368.



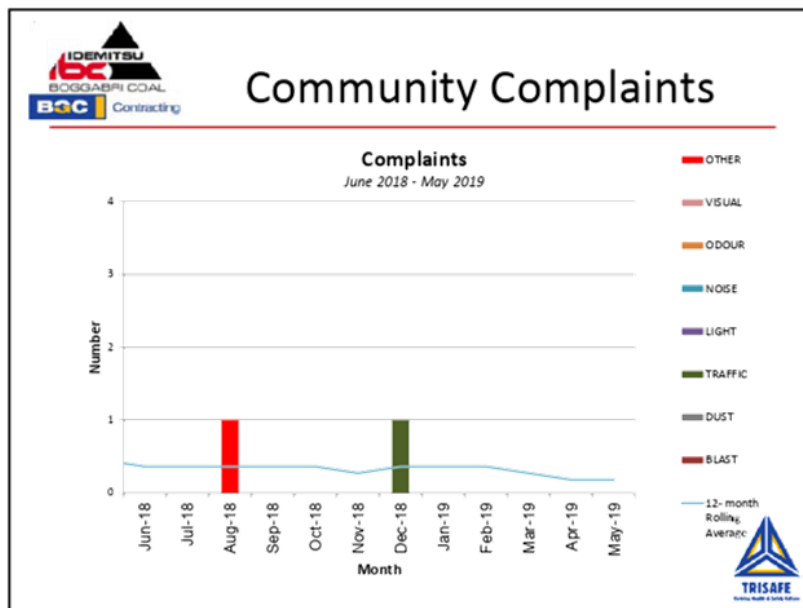


## Community complaints/feedback

Nil Complaints



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**General Business**

• Community Sponsorships

2019 Sponsorships	YTD	Budget	Variance
Gunnedah Girls Academy	\$ -	\$ 30,000	\$ 30,000
Westpac Helicopter Partnership	\$ -	\$ 30,000	\$ 30,000
Boggabri Hospital	\$ -	\$ 10,000	\$ 10,000
Boggabri Camp fire	\$ 10,000	\$ 10,000	\$ -
Maules Creek Campdraft	\$ 8,000	\$ 8,000	\$ -
Boggabri Campdraft	\$ -	\$ 5,000	\$ 5,000
Namabri Carp Muster	\$ 5,000	\$ 5,000	\$ -
Boggabri Carp Muster	\$ -	\$ 5,000	\$ 5,000
Dorothea MacKellar Memorial Society	\$ -	\$ 5,000	\$ 5,000
Salvation Army	\$ -	\$ 3,000	\$ 3,000
Boggabri Rugby League	\$ 3,500	\$ 3,000	\$ (500)
Manilla Show	\$ 2,500	\$ 2,500	\$ -
Miners Bowls day	\$ -	\$ 2,500	\$ 2,500
Discretionary	\$ 48,800	\$ 31,000	\$ (17,800)
<b>Total</b>	<b>\$ 77,800</b>	<b>\$ 150,000</b>	<b>\$ 72,200</b>

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3/06/2019

NAMOI VALLEY INDEPENDENT Thursday May 09, 2019

## NEWS

# Japan trip an 'eye-opener' for local girls

EATING cow tongue and visiting temples are just two things Gunnedah girls Kiah Squires and Macy Friend experienced on their recent getaway to Japan.

The Year 10 Gunnedah High School students had the opportunity to travel Japan for seven days through Girl Academy and Idemitsu Australia Resources.

Both girls said they wanted to experience more of the world now. Macy described it as an 'eye opener'.

"It's made me see that you can do whatever you want with your life, no matter where you go," Kiah said.

"I definitely want to travel help you, so if you have a problem you have to figure it out by yourself," she said.

They both agreed their favourite part had been going on roller coasters and virtual reality rides at Universal Studios Japan, and their least favourite had been eating cow tongue.

The girls are now good friends with three other girls from Muswellbrook High School, who they travelled with.

The trip was fully funded by Idemitsu Australia Resources with the aim of sharing cultural insights and introducing the students to Mercedes and Japan.



**WALKING SHOES ON:** Macy Friend and Kiah Squires (left) and the three Muswellbrook High School girls also experienced Tokyo Disneyland, Kyoto and Hiroshima. **Photo supplied**



**12.4 DELEGATES REPORT - COMBINED BOGGABRI/TARRAWONGA/MAULES CREEK COMMUNITY CONSULTATIVE COMMITTEE MEETING - 16 MAY 2019**

**File Number:**

**Responsible Officer:** Robert Kneale, Deputy Mayor

**Author:** Delece Hartnett, Personal Assistant to GM & Mayor

**Attachments:** 1. Minutes of Boggabri-Tarrawonga-Maules Creek CCC - 16 May 2019 [↓](#)

**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

**RECOMMENDATION**

**That Council note Cr Kneale's Delegates Report from the Boggabri-Tarrawonga-Maules Creek Community Consultative Committee Meeting held on Thursday 16 May 2019.**

**DELEGATES REPORT**

Please find attached the Combined Boggabri-Tarrawonga-Maules Creek Community Consultative Committee Meeting Minutes from the meeting that was held on Thursday 16 May 2019.



Minutes of the Boggabri – Tarrawonga – Maules Creek

### Community Consultative Committee

**Meeting Held:** 16 May 2019 from 2:00pm  
**Venue:** Boggabri Golf Club

#### 1.0 Welcome

DR welcomed everyone to the Joint CCC and advised that Kerri Clarke and Anna Christie have both resigned. David Paull from Sustainable Living Armidale has joined the Maules Creek and Boggabri Coal CCCs in Kerri's place.

#### 2.0 Present and Apologies

##### Present:

Anthony Margetts (AM) – Boggabri Coal	Catherine Collyer (CC) – BTM CCCs
Daniel Martin (DM) – Boggabri Coal	Darren Swain (DS) – MCCM
David Ross (DR) – Independent Chair	Debbie Corlet (DC) – Independent Secretary
Emma Bulkeley (EB) – MCCM	John Hamson (JHa) – Tarrawonga Coal
Jack Warnock (JW) – Maules Creek	Julie Heiler (JH) – Tarrawonga CCC
Libby Laird (LL) – Maules Creek	Mitchum Neave (MN) – Boggabri Coal CCC
Peter Forbes (PF) – Boggabri Coal	Ray Balks (RB) – Boggabri Coal
Richard Gillham (RGI) – Boggabri Coal CCC	Robert Kneale (RK) – Narrabri Shire Council
Ross Wilson (RW) – MCCM	Roz Druce (RD) – Boggabri Coal CCC
Sebastien Moreno (SB) – Tarrawonga Coal	Steve Eather (SE) – Maules Creek CCC
Tim McDermott (TM) – Boggabri Coal CCC	

##### Apologies:

David Paull (DP) – Maules Creek and Boggabri Coal CCCs	Nigel Wood (NW) – MCCM
Colleen Fuller (CF) – Gunnedah Shire Council	Geoff Eather (GE) – Boggabri Coal CCC
Rebecca Ryan - Tarrawonga CCC	Cameron Staines - Narrabri Shire Council
Simonne Moodie (SMo) – Maules Creek CCC	

**Guests:** Lindsay Fulloon (LF) and Jacinta Hanemann (JH) – EPA. Nick Godfrey-Smith and Stuart Ross – ARTC

#### 3.0 Declaration of Pecuniary or Non-Pecuniary Interests

SE – Has son who works for Boggabri Coal. MN – Has a daughter who works for WHC.

JH, RD, RGI & RG - Have properties that fall into the 'Zone of Affectation' for acquisition.

DR gets paid for chairing these meetings as does DC for typing the minutes.

**4.0 Acceptance of Previous Minutes**

November 2018 Joint CCC meeting – accepted by all.

**5.0 Business Arising from Previous Minutes**

All actions from previous meeting have been completed.

PF noted that the water models for the mines do indeed factor in climate variability.

DR – noted that no modifications have gone on exhibition since last Joint CCC.

DR sought input from members on his chairing and how he could improve it.

MN – We would like to see from the Departments – how they see the CCC community members and how they are functioning. Do they take from the CCCs any information for future projects and how to handle them? Re Dept of Planning – we don't know what they think and if we are doing a good job.

DR – To invite Steve O'Donoghue to talk about CCCs at the next meeting.

RD – Questions to the CCC prior to the meetings – should be an ongoing thing and more than 2 questions. Then have the questions addressed at the meeting.

Proposals were put forward by RD to have alternates and observers present at the Joint CCC meetings.

These were put to a vote. Majority of members agreed to having alternates attend. There was no clear majority with respect to having observers attend.

DR – Mixed response now – so will leave as is for the moment.

**6.0 ARTC Presentation**

ARTC Enviroline - [enviroline@artc.com.au](mailto:enviroline@artc.com.au) - 1300 550 402

ARTC gave a presentation on their network and environmental management, discussing issues such as dust and noise.

Volumes of traffic and where it goes to (pathways)?

In relation to Boggabri, all trains are heading to the port and back again. Total coal train movements – 6 is the total – could be coal – could be passenger.

Nick – To clarify that number.

Stuart noted that the rail corridor has a typical width of 30m. Don't have any specific buffer zones.

Air Quality – information is drawn from the EPA website. Why don't we cover wagons – evidence doesn't support that. Freight train and a coal train – the dust emissions are the same. Coal dust and diesel emissions – not a significant effect on particulate concentrations.

Dust increases when a train does go by – dust as the car or train goes by.

JH – There are a few people who live close when the trains are idling in the middle of the night. One of the trains idled for 24-hours, especially at night – it is loud.

Stuart – use that Enviroline Hotline and include things like the time of day/ night and direction the train is travelling and that will give us something to work with – we can discuss with the operator.

RD – The actual noise from the track – squeaking or rattling.

Stuart – sometimes there are track defects and the community are the best people to tell us. It is a defect that may just need a little bit of maintenance.

DR – Emphasised the community using the Enviroline.

Nick – It goes to the Corporate Affairs area and goes into a database which is there permanently. That would go to a local team to go and inspect. It's not a 24/7 life real-time. If a train is parked for 24 hours – who do, they get immediate response. We've got a Control Centre in Broadmeadow and they have visibility of the whole track.

CC – Can the loop be moved?

Nick – I've seen those come through – it's like shifting a road. We're aware of that and some discussion and requests to move the loop. Very long lead time and very expensive.

CC – The squealing of the brakes – so we can lodge those as well.

Stuart – profiles on the wagon may need to be looked at but always log it. With regards to ensuring that people can get the newsletter in the future, contact us on [enviroline@artc.com.au](mailto:enviroline@artc.com.au) and we can add people to the system.

MN – Complaints re the dust coming from the trains – can you not put in a dust monitor?

Nick – community wanting it in. I'm happy to give you my details and what you are thinking.

MN – The noise from the trains when they honk their horns – sometimes it goes for a very long time.

Stuart – It is for safety in the network rules, but drivers do have discretion for time they honk for. It could be a few seconds to a few minutes. That warrants a request.

Nick – Some drivers more considerate. There are a lot of issues at crossings. They are on guard. There is a town horn and a country horn. Country is more of a foghorn type. It is up to the driver, but they must sound the horn.

JH – Rules are rules.

DS – Is the newsletter electronic?

Nick – Will have to check if we can do newsletter electronically.

CC – Not covering the carriages. Doesn't that make dust a problem?

Jacinta – regulated and required by my team. Experts required to do the work – there wasn't much difference between loaded or unloaded – coal or freight – diesel – dust deposited over time from the network.

LF – To provide the link to dust studies.

JH – Rail corridor are you responsible for spraying for weeds. Called out for a fire – we had a few last year. Is there are a regular spraying?

Nick – yes. Gunnedah looks after this section up to Tarrawonga. A lot of calls are around weeds and vegetation. If any concerns, please call it through.

**7.0 Company Updates on Strategies****Presentation by Boggabri Coal**

Daniel presented on Boggabri Coal's main activities since the last Joint CCC.

**Community Questions**

JW – Maules Creek CCC – plantings in offset areas. East of the River – have you done a flood study and impact.

DM – No we haven't done. Space in between those trees is quite vast.

LL – At the Maules Creek meeting – Maules Creek will be using Boggabri to access water – does that require an application. Our community is not certain on that.

DM – It's part of our conditions. Documentation of BTM with Dept of Planning – no problem sharing water between the 3 mines.

LL – Can we have the wording of the condition?

DM - I will take on notice which condition number it is and the wording.

DM – Re the BTM water management strategy, it will be released as soon as it has been approved. Number of stakeholders provided input – questions have all been answered. Back with the Department of Planning this week.

LL – So water sharing not under the current one?

DM – Considered as an approval provisions and then placed into a document. In Schedule 3.

DM – Why are you concerned about the impacts?

LL – It might require a modification.

DM – Maules Creek is transferring across to us. Gap, we use on site and what we can go to.

LL – What is the gap?

DM – Will take on notice re gap. ACTION

JH – When does the transfer start?

DM – It hasn't been approved by the Dept yet.

JH – Is it a 2-metre drawdown – who is responsible?

DM – As it is ours – it is our responsibility.

LL – Is it metred?

DM – Yes, it is 100%.

**Presentation by Maules Creek Coal**

Darren presented on Maules Creek Coal's main activities since the last Joint CCC.

**Community Questions**

RD – How much water do you have on site?

DS – Both dams are full. There is water in East pit.

RD – Which buildings are you going to remove on your properties?

DS – Teston House has been removed as it had asbestos in it. I don't know about the others. Biodiversity areas. Olivedene House – will remain – Elderslie has a tenant in.

RD – How many houses?

DS – I don't know but I can get you the answers.

RGi – The Dust-A-Side – what sort of chemicals are used in it?

JHa – Dustaside is a molasses-based product – environmentally friendly? You can eat it, if you wanted to.

Jacinta introduced the work that her area of the EPA does. Metro Infrastructure Centre – regulation of projects within the metro such as the light rail. Regulate the rail network across the state. Key things – regulations – environmental licence – ARTC licence – they talked about the tracks – we also licence the track operators – the locomotives – we don't have a direct relationship with those operators who run them.

Coal dust emissions from coal trains – through Hunter Valley – applicable to areas across the NSW network. Also, noise. We have noise limits – it must meet specific criteria. Monitor the rail squeals – where there are issues – data goes back to the operators. Transport NSW – big program with freight operators and where they might squeal and will be replaced after 10 years.

If you're still having issues and not getting traction with ARTC, then advise us about that. 131 500 and provide an email address as well.

JH – Can we put you on the Green Flyer.

Jacinta – yes definitely.

#### **Tarrawonga Presentation**

Sebastian presented on Tarrawonga Coal's main activities since the last Joint CCC.

RGi – Joint request – there was another accident on Braymont Road – all roads east of the mine should be tarred. There are only 2 farm workers, so they aren't creating the dust. The driver moved over in the dust and collected a tree. No one about – so no one hurt.

Someone was killed on ANZAC Day near that spot.

LL – Dust A Side – can you put this on the road?

RK – I'm not aware of Dust A Side and I think something was trailed a few years ago and it was too slippery.

SM noted that the mine is expecting to place a modification on exhibition in Q3 of calendar year.

ACTION - DR to notify Joint CCC members of modifications (ongoing).

#### **8.0 Other Business**

LL – Re Project approval water, that should be for all of the mines.

BTM mines to identify project approval conditions and the wording re sharing of water.

DR – Thanked Lindsay and Jacinta.

Meeting closed at 4:28pm.

## Appendix 1

## Action List

Page No	Action No	Action to be completed	Action Owner
2	1	Steve O'Donoghue to be invited to the next meeting to talk about the CCCs.	David Ross
2	2	Follow up on the number of trains	Nick Godfrey-Smith
3	3	To check if we can do newsletters electronically.	Nick Godfrey-Smith
4	4	To provide the link to the dust studies	Lindsay Fulloon
4	5	DM – to identify which condition number relates to BTM sharing water. DM – Will take on notice re gap	Daniel Martin
5	6	DS – to report back on the number of houses that will be removed.	Darren Swain
5	7	Notify Joint CCC members of any forthcoming modifications.	David Ross
5	8	Project approval water – to go to all mines – ACTION – project approval conditions and the wording.	All Mines

**12.5 DELEGATES REPORT - VICKERY COAL MINE COMMUNITY CONSULTATIVE COMMITTEE MEETING - 21 MAY 2019**

**File Number:**

**Responsible Officer:** Cameron Staines, Councillor

**Author:** Delece Hartnett, Personal Assistant to GM & Mayor

**Attachments:** 1. Vickery Community Consultative Committee Meeting Minutes - 21 May 2019  

**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

**RECOMMENDATION**

**That Council note Cr Staines' Delegates Report from the Vickery Coal Mine Community Consultative Committee meeting held on Tuesday 21 May 2019.**

**DELEGATES REPORT**

The Vickery Coal Mine Community Consultative Committee meeting was held on Tuesday 21 May 2019.

The Minutes from the meeting are attached.

**Minutes of the 5<sup>th</sup> Meeting of the  
Vickery Project Community Consultative committee**

**Meeting held:** 21<sup>st</sup> May 2019 – 10.30am – 1.30pm

**Venue:** Boggabri RSL

**Present:**

Roberta Ryan (RR)	Independent Chair
Sandra Spate (SS)	Minute taker
Cr Robert Hooke (RH)	Gunnedah Shire Council (GSC)
Cr Cameron Staines (CS)	Narrabri Shire Council (NSC)
Brian Cole (BC)	Executive General Manager, Project Delivery, WHC
Tim Muldoon (TM)	Group Manager Community Relations and Property, WHC
Keith Blanch (KM)	Community Representative
Ron Fuller (RF)	Community Representative
Grant McIlveen (GM)	Community Representative
Barry Thomson (BT)	Community Representative
Andrew Raal (AR)	WHC Environmental
Cr Cathy Redding (CR)	Mayor NSC - observer

**Apologies:**

Item	Description	Action/ Responsibility
<b>1</b>	<b>Present, introductions and apologies</b>	
1.1	RR outlined her role as Independent Chair appointed by the Department of Planning. The CCC is not formally required at this point for the Vickery Extension Project as this is usually triggered as part of approval process. Notes go to members for feedback, the Chair signs off on them and then they go on public record. Cr asked if this CCC exists under current approval or whether it will stand for future approval. RR said if approval is given it will be constituted as part of that approval. Some changes were made to the committee pre-existing her role as chair but RR was asked to take over the pre-existing work for the Canyon and Vickery project. CCCs are part of government legislative requirements for mining projects and other state significant projects. They are facilitated independently. The purpose of the meeting is to provide information and get feedback. If approval is given the CCC's role is oversee consent conditions. Membership is up to Chair who seeks to broadly represent key interests. Both Councils within the project area are requested to participate. Members are asked to declare interests which are on the public record. Declarations of Interests don't exclude membership or participation and records sit with the chair.	
1.2	Members introduced themselves and noted their interest in the committee. Catherine Redding, Mayor of NSC attended as an observer.	
<b>2</b>	<b>Declaration of pecuniary or other interests</b>	
2.1	Declarations of pecuniary interests sit with the Chair. Two recent members are to provide formal declarations.	
<b>3</b>	<b>Previous minutes and matters arising</b>	
3.1	Acceptance of minutes from the October 2018 meeting was moved by GM and seconded by RF. The minutes were accepted.	



**Minutes of the 5<sup>th</sup> Meeting of the  
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3.2	Action 7.16 August 2018. TM to respond to the question of proximity of neighbours to Maules Creek in relation to coal into hoppers. GM had asked how close the nearest neighbours (property 108/109) are.	The distance scaled off an aerial plan is approximately 5.5km.
3.3	Action 4.17 October 2018. BC to provide figures for the total number of shut down hours experienced by Maules Creek over winter. BC reported Maules Creek has advised that it does not maintain records of shutdowns as it is a dynamic procedure. Noise levels are monitored. Approval limit is 35dB. Maules Creek has advised that when noise level gets to 30dB action is taken to change operations to remain below 35dB. Closures are determined by monitored readings. Based on advice it is estimated that there are around 20 to 30 instances where operations are impacted over the winter months but these vary in duration. RH asked whether noise monitors are in a fixed position. BC replied they are to monitor impacts on neighbours and keep noise at acceptable levels. RH asked if wind directions are considered. AR indicated that it was but not under high wind conditions. GM said the closest people at Maules Creek live further away than neighbours to Vickery but we have been told Vickery neighbours won't be affected. TM said there are many influences on noise impacts including distance to site, topography, temperature effects and wind direction. RF suggests we won't know impacts till operation.	
4	<b>Canyon and Vickery Environmental Monitoring Report</b>	
4.1	BC reminded the CCC that since the last Environmental Impact Statement (EIS) the Independent Planning Commission (IPC) process has occurred. The process is around 14 weeks behind government benchmarks of 12 weeks after exhibition of the EIS. RR noted the IPC was formerly the Planning Assessment Commission (PAC) which is independently convened.	
4.2	AR delivered the Canyon and Vickery Environmental Monitoring Report (attached to minutes). Canyon is to the north of the Vickery site. It is closed and rehabilitated. A void remains. The two separate sites will merge as material from Vickery covers the void at Canyon. It will then be seen as one project. Water is extracted from the void for Tarrawonga. There was one issue of spontaneous combustion on site. All carbonaceous material was removed. Some air quality monitoring had some high readings. It was concluded this was due to dust storms. There were some higher conductivity readings in water due to evaporation with drought increasing salinity. There were no complaints.	
4.3	CR asked that the link to the Environmental Monitoring Report be sent to Narrabri Council when uploaded.	WHC to send a link to the report to councils when uploaded.
4.4	KB asked why water continues to be carted to Tarrawonga after recent rains. AR and TM said they are still hauling some but this is being reviewed. GM asked if water in the void is groundwater or runoff. AR replied modelling showed a little is groundwater (around 4 megalitres year) but the majority is surface runoff. There is a separate water licence for 50 megalitres of ground water. CR asked whether increased water storage capacity in mines could capture more runoff considering the current extreme drought. This could	

**Minutes of the 5<sup>th</sup> Meeting of the  
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	<p>also alleviate pumping from the river. She also asked whether Vickery can capture and use run-off during rain events and high flows.</p> <p>BC said the surface water assessment models climatic conditions looking at rainfall records and series of droughts from over 100 years. Whitehaven can capture some runoff but within limits.</p> <p>TM said Whitehaven captures all the water they can except in extreme events. The cleanest water is allowed to be released at approved release points in accordance with water management plans for the mine.</p> <p>AR noted a separation between clean and dirty water. All disturbed areas potentially impact water quality. This water has to be captured and contained. Water entering the mine pit is captured. There are banks and berms to divert clean runoff into natural drainage systems.</p> <p>CS asked how runoff from rehabilitated areas is classed.</p> <p>AR replied it is initially dirty water but does not contain minerals from the mine. It is diverted to a settling pond where generally it will be used for air quality control. Water runoff the operational area is captured on site and quality is measured. In high rainfall events approval normally allows storage to overflow but this is determined by approval conditions. Samples are taken upstream and downstream.</p> <p>GM noted an event on April 1 with 76mm in less than two hours. Photos show high flow near where there washery will be. If the dam is not built big enough for such events the flow will end up in the river which is less than 600m from that location.</p> <p>AR said clean rainfall is diverted through the site into natural drainage. It is in the EIS and is expected to be part of conditions of approval.</p>	
4.5	<p>KB asked whether the void will be only part of the dump.</p> <p>AR said this depends on approval conditions.</p>	
4.6	<p>RF asked where the Vickery mine would start.</p> <p>BC replied that the box cut is just below the viewing point hill.</p>	
4.7	<p>KB asked what happened to captured pigs.</p> <p>AR said they are put down.</p>	
4.8	<p>KB asked what happens with facilities moved from site.</p> <p>BC said they are being moved to Tarrawonga.</p> <p>GM asked if Tarrawonga is being expanded.</p> <p>BC replied the old fleet is being replaced with larger equipment which will lift output up to current approved output</p>	
4.9	<p>KB asked about B-doubles.</p> <p>AR said with Vickery there will be less truck movements. With the coal washing on site none will go into the Gunnedah plant.</p> <p>KB asked about the future of Braymont Rd.</p> <p>BC said that ultimately Braymont Rd south of the mine will be excavated as the mine progresses.</p> <p>KB asked if Braymont Rd will be tarred.</p> <p>BC replied that it will remain unsealed.</p> <p>CR asked how Braymont Road will be policed as it is the shortest route from Boggabri.</p> <p>BC indicated that it would be similar to when Maules Creek was constructed when traffic was monitored and disciplinary action was taken against those using the road.</p> <p>RF noted Braymont Road pre-existed the mine.</p> <p>KB said people have the right to use it but it is not tarred.</p>	
4.10	<p>GM asked whether the last increase at Tarrawonga now allows 3 million tonnes or does it need a further approval?</p> <p>TM said it would require a further approval to lift production above 3mtpa</p> <p>BC noted limits on the size of deposits. Rocglen is nearly workout out. Tarrawonga has around 10 years left.</p> <p>KB asked whether coal is still being carted from Rocglen.</p>	

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	<p>BC and AR replied it is intermittent. The last production blast was last week. The mine will end in June and the stockpile will be trucked for three months.</p> <p>CS asked if Rocglen will close next financial year.</p> <p>AR said there is approximately three years of rehabilitation work.</p> <p>GM asked whether current workers at Rocglen will be doing the rehab work.</p> <p>AR replied Whitehaven workers will undertake the earthworks.</p> <p>Contractors will be used for seeding and tree planting.</p>	
4.11	<p>GM asked whether Vickery's initial approval is due to expire soon?</p> <p>BC said it is due to expire in September and some site work involving surveying commenced and will continue.</p>	
4.12	<p>CR asked whether all bores are to the same depth.</p> <p>AR said depth varies. Bores higher uphill are deeper.</p> <p>KB said that with Canyon rehabilitation dams on properties have become obsolete. They don't get water into them because of the rehabilitation. Even with recent rains they didn't get much runoff.</p> <p>GM said grasses absorb the water but it is different with bare gravel. In the recent 76mm event water gushed to the river. Once there is bare rock there will be nowhere to go but run off.</p>	
<b>5.0</b>	<b>Vickery Extension Project – EIS Assessment Process Update</b>	
5.1	<p>BC presented the update (attached to minutes). He noted the IPC report is on the IPC website. He outlined the background for the project including the initial approval for 4.5 tonnes per year, the intention to include Blue Vale as part of the extension and the later decision to excise Blue Vale from the application.</p> <p>Given the undesirability of trucking coal to Gunnedah, Whitehaven elected to include a CHPP on site and a rail option. The Environmental Impact Statement (EIS) was submitted in August 2018.</p> <p>With changes to the assessment process this was the first to go through the new process. Previously draft conditions went to PAC for review which after public meetings and refinements made a decision on the development application.. The new process injects the IPC into the process earlier to indicate to the Department of Planning where they should focus.</p> <p>After submission of the EIS there was a 6 week exhibition period. A Department of Planning review provided feedback to the IPC in October. As public meetings held in Boggabri and Gunnedah were deferred till February the submission period was extended. Submissions on the EIS whilst on exhibition included some 287 in favour, 179 objections and 9 comments.</p> <p>Submissions to the IPC included some 367 in support of the project, 37 objecting and 8 comments.</p> <p>BC and consultants were involved in two briefings to the IPC answering questions, the second briefing being held in February. There were 14 points of focus. Questions included how baseline data was obtained for surface water quality; groundwater; storage of mine water; sediment dams design; flooding; air quality; water requirements and water management; worst case; dust; noise and blasting; rail spur; timing; the coal processing plant; and economic assessment.</p> <p>There were questions about whether Vickery Coal is an independent entity from Whitehaven. Vickery and other mines come under the Whitehaven banner.</p> <p>BC expects the recent restructure of the Department of Planning may extend the assessment period. Following a whole of government assessment Planning will issue a report recommending approval or not and a draft set of conditions for IPC consideration. The IPC will then</p>	




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	<p>make a decision on whether to approve the project or not and the conditions that would apply if approved.</p> <p>Whitehaven is commissioning design work on the coal preparation and processing plant and the mine infrastructure.</p> <p>Surveys and geotech work and some earthworks is also going ahead under existing approval.</p> <p>Discussions have taken place around works to improve the grounds of Kurrumbede.</p>	
5.2	<p>GM and CR questioned why Blue Vale is referred to as being excised from the scope of the proposed development when it was not part of the 4.5m tonne pit approval.</p> <p>BC noted a review of total resources at Vickery by mining consultants indicated that there was some 6 to 7mt of coal that could be mined by reopening Bluevale pit. Studies showed conclusively that this could be accomplished without impacted on the Namoi River, but in response to some community concerns Whitehaven elected to not proceed with reopening Bluevale pit.</p> <p>GM raised the issue of whether it could be reopened in the future. BC responded that if one considers the layout of the site, it would be impractical.</p>	
5.3	<p>RF asked whether points of discussion particularly around groundwater were clarified at the second briefing.</p> <p>BC replied the second briefing was more informed as the IPC Commissioners had had chance to look at the EIS and had heard from public hearings.</p>	
5.4	<p>GM asked whether the 14 points of discussion aligned with what locals have been saying.</p> <p>BC said a number of areas were covered, sometimes quite technical which were handled by experts e.g. how a particular modelling exercise occurred. The groundwater consultant (Hydrosimulations) was involved in the briefing and was able to respond to questions from the IPC regarding groundwater. The 14 points not by the IPC in its report broadly aligned to the EIS and therefore the IPC directed Department of Planning to broadly review the EIS in the whole of government process and take into account climate change impacts which is also covered in the EIS.</p>	
5.5	<p>GM asked how Whitehaven can say they have enough licenced water license to meet requirements for Vickery if they have to buy water from Maules Creek and move water from zone 4 to zone 5.</p> <p>TM indicated that the water recently purchased was Zone 4 and Zone 5 to cover the current situation. It would be extracted from Zone 4 not Zone 5.</p>	WHC (TM) to provide more information on transfer of water between zones.
5.6	<p>GM asked if Boggabri is deemed too far for dust monitoring why a air quality monitor located at Kitchener Park, Gunnedah? He can see why people in Boggabri find it hard when they have consistently asked for dust monitoring a Boggabri.</p> <p>AR replied the monitoring station is managed by government (EPA) and is part of a regional network.</p> <p>GM asked why Whitehaven can't install a dust monitor.</p> <p>TM indicated that the community had indicated that it wanted the monitoring to be independent of mining companies and therefore the network was managed by the EPA.</p> <p>CS noted Council has pushed hard for years for a remote mobile independent monitor. Letters have been sent to Planning. It has to be independent. If Whitehaven funded and managed a monitor people</p>	RR to draft a letter to the EPA on behalf of the CCC requesting air monitoring at Boggabri.

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	<p>would doubt results. Narrabri Council and the CCCs have been strong advocates but pleas have fallen on deaf ears.</p> <p>KB asked how dust from the various locations and sources could be distinguished.</p> <p>RF noted there is a monitor on the Services Club to monitor dust from trains.</p> <p>BC suggested the monitor on the hill above Canyon would likely be used to monitor Vickery.</p> <p>AR noted there are real time monitors located at the mines and dust deposition buckets.</p> <p>CS asked that a letter from the CCC be sent to the Department asking for an independent dust monitor at Boggabri. This was supported by the community members on the committee.</p> <p>CR suggested a monitor is needed before Vickery is mined to establish baseline data.</p> <p>BC noted the establishment of an environmental trust for the community of \$100,000 from Maules Creek, Tarrawonga and Boggabri and suggested a dustwatch monitor which would be part of a community network could be a suitable initiative for the Trust..</p>	
5.7	<p>RF asked whether the bottom of the pit at 36m at Vickery will be lower than the river level.</p> <p>BC replied the pit will be lower than the river.</p> <p>RF has worked in wet pits. He thinks Vickery will have to pump constantly as water in the water table will enter the pit. BC indicated that the groundwater assessment did not indicate this.</p>	
5.8	<p>GM noted neighbours are awaiting more information requested about the western side of the rail spur. He asked why some neighbours had been consulted while closer ones not.</p> <p>BC indicated that residents are being progressively talked to.</p>	
5.9	<p>TM asked who makes the final determination on approval.</p> <p>BC replied it is the IPC.</p>	
5.10	<p>RF is worried about the impact of coal production in the Galilee Basin on production here.</p> <p>BC suggested that won't affect production here as Gunnedah Basin coal is generally e higher quality.</p>	
<b>6</b>	<b>General Business</b>	
6.1	<p>GM asked about correspondence regarding additional community representatives on the CCC.</p> <p>RR will follow this up, noting that no membership matters will be settled until the next stage in the Vickery Extension project is clear.</p>	
6.2	<p>CR asked whether existing approval expires soon.</p> <p>BC and TM replied it expires in September but current work is being undertaken under the current approval. This includes survey for future road works and for water infrastructure, engineering in the form of geotechnical investigations on site, establishment of site offices and compounds and some access road works.</p>	
6.3	<p>RH reported on a skill shortage throughout the area. Gunnedah Shire Council has been supporting efforts revitalise Gunnedah TAFE. State government money has gone into restructuring TAFE with commencement of construction engineering, plant operators and white card courses. TAFE is trying to re-engage with big employers in the community and he encourages Whitehaven to get an appetite to re-engage with TAFE. If there is demand for a particular course TAFE will put it on. He urges Whitehaven to have conversation with TAFE and save people having to go to the Hunter. There are also pre-apprenticeship courses.</p>	

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	CR said Narrabri Council is engaged in similar activities. With a country university campus opening in June. Council is working in the TAFE area. TM noted Whitehaven have commenced talking to TAFE.	
6.4	GM raised the desire of the Boggabri Progress Association to see if land owned by Whitehaven to the north can be developed as industrial land. RF agrees both shires should encourage Whitehaven to develop industrial land. CR suggested it would depend on zoning. TM said Council would need to do a feasibility study. If feasible Whitehaven may be able to assist. RR suggested interested parties should talk with Whitehaven.	
7	<b>Date and agenda for next meeting</b>	
	TBA depending on the approval process. Whitehaven will communicate any developments to the CCC.	
<p><b>These minutes have been endorsed by the meeting Chair</b></p> <p><b>Signed:</b>  <b>Date: 11.6.2019</b></p>		

**Minutes of the 5<sup>th</sup> Meeting of the  
Vickery Project Community Consultative committee**

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**12.6 INVESTMENT REPORT - MAY 2019****File Number:** 446808**Responsible Officer:** Lindsay Mason, Director Corporate Services**Author:** Luke Meppem, Senior Finance Officer**Attachments:** Nil**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.3 Report in a clear, concise manner that is easily understood

**EXECUTIVE SUMMARY**

Council is required to consider a report on its investments in accordance with clause 212 of the *Local Government (General) Regulation 2005*.

During the month:

- Three (3) investments matured, totalling \$4 million.
- Two (2) new investments were placed, totalling \$2 million.

Council's Responsible Accounting Officer has certified that Council's investments are in accordance with requirements.

**RECOMMENDATION**

**That Council note the Investment Report for May 2019.**

**BACKGROUND**

Council is required to consider a report on its investments in accordance with [clause 212](#) of the *Local Government (General) Regulation 2005*.

**CURRENT SITUATION**

The following is a summary of investment movements for May 2019:

Investments maturing during the month:

- |              |         |             |                  |
|--------------|---------|-------------|------------------|
| • 08/05/2019 | Auswide | \$2,000,000 | 181 days @ 2.73% |
| • 22/05/2019 | BOQ     | \$1,000,000 | 182 days @ 2.73% |
| • 29/05/2019 | BOQ     | \$1,000,000 | 180 days @ 2.73% |

New investments secured during the month:

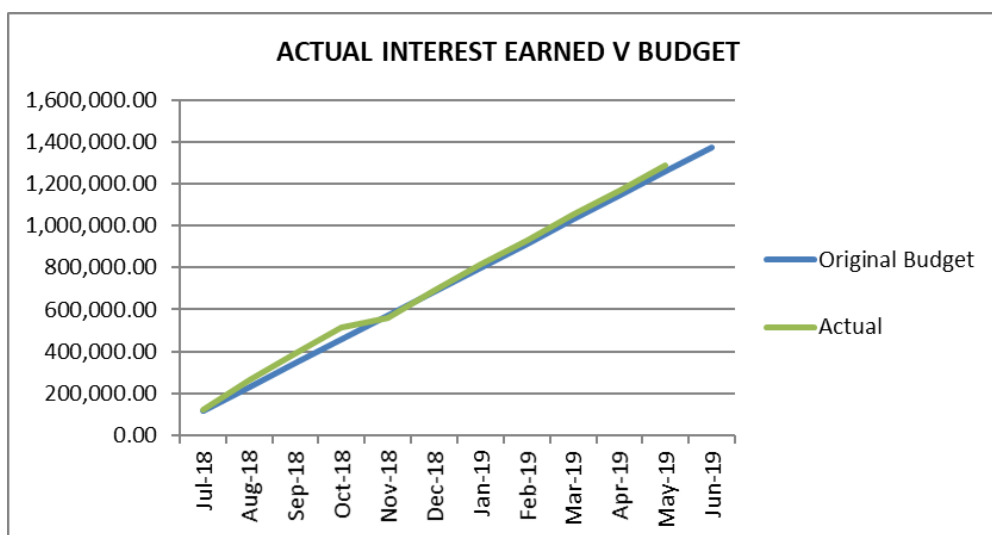
- |              |           |             |                  |
|--------------|-----------|-------------|------------------|
| • 22/05/2019 | Judo Bank | \$1,000,000 | 273 days @ 2.67% |
| • 29/05/2019 | Auswide   | \$1,000,000 | 273 days @ 2.33% |



	Market Value (\$)	Term (days)	Rate	Maturity Date	% of Portfolio
<b>Short Term Deposits (&lt;1 yr)</b>	<b>47,000,000.00</b>				<b>93.32%</b>
Beyond Bank	2,000,000.00	183	2.80%	05/06/19	3.97%
BOQ	2,000,000.00	182	2.78%	05/06/19	3.97%
Rural Bank	2,000,000.00	364	2.91%	21/06/19	3.97%
Beyond	2,000,000.00	121	2.65%	03/07/19	3.97%
ME Bank	1,000,000.00	153	2.73%	24/07/19	1.99%
AMP	3,000,000.00	182	2.80%	21/08/19	5.96%
ME Bank	3,000,000.00	364	2.73%	28/08/19	5.96%
ME Bank	2,000,000.00	364	2.73%	04/09/19	3.97%
Defence Bank	2,000,000.00	279	2.80%	11/09/19	3.97%
AMP	2,000,000.00	210	2.80%	02/10/19	3.97%
NAB	3,000,000.00	369	2.75%	16/10/19	5.96%
BOQ	1,000,000.00	209	2.68%	16/10/19	1.99%
MyState Bank	3,000,000.00	363	2.80%	06/11/19	5.96%
Defence Bank	3,000,000.00	364	2.85%	13/11/19	5.96%
AMP	2,000,000.00	273	2.80%	20/11/19	3.97%
NAB	4,000,000.00	369	2.80%	04/12/19	7.94%
AMP	3,000,000.00	273	2.80%	18/12/19	5.96%
Auswide Bank	2,000,000.00	273	2.58%	08/01/20	3.97%
ME Bank	1,000,000.00	364	2.73%	12/02/20	1.99%
Judo Bank	1,000,000.00	273	2.67%	19/02/20	1.99%
Auswide Bank	1,000,000.00	273	2.33%	26/02/20	1.99%
Defence Bank	2,000,000.00	364	2.80%	04/03/20	3.97%
<b>Cash Deposits</b>	<b>3,363,049.96</b>				<b>6.68%</b>
NAB At Call A/c	1,500,000.00	At Call	1.65%	n/a	2.98%
NAB Working A/c	1,863,049.96	At Call	1.25%	n/a	3.70%
<b>Total Cash &amp; Investments</b>	<b>50,363,049.96</b>				<b>100.00%</b>

#### Movements within Bank account for the reporting period (\$)

Cash Book balance at 30 April 2019	498,839.75
Plus Receipts	12,239,581.42
Less Payments	-10,193,635.15
Cash Book balance at 31 May 2019	2,544,786.02
Less Outstanding Deposits	-707,313.81
Plus Unpresented Payments	25,577.75
Statement Balance as at 31 May 2019	1,863,049.96



### Investment Rate Summary for May 2019

Average Interest Rate on Investments: 2.69%

Weighted Average Interest Rate on Investments 2.72%

### Council's Benchmarks

Bank Bill Swap Rate (BBSW) 90 day index (31/05/2019)<sup>1</sup> 1.42%

Average 11am Cash Rate 1.50%

### FINANCIAL IMPLICATIONS

The interest income for the month:

General Fund	\$39,203
Externally Restricted Funds	\$25,000
Water Fund	\$30,346
Sewer Fund	\$20,355
<b>Total Interest Income</b>	<b>\$114,904</b>

### STATUTORY AND POLICY IMPLICATIONS

[Clause 212](#) of the *Local Government (General) Regulation 2005* requires Council's Responsible Accounting Officer to provide a monthly report setting out the details of all money that the Council has invested under [section 625](#) of the *Local Government Act 1993*.

It is certified that Council's investments have been made in accordance with:

- *Local Government Act 1993*.
- *Local Government (General) Regulation 2005*.
- Ministerial Investment Order dated 12 January 2011.
- Council's Investment Policy dated 15 August 2017.

<sup>1</sup> Source: [www.asx.com.au](http://www.asx.com.au)

**CONSULTATION**

**External Consultation**

Nil.

**Internal Consultation**

- Responsible Accounting Officer.

**12.7 2019 LOCAL GOVERNMENT NSW (LGNSW) ANNUAL CONFERENCE****File Number:****Responsible Officer:** Stewart Todd, General Manager**Author:** Delece Hartnett, Personal Assistant to GM & Mayor**Attachments:** Nil**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective	4.1 We will proactively engage and partner with the community and government to achieve our strategic goals
Strategy	4.1.3 Develop and build strong, productive partnerships with State and Federal Governments

**EXECUTIVE SUMMARY**

Council attends the Local Government NSW (LGNSW) Annual Conference to keep up to date, and develop fresh partnerships with other councils from NSW, Department requirements and to attend the relevant workshops and seminars that are held within the conference dates. This is a great opportunity to network with like-sized councils, regional councils, and to also compare strategic developments and proposed projects with councils that have been through these similar processes, and what they have learnt from these experiences, both financial and community developments.

**RECOMMENDATION****That Council:**

- 1. Authorise the Mayor and Deputy Mayor to attend the 2019 Local Government NSW (LGNSW) Annual Conference, as voting delegates.**
- 2. Consider putting forward any motions to the Local Government NSW Annual Conference 2019.**
- 3. Authorise the Mayor to lodge motion(s) to the Local Government NSW Conference 2019 on Council's behalf in accordance with the Conference Business Paper.**

**BACKGROUND**

The 2019 Local Government NSW (LGNSW) Annual Conference will be held at Warwick Farm NSW, from Monday 14 October 2019 to Wednesday 16 October 2019.

**CURRENT SITUATION****Conference Registration**

Registration for the 2019 Local Government NSW (LGNSW) Annual Conference opens in mid-July 2019; however, at the time of writing details were not yet available on the LGNSW website.

**Motions to the Conference**

NSW councils are able to submit motions for consideration at the Conference. The LGNSW Board has resolved that motions will be included in the Business Paper for the conference where they:

1. Are consistent with the objects of the Association (see Rule 4 of the Association's rules).
2. Relate to Local Government NSW and/or across Australia.
3. Concern or are likely to concerns Local Government as a sector.
4. Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association.
5. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws).
6. Are clearly worded and unambiguous in nature.
7. Do not express preference for one or several members over one or several other members.

A motion must also provide accompanying evidence of its support for the motion to be included. At the time of writing, the closing date for submitting motions for inclusion in the Business Paper is unknown.

### FINANCIAL IMPLICATIONS

An Early Bird rate will be available as at mid-July 2019. Accommodation per person with breakfast per night will be approximately \$210.00.

### STATUTORY AND POLICY IMPLICATIONS

#### Reporting Requirements

Council's adopted *Payment of Expenses and provision of Facilities to Councillors Policy* states:

"Councillors will report, in writing, in an open session of a Council Meeting on the outcome of the conference, seminar or similar function attended. The report will be submitted to the General Manager (or their delegate) within one (1) month of the Councillor's attendance at the conference, seminar or similar function.

If a number of Councillors attend the same function, a single report may be submitted on behalf of all Councillors that attended, however the report must be signed by all Councillors that were in attendance.

The report to Council will be in writing and include the following:

- The purpose/subject matter of the conference, including the reason for the attendance of the delegate(s).
- The agenda of the conference.
- Any items of interest to Council discussed at the conference.
- Recommendations for further areas of action or investigation (if applicable).

A Councillor(s) who attend the annual conference of Local Government NSW do not need to provide a written report to Council."

### CONSULTATION

#### External Consultation

- LGNSW.

**Internal Consultation**

Nil.

**12.8 REQUEST FOR SUSPENSION OF ALCOHOL FREE AREA - NARRABRI NOSH**

**Responsible Officer:** Darren Raeck, Director Infrastructure Delivery

**Author:** Anthony Smetanin, Design Services Manager

**Attachments:** 1. Nosh Letter of Request and AFZ Suspension Application  

**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.3.3 Service delivery is enhanced through innovation and continuous improvement

**EXECUTIVE SUMMARY**

Narrabri Shire Council has received an application from the Nosh Narrabri Committee to suspend an Alcohol Free Zone for the sale and consumption of alcoholic beverages on the grounds behind the Crossing Theatre, during the annual Nosh Narrabri Food and Wine Festival.

**RECOMMENDATION**

**That Council suspend the Alcohol Free Area between the Narrabri Creek and the Crossing Theatre, Narrabri, between the hours of 10:00AM to 12:00AM (midnight) Saturday 31 August 2019 and 10:30AM to 7:00PM Sunday 1 September 2019, for the Nosh Narrabri Food and Wine Festival 2019. The adjacent public car park and road will remain an Alcohol Free Zone.**

**BACKGROUND**

Council has received an application from the Nosh Narrabri Committee on 10 May 2019, requesting a temporary suspension of the Alcohol Free Area between the Narrabri Creek and the Crossing Theatre. A copy of the letter of request and completed 'Request for Suspension of Alcohol Free Zones' application has been included in this report.

The Nosh Narrabri Food and Wine Festival is an annual event hosted by the Nosh Narrabri Committee. Once again, the event will be a fine food and wine festival, showcasing and providing tastings from some of the finest local and regional producers this area has to offer. As has been the case previously, the event will be set on the banks of the Narrabri Creek and will also feature live entertainment and activities.

Nosh Narrabri is a not for profit organisation run by a committee of volunteers and as such any profits earned from the festival are given back to the Narrabri community in the form of donations to local charities and used to fund future events.

**CURRENT SITUATION**

The suspension of the alcohol free area is requested from the hours of 10:00AM to 12:00AM (midnight) Saturday 31 August 2019 and 10:30AM to 7:00PM Sunday 1 September 2019, for the promotion of local and regional produce during the Nosh Narrabri Food and Wine Festival.

Over past years the event has been extremely successful, attracting over 40 producers and approximately 2,000 visitors to the Narrabri area. This year's organisers are again expecting similar numbers.

The suspension of the alcohol free area will allow a number of vineyards and wineries to set up displays and have tastings of their products at the event.

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY AND POLICY IMPLICATIONS**

This proposal is in accordance with Councils Alcohol Free Public Spaces Policy.

The area behind the Crossing Theatre is public open space and Narrabri Shire Council has a duty of care obligation to maintain the safety of the general public.

**CONSULTATION****External Consultation**

- Nosh Narrabri Committee.

**Internal Consultation**

- Tourism Manager.
- Community Facilities Manager.
- Crossing Theatre Manager.





Friday, 10<sup>th</sup> May, 2019

Stewart Todd  
General Manager  
Narrabri Shire Council  
46-48 Maitland Street  
NARRABRI NSW 2390

Dear Stewart,

On behalf of the Nosh Narrabri Committee I am writing advise you of our plans to date and to seek Council's endorsement of the following planned arrangements for the festival: -

- The Nosh Narrabri Food and Wine Festival followed by the evening Concert and Fireworks will be held on Saturday 31st August 2019.
- Nosh will open at 12 noon and conclude at 5pm. Between 5 and 6pm stalls not operating at the evening function will bump out and then the evening Concert will commence at 6pm and conclude at 11pm.
- On Sunday, 1st September 2019 Nosh will host the Nosh Long Lunch from 12 noon until 5pm.

Both activities will take place on the lawns of the Crossing Theatre and the Visitor Information Centre.

We are seeking approval from Council for the following:

1. Full access to the lawns of the Crossing Theatre/Visitor Information from Thursday, 29th August up until Tuesday, 3rd September 2019 to set up Nosh, Wine and Food festival and the Nosh long lunch and to bump out.
2. Request to close the car park – restricting traffic movement from Friday, 30th August, Saturday, 31<sup>st</sup> August and Sunday, 1st September 2019.
3. Lift the Alcohol-Free Zone - the lawns of the Crossing Theatre/Visitor Information Centre on Saturday, 31st August (11.00am) and Sunday, 1st September 2019 (6.00pm).
4. Assistance from Parks and Gardens staff prior to set up of event to clarify grounds, power, water mains etc prior to erecting fencing surrounding the festival site.

The Nosh committee is very grateful for Council's ongoing support and assistance with this wonderful food and wine event. I am sure it will be a great weekend for not only the residents of the Narrabri Region but will attract many thousands visitors to our region.

Thank you again for your support.

Sincerely,

Darrell Tiemens

President

Nosh Narrabri P.O Box 756, Narrabri NSW 2390

Office Use Only	Receipt Number	Date Received
	53272	10.5.19
	Amount Received	ID Number
	\$5103	



## Request for Suspension of Alcohol Free Zones

IMPORTANT: The information provided by you on this form will be used by Narabri Shire Council or its agents to process this application. The provision of this information is voluntary, however, if you do not provide the information, Council may not be able to fully process your application. Once collected by Council, the information can be accessed by you in accordance with Council's Privacy Management Policy or in special circumstances, where Commonwealth Legislation requires or where you give permission for third party access.

### APPLICANT

All correspondence and communication is directed to the Applicant.

#### Name/Company Name

Nosh Narrabri

#### Postal Address

P.O. Box 756

#### Town

Narrabri

#### Postcode

#### Contact Name

Darrell Thomas

#### Telephone

#### Email Address

info@noshnarrabri.com.au

### EVENT LOCATION & DETAILS

Property Address and details for event.

#### Zone/Area to be suspended

The Crossing Theatre / Visitor Centre & grounds

#### Date of Suspension

31/8/19  
11/9/19

#### Times

10am - midnight  
10:30am - 1900

#### Reason for Suspension

Nosh Narrabri  
Food, Wine & Music Festival

#### Estimated number of people at event

+1000

#### Proposed Security measures (include name of registered security company)

HUGGY BEAR



I have attached proof of Public Liability Insurance to the amount of \$10 million.



Payment of \$ 103.00 lodgement/application fee

**Applicant  
Declaration**I Renee Jozung as a representative of Nash, Narrabri

- State that the information provided on this form is true and correct to the best of my knowledge.
- I have provided copies of relevant certificates in proof of a minimum of \$10 million public liability insurance for the proposed event and enclosed payment of the necessary fee.
- I understand that in accordance with Council's Alcohol Free Zones Policy this application must be lodged at least 60 days prior to the proposed suspension period.

Applicant Name	Applicant Signature	Date
<u>Renee Jozung</u>		<u>3/5/19</u>

**Lodgement Details****You can lodge the completed application by:****Mail:** PO Box 261, NARRABRI NSW 2390**In Person:** 46-48 Maitland Street, NARRABRI NSW 2390**Email:** [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)**Fax:** 02 6799 6888

**What now:** After your application has been receipted it will be processed within seven (7) working days. For further information regarding your application please contact us by:

**Telephone:** 02 6799 6865

**12.9 DONATION IN LIEU OF ORDINARY RATES****File Number:****Responsible Officer:** Lindsay Mason, Director Corporate Services**Author:** Lindsay Mason, Director Corporate Services**Attachments:** Nil**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.2 Decision making will ensure Council remains financially sustainable

Strategy 4.2.1 Maintain and improve Council's financial sustainability with a focus on core business

**EXECUTIVE SUMMARY**

Annual Donation in Lieu of Ordinary Rates applications have been advertised and received.

**RECOMMENDATION**

**That Council authorise the individual amounts totalling \$ 37,211.40 to be donated to community organisations in accordance with the 'Donations in Lieu of Ordinary Rates Policy'.**

**BACKGROUND**

Section 356 of the *Local Government Act* states that Council may contribute money or otherwise grant financial assistance to organisations for the purpose of exercising its functions.

Council's current Policy provides clear guidelines and transparent criteria by which Council will continue to make donations to the community.

**CURRENT SITUATION**

Council recently advertised for applications for 'Donations in Lieu of Ordinary Rates', and as per its policy. In May 2019, it also wrote to previous applicants advising them that applications were being sought for this annual submission. A total of 24 applications were received by the due date.

Council has assessed the applications and the following organisations are eligible for a donation of their annual rates:

<b>Name of Organisation</b>	<b>Organisation Composition</b>	<b>Amount</b>
Narrabri Pistol Club Inc	Sporting Club	\$ 1,677.55
Narrabri Shire Community Radio Inc	Community Organisation	\$ 3,036.20
Narrabri & District Citizens Boys Club	Sporting Club	\$ 2,324.73
Abbeyfield Narrabri Inc	Community Organisation	\$ 1,697.00

1st Narrabri West Scout Group	Community group	\$ 2,864.57
Narrabri Men's Shed Inc	Community Organisation	\$ 1,819.27
Narrabri Clay Target Club Inc	Sporting Club	\$ 2,002.59
Gallop Gully Polocrosse Club Inc	Sporting Club	\$ 1,368.98
Baan Baa Tennis Club	Sporting Club	\$ 722.49
Namoi Aero Club	Sporting Club	\$ 382.91
Narrabri Art & Craft Society Inc	Community Organisation	\$ 3,103.56
Baan Baa Community Hall Incorporated	Community Organisation	\$ 888.00
Wee Waa CWA	Community / Charity Organisation	\$ 2,462.65
Narrabri Christian Fellowship	Community Organisation	\$ 1,561.00
Narrabri Rifle Club	Sporting Club	\$ 1,167.03
Life without Barriers	Charity Organisation	\$ 1,323.56
Boggabri & District Historical Society	Community	\$ 1,960.13
Boggabri HACC Inc	Community Organisation	\$ 2,028.64
Kogil St Preschool	Community Organisation	\$ 3,033.71
Bellata War Memorial Hall	Community Organisation	\$ 735.00
Edgeroi CWA	Community Organisation	\$ 528.77
Wee Waa Gym	Sporting Club	\$ 523.06
		<b>\$ 37,211.40</b>

### FINANCIAL IMPLICATIONS

Applications range from \$382.91 to \$3,103.56

The total amount of all eligible applications is \$ 37,211.40.

### STATUTORY AND POLICY IMPLICATIONS

Within the 'Donation in Lieu of Ordinary Rates Policy' (4.4) there are not for profit organisations that receive donation of rates, for land which is used directly in association with the organisations activity.

### CONSULTATION

#### External Consultation

Contact was made with previous applicants under Council's 'Donations in Lieu of Rates Policy'.

#### Internal Consultation

- Finance Officer – Rates.

**12.10 CODE OF CONDUCT**

**Responsible Officer:** Lindsay Mason, Director Corporate Services

**Author:** Lindsay Mason, Director Corporate Services

**Attachments:** 1. Code of Conduct 2019  

**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

**EXECUTIVE SUMMARY**

Council is required to adopt a new Code of Conduct by the end of June 2019.

**RECOMMENDATION**

**That Council adopt the Code of Conduct, as attached, under Section 440 of the Local Government Act 1993.**

**BACKGROUND**

Council is required to have an adopted Code of Conduct under Section 440 of the Local Government Act 1993.

**CURRENT SITUATION**

A new Model of Code of Conduct was prescribed for all councils in NSW on 14 December 2018. Councils are required to adopt a new Code of Conduct by the end of June 2019. A draft Code of Conduct was presented to the Ordinary Meeting of Council on 29 April 2019. The draft Code of Conduct 2019 was placed on exhibition for 28 days, and submissions were invited for 42 days from the date of initial exhibition. The exhibition date ended on 14 June 2019, with no submissions received.

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY AND POLICY IMPLICATIONS**

Section 440 of the Local Government Act 1993.

**CONSULTATION**

No submissions were received during the exhibition period.

**External Consultation**

- Office Local Government.

**Internal Consultation**

- Manager Community Relations.

# **Code of Conduct Policy for Narrabri Shire Council**

**2019**

**Responsible Department:** Corporate Services  
**Responsible Section:** Governance  
**Responsible Officer:** Director Corporate Services





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## PART 1 INTRODUCTION

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

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

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

This Code must be published and maintained as a current document and must be noted in accordance with Narrabri Shire Council's Complaints Handling Policy and Procedure.

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.

**PART 2 DEFINITIONS**

In this code the following terms have the following meanings:

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

Code of Conduct Policy – Narrabri Shire Council - 2019

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

### PART 3 GENERAL CONDUCT OBLIGATIONS

#### General conduct

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

#### Fairness and equity

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

#### Harassment and discrimination

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



Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
  - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards
  - f) legitimately exercising a regulatory function
  - g) legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

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

#### Land use planning, development assessment and other regulatory functions

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

#### Binding caucus votes

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

#### Obligations in relation to meetings

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

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

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or 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
- b) deliberately seek to impede the consideration of business at a meeting.



## PART 4 PECUNIARY INTERESTS

### What is a pecuniary interest?

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

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

- (a) your interest as an elector
- (b) your interest as a ratepayer or person liable to pay a charge
- (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is 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 INTEREST

### What is a non-pecuniary conflict of interest?

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

### Managing non-pecuniary conflicts of interest

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



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

### Gifts and benefits

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

6.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

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

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.

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

#### Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
  - b) gifts of alcohol that do not exceed a value of \$50
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$50 in value.

#### Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

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

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

"Cash-like gifts"

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

Improper and undue influence

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

## PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

### Obligations of councillors and administrators

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

7.2 Councillors or administrators must not:

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

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

### Obligations of staff

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

7.5 Members of staff of council must:

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



- 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 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 RESOURCES

### Councillor and administrator access to information

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

### Councillors and administrators to properly examine and consider information

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

### Refusal of access to information

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

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 CODE**Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

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

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

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

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

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

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

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

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

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

Complaints alleging a breach of this Part

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

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



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

### Real 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

#### D. Contributions to travel

Name and address of each person who made any financial or other contribution	Dates on which travel was undertaken	Name of States, Territories of

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to any travel undertaken by  
me at any time since 30  
June

the  
Commonwealth  
and overseas  
countries in  
which travel  
was  
undertaken

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**E. Interests and positions in corporations**

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

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**G. Positions in trade unions and professional or business associations**

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

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

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**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

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**J. Discretionary disclosures**

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**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 <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> <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>	

<sup>1</sup> 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.

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

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

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

Councillor's signature

Date

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



**Procedures for the Administration of the  
Narrabri Shire Council Code of Conduct Policy**

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## 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:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66

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
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
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

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	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
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 by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution 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 by resolution. 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.

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- 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 three 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

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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

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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 Chief Executive of 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

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- 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 investigation, 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 investigation, 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 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 at least 14 days or such other period 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 at least 14 days or such other period 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 at least 14 days or such other period 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 a draft 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 at least 14 days or such other period 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 at least 14 days or such other period 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 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
  - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
  - c) that the respondent be counselled for their conduct
  - d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
  - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
  - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
  - g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
  - h) in the case of a breach by the general manager, that action be taken under the general manager's contract
  - i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
  - j) 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.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the respondent has remedied or rectified their conduct
- d) whether the respondent has expressed contrition
- e) whether there were any mitigating circumstances
- f) the age, physical or mental health or special infirmity of the respondent
- g) whether the breach is technical or trivial only
- h) any previous proven breaches
- i) whether the breach forms part of an ongoing pattern of behaviour
- j) the degree of reckless intention or negligence of the respondent
- k) the extent to which the breach has affected other parties or the council as a whole
- l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- n) whether an educative approach would be more appropriate than a punitive one
- o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
- p) what action or remedy would be in the public interest.

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), 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.

7.40 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.

7.41 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 or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.

7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, 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. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.

7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), 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.

Consideration of the final investigation report by council

- 7.47 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 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 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.
- 7.49 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.
- 7.50 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/s.
- 7.51 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.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 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.
- 7.54 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.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

- 7.56 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.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 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.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
  - b) that the respondent be counselled for their conduct
  - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
  - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
  - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
  - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
  - g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach
  - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
  - i) 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.
- 7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.
- 7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.

- 7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, 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 7.59, paragraph (i), 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.

- 8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and
  - b) the general manager or mayor must review any action taken by them to implement the sanction, and
  - c) the general manager or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, 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.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, 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 at least 14 days or such other period 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.



**12.11 CODE OF MEETING PRACTICE**

**Responsible Officer:** Lindsay Mason, Director Corporate Services

**Author:** Lindsay Mason, Director Corporate Services

**Attachments:** 1. Code of Meeting Practice [↓](#) 

**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

**EXECUTIVE SUMMARY**

Council is required to adopt a new Code of Meeting Practice prior to 1<sup>st</sup> July 2019 under section 360 of the *Local Government Act NSW 1993*.

**RECOMMENDATION**

**That Council:**

1. **Adopt the Code of Meeting Practice 2019, under Section 360 of the *Local Government Act NSW 1993*.**
2. **Fund the necessary audio equipment upgrade required for webcasting from the restricted asset for buildings.**

**BACKGROUND**

A draft Code of Meeting Practice was presented to the Ordinary Meeting of Council on 29 April 2019. The draft plan was placed on exhibition for 28 days, and submissions were invited for 42 days from the date of initial exhibition. The exhibition date ended on 14 June 2019, with no submissions received.

**FINANCIAL IMPLICATIONS**

An upgrade to Council's Audio recording equipment is required to be undertaken by 14 December 2019, to meet the requirements of webcasting of meetings, which is mandatory by this date. This is estimated to be in the vicinity of \$10,000. This will be funded via restricted assets for buildings.

**STATUTORY AND POLICY IMPLICATIONS**

- [Section 360](#) Local Government Act NSW 1993.

**CONSULTATION**

No submissions were received during the exhibition period.

**External Consultation**

- Office of Local Government.

**Internal Consultation**

- Manager Community Relations.

# **CODE OF MEETING PRACTICE NARRABRI SHIRE COUNCIL**

**2019**



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## 1 INTRODUCTION

This Code of Meeting Practice for Narrabri Shire Council is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

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

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

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

## 2 MEETING PRINCIPLES

### 2.1 Council and committee meetings should be:

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

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

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

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

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

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

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

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

## 3 BEFORE THE MEETING

### Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the 4<sup>th</sup> Tuesday of each month, except for December, whereby the Ordinary meeting will be held on the 3<sup>rd</sup> Tuesday due to Christmas. No meeting will be held in January of each year.

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

Extraordinary meetings

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

**Note:** Clause 3.2 reflects section 366 of the Act.

Notice to the public of council meetings

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

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

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

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

Notice to councillors of ordinary council meetings

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

**Note:** Clause 3.6 reflects section 367(1) of the Act.

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

**Note:** Clause 3.7 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

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

**Note: Clause 3.8 reflects section 367(2) of the Act.**

Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted Not later than 12 noon on Monday in the week preceding the meeting; i.e. 8 business days before the meeting is to be held. Should the Monday preceding the Council Meeting be a public holiday in NSW, then the last business day before the Monday prior to the meeting will be the deadline for a notice of motion.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.13 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.



- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

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

**Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**

- 3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

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

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

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

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

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

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

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

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

Agenda and business papers for extraordinary meetings

- 3.26 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.27 Despite clause 3.26, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.28 A motion moved under clause 3.27(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.29 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

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

**4 PUBLIC FORUMS**

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **5pm on the working day** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.  
Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs at **5pm on the working day** before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.4 A person may apply to speak on no more than **2** items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than 3 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.9 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.10 Each speaker will be allowed 3 minutes to address the council. This time is to be strictly enforced by the chairperson. The Chairperson (or nominated chairperson in the chair) of the meeting can grant one extension of up to a maximum of 2 minutes, should further information, be considered to be important to the Council. This is solely at the discretion of the Chair.
- 4.11 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.12 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument. Debate will not be permitted by the speaker, councillors or staff.
- 4.13 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to 3 minutes.
- 4.14 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.15 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 5 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.16 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.17 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of

the council's code of conduct or making other potentially defamatory statements or personal attacks on Councillors, members of staff. Council will accept no responsibility for comments made by speakers at Public Forum that could lead to a claim for defamation by any person either in the public gallery or any other media.

- 4.18 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to cease addressing Council.
- 4.19 Clause 4.18 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.20 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.21 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

## 5 COMING TOGETHER

### Attendance by councillors at meetings

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

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

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.6 reflects section 234(1)(d) of the Act.**

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

**Note: Clause 5.8 reflects section 368(1) of the Act.**

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.9 reflects section 368(2) of the Act.**

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

#### Entitlement of the public to attend council meetings

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

**Note: Clause 5.15 reflects section 10(1) of the Act.**

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

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

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

**Note: Clause 5.17 reflects section 10(2) of the Act.**

**Note: Clause 15.14 confers a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. Clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting.**

#### Webcasting of meetings

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website. Webcasting will be made in the form of an audio recording of the meeting, which will be made available within 2 full working days following the completion of the meeting.

**Note: Councils will be required to webcast meetings from 14 December 2019.**

- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council or committee of the council is to be retained on the council's website for 7 days following its uploading. The recordings will be kept until the official minutes of the Council or committee meetings are adopted. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

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

**Note: Clause 5.22 reflects section 376(1) of the Act.**

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

**Note: Clause 5.23 reflects section 376(2) of the Act.**

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

**Note: Clause 5.24 reflects section 376(3) of the Act.**

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

## 6 THE CHAIRPERSON

The chairperson at meetings

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

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

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

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



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

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

Chairperson to have precedence

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

**7 MODES OF ADDRESS**

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation.

## 8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an ordinary meeting of the council shall be:

- 01 Opening meeting
- 02 Prayer
- 03 Acknowledgement of country
- 04 Apologies and applications for a leave of absence by councillors
- 05 Disclosures of interests
- 06 Items to be Considered in Closed (Public Excluded) Meeting
- 07 Presentations to Council
- 08 Confirmation of minutes or previous Ordinary Meeting
- 09 Mayoral minute(s)
- 10 Reports to council
  - Our Society
  - Our Environment
  - Our Economy
  - Our Civic Leadership
- 11 Notices of motions
- 12 Confidential matters
- 13 Conclusion of the meeting

8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: Part 13 allows council to deal with items of business by exception.**

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

## 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

### Business that can be dealt with at a council meeting

9.1 The council must not consider business at a meeting of the council:

- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
- (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

- (a) is already before, or directly relates to, a matter that is already before the council, or
- (b) is the election of a chairperson to preside at the meeting, or

- (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

#### Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

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

Reports of committees of council

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

Questions

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

**10 RULES OF DEBATE**Motions to be seconded

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

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

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

#### Chairperson's duties with respect to motions

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

#### Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

#### Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than

one (1) motion and one (1) proposed amendment can be before council at any one time.

- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

#### Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

#### Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion

or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 11 VOTING

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

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

**Note: Clause 11.2 reflects section 370(2) of the Act.**

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 11.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.9 Clauses 11.7–11.8 apply also to meetings that are closed to the public.

**Note: Clauses 11.7–11.9 reflect section 375A of the Act.**

**Note: The requirements of clause 11.7 may be satisfied by maintaining a register of the minutes of each planning decision.**

**12 COMMITTEE OF THE WHOLE**

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

**Note: Clause 12.1 reflects section 373 of the Act.**

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

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

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



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

### **13 DEALING WITH ITEMS BY EXCEPTION**

- 13.1 Where the consideration of multiple items of business together involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.5 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.6 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

### **14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

#### Grounds on which meetings can be closed to the public

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

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

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.

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

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

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

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or

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

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

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

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **5pm the day** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than 3 speakers are to be permitted to make representations under clause 14.9.

- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 3 speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed 3 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public

interest.

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

Resolutions passed at closed meetings to be made public

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

**15 KEEPING ORDER AT MEETINGS**

Points of order

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

Questions of order

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

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the

chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of disorder

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

#### How disorder at a meeting may be dealt with

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

Expulsion from meetings

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

Use of mobile phones and the unauthorised recording of meetings

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



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

## 16 CONFLICTS OF INTEREST

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

## 17 DECISIONS OF THE COUNCIL

### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.
- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

### Rescinding or altering council decisions

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

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

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

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

- 17.5 Where a Councillor formally advises the General Manager during a Council Meeting of their intention to lodge a notice of motion of alteration or rescission, such notice be required to be lodged by the close of business (5:00pm), two (2) working days after the Council Meeting where the resolution was carried. It should be noted that nothing in this clause affects the right of a Councillor(s) under Section 372 of the Act.
- 17.6 If such formal advice (as per clause 17.5) is provided by a Councillor to the General Manager verbally, it is to be recorded in the Minutes of the Meeting of Council.
- 17.7 Where a Councillor formally advises the General Manager outside the completion of a Meeting of Council of their intention to lodge a motion of rescission, with respect to a resolution carried out at the Meeting and on the basis of the General Manager not having commenced implementation of such resolution, such a notice of motion of rescission shall be lodged by the close of business (5:00 pm) two (2) working days after the advice of such intention having been received by the General Manager, for consideration by Council in



due course. It should be noted that nothing in this clause affects the right of a Councillor (s) under section 372 of the Act.

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

**Note: Clause 17.8 reflects section 372(3) of the Act.**

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

**Note: Clause 17.9 reflects section 372(4) of the Act.**

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

**Note: Clause 17.10 reflects section 372(5) of the Act.**

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

**Note: Clause 17.11 reflects section 372(7) of the Act.**

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

- 17.13 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **12 Noon the day after the meeting at which the resolution was adopted.**

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

**Note: Clause 17.14 reflects section 372(6) of the Act.**

- 17.15 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

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

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

17.17 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15(c).

Recommitting resolutions to correct an error

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

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

17.19 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.18(a), the councillor is to propose alternative wording for the resolution.

17.20 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.18(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

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

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

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

**18 TIME LIMITS ON COUNCIL MEETINGS**

18.1 Meetings of the council and committees are to conclude no later than six (6) hours from the commencement time of the meetings.

18.2 If the business of the meeting is unfinished after Six (6) hours, the council or the committee may, by resolution, extend the time of the meeting.

18.3 If the business of the meeting is unfinished after Six (6) hours, and the council does not resolve to extend the meeting, the chairperson must either:

- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
- (b) adjourn the meeting to a time, date and place fixed by the chairperson.

18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 AFTER THE MEETING

### Minutes of meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

## **20 COUNCIL COMMITTEES**

Application of this Part

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

Council committees whose members are all councillors

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

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

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

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

Functions of committees

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

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

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

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy

chairperson of such a committee, the committee may elect a deputy chairperson.

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

#### Procedure in committee meetings

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

#### Closure of committee meetings to the public

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

#### Disorder in committee meetings

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

#### Minutes of council committee meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 21 IRREGULARITIES

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

**Note: Clause 21.1 reflects section 374 of the Act.**

## 22 DEFINITIONS








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



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

**12.12 OPERATIONAL PLAN 2019/2020****File Number:****Responsible Officer:** Nicholas Ross, Executive Manager Human Resources**Author:** Maree Bales, Business Process Officer

**Attachments:**

1. Operational Plan 2019/2020 (under separate cover) 
2. Revenue Policy 2019/2020 (under separate cover) 
3. Fees and Charges 2019/2020 (under separate cover) 
4. Operational Budget 2019/2020 (under separate cover) 
5. Capital Works Program 2019/2020 (under separate cover) 
6. Submission Glenn & Margaret Woods 
7. Submission Narrabri & District Chamber of Commerce 

**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

**EXECUTIVE SUMMARY**

The attached draft Operational Plan 2019/2020 (“**Plan**”) and related attachments provides the public with a plan of Council’s strategic and business activities, financial planning, spending, capital works program, revenue policy, and fees and charges for the next financial year.

The Plan has been finalised following the draft 2019/2020 Operational Plan public exhibition stage from Friday 3 May – Monday 3 June 2019. Under the NSW Government’s Integrated Planning and Reporting Framework the draft Plan must be publicly exhibited for 28 days prior to formal adoption. During the public exhibition, two (2) submissions were received.

The Plan incorporates the Actions identified in Council’s four-year Delivery Program, plus new Actions that have emerged during the 2018/2019 financial year through the development of new relationships and strategic activities. The various attachments comprise the Operational Budget, Capital Works Program, Revenue Policy, and Fees and Charges for the 2019/2020 financial year.

The Plan once approved will be Council’s “Road Map” for 2019/2020, and will direct its major activities, budgetary spending and capital works priorities. Progress on the Plan will be reported to Council and the community quarterly.

The Plan was developed considering the community consultation undertaken during a 28 day exhibition period.

The Actions identified in the Plan are a result of the pre-planning that exists in the Delivery Program 2017/2021, ensuring Council is focussing on the specific Actions marked as a priority for 2019/2020 within its longer-term strategic plan. This Plan marks the third Operational Plan from Council’s four-year Delivery Program.

**RECOMMENDATION**

1. That Council adopt the 2019/2020 Operational Plan as attached and incorporate the following amendments:
  - a. The following Capital Expenditure Projects be added to the 2019/2020 Operational Plan:
    - i. Development & Economic Growth – Economic Development – Narrabri Industrial and Logistics Hub Land Purchase - \$2,800,000 - Council Resolution 108/2019.
    - ii. Infrastructure Delivery – Town Streets – Maitland St Road Surface Replacement - \$900,000 – Council Resolution 054/2019.
    - iii. Infrastructure Delivery – Town Streets – Maitland St Roundabouts Improvements - \$50,000 – Council Resolution 054/2019.
    - iv. Infrastructure Delivery – Stormwater – Maitland St Stormwater Upgrades - \$200,000 – Council Resolution 054/2019.
    - v. Infrastructure Delivery – Water Supplies Narrabri – Water Capex – Maitland St Water Mains Replacement - \$554,000 – Council Resolution 054/2019.
    - vi. Infrastructure Delivery – Water Supplies Bellata – Water Capex – Bellata Rising Main Replacement - \$314,000 – Council Resolution 051/2019.
    - vii. Infrastructure Delivery – Water Supplies Bellata – Water Capex – Bellata Reticulated Water Main Replacement (Newell Hwy) - \$337,000 – Council Resolution 051/2019.
  - b. The following actions be added to the 2019/2020 Operational Plan:
    - i. 1.1.2.19 - Monitor, review and evaluate progress of Narrabri Shire Access & Inclusion Advisory Committee Strategy and report to community at quarterly Access & Inclusion Advisory committee meetings.
    - ii. 4.4.2.4 – Develop and implement change management framework.
  - c. The following actions be amended to the 2019/2020 Operational Plan as exhibited to:
    - i. 1.1.2.6 – Promotion campaign from Council to the community that will raise awareness of CCTV.
    - ii. 1.3.4.21 – Support Boggabri, Narrabri and Wee Waa in establishing Dementia Friendly Towns.
  - d. The following actions be deleted from the 2019/2020 Operational Plan:
    - i. 1.3.1.3 - Lobby for improved access to a passenger rail service to Sydney.
    - ii. 3.3.2.1 – Conduct annual business development seminar.
    - iii. 3.4.2.4 – Lobby and liaise with Homes North to ensure public housing availability corresponds with local requirements.
    - iv. 4.1.3.5 – Reinforce and grow existing government department relationships to leverage associations to improve and support Narrabri Shire.
  - e. The following Rates, Fees and Charges be amended to the 2019/2020 Operational Plan:
    - i. Section 603 Certificate Fee be amended as per the Office of Local Government's Circular 19-05.
    - ii. Companion Animal Registration Fees be amended as per the Office of Local Government's Circular 19-09.

Title of Rate / Fee / Charge	Exhibited Rate, Fee or Charge 2019/2020	Proposed Rate, Fee or Charge 2019/2020
Rates and Property – Section 603 Certificate	\$80.00	\$85.00
Registration - Desexed	\$57.00	\$58.00
Registration – Under 6 months old, Not Desexed	\$57.00	\$58.00
Registration – Not Desexed	\$207.00	\$210.00
Registration – Pensioner (animal must be desexed)	\$24.00	\$25.00
Registration – Accredited Breeders	\$57.00	\$58.00
Registration – Pound Adoption	\$28.50	\$29.00

f. The following amendment to the Appendix A – 2019/2020 Revenue Policy:

i. Borrowings - Council has budgeted loan borrowings of \$4.3 million. This consists of \$1.5million for Narrabri Landfill Improvements and \$2.8million for land purchase for the Industrial and Logistics Hub project.

2. That Council adopt the 2.7% annual maximum allowable increase in ordinary rates as approved by IPART and make and levy the following ordinary rates for the 2019/2020 financial year:

#### Farmland Category

Levied on all property that complies with the definition of farmland contained in section 515 of the *Local Government Act 1993*:

	Base Rate	Ad Valorem Rate	Estimated Yield
Farmland	\$270.00	\$0.0042482	\$6,512,928
<b>TOTAL FARMLAND RATE YIELD ESTIMATE</b>			<b>\$6,512,928</b>

#### Residential Category

Levied on all property that complies with the definition of residential contained in section 516 of the *Local Government Act 1993*:

	Base Rate	Ad Valorem Rate	Estimated Yield
Residential – Boggabri	\$270.00	\$0.0064153	\$306,169
Residential – Narrabri	\$270.00	\$0.0098211	\$2,872,258
Residential – Rural	\$270.00	\$0.0051369	\$676,814
Residential – Wee Waa	\$270.00	\$0.0322462	\$715,769
<b>TOTAL RESIDENTIAL RATE YIELD ESTIMATE</b>			<b>\$4,571,010</b>

#### Mining

Levied on all property that complies with the definition of mining contained in section 517 of the *Local Government Act 1993*:

	Base Rate	Ad Valorem Rate	Estimated Yield
Mining	\$23,000	\$0.0279909	\$997,506

# **TOTAL MINING RATE YIELD ESTIMATE** **\$997,506**

## **Business Category**

Levied on all property that complies with the definition of business contained in section 518 of the *Local Government Act 1993*:

Base Rate	Ad Valorem Rate	Estimated Yield	
Business – Boggabri	\$320.00	\$0.0082795	\$45,364
Business – Narrabri	\$320.00	\$0.0155444	\$1,076,199
Business – Rural	\$320.00	\$0.0089450	\$98,777
Business – Wee Waa	\$320.00	\$0.0409785	\$182,234
<b>TOTAL BUSINESS RATE YIELD ESTIMATE</b>			<b>\$1,402,574</b>

## **Special Rate – Tourism Promotion**

This Special Rate is set to assist in funding of Council's promotional allocation. The rate is levied on all properties classified Business within the Shire area.

	Ad Valorem Rate	Estimated Yield
Tourism	\$0.0009611	\$71,020
<b>TOTAL TOURISM LEVY YIELD ESTIMATE</b>		<b>\$71,020</b>

3. That Council in relation to water supply charges make and levy the following charges for Water Supply Services for the 2019/2020 financial year:

	Service Charge	Estimated Yield
<b>Baan Baa</b>		
20/25mm Service	\$728	\$42,224
65mm Service	\$4,920	\$4,920
<b>ESTIMATED ACCESS CHARGE YIELD</b>		<b>\$47,144</b>
<b>ESTIMATED USAGE CHARGE YIELD</b>	<b>\$1.05</b>	<b>\$12,122</b>
<b>Bellata</b>		
20/25mm Service	\$570	\$65,550
32mm Service	\$934	\$934
40mm Service	\$1,460	\$2,920
Unconnected Service	\$570	\$0
<b>ESTIMATED ACCESS CHARGE YIELD</b>		<b>\$69,404</b>
<b>ESTIMATED USAGE CHARGE YIELD</b>	<b>\$1.05</b>	<b>\$30,795</b>
<b>Boggabri</b>		
20/25mm Service	\$401	\$224,159
32mm Service	\$657	\$5,256
40mm Service	\$1,025	\$4,100
50mm Service	\$1,610	\$14,490

80mm Service	\$4,105	\$8,210
100mm Service	\$6,415	\$12,830
Unconnected Service	\$401	\$10,025
ESTIMATED ACCESS CHARGE YIELD		\$279,070
ESTIMATED USAGE CHARGE YIELD	\$1.05	\$272,652
Gwabegar		
20/25mm Service	\$651	\$41,013
40mm Service	\$1,660	\$1,660
Unconnected Service	\$651	\$4,557
ESTIMATED ACCESS CHARGE YIELD		\$47,230
ESTIMATED USAGE CHARGE	\$1.05	\$8,800
Narrabri – Metered		
20/25mm Service	\$364	\$970,060
32mm Service	\$476	\$32,844
40mm Service	\$505	\$66,155
50mm Service	\$796	\$19,104
80mm Service	\$3,728	\$7,456
100mm Service	\$5,825	\$5,825
Unconnected	\$364	\$30,940
ESTIMATED ACCESS CHARGE YIELD		\$1,132,384
ESTIMATED USAGE CHARGE YIELD	\$1.05	\$1,450,940
Narrabri – Unmetered		
20/25mm Service	\$563	\$0
32mm Service	\$923	\$0
40mm Service	\$1,440	\$0
100mm Service	\$9,005	\$0
Unoccupied	\$563	\$0
ESTIMATED ACCESS CHARGE		\$0
Pilliga		
20/25mm Service	\$609	\$63,336
40mm Service	\$1,560	\$3,120
50mm Service	\$2,440	\$2,440
Unconnected	\$609	\$5,481
ESTIMATED ACCESS CHARGE YIELD		\$74,377
ESTIMATED USAGE CHARGE YIELD	\$1.05	\$20,194

**Wee Waa**

20/25mm Service	\$357	\$285,243
32mm Service	\$459	\$4,596
40mm Service	\$523	\$9,940
50mm Service	\$1,430	\$7,150
80mm Service	\$3,655	\$10,965
100mm Service	\$5,710	\$11,420
Unconnected Service	\$357	\$1,785
<b>ESTIMATED ACCESS CHARGE YIELD</b>		<b>\$331,099</b>
<b>ESTIMATED USAGE CHARGE YIELD</b>	<b>\$1.05</b>	<b>\$556,923</b>

**Water charging structure based on the following benefit index**

Service (mm)	Size	20/25	32	40	50	65	80	90	100
Benefit Index		1.00	1.64	2.56	4.01	6.76	10.24	12.96	16.00

4. That Council in relation to sewerage service charges Council make and levy the following charges for Sewerage Services for the 2019/2020 financial year:

	Service Charge	Estimated Yield
<b>Sewerage Charges – Boggabri</b>		
Occupied	\$632	\$281,872
Unoccupied	\$316	\$13,588
Pedestal Charges – Per Cistern/>6W.C	\$99	\$46,035
Pedestal Charges – Water Closets (1-6)	\$99	\$5,544
<b>TOTAL BOGGABRI SEWER CHARGES YIELD</b>		<b>\$347,039</b>
<b>Sewerage Charges – Narrabri</b>		
Occupied	\$785	\$2,004,105
Unoccupied	\$393	\$50,697
Pedestal Charges – Per Cistern/>6W.C	\$121	\$73,810
Pedestal Charges – Water Closets (1-6)	\$121	\$82,401
<b>TOTAL NARRABRI SEWER SERVICES</b>		<b>\$2,211,013</b>
<b>Sewerage Charges – Wee Waa</b>		
Occupied	\$819	\$619,1640
Unoccupied	\$410	\$13,530
Pedestal Charges – Per Cistern/>6W.C	\$121	\$3,025
Pedestal Charges – Water Closets (1-6)	\$121	\$28,314
<b>TOTAL WEE WAA SEWER SERVICES</b>		<b>\$664,033</b>

**Onsite Wastewater Management Fee**

Any/All assessments not connected to town sewer      \$33      \$69,960  
Which have an onsite wastewater system (OSWM)

Total Onsite Wastewater Management Fee      \$69,960

5. That Council in relation to waste management charges make and levy the following annual charges for Waste Management Services for the 2019/2020 financial year:

**Domestic Waste Management (DWM) Charges**

	Service Type	Service Charge	Estimated Yield
Urban Waste Management Fee	All Urban Assessments	\$165	
DWM – MSW/Recycling/Organics (Serviced Assessments Only)	Per 1x140 Litre MSW (Red), 1x240 Litre Recycling Bin (Yellow) & 1x240 Litre Organics Recycling Bin (Green)	\$330	
	Additional MGB (per Annum fee)	\$129	
Additional/Upsize Service	Upsize Mixed Solid Waste (MSW) Bin Upsize existing Recycling bin to 360 Litres (one of fee)	\$77.50 \$62	
<b>TOTAL DOMESTIC WASTE MANAGEMENT ESTIMATED YIELD</b>			<b>\$1,420,582</b>

**Other Waste Management Services (Non-Domestic) Charges**

	Service Type	Service Charge	Estimated Yield
Urban Waste Management Fee	All Urban Assessments	\$165	
Business – MSW/Recycling (Serviced Assessments Only)	Per 1x140 Litre MSW (Red) and 1x240 Litre Recycling Bin (Yellow)	\$366	



<b>Additional/Upsize Service</b>	<b>Additional MGB (per Annum fee)</b>	<b>\$160</b>
	<b>Upsize Existing Recycling Bin to 360 Litres (one off fee)</b>	<b>\$62</b>
<b>Rural Waste Management Fee</b>		<b>\$165</b>
<b>Rural Waste Management Charge Unoccupied</b>		<b>\$57</b>
<b>TOTAL OTHER WASTE MANAGEMENT ESTIMATED YIELD</b>		<b>\$1,339,302</b>
NB: MSW – Mixed Solid Waste		
<p><b>6. That Council in relation to interest on overdue rates and charges make and impose the maximum charge for interest of 7.5% as determined by the Minister for Local Government.</b></p> <p><b>7. That Council note all submissions received and formally advise those parties, who made written submissions on Council's draft Operational Plan 2019/2020, of Council's decision on the matter.</b></p>		

## BACKGROUND

All councils in NSW must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken that year as part of the four year Delivery Program under the Integrated Planning and Reporting framework.

Council's suite of documents under the framework were adopted in June 2017, and these included:

- Community Engagement Strategy 2017 - 2027
- Delivery Program 2017 – 2021
- Resourcing Strategy 2017 – 2021
- Operational Plan 2016 – 2017 (to be updated each financial year up to 2021).

The Integrated Planning and Reporting Framework and Operational Plan guidelines are pursuant to sections [405](#) and [406](#) of the LG Act.

## CURRENT SITUATION

Under the LG Act, Council must prepare a draft and subsequent Operational Plan incorporating Council's Delivery Program actions for the year ahead, Budget, Revenue Policy and Capital Works Program each financial year.

The draft Plan, once adopted by Council, is publicly exhibited for a minimum of 28 days prior to its finalisation and review by Council. The draft 2019/2020 Operational Plan was on public exhibition between Friday 3 May and Monday 3 June 2019.

Since the public exhibition stage of the draft 2019/2020 Operational Plan, a number of amendments have been identified are included in the draft Plan and are as follows:

- The following Capital Expenditure Projects be added to the 2019/2020 Operational Plan.
  - Development & Economic Growth – Economic Development – Narrabri Industrial and Logistics Hub Land Purchase - \$2,800,000 – Council Resolution 108/2019.
  - Infrastructure Delivery – Town Streets – Maitland St Road Surface Replacement - \$900,000 – Council Resolution 054/2019.
  - Infrastructure Delivery – Town Streets – Maitland St Roundabouts Improvements - \$50,000 – Council Resolution 054/2019.
  - Infrastructure Delivery – Stormwater – Maitland St Stormwater Upgrades - \$200,000 – Council Resolution 054/2019.
  - Infrastructure Delivery – Water Supplies Narrabri – Water Capex – Maitland St Water Mains Replacement - \$554,000 – Council Resolution 054/2019.
  - Infrastructure Delivery – Water Supplies Bellata – Water Capex – Bellata Rising Main Replacement - \$314,000 – Council Resolution 051/2019.
  - Infrastructure Delivery – Water Supplies Bellata – Water Capex – Bellata Reticulated Water Main Replacement (Newell Hwy) - \$337,000 – Council Resolution 051/2019.
- The following actions be added to the 2019/2020 Operational Plan:
  - 1.1.2.19 - Monitor, review and evaluate progress of Narrabri Shire Access & Inclusion Advisory Committee Strategy and report to community at quarterly Access & Inclusion Advisory committee meetings.
  - 4.4.2.4 – Develop and implement change management framework.
- The following actions be amended to the 2019/2020 Operational Plan as exhibited to:
  - 1.1.2.6 – Promotion campaign from Council to the community that will raise awareness of CCTV.
  - 1.3.4.21 – Support Boggabri, Narrabri and Wee Waa in establishing Dementia Friendly Towns.
- The following actions be deleted from the 2019/2020 Operational Plan:
  - 1.3.1.3 - Lobby for improved access to a passenger rail service to Sydney.
  - 3.3.2.1 – Conduct annual business development seminar.
  - 3.4.2.4 – Lobby and liaise with Homes North to ensure public housing availability corresponds with local requirements.
  - 4.1.3.5 – Reinforce and grow existing government department relationships to leverage associations to improve and support Narrabri Shire.
- Amendments to Fees and Charges.

The final Operational Plan 2019/2020 details the activities Council will undertake during the next financial year in order to meet Delivery Program objectives. It sets the priority areas of focus for Council; detailing the programs, actions and capital works that will be carried out. It also shows the public the budget for the coming financial year and Council's revenue policy and fees and charges.

## FINANCIAL IMPLICATIONS

This report proposes the final Budget, Capital Works Program, Revenue Policy, and Fees and Charges for adoption for the 2019/2020 financial year.

## STATUTORY AND POLICY IMPLICATIONS

[Section 405](#) of the *Local Government Act 1993* addresses the requirements and the process for the establishment, by a council, of an annual Operational Plan.

[Section 406](#) identifies the guidelines councils are to follow to establish the Integrated Planning and Reporting Framework.

## CONSULTATION

The draft 2019/2020 Operational Plan was placed on public exhibition for 28 days, from Friday 3 May to Monday 3 June 2019. During this time, Council called for submissions from the public on the draft documents for further consideration at the scheduled Ordinary Council Meeting of 25 June 2019.

During the public exhibition period two (2) submissions were received. Details of the submissions are provided below, and are attached to this report.

### External Consultation

Submission(s) received:

Submitter Name	Responsible Directorate	Responding Manager	Submission Description
Glenn & Margaret Woods	Development and Economic Growth	Manager Planning and Regulatory Services	Amend action 1.3.4.24 from "Investigate a premiere precinct for gun clubs within the Shire" to "Investigate a <b>new</b> premiere precinct for <b>existing</b> gun clubs within the Shire."
Strategic Plan Alignment	Directorate Comment		Recommendation
1.3.4 Continually improve access to community facilities and services across the Shire.	The key word to the action is Investigate, the intent of this action is to investigate all options. One outcome of the investigation could be to "Investigate a <b>new</b> premiere precinct for <b>existing</b> gun clubs within the Shire" which is what the submission has asked us to change the action to. We won't know if this is the case until the investigation has been completed.		Recommendation to keep action worded as "Investigate a premiere precinct for gun clubs within the Shire."

Submitter Name	Responsible Directorate	Responding Manager	Submission Description
Narrabri & District Chamber of Commerce	Infrastructure Delivery	Water Services Manager	<p>1. Objection to 20% Increases to service charges for town water supply for size 32/40/50mm connections and Service charge increase for 100mm from \$2,631 to \$5,825.</p> <p>2. Objection to the 6% increase in water consumption charges.</p> <p>3. Price increase for an unconnected water service from \$170 to \$364 the same charge as a property with a 20/25mm service connection.</p>
Strategic Plan Alignment	Directorate Comment		Recommendation
4.2.1 – Maintain and improve Council’s financial sustainability with a focus on core business.	<p>Council has investigated up to 8 separate options with regards to pricing. Recommendation is to adopt one of the three following options.</p> <p>The Option advertised tried to minimise the impact to residential and commercial properties to a maximum of 20% in accordance with the indexing guidelines. Total Revenue Estimate \$4.45M +4.0%</p> <p>An alternative option put forward was to reduce the Access Charge to all properties to a common fee and attempt to bring the indexed price into line over a period of time. Impacts large meter sizes which have not been impacted over past 5 years. This scenario will see an average saving of \$136 to approximately 1,192 customers with an average increase of \$27 to 3,024 customers, the remaining 139 large diameter residential and business customers will see an average increase of 16% in their total bill. Total Revenue Estimate 4.28M, -0.03% decrease.</p> <p>CPI was also considered as a minimum across the Shire however it as noted that there will be discrepancies across the townships and this was not a move forward with regards to adoption of best practice. CPI would see a 3% total increase across the Shire. Total Revenue Estimate 4.42M, +3.0% increase.</p>		<p>That council adopt one of the three recommended water fees and charges options available:</p> <p>Option 1 - to adopt the fees and charges as advertised which is in accordance with best practice recommendation of same pricing.</p> <p>Option 2 - restrict increase to 20%.</p> <p>Option 3 - restrict to CPI increase.</p>
Submitter Name	Responsible Directorate	Responding Manager	Submission Description
Narrabri & District Chamber of Commerce	Infrastructure Delivery	Road Services Manager	Missing Capital Works Program regarding the recently announced major upgrade of the Maitland St CBD road Surface and roundabouts.
Strategic Plan Alignment	Directorate Comment		Recommendation

1.2.1 – Major towns have attractive and welcoming CBD areas that provide opportunities for social interaction.	The four projects including upgrades to the Road Surface, Roundabouts, Stormwater and Water have been added as per Council Resolution 054/2019 to 2019-2020 Capital Works Program.		The four projects as per Council Resolution 054/2019 have been added to the 2019-2020 Operational Plan Capital Works Program.
<b>Submitter Name</b>	<b>Responsible Directorate</b>	<b>Responding Manager</b>	<b>Submission Description</b>
Narrabri & District Chamber of Commerce	Infrastructure Delivery	Design Services Manager	Completion of other aspects of the Narrabri CBD Masterplan such as shade structures at roundabout seating and upgrading of entries into the CBD at Doyle and Killarney Streets.
<b>Strategic Plan Alignment</b>	<b>Directorate Comment</b>		<b>Recommendation</b>
3.1.3 – Implement the Narrabri CBD Master Plan to capture a greater proportion of highway traffic opportunities and improve shopping experience.	Planning for these projects has been completed however we are awaiting State or Federal Government Funding opportunities.		Consistent with the previous two (2) financial years - projects will be scheduled following State or Federal Government Funding.
<b>Submitter Name</b>	<b>Responsible Directorate</b>	<b>Responding Manager</b>	<b>Submission Description</b>
Narrabri & District Chamber of Commerce	Infrastructure Delivery	Design Services Manager	Request for concrete footpath on the eastern side of Killarney St between Maitland and Barwan St as proposed in the adopted masterplan for the CBD.
<b>Strategic Plan Alignment</b>	<b>Directorate Comment</b>		<b>Recommendation</b>
3.3.1 – Value adding opportunities will be researched and pursued.	The Concrete footpath on the Eastern side of Killarney Street has been deferred due to the upgrades of the Highway and Pipeline installation.		The concrete footpath on the Eastern side of Killarney Street be prioritised appropriately with other Narrabri CBD capital works projects.

Submitter Name	Responsible Directorate	Responding Manager	Submission Description
Narrabri & District Chamber of Commerce	Infrastructure Delivery	Road Services Manager	Request for maintenance to Francis Street road surface.
Strategic Plan Alignment	Directorate Comment		Recommendation
3.3.1 – Value adding opportunities will be researched and pursued.	The request is noted and will be taken into consideration in our planning processes.		To be considered during our next planning process.
Submitter Name	Responsible Directorate	Responding Manager	Submission Description
Narrabri & District Chamber of Commerce	Development and Economic Growth	Economic Development Manager	Missing Capital Works Program to create more industrial land options for businesses wishing to establish in Narrabri.
Strategic Plan Alignment	Directorate Comment		Recommendation
3.2.2 – Develop at least one flood free intermodal site that has access to quality infrastructure and the proposed inland rail network.	<p>To date, there has been no requirement for the allocation of capital budgets regarding 'more industrial land options'.</p> <p>There has been a subsequent Council resolution at the May 2019 Council Meeting, 108/2019; Land Purchase Industrial and Logistics Hub.</p>		Land Purchase as per Council Resolution 108/2019 has been added to the 2019-2020 Operational Plan Capital Works Program.

Councillors have previously been briefed on the submissions received.

#### Internal Consultation

- Executive and senior management (including additional Council staff).

Glenn & Margaret Woods

Narrabri, NSW, 2390

Wednesday 8<sup>th</sup> May 2019

The General Manager  
Narrabri Shire Council  
PO BOX 261  
Narrabri, NSW, 2390

*via email to council@narrabri.nsw.gov.au*

**RE: DRAFT 2019/20 OPERATIONAL PLAN SUBMISSION**

The Draft 2019/20 Operational Plan currently on exhibition contains, on page 23, the following action:

*1.3.4.24 – Investigate a premiere precinct for gun clubs within the Shire.*

In principle we support this proposed Action.

We believe though that this action should be amended to include the words “new” and “existing” so that it reads “Investigate a **new** premiere precinct for **existing** gun clubs within the Shire”.

The reasoning behind our proposed amendment would be to explicitly imply that the current locations of existing gun clubs are now inappropriate, and the development of a **new** premiere precinct, in a more appropriate area, would benefit all members of the community and members of the **existing** clubs.

As stated above we do support this Action in principle. However, we unequivocally do not support any attempt made by Council to investigate the current site of the Narrabri Gun Club as an option for this proposed “premiere precinct”.

Thank you for the opportunity to make this submission.

Yours truly,



Margaret Woods



Glenn Woods



20/5/2019

To

Mr Stewart Todd

General Manager

Narrabri Shire Council

Narrabri and District Chamber of Commerce would like to raise the following matters as its submission to the 2019/20 Narrabri Shire Council Operational Plan:

**Water Pricing**

The chamber would like to raise objection to the 20% increases to service charges for town water supply for size 32/40/50mm connections at a time when many business enterprises are struggling with the effects of drought. A 20% increase in any charge in 1 year is excessive and not able to be justified particularly on businesses that require the larger pipe sizes for firefighting regulation compliance imposed by Council. The chamber also has grave concerns about the negative impact the extreme increases of over 100% in 100mm service charges from \$2,631 to \$5,825 will have on the cost base of any potential large scale investor in the town.

The Chamber also wishes to object to the 6% increase in water consumption charges as well at a time when residents and businesses are being forced to use more water than they would normally expect with the hot dry weather. The quality of the product supplied is grossly inadequate and costing people money to remove stains or repair filters. so it seems unreasonable to be increasing the price of a product that is not up to the standards expected. Improve the water quality so residents don't need to spend money on filter replacement every six months and then an increase can be looked at.

The chamber also cannot see the logic of charging an unconnected property the same \$364 service charge as one with a 20/25mm service. This charge is an increase from last year's fee of \$170 for an unconnected service which again is well over a 100% increase for 85 Narrabri residents in one year just for the right to one day connect to Council water.

These increases will only reduce any competitive advantage Narrabri may have via its cheaper reliable water supply to retain and attract business to the town and place unfair pressure on residents.



**Proposed Capital Works**

It is very difficult to determine what actual works are being proposed in the list of proposed capital works provided due to the very general descriptions given for most items so the chamber would like to request some works that may or may not be included as follows:

- There appears to be nothing listed regarding the recently announced major upgrading of the Maitland Street CBD road surface and roundabouts. Are these works being planned for completion in 2019/20?
- Council has previously indicated that it would be completing other aspects of the Narrabri CBD Masterplan like the shade structures at the roundabout seating and the upgrading of the entries into the CBD at Doyle and Killarney Streets. The chamber sees these features as critical to attracting visitors from the Newell Highway and recommends they be included in this year's program.
- There is a need to provide a concrete footpath on the eastern side of Killarney Street between Maitland and Barwan Streets as proposed in the adopted masterplan for the CBD. The chamber proposes Council complete this work in the 2019/20 program.
- Francis Street is Narrabri's prime light industrial area however the existing road surface is in a deplorable state which is creating a negative impression of the area. It may or may not be in the proposed road works for town streets but the chamber believes it must be included now if it is not already.

**Available Industrial Land**

The capital work program doesn't appear to include any projects to create more industrial land options for businesses wishing to establish in Narrabri. The Chamber received a presentation last year from Council about this issue that included proposals to create lots at the end of Francis Street and on the railway side of Saleyards lane and it is concerning no works are being proposed to get this started in the next year. Could Council advise what positive steps in is planning to create this much needed industrial land now?

The Chamber appreciates the opportunity to provide input into Councils proposed activity in 2019/20 and looks forward to a favourable consideration of the items listed in this submission.

Yours Sincerely



Russell STEWART

President Narrabri and District Chamber of Commerce

Phone  any time.

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**13 CONFIDENTIAL (CLOSED COUNCIL) MEETING**

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**RECOMMENDATION**

That Council move into Closed (Public Excluded) Meeting of Council and that the press and members of the public be asked to leave the room whilst Council considers the following items:

**13.1 Contract 2019-20/04 - Supply and Laying of Asphaltic Concrete**

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

**13.2 Contract 2019-20/03 - Periodic Maintenance of Sealed Roads**

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

**13.3 Energy Savings Action Plan**

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

**RECOMMENDATION**

That Council move out of Closed (Public Excluded) Meeting and that the resolutions from the Closed (Public Excluded) Meeting be read out aloud.

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**14 MEETING CLOSED**

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