



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

Date: Friday, 25 February 2022
Time: 9.15am
Location: Bourke Shire Council
29 Mitchell Street Bourke NSW

BUSINESS PAPER

Ordinary Council Meeting

25 February 2022

Mark Riley
General Manager

Time	Event	Representative	Organisation
9.00am	Community Open Forum for members of the public to address Council		
11.00am	Monthly Update	Inspector Peter Walton	Darling River Local Area Command
11.00am	Update on Social issues in Bourke	Gerry Collins	Regional NSW



DECLARATION OF INTEREST FORM COUNCIL OFFICIAL

FOR USE AT COUNCIL AND COUNCIL MEETINGS

NAME OF COUNCIL OFFICIAL DECLARING INTEREST:
ACTION PROPOSED:
<p>Tick one box only:</p> <p><input type="checkbox"/> In my opinion, my interest is pecuniary, and I am therefore required to take the action specified in Part 4 of Council’s Code of Conduct.</p> <p><input type="checkbox"/> In my opinion, my interest is non-pecuniary but significant. I am unable to remove the source of conflict. I am therefore required to treat the interest as if it were pecuniary and take the action specified in clause 5.10 of Council’s Code of Conduct.</p> <p><input type="checkbox"/> In my opinion, my interest is non-pecuniary and less than significant. I therefore make this declaration as I am required to do pursuant to clause 5.11 of Council’s Code of Conduct. However, I intend to continue to be involved with the matter.</p>
COUNCIL OFFICIAL
<p>I, _____ (name of COUNCIL OFFICIAL) disclose the above interest and acknowledge that I will take appropriate action as I have indicated above.</p> <p>Signed: _____ Date: _____</p>
GENERAL MANAGER – required for all declarations:
<p>I have noted the above declaration and I note your opinion and/or the action you have proposed.</p> <p>Signed: _____ Date: _____</p>
DEFINE YOUR INTEREST:
<p>Is your interest:</p> <p><input type="checkbox"/> Pecuniary (see dealing with pecuniary interests)?</p> <p><input type="checkbox"/> Non pecuniary (see dealing with non-pecuniary interests)</p>
MATTER IN WHICH YOU HAVE AN INTEREST: (Please provide full details, including item number on Council agenda)
NAME OF THE INTEREST:
<p>Be specific and include information such as:</p> <ul style="list-style-type: none"> - The names of any person or organisation with which you have a relationship; - The nature of your relationship with the person or organisation; - The reason(s) why you consider the situation may (or may be perceived to) give rise to a conflict between your personal interests and your public duty as a COUNCIL OFFICIAL .

<p>MANAGING LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS:</p> <p>Clause 5.11 of Council’s Code of Conduct provides that if you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide an explanation of why you consider that conflict does not require further action in the circumstances.</p>
<p>IS YOUR NON-PECUNIARY INTEREST LESS THAN SIGNIFICANT?</p> <p>If you are of the view that your non-pecuniary interest is less than significant, please provide your explanation directly below (only complete if you are claiming that your non-pecuniary interest is less than significant).</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>DEFINITIONS:</p> <p>A PECUNIARY INTEREST is an interest that a designated person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person (see Part 4 of Council’s Code of Conduct).</p> <p>A NON-PECUNIARY INTEREST is a private or personal interest that does not amount to pecuniary interest as defined by Part 5 of Council’s Code of Conduct.</p>
<p>MANAGING PECUNIARY INTERESTS:</p> <p>Part 4.10 of Council’s Code of Conduct requires designated persons to declare in writing to the General Manager the nature of a pecuniary interest the person has in any Council matters, as soon as practicable after becoming aware of the interest.</p>
<p>MANAGING SIGNIFICANT NON-PECUNIARY INTERESTS:</p> <p>Clause 5.10 of Council’s Code of Conduct provides that you must manage a significant non-pecuniary interest 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 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 of the Code.</p>
<p>MANAGING NON-PECUNIARY INTERESTS:</p> <p>Clause 5.8 of Council’s Code of Conduct states that how you manage a non-pecuniary interest will depend on whether or not it is significant. Clause 5.9 of Council’s Code of Conduct states that, as a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but involves:-</p> <ul style="list-style-type: none"> 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 of the Code 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 of the Code) that is not a pecuniary interest for the purposes of clause 4.1 of the Code; 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.

Statement of ethical obligations

In accordance with Councils adopted Code of Meeting Practice (Clause 3.23), Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

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- 1 OPENING PRAYER**
- 2 ACKNOWLEDGEMENT OF COUNTRY**
- 3 REMEMBRANCE**
- 4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**
- 5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS**
- 6 DISCLOSURES OF INTEREST**

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE - MAYORAL ACTIVITIES**

File Number: M2.1
Author: Barry Hollman, Mayor
Authoriser: Mark Riley, General Manager
Attachments: Nil

The Activities of the Mayor from 18 December 2021 to 18 February 2022 are as follows:

Date	Meeting	Location
17/12/2021	Meeting with new Police Inspector Peter Walton	Conference Room
25/01/2022	Attend function to welcome Australia Day Ambassador James Pittar	BOBEC
26/01/2022	Attend Australia Day Awards and Naturalisation Ceremony 2022 with Australia Day Ambassador James Pittar	Bourke Swimming Pool
26/01/2022	Meeting with Member for Barwon Roy Butler	Council Chambers
03/02/2022	Telephone Interview ABC Radio Dubbo – Break and Enters	Phone
07/02/2022	Meeting with CEO WNSWLHD Mark Spittall – Health Issues at Bourke District Hospital	Council Chambers
09/02/2022	Attend Meeting Stormwater Drainage	North Bourke and Council Chambers
10/02/2022	Attend Narrabri Water Conference	Narrabri

Recommendation

That the information in the Mayoral Minute as presented to Council on Friday, 25 February 2022 be noted.

8 STARRING OF ITEMS

9 CONFIRMATION OF MINUTES

Ordinary Council Meeting - 20 December 2021



MINUTES

Ordinary Council Meeting

20 December 2021

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	2. Nil	
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6.	Nil	
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**MINUTES OF SHIRE OF BOURKE
ORDINARY COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON MONDAY, 20 DECEMBER 2021 AT 9.15AM**

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Sarah Barton, Cr Lachlan Ford (Deputy Mayor), Cr Sally Davis, Cr Cec Dorrington, Cr Sam Rice, Cr Grace Ridge, Cr Nathan Ryan, Cr Robert Stutsel

IN ATTENDANCE: Mark Riley (General Manager), Leonie Brown (Manager Corporate Services), Peter Brown (Manager Works), Melanie Milgate (Economic Development Manager), Alex Saju (Manager Roads Services), Dwayne Willoughby (Manager Environmental Services)

1 OPENING PRAYER

The Mayor opened the meeting with a prayer

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then provided an Acknowledgement of Country

3 REMEMBRANCE

Council stood in silence in memory of the following recently deceased:

Gail Boyd	Rodney Keenan	Royce Parnaby
Kate Harrison	Sonny Sandford	Colin Stewart
Patricia Edwards	James Wright	Steve Monagan
Lorna Mackay		

4 LEAVE OF ABSENCE

Nil

5 DECLARATION OF INTEREST

Cr Sally Davis declared a pecuniary interest in Item 23.2 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Davis is a neighbour and an associate to the owner of the land detailed within the report. In making her declaration Councillor Davis advised that she would leave the Chamber and be out of sight during Council’s consideration of the matter.

Cr Grace Ridge declared a pecuniary interest in Item 23.2 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Ridge has a business relationship with the owner of the land detailed within the report. In making her declaration Councillor Ridge advised that she would leave the Chamber and be out of sight during Council’s consideration of the matter.

6 MAYORAL MINUTE

6.1 MAYORAL MINUTE - MAYORAL ACTIVITIES

File Number: M2.1

The Council had before it the report of the Mayor regarding the Mayoral Minute - Mayoral Activities.

Resolution 2021/348

Moved: Cr Barry Hollman

That the information in the Mayoral Minute as presented to Council on Wednesday, 20 December 2021 be noted.

Carried

7 STARRING OF ITEMS

Council's Code of Meeting Practice provides that Council may at any time, resolve to adopt multiple items of business on the agenda by way of a single resolution.

In this regard the Council had before it a list of reports, unstarred, with such items proposed to be adopted by Council in a single resolution. No additional reports were identified by Council to be starred for individual consideration.

Resolution 2021/349

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Monday, 20 December 2021 be adopted.

Carried

8 CONFIRMATION OF MINUTES

Resolution 2021/350

Moved: Cr Sarah Barton

Seconded: Cr Lachlan Ford

That the minutes of the Ordinary Council Meeting held on 22 November 2021 and the Extraordinary Council Meeting held on 10 December 2021 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.

Carried

9 NOTICE OF MOTION

Nil

10 RESCISSION MOTION

Nil

11 BUSINESS ARISING

11.1 * BUSINESS ARISING**

File Number: C12.1

The Council had before it the report of the General Manager regarding the business outstanding from previous meetings of Council.

Resolution 2021/351

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

That the information in the Business Arising Report as presented to Council on Monday , 20 December 2021 be noted.

Carried

11.2 CALENDAR OF EVENTS

File Number: C12.6

The Council had before it the report of the General Manager regarding the Calendar of Events.

Resolution 2021/352

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the information in the Calendar of Events Report as presented to Council on Monday, 20 December 2021 be noted.

Carried

11.3 INFORMATION TO COUNCILLORS

File Number: C12.1

The Council had before it the report of the General Manager regarding the Information to Councillors.

Resolution 2021/353

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the contents of the Information to Councillors Report as presented to Council on Monday, 20 December 2021 be noted.

Carried

12 ENGINEERING SERVICES DEPARTMENT

12.1 * TREE REMOVAL**

File Number: T6.2

The Council had before it the report of the Manager Works regarding the Tree Removal.

Resolution 2021/354

Moved: Cr Sally Davis

Seconded: Cr Robert Stutsel

- 1. That the recommendations of SAVCO Vegetation Services regarding the removal of the Queensland Fig Tree located at the front of 68 Hope St, Bourke and the removal of seven (7) lemon scented gums and the trimming of a further two (2) gums at 6 Tudor St, Bourke, be adopted.**
- 2. That the private landowner be advised that they are responsible for the cost of the trimming of the tree on private land.**
- 3. That Council take the necessary action in respect of the removal/trimming of such trees.**

Carried

12.1 * ROAD CLASSIFICATION REVIEW**

File Number: R7.1, R7.4.3

The Council had before it the report of the Manager Roads regarding the Road Classification Review.

Resolution 2021/355

Moved: Cr Victor Bartley

Seconded: Cr Grace Ridge

- 1. That Council provide a submission to the Independent Panel on Road Classification Review and Regional Road Transfer proposing that ownership of the Bourke – Milparinka Rd (Wanaaring Rd) be transferred to the NSW Government, as a minimum.**
- 2. That the transfer of any Regional Roads to Government in the Bourke Shire being on the basis of Council entering into a contract with Government which would see Council continuing to undertake both improvement works and the necessary programmed and emergency maintenance works on the transferred roadway(s).**
- 3. That Council also provide a submission to the Independent Panel on Road Classification Review and Regional Road Transfer proposing the reclassification from local road to regional road status of the following roads:**
 - RLR 5 – Caronga Peak to Wilga Downs (23km / no bridge);**
 - RLR50 - Moleyarrah Road – Wanaaring to Hungerford (86.82km / no bridge);**
 - RLR44 – Janina Road – Louth to Wanaaring (85.7km / no bridge);**
 - RLR49 – West Culgoa Road – Bourke to Weilmoringle (82.82km / single lane bridge).**

Carried

13 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT

Nil

14 GENERAL MANAGER

14.1 ANNUAL REPORT 2020/2021

File Number: A3.2

The Council had before it the report of the General Manager regarding the Annual Report 2020/2021.

Resolution 2021/356

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the information in this report regarding the Annual Report as presented to Council on Monday 20 December 2021 be noted.

Carried

14.2 * CHANGES TO FEBRUARY 2022 MEETING DATE**

File Number: C12.1

The Council had before it the report of the General Manager regarding the Changes to February 2022 Meeting Date.

Resolution 2021/357

Moved: Cr Robert Stutsel

Seconded: Cr Sally Davis

That the date of the February 2022 Council meeting be changed to Friday, 25 February 2022 commencing at 9.15am such that the February meeting does not conflict with the LGNSW Conference being held from 28 February – 2 March 2022.

Carried

15 CORPORATE SERVICES DEPARTMENT

15.1 * BANK RECONCILIATION & STATEMENT OF BANK BALANCES**

File Number: F1.1

The Council had before it the report of the Manager of Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances.

Resolution 2021/358

Moved: Cr Cec Dorrington

Seconded: Cr Victor Bartley

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 30 November 2021 be noted.

Carried

15.2 * INVESTMENT REPORT AS AT 30 NOVEMBER 2021**

File Number: F1.1

The Council had before it the report of the Manager of Corporate Services regarding the Investment Report as at 30 November 2021.

Resolution 2021/359

Moved: Cr Cec Dorrington

Seconded: Cr Sally Davis

- 1. That the report regarding Council's Investment Portfolio 30 November 2021 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

Carried

15.3 PROPOSED INTERNAL AUDIT AND RISK MANAGEMENT FRAMEWORK

File Number: A13.3

The Council had before it the report of the Manager of Corporate Services regarding the Proposed Internal Audit and Risk Management Framework.

Resolution 2021/360

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That Council note the report in regards to the Risk Management and Internal Audit for Local Councils in NSW.

Carried

16 ECONOMIC DEVELOPMENT DEPARTMENT

Nil

17 COMMUNITY ENGAGEMENT DEPARTMENT

Nil

18 TOURISM & EVENTS

Nil

19 DELEGATES AND COUNCILLORS REPORTS

Nil

20 POLICIES

Nil

21 PRÉCIS OF CORRESPONDENCE

Nil

22 ACTIVITY REPORTS

22.1 ENGINEERING SERVICES ROAD WORKS & WORKSHOP - WORKS COMPLETED

File Number: E7.1

The Council had before it the report of the Manager Roads regarding the Engineering Services Road Works & Workshop - Works Completed.

Resolution 2021/361

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That Council note the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Monday, 20 December 2021.

Carried

22.2 PARKS & GARDENS / TOWN SERVICES / WATER & WASTEWATER ENGINEERING SERVICES ACTIVITY REPORT

File Number: E7.1

The Council had before it the report of the Manager Works regarding the Parks & Gardens / Town Services / Water & Wastewater Engineering Services Activity Report.

Resolution 2021/362

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That Council note the information in the Parks & Gardens, Town Services and Water and Waste Water Engineering Services Department Activity Reports as presented to Council on Monday, 20 December 2021.

Carried

22.3 ENVIRONMENTAL SERVICES DEPARTMENT ACTIVITY REPORT

File Number:

The Council had before it the report of the Manager Environmental Services regarding the Environmental Services Department Activity Report.

Resolution 2021/363

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the information in the Environmental Services Activity Report as presented to Council on Monday, 20th December 2021 be received and noted.

Carried

22.4 GENERAL MANAGER'S ACTIVITY REPORT

File Number: G2.1

The Council had before it the report of the General Manager regarding the General Manager's Activity Report.

Resolution 2021/364

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the information in the General Manager's Activity Report as presented to Council on Monday, 20 December 2021 be noted.

Carried

22.5 LIBRARY MANAGER'S ACTIVITY REPORT

File Number: L4.1

The Council had before it the report of the Library Manager regarding the Library Manager's Activity Report.

Resolution 2021/365

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the information in the Library Manager's Report as presented to Council on Monday, 20 December 2021 be noted.

Carried

22.6 TOURISM & EVENTS MANAGER'S ACTIVITY REPORT

File Number: T4.1

The Council had before it the report of the Manager Tourism & Events regarding the Tourism & Events Manager's Activity Report.

Resolution 2021/366

Moved: Cr Sarah Barton

Seconded: Cr Victor Bartley

That the information in the Tourism and Events Manager's Activity Report as presented to Council on Monday, 20 December 2021 be noted.

Carried

23 CLOSED SESSION

At this juncture, the Council gave consideration to moving into Closed Session of Council.

Resolution 2021/367

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

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

23.1 * Integrated Water Cycle Management Strategy**

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.

23.2 * North Bourke Stormwater Drainage**

This matter is considered to be confidential under Section 10A(2) - (g) 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 advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

23.3 * Mayoral Minute - General Manager Recruitment**

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

Council proceeded into closed session with the livestreaming of the meeting being paused at 9.32am

23.1 * INTEGRATED WATER CYCLE MANAGEMENT STRATEGY**

File Number: W2.3

The Council had before it the report of the Manager Works regarding the Integrated Water Cycle Management Strategy.

Resolution 2021/368

Moved: Cr Robert Stutsel

Seconded: Cr Lachlan Ford

- 1. That Council accept funding in the amount of \$357,857 (Ex GST) under the Local Water Utility Infrastructure Programs Funding Scheme for town and village water supplies.**
- 2. That Council accept the offer from Public Works Advisory for the preparation of a new Integrated Water Cycle Management Strategy for the Bourke township and Villages at a cost of \$477,143 (Ex GST).**
- 3. That funding of \$119,286 (Ex GST) be sourced from Councils Water Fund Restricted Asset as Councils 25% contribution to the project.**
- 4. That any necessary documents be executed under the Common Seal of Council.**
- 5. That the documents and considerations remain confidential to the Council.**

Carried

At this juncture, Cr Davis and Cr Ridge left the meeting during consideration of the following matter, the time being 9.36am.

23.2 * NORTH BOURKE STORMWATER DRAINAGE**

File Number: D6.1, D6.2, V1.6

The Council had before it the report of the General Manager regarding the North Bourke Stormwater Drainage.

Resolution 2021/369

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

- 1. That a workshop of Councillors, relevant staff, and Councils engineering and legal advisors be held on a date to be determined in February 2022, prior to Councils formal consideration of the North Bourke drainage issue.**
- 2. That the documents and considerations remain confidential to the Council.**

Carried

At this juncture, Cr Davis and Cr Ridge returned to the meeting, the time being 9.44am.

At this juncture, the Manager Corporate Services, Economic Development Manager, Manager Environmental Services, Manager Roads and Manager Works left the meeting during consideration of the following matter, the time being 9.44am

23.3 * MAYORAL MINUTE - GENERAL MANAGER RECRUITMENT**

File Number: S6.24

The Council had before it the report of the Mayor regarding the Mayoral Minute - General Manager Recruitment.

Motion

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

1. That the recruitment process as identified herewith be endorsed.
2. That the selection committee for the recruitment of the General Manager comprise the Mayor, Deputy Mayor and one other Councillor.
3. That Council proceed to determine the councillor on the selection committee.
4. That it be noted that final interviews will involve full Council at an Extraordinary meeting.
5. That the timetable for the recruitment of General manager as identified herewith, be endorsed.
6. That in progressing this recruitment process, the Mayor be authorised to attend to any necessary matters.
7. That the documents and considerations remain confidential to the Council.

Amendment

Resolution 2021/370

Moved: Cr Victor Bartley

Seconded: Cr Robert Stutsel

- 1. That the recruitment process as identified herewith be endorsed.**
- 2. That the selection committee for the recruitment of the General Manager comprise the Mayor, Deputy Mayor and two (2) other Councillors.**
- 3. That Council proceed to determine the two (2) councillors on the selection committee.**
- 4. That it be noted that final interviews will involve full Council at an Extraordinary meeting.**
- 5. That the timetable for the recruitment of General manager as identified herewith, be endorsed.**
- 6. That in progressing this recruitment process, the Mayor be authorised to attend to any necessary matters.**
- 7. That the documents and considerations remain confidential to the Council.**

The amendment was put to the meeting and was carried.

Carried

The amendment then became the motion and on being put to the meeting was carried.

Carried

Resolution 2021/371

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That Councillors Sally Davis and Nathan Ryan be the Councillors on the selection committee in addition to the Mayor and Deputy Mayor.

Carried

Resolution 2021/372

Moved: Cr Cec Dorrington

Seconded: Cr Sally Davis

That Council moves out of Closed Council into Open Council.

Carried

Open Council resumed at 9.52am.

At this juncture, the Manager Corporate Services, Economic Development Manager, Manager Environmental Services, Manager Roads and Manager Works returned to the meeting, the time being 9.52am.

RESOLUTION FROM CLOSED SESSION OF COUNCIL

At the request of the Mayor, the General Manger read to the meeting the resolutions determined in respect of Council reports numbered 23.1, 23.2, and 23.3, in the Closed Session of Council.

The Meeting closed at 9.56am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 February 2022.

.....

CHAIRPERSON

10 NOTICES OF MOTION**10.1 NOTICE OF MOTION - VILLAGE TOURS**

File Number: C8.1, C11.1,P4.1

Attachments: 1. Notice of Motion [↓](#) 

We, Councillors Victor Bartley and Robert Stutsel, give notice that at the next Ordinary Meeting of Council to be held on 25 February 2022, we intend to move the following motion:

Background

That, as in past years, all councillors be invited to attend any future Council Village Tours and community meetings.

Motion

That, as in past years, all councillors be invited to attend any future Council Village Tours and community meetings.

Resolution for 25th February 2022 Council meeting:

That, as in past years, all councillors be invited to attend any future Council Village Tours and community meetings.

Mover:



Councillor Victor Bartley

Seconder:



Councillor Bob Stutsel

11 RESCISSION MOTIONS

Nil

12 BUSINESS ARISING

12.1 CALENDAR OF EVENTS

File Number: C12.6
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

Information is sent out monthly to advise when Council Meetings, meetings which Councillors are Delegates to and other meetings of which Council is a member of, or representatives of Council, are to be held.

Current Situation

Month	Date	Time	Meeting / Event	Location
2022				
February	25	9.15am	Council Meeting	Council Chamber
March	28	9.15am	Council Meeting	Council Chamber
April	26	9.15am	Council Meeting	Council Chamber
May	23	9.15am	Council Meeting	Council Chamber
June	27	9.15am	Council Meeting	Council Chamber
July	25	9.15am	Council Meeting	Council Chamber
August	22	9.15am	Council Meeting	Council Chamber
September	26	9.15am	Council Meeting	Council Chamber
October	24	9.15am	Council Meeting	Council Chamber
November	28	9.15am	Council Meeting	Council Chamber
December	19	9.15am	Council Meeting	Council Chamber
2023				
February	27	9.15am	Council Meeting	Council Chamber
March	27	9.15am	Council Meeting	Council Chamber
April	24	9.15am	Council Meeting	Council Chamber
May	22	9.15am	Council Meeting	Council Chamber
June	26	9.15am	Council Meeting	Council Chamber
July	24	9.15am	Council Meeting	Council Chamber
August	28	9.15am	Council Meeting	Council Chamber
September	25	9.15am	Council Meeting	Council Chamber

Recommendation

That the information in the Calendar of Events Report as presented to Council on Friday, 25 February 2022 be noted.

12.2 INFORMATION TO COUNCILLORS

File Number: C12.1
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

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

Current Situation

Date	Information Sent	Author	Email
16/12/2021	Combined Christmas Carole's Flyer	Melanie Milgate	✓
17/12/2021	The Weekly Newsletter, 16 December 2021	LG NSW	✓
23/12/2021	Minister's message - 23 December 2021	OLG	✓
04/01/2022	Murrumbidgee Council - Election of Mayor and Deputy Mayor	Murrumbidgee Council	✓
04/01/2022	Bourke Shire Council Facebook update opening of Council and conditions of entry	Melanie Milgate	✓
04/01/2022	Council Circular 21-42 Reminder to councils: decisions on countbacks, administration of the oath or affirmation of office and the delivery of councillor induction and refresher training after the election	OLG	✓
12/01/2022	Waverley Council - Election of Mayor and Deputy Mayor	Waverley Council	✓
12/01/2022	Bayside Council - Mayor and Deputy Mayor Election Results	Bayside Council	✓
12/01/2022	Cootamundra-Gundagai Regional Council Mayor and Deputy Mayor 2021 Local Government Election	Cootamundra-Gundagai Regional Council	✓
12/01/2022	Cowra Council - Mayor and Deputy Mayor Elections	Cowra Council	✓
12/01/2022	Government News	Government News	✓
13/01/2022	RDA Weekly Newsletter	RDA Orana NSW	✓
18/01/2022	Inside Local Government Newsletter	Inside Local Government	✓
21/01/2022	LGNSW Summer Edition, 21 January 2022	LG NSW	✓
01/02/2022	LGNSW Summer Edition, 31 January 2022	LG NSW	✓
02/02/2022	GMs Column	GM	✓
04/02/2022	RDA Weekly Newsletter	RDA Orana NSW	✓
04/02/2022	LGNSW Mayoral Forum 3pm Wednesday 16 February 2022	LG NSW	✓
09/02/2022	GMs Column	GM	✓
11/02/2022	Regional Development Australia News	RDA Orana NSW	✓
11/02/2022	Council e-news	Council Magazine	

11/02/2022	The Weekly Newsletter, 8 February 2022	LG NSW	✓
15/02/2022	Council e-news	Council Magazine	✓
16/02/2022	GMs Column	GM	✓
16/02/2022	Pecuniary Interest Return Form	MCS	✓
17/02/2022	Inside Local Government Newsletter	Inside Local Government	✓
17/02/2022	PRIORITY ATTENTION: Invitation to participate in OLG Councillor Induction Webinar – Hit the Ground Running – Integrated Planning and Reporting – Saturday, 19 February, 2:00pm AEDST	Ally Dench	✓
17/02/2022	OLG's fortnightly e-newsletter - 17 February 2022	OLG	✓

Recommendation

That the contents of the Information to Councillors Report as presented to Council on Friday, 25 February 2022 be noted.

12.3 * BUSINESS ARISING**

File Number: C12.1
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

Business outstanding from previous meetings.

Current Situation

KEY: Action Still Pending Action in Progress Action Complete

GM GENERAL MANAGER	MW MANAGER WORKS
MCS MANAGER CORPORATE SERVICES	MRS MANAGER ROAD SERVICES
MES MANAGER ENVIRONMENTAL SERVICES	EDM ECONOMIC DEVELOPMENT MANAGER

362/2018	BIODIVERSITY CONSERVATION ACT 2016 - UPDATE
RESPONSIBLE OFFICER	DWAYNE WILLOUGHBY - MANAGER ENVIRONMENTAL SERVICES
FILE NUMBER	E6.1-E6.4-L8.1
DECISION	
1. That Council undertake a review of the potential impact on the sale of land held for industrial development including obtaining specialist advice as appropriate. 2. That on finalisation of that review a further report be brought back to Council	ACTION TAKEN Continue to lobby Government – matter evolving.

427/2018	PROPOSED CHANGE OF MANAGEMENT OF THE PCYC
RESPONSIBLE OFFICER	MARK RILEY - GENERAL MANAGER
FILE NO	L1.17-Y1.7-LD-L11.14.3
DECISION	
That the General Manager prepare a detailed report in relation to the matter, including the seeking of legal advice if necessary	ACTION TAKEN 1. In progress. 2. Teleconference held 20/08/2020. 3. Correspondence sent to PCYC 25/8/20 and followed up for response 20/10/20 & 16/11/2020. 4. Matter further discussed with Crown Lands staff on 09/03/2021 for their contact with PCYC. 5. Further discussions held in July 2021 with Crown Lands in regards to their contact with PCYC with correspondence sent to PCYC as a

	<p>follow up to discussions.</p> <p>6. PCYC have advised that as a result of internal management changes they wish to defer discussions on land management till mid-2022.</p>
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156/2019	CONFIDENTIAL – CONSTRUCTION OF SEWERAGE TREATMENT PLANT FACILITIES
RESPONSIBLE OFFICER	LEONIE BROWN - MANAGER OF CORPORATE SERVICES PETER BROWN - MANAGER OF WORKS
FILE NO	S3.2.3

DECISION	ACTION TAKEN
That Council continue with its representations to obtain funding for the additional costs anticipated to be incurred in the construction of the new Additional Sewage Treatment Facilities in Bourke	<ol style="list-style-type: none"> 1. Ongoing. 2. Water use study near completion. Will then make application for additional funding.

274/2019	DROUGHT – WATER UPDATE
RESPONSIBLE OFFICER	LEONIE BROWN - MANAGER OF CORPORATE SERVICES
FILE NO	W2.2.9 – W2.2.9.1

DECISION	ACTION TAKEN
That the General Manager write to the State Government seeking their urgent consideration of the construction of a regulator or additional weir including a fish ladder upstream of Bourke at a location identified as BU8	<ol style="list-style-type: none"> 1. Letter sent & meeting held. 2. State Government commits to preparation of Western Weirs Strategy. 3. Teleconference involving staff and Councillors held with State Water on 22/9/2020 re Strategy. 4. Meeting held with DPIE representatives on 10/11/2020 & 11/11/2020. 5. Further briefings on Strategy held 10/02/2021 and 24/05/2021. 6. Discussions held by GM with Jim Betts in July 2021 Secretary, DPIE, in regards to the Weir Strategy Project and its prolonged timeframes. 7. NSW Govt. in Oct 2021 announced the Better Baaka Program which includes Weir renewals on the Darling and specifically upgrading of the Bourke Weir. Meeting with DPIE to be held in Bourke on 23 November 2021. 8. Meeting held DPIE 23/11/2021 with Jim Bentley and his team via Video conference in regards to Better Baaka Better Bidgee project.

	<p>9. Meeting held in December 2021 with Andrew Lavelle regarding the Weir upgrade at Bourke and connectivity strategy.</p> <p>10. Contact made with Minister Pavey's Office re concerns regarding potential removal of downstream weirs.</p>
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2020/111	DUAL NAMING OF THE DARLING RIVER – DARLING RIVER BAAKA
RESPONSIBLE OFFICER	LEONIE BROWN – MANAGER OF CORPORATE SERVICES
FILE NO	R6.5
DECISION	ACTION TAKEN
That Council seek further clarification from the GNB on which section of the Darling River will be dual named Baaka and will the name be Darling Baaka River / Baaka Darling River or Darling River Baaka.	<p>Ongoing. Geographical Names Board GNB contacted.</p> <p>Investigations are continuing by GNB. GNB advised in July 2021 that it would be undertaking consultation in August 2021 in regards to dual name proposal. GNB subsequently advised in August that due to COVID the consultations will now be undertaken in 2022.</p>

2020/236	14.2 BOURKE AIRPORT DEVELOPMENT PROPOSAL
RESPONSIBLE OFFICER	MARK RILEY - GENERAL MANAGER
FILE NO	A6.1
DECISION	ACTION TAKEN
1. That Council seek quotations for the preparation of a Master Plan at the Bourke Airport to determine the availability of land for the proposed development and future developments.	Brief prepared, quotations to be invited.

2020/325 & 326	REVIEW OF CAPITAL WORKS PROGRAM 2019/2020 AND REALLOCATION OF FUNDS – ITEM 15.5 - MOUNT OXLEY
RESPONSIBLE OFFICER	MARK RILEY – GENERAL MANAGER
FILE NO	R2.5
DECISION	ACTION TAKEN
<p>1. That Council note the report on the responsibility and current condition of the access road to the summit of Mount Oxley.</p> <p>2. That Council note the status of telecommunication infrastructure located atop Mount Oxley.</p> <p>3. That following a Title Search discussions be held with the owners of the land and the various owners of the telecommunications infrastructure atop Mount Oxley with a view to sourcing funding for at least the \$80,000 in</p>	<p>Extensive title searches have been completed.</p> <p>Liability issues being pursued by Booth Brown Legal for further report.</p> <p>Meeting held with Mr & Mrs Stalley on 10 December 2020.</p>

<p>maintenance work and potentially a further \$110,000 for the guard rail installation, for a further report to Council including consideration to any contribution by Council.</p> <p>4. That Council investigate its potential liability as a result of the public use of the access road to the top of Mount Oxley and a report be submitted back to Council.</p>	<p>Risk review undertaken by Councils insurers on 16/03/21. Awaiting advice to allow instructions to be issued by Booth Brown Legal to prepare licence documentation.</p> <p>Discussions held with NSW Telco Authority re potential for funding to assist with road upgrade. Costs advised.</p>
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2019/439 & 2021/33	NORTH BOURKE BRIDGE REHABILITATION CONCEPT PLAN
RESPONSIBLE OFFICER	MARK GORDON – MANAGER ROAD SERVICES
FILE NO	B6.1
DECISION	ACTION TAKEN
<p>Council continue to apply for funding to undertake the project</p> <p>Council commit additional funds of \$269,922 from Councils Infrastructure Reserve Fund to ensure a total co-contribution from Council of \$969,922 (25%) to the Building Better Regions Fund Round 5, for North Bourke Bridge Renewal, if a funding application is successful.</p>	<ol style="list-style-type: none"> 1. Ongoing. 2. Letter received from Minister Toole 11/11/2020 advising upcoming funding opportunities for bridge. 3. Funds as resolved reserved in Councils accounts. 4. Application under Building Better Regions Fund lodged 11/02/2021. Application unsuccessful. 5. Strategy prepared for investigation, assessment and restoration of bridge for input into Tourism Grant Application. 6. Application lodged in August 2021. No response to date. 7. Representations made to Member for Barwon, Roy Butler MP regarding funding for Bridge. 8. Further application under Building Better Regions Fund lodged February 2022.

2021/264	NOTICE OF MOTION - ESTABLISHING A FULL TIME BANKING SERVICE IN BOURKE
RESPONSIBLE OFFICER	MARK RILEY, GENERAL MANAGER
FILE NO	B2.1
DECISION	ACTION TAKEN
<p>That inquiries be made with a view to establishing a full time, full service banking service for Bourke.</p>	<p>Letters sent to existing providers re service.</p>

	<p>Letter of response received from Commonwealth Bank.</p> <p>Meeting held with National Australia Bank.</p> <p>Letter of response received from National Australia Bank.</p>
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2021/302	WESTERN GOLF CHALLENGE
RESPONSIBLE OFFICER	MEL MILGATE, ECONOMIC DEVELOPMENT MANAGER
FILE NO	D5.1, S4.1 and S5.1

DECISION	
<p>That Council accede to the request from Gary Begg – Regional Manager Golf NSW requesting financial support in the amount of \$2,000 to assist with the grant application for the proposed Western Golf Challenge 2022.</p>	<p>EDM spoken with Gary Begg to confirm support.</p> <p>Western Golf Challenge Grant Application to be completed start of 2022.</p> <p>Letter of support from Bourke Shire Council drafted and pending advice from Mr Begg of other towns support as to the challenge proceeding before sending.</p>

2021/311	DEED OF AGREEMENT - CAPRA PTY LTD - PROPOSED SALE OF SMALL STOCK ABATTOIR – OCTOBER 2021 UPDATE
RESPONSIBLE OFFICER	MARK RILEY, GENERAL MANAGER
FILE NO	A1.1, D2.7 and D2.17

DECISION	
<ol style="list-style-type: none"> 1. That the report of the General Manager regarding the “Deed of Agreement – CAPRA Pty Ltd – October 2021 Update” be noted. 2. That the General Manager, in consultation with the Mayor, be authorised, as appropriate, to take the necessary action to finalise the funding agreement with CAPRA and other matters, generally in accordance with the contents of the email from Council to Mr James Price dated 21 October 2021. 3. That the Common Seal of Council be attached to any necessary documentation 	<ol style="list-style-type: none"> 1. Deed of Termination executed with Commonwealth on 29 October 2021. 2. Deed of Termination executed with CAPRA Developments on 11 November 2021. Deed is subject to settlement of sale of the abattoir to Thomas Foods International. 3. Two (2) meetings held to date with Thomas Foods International. 4. Settlement of sale of abattoir to Thomas Food International

	finalised. 5. Deed of Agreement between Council and Capra now terminated.
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2021/328	COMMUNITY CONSULTATION MEETINGS IN RELATION TO THE COMMUNITY STRATEGIC PLAN - TIMETABLES AND FORMAT
RESPONSIBLE OFFICER	LEONIE BROWN, MANAGER CORPORATE SERVICES
FILE NO	P4.4

DECISION	
1. That Council note the proposed timetable for the Consultative Meetings in the town and villages. 2. That Council continue with its ongoing consultation with community groups to obtain broad and comprehensive input into the Community Strategic Plan.	1. Timetable for Town and Village meetings advertised in final Western Herald 2. Contact made with village committees advising dates and time. Successful meetings held 3. Agency and community meetings held in February 2022

2021/355	ROAD CLASSIFICATION REVIEW
RESPONSIBLE OFFICER	ALEX SAJU, MANAGER ROADS
FILE NO	R7.1, R7.4.3

DECISION	
1. That Council provide a submission to the Independent Panel on Road Classification Review and Regional Road Transfer proposing that ownership of the Bourke – Milparinka Rd (Wanaaring Rd) be transferred to the NSW Government, as a minimum. 2. That the transfer of any Regional Roads to Government in the Bourke Shire being on the basis of Council entering into a contract with Government which would see Council continuing to undertake both improvement works and the necessary programmed and emergency maintenance works on the transferred roadway(s). 3. That Council also provide a submission to the Independent Panel on Road Classification Review and	Submission to Review Panel being prepared.

<p>Regional Road Transfer proposing the reclassification from local road to regional road status of the following roads:</p> <ul style="list-style-type: none"> • RLR 5 – Caronga Peak to Wilga Downs (23km / no bridge); • RLR50 - Moleyarrh Road – Wanaaring to Hungerford (86.82km / no bridge); • RLR44 – Janina Road – Louth to Wanaaring (85.7km / no bridge); • RLR49 – West Culgoa Road – Bourke to Weilmoringle (82.82km / single lane bridge). 	
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2021/368	INTEGRATED WATER CYCLE MANAGEMENT STRATEGY
RESPONSIBLE OFFICER	PETER BROWN, MANAGER WORKS
FILE NO	W2.3

DECISION

<ol style="list-style-type: none"> 1. That Council accept funding in the amount of \$357,857 (Ex GST) under the Local Water Utility Infrastructure Programs Funding Scheme for town and village water supplies. 2. That Council accept the offer from Public Works Advisory for the preparation of a new Integrated Water Cycle Management Strategy for the Bourke township and Villages at a cost of \$477,143 (Ex GST). 3. That funding of \$119,286 (Ex GST) be sourced from Councils Water Fund Restricted Asset as Councils 25% contribution to the project. 4. That any necessary documents be executed under the Common Seal of Council. 5. That the documents and considerations remain confidential to the Council. 	<p>Funding Deed executed by Council.</p>
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2021/369	NORTH BOURKE STORMWATER DRAINAGE
RESPONSIBLE OFFICER	MARK RILEY, GENERAL MANAGER
FILE NO	D6.1, D6.2, V1.6

DECISION

<p>That a workshop of Councillors, relevant staff, and Councils engineering and legal advisors be held on a date to be</p>	<p>Workshop of Councillors and staff held 9</p>
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determined in February 2022, prior to Councils formal consideration of the North Bourke drainage issue.	February 2022. Further report to be submitted to February 2022 Meeting.
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2021/370	MAYORAL MINUTE – GENERAL MANAGER RECRUITMENT
RESPONSIBLE OFFICER	MARK RILEY, GENERAL MANAGER
FILE NO	S6.24





DECISION

<ol style="list-style-type: none"> 1. That the recruitment process as identified herewith be endorsed. 2. That the selection committee for the recruitment of the General Manager comprise the Mayor, Deputy Mayor and two (2) other Councillors. 3. That Council proceed to determine the two (2) councillors on the selection committee. 4. That it be noted that final interviews will involve full Council at an Extraordinary meeting. 5. That the timetable for the recruitment of General manager as identified herewith, be endorsed. 6. That in progressing this recruitment process, the Mayor be authorised to attend to any necessary matters.. 	<ol style="list-style-type: none"> 1. Recruitment documentation including Position Description, Selection Criteria and Advertisement reviewed and approved by Selection Committee members 2. Advertising of the position commenced on 4 February 2022. Applications close on 28 February 2022.
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Recommendation
That the information in the Business Arising Report as presented to Council on Friday, 25 February 2022 be noted.

13 ENGINEERING SERVICES DEPARTMENT

13.1 *** REQUEST FOR TREE REMOVAL

File Number:	T6.2
Author:	Peter Brown, Manager Works
Authoriser:	Mark Riley, General Manager
Attachments:	<ol style="list-style-type: none">3.6.11(V3) Street Trees Policy ↓ Savco Vegetation Services-Tree Report-5 Denman Street ↓ Savco Vegetation Services-Tree Report-19 Mitchell Street ↓ Savco Vegetation Services-Tree Report-32 Green Street ↓ 

Background

Council has received requests for the removal of trees at three (3) separate properties as follows:

- Two (2) requests from the residents at 5 Denman Street, Bourke to remove a Queensland Fig tree from the road reserve (footpath) at the front of this property due to a large amount of damage that has been caused to the resident's sewerage system and home foundations.
- A request from the residents at 32 Green Street, Bourke to remove a large gum tree from the road reserve (footpath) at the front of this property due to the unbalanced nature of the tree and the damage it is causing to the kerb and guttering.
- A request from Council staff to remove a large gum tree located in the backyard of the Bourke Men's Shed building, 19 Mitchell St, Bourke due to the damage it is causing to the sewerage system and roof of the property next door.

Report

SAVCO Vegetation Services, utilising their qualified arborist, was requested to undertake an assessment of the conditions of the subject trees and make recommendations in respect of their potential removal.

5 Denman Street

A copy of the Arborists Report is attached herewith, attachment 1. The following information from the report is provided:

“Inspection Methodology

A ground-based inspection methodology has been used to gather all of the information for this assessment and report. The inspection was performed on 8 February 2022. No aerial inspections were performed.

Condition of Tree Health

The Ficus spp. at this address has been in situ for numerous years and is a semi-mature / mature tree. Visually, this tree presents as being in good health however there are a few notable problems, the tree has multiple co-dominant main leaders/trunks and there appears to be low strength lamination where the main leaders/trunks are joined just above the ground level. There is a

possibility of structural failure and if this were to occur then the power service lines to the house at 5 Denman Street and the neighbouring property could likely be damaged. One of the leaders on the house side at 5 Denman Street appears to be a likely failure risk due to poor mechanical strength at the lowest union, if this occurs it is thought that this leader is long enough to contact the house. The above ground roots have sustained damage in the past, there are visual signs of mechanical damage and rot in the outer tissue. This tissue damage allows pests and pathogens to enter the tree; once this occurs the strength of the root anchorage abilities will be impaired and weakened. Furthermore, the anchorage roots have been severed by the installation/upkeep of the roadside kerb and guttering. It is also understood that the roots from this tree have blocked property plumbing and drainage in the past.

Hazards and Risks

Inappropriate Species – This tree is located on the road reserve between a property fence and municipal infrastructure (roadway). It will continue to increase in size. This tree is the wrong species for an urban situation where housing, road infrastructure and water piping are in close proximity. Root decay will likely progress overtime causing a weakness of overall tree strength and integrity. This also weakens the tree's ability to heal itself. Pests, diseases, and pathogens can easily enter at these points.

Weak joins where the leaders are attached may cause unpredictable failure in the future

These faults cause reduced tree structural integrity, the strength cannot easily be assessed without an extensive inspection. Given where the tree is located and the low value of the tree it is not viable to perform a more expensive type of structural inspection.

On the side where these roots have been removed the anchorage of this tree will have been weakened.

Recommendation

When reflecting on all the Hazards and Risks that have been identified it is recommended that this tree be removed. This would mitigate all the risks related to the questionable structural integrity of this tree in the position where it is located. There are no reasonable pruning methods that could be implemented to provide a similar safe outcome."

It will be recommended that the Queensland fig tree at 5 Denman St, Bourke be removed.

32 Green Street

A copy of the Arborists Report is attached herewith, attachment 2. The following information from the report is provided:

"Inspection Methodology

A ground based inspection methodology has been used to gather all of the information for this assessment and report. The inspection was performed on 9 February 2022. No aerial inspections were performed.

Condition of Tree Health

The Eucalyptus spp. at this address has been in situ for numerous years and is a mature tree. Visually, this tree presents as being in generally good health however there are a few notable faults that require management.

Hazards and Risks

The tree is experiencing die back on the property side. This can be identified as the branches are dead and dying. The tree is heavily weighted towards the road away from the property. It visually appears quite unbalanced for natural weight distribution. Roots from this tree have damaged the roadside kerb and channelling in the past.

Recommendation

When reflecting on the Hazards and Risks that have been identified it is recommended that this tree can be trimmed however removal may be a better option to reduce future maintenance costs of tree trimming and Kerb and Channelling renewal.

Trimming should help to improve the current weight distribution of this tree, dead and dying branches will be removed.

Removal will mitigate all the risks related to the questionable weight distribution it will reduce future maintenance costs and prevent any future damage to the roadside Kerb and Channelling Asset.

Trim Tree (Option A)

Carry out pruning on the roadside of this tree to improve and balance the weight distribution of this tree. Remove foliage and semi-mature leaders where necessary to remediate the unbalanced weight distribution. Remove any deadwood or dying branches to improve the public safety risk of the tree. This management technique will not prevent further damage from occurring to the driveway or roadside Kerb and Channelling Asset.

Remove Tree (Option B)

When assessing the long-term maintenance costs of trimming or removing this tree. Removal could potentially be a better outcome. The species onsite here is generally considered inappropriate for street plantings given the risks and long-term ongoing maintenance requirements. Currently there is a significant amount of pruning to be undertaken to try and balance the weight distribution of this tree. Removing the tree will also prevent any further damage from occurring to the driveway or roadside Kerb and Channelling Asset. Trimming a lot of foliage off one side of the tree (roadside) will generally influence the tree to try and regrow foliage on the same side of the tree from where the branches are removed. This creates further maintenance cost for the future."

It will be recommended that to mitigate all risks and a potentially better outcome, the gum tree at 32 Green St, Bourke be removed.

19 Mitchell Street Gum tree

A copy of the Arborists Report is attached herewith, attachment 3. The following information from the report is provided:

“Inspection Methodology

A ground based inspection methodology has been used to gather all of the information for this assessment and report. The inspection was performed on 9 February 2022. No aerial inspections were performed.

Condition of Tree Health

The Eucalyptus spp. at this address has been in situ for numerous years and is a mature tree. Visually, this tree presents as being in generally good health.

Hazards and Risks

This species of tree is self-pruning so therefore they are able to selectively choose branches that are affected by bird chewing, pest and pathogen ingress and mechanical stresses. Throughout the life of these trees, they are likely to drop branches for the mentioned reasons. In general, there are no warning signs that can predict which branch may be going to drop or when it will happen. It is a really good practice to select open areas to plan these trees where there is no infrastructure or persons that may be in danger if and when branches are naturally shredded.

Recommendation

When reflecting on the Hazards and Risks that have been identified it is recommended that this tree could benefit from being pruned with a focus put on removing any suspect branches that may unpredictably fall onto neighbouring houses/sheds, fences or in the proximity of where vehicles or person are commonly located.

Removal will mitigate all the risks related to the questionable location of this tree that is growing above residential homes and sheds. This is a really tall tree, it has probably almost reached its full mature height, It is likely that the crown of the tree will continue to widen of the remainder of its life cycle. The widening of the crown will create a higher risk of the neighbouring infrastructure being damaged from dropping branches.

Trim Tree (Option A)

Carry out pruning on this tree to reduce any hazardous branches that are identified. Help balance the tree as best as possible. Remove any long branches that are experiencing mechanical stresses.

Remove Tree (Option B)

When assessing the long-term maintenance costs of trimming or removing this tree. Removal could potentially be a better outcome. The tree is currently very large and will be quite slow and costly to remove above the house, shed and fences that are all beneath this tree.

Removing this tree now will be less expensive than postponing this activity and revisiting the removal option in the future.”

It will be recommended that to mitigate all risks and a potentially better outcome, the gum tree at 19 Mitchell St, Bourke be removed.

As per Councils Street Trees Policy, prior to the removal of trees, a notice of intention to remove the trees will be placed in the local media with advice provided to adjacent landowners to give them an opportunity to comment on the proposed removal. A copy of the advertisement will also

be provided to Councillors. Should a comment of objection be received in respect of any of the proposals, a further report will be provided to Council on the matter and no action taken to remove such tree(s) pending a final determination by Council. A copy of the advertisement will also be provided to Councillors.

Financial

Council currently has approximately \$35,000 remaining in its tree removal and Maintenance budget for the 2021/22 financial period. Sufficient funds are available to undertake the recommended tree removals.

Recommendation

- 1. That the Preliminary Tree Assessment Reports as prepared by Savco Vegetation Services be noted.**
- 2. That prior to the removal of any of the identified trees, a notice of intention to remove the trees be placed in the local media with advice provided to adjacent landowners providing them with an opportunity to comment on the proposed removal with a copy of the advertisement being provided to the Councillors.**
- 3. That should there be objections to the various proposals, a further report be provided to Council in respect of such tree(s), prior to the removal of the subject tree(s).**
- 4. That should there be no comment of objection, Council proceed to :**
 - a) Remove the Queensland fig tree at 5 Denman St, Bourke as per the recommendation of Savco Vegetation Services.**
 - b) Remove the gum tree at 32 Green St, Bourke to mitigate all risks, and achieve a potentially better outcome, as per the Option B recommendation of Savco Vegetation Services.**
 - c) Remove the gum tree at 19 Mitchell St, Bourke to mitigate all risks and achieve a potentially better outcome, as per the Option B recommendation of Savco Vegetation Services.**
- 5. That the General Manager be requested to take the necessary action in respect of progressing these tree removal requests.**

SECTION 3 Asset Management
PART 3.6 Roads



POLICY NO: 3.6.11(v3)

POLICY TITLE: Street Trees

DATE ADOPTED: 26/11/2019

RESOLUTION NO: 458/2018

SUPERCEDES: 3.6.11(v2) Street Trees
Adopted: 26/4/2017
Resolution No: 159/2017

PROPOSED REVIEW DATE: 26/11/2019

RESPONSIBLE OFFICER: Manager Works

Verified by
General Manager.....

A handwritten signature in black ink, appearing to be "S. Hall", written over a dotted line.

Verified by
Mayor.....

A handwritten signature in black ink, appearing to be "B. Hallinan", written over a dotted line.

POLICY

This policy will guide decision making and assist in the management of street trees located in Bourke Shire.

Street trees enhance the amenity and streetscape but can create hazards for road users, and restrict access to properties and services within the road reserve. In addition, they can cause damage to footpaths and other assets on roads and to private property, (which may cause further hazards), drop leaves, berries and branches and damage vehicles.

Whether planted by Council or others, Street trees become the responsibility of Council. As such it is essential that Council maintains control of the selection, planting, maintenance and removal of street trees.

OBJECTIVES

The objectives of this policy are:

- To improve the amenity and to maintain the integrity of the landscape through appropriate plantings and management.
- To promote the establishment of street trees throughout the towns and villages.
- To ensure safe access to properties and safe use of the street.
- To minimise impact on services
- To detail the responsibility and legal position of Council and others in relation to street trees.
- To support the Bourke Street Tree Masterplan.
- To provide staff guidance in dealing with street tree issues.

SCOPE

This policy applies to:-

- All plantings of street trees in urban areas (both town and Villages)

PROCEDURE**General Street Tree Policy**

- A street tree is defined as any bush or tree with the potential to reach 2 metres or higher in height
- Council will promote the establishment of street trees throughout the shire
- Council will establish a street tree inspection and treatment regime to mitigate the hazards that can be created by street trees.
- Council's Manager of Works will be responsible for the maintenance of street trees.
- Council will provide an annual budget for the effective management of street trees.
- Council will establish and maintain a complaint system for street trees.
- Council will establish and maintain a Street Tree Masterplan which will guide the effective management of all existing and new street trees.

Selection of New Trees / Street Tree Planting

- The selection of tree species for new or replacement street trees will be in accordance with Councils Street Tree replacement program.

- A private landowner may be granted permission to plant a street tree of an approved variety adjacent to his property, with approval from Council.
- Requests to plant street trees of a variety not contained in the Street Tree Masterplan shall be referred to Council for decision.
- Trees under power lines must be treated in accordance with Essential Energy's "Vegetation Management Agreement" CE/BSC.
- Consideration must also be given to existing infrastructure in the selection and placement of trees.

Street Tree Removal

- Trees shall only be removed when they are posing a danger to people or infrastructure or they are in poor health or dead.
- If a resident requests the removal of a particular tree and that tree meets one of the removal criteria, then Council will arrange its removal following a risk assessment and its listing on the works program and sufficient funds in the tree budget.
- Council will consider applications to remove a street tree that a resident claims is causing damage to their infrastructure. The claim should be accompanied by an expert (qualified person) assessment provided at the applicants cost. If after considering reasons given the case is justifiable Council will arrange removal or treatment as soon as practicable.
- Selection of all trees for removal, including Queensland Figs each year will generally be determined by an annual risk assessment which will prioritise the worst trees for removal.
- If an adjacent landowner wishes to have a tree including a Queensland Fig street removed ahead of schedule adopted by Council then this can only be achieved if the landowner obtains the consent of Council and meets the full cost of removal.
- Prior to removal of all trees including Queensland Figs a notice of intention to remove the trees will be placed in local media and a memo is to be provided to adjacent land owners providing them with an opportunity to comment on the proposed removal. A copy of the advertisement will be provided to Councillors.

Street Tree Pruning

- Pruning of street trees may only be carried out by Council or by those authorised by Council.
- Pruning work must be carried out in accordance with AS 4373 "Pruning of Amenity Trees" and the Safework Code of Practice "Amenity Tree Industry".
- Any request for pruning is to be issued on the BSC "Application form to remove or Prune a tree" to be authorised by Manager of Works and completed when budget allows and work can be programmed.
- Council encourages the local community to help in maintaining the trees planted in their street by assisting with watering of trees adjacent to their property.

Street Tree overhanging Private Property

- When a request from a property owner seeking removal or lopping of street trees (which overhangs their property) is received, the request shall be investigated by the Manager of Works. The work will be risk assessed and work programmed accordingly in line with the existing program and budgetary provisions.

Legal Issues

- Council may seek reimbursement from residents if they kill, remove or damage a Council owned tree or make the tree structurally unsound.
- Council in its decision making process is mindful of its legal liability that may arise out of the planting and maintenance of street trees.

RELATED POLICIES, DOCUMENTS

Statewide Best Practice Manual "Trees and Tree Root Management"

Essential Energy "Vegetation Management Agreement" CE/BSC

Safework Code of Practice "Amenity Tree Industry"

AS 4373 – "Pruning of Amenity Trees"

Bourke Street Tree Masterplan

Resolutions of Council

BSC Application form to remove or Prune a tree

RELATED POLICIES

There are no related Policies.

VARIATION

Council retains the right to review, vary or revoke this policy at any time.

The General Manager has the right to review or vary these procedures.

Presented to MANEX on: 20/11/2018

Policy adopted by Council: 26/11/2018



Preliminary Tree Assessment Report

Prepared for:

Name: Bourke Shire Council

Contact: Peter Brown

Project Location: 5 Denman Street Bourke NSW

Date: 09/02/2022

Preliminary Tree Assessment –

Savco Vegetation Services ABN: 78 161 366 749 info@savco.com.au www.savco.com.au Head Office: 134 Briggs Road, Raceview,
QLD 4350. (Po Box 391, Ipswich, QLD 4305) Phone: 07 3288 8800 Fax: 07 3288 0755

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Project - Contact Details

Name: Aaron Potter
Mobile: 0408 854 420
Email: apotter@savco.com.au
Position: Area Manager
Company: Savco Vegetation Services

Name: Warren Prause
Phone: 0427 936 145
Email: wprause@savco.com.au
Position: Arborist
Company: Savco Vegetation Services

Name: Peter Brown
Phone: 02 6830 8000
Email: pbrown@bourke.nsw.gov.au
Position: Manager of Works
Company: Bourke Shire Council, 29 Mitchell Street, Bourke NSW 2840

Referenced Documents

AS4373 – 2007 Pruning of Amenity Trees

Report Definitions

Diameter at breast height (DBH)

The trunk diameter at 1.4 m above ground level.

Arborist

A person who is trained, formally qualified and experienced Arboriculture.

Koala Spotter

A koala spotter means a person who has demonstrated experience in locating koalas in koala habitats or conducting fauna surveys.

Structural Root Zone (SRZ)

The area around the base of a tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is circular with the trunk at its centre and is expressed by its radius in metres.

Tree

Long lived perennial plant greater than (or usually greater than) 3 m in height with one or relatively few main stems or trunks (or as defined by the determining authority).

Tree Protection Zone (TPZ)

A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

Preliminary Tree Assessment –

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Vigour

Ability of a tree to sustain its life processes ‘vigour’ in this report is common to terms such as ‘health’ and ‘vitality’.

Introduction

This report has been written to present gathered site inspection information regarding tree health.

One tree was assessed at this site, it is located outside the property fence on the road reserve.

This report will explain the status of the tree’s health, stability and sustainability and provide a recommended outcome or management plan.

Project Location

A single tree located at 5 Denman Street, Bourke, NSW was assessed during this inspection. The red dashed circle shape shows the location.

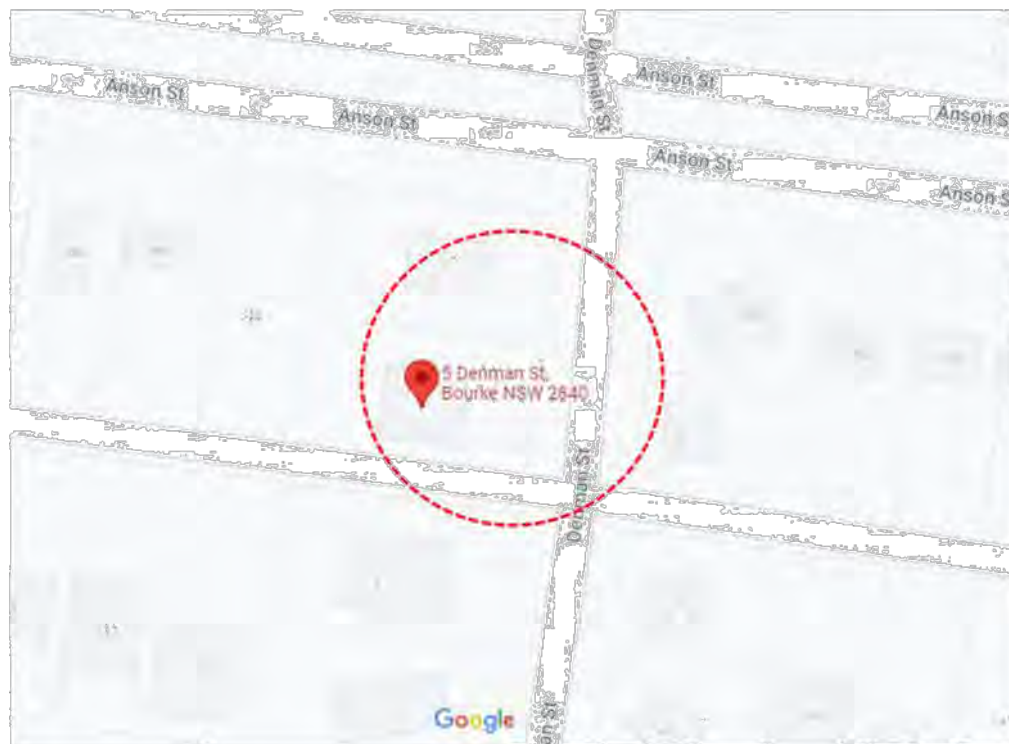


Figure 1.

Preliminary Tree Assessment –

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Inspection Methodology

A ground based inspection methodology has been used to gather all of the information for this assessment and report. The inspection was performed on the 08th of February 2022. No aerial inspections were performed.

Condition of Tree Health

The *Ficus spp.* at this address has been in situ for numerous years and is a semi-mature / mature tree. Visually, this tree presents as being in good health however there are a few notable problems, the tree has multiple co-dominate main leaders/trunks and there appears to be low strength lamination where the main leaders/trunks are joined just above the ground level. There is a possibility of structural failure and if this were to occur then the power service lines to the house at 5 Denman Street and the neighbouring property could likely be damaged. One of the leaders on the house side at 5 Denman Street appears to be a likely failure risk due to poor mechanical strength at the lowest union, if this occurs it is thought that this leader is long enough to contact the house.

The above ground roots have sustained damage in the past, there are visual signs of mechanical damage and rot in the outer tissue. This tissue damage allows pests and pathogens to enter the tree; once this occurs the strength of the root anchorage abilities will be impaired and weakened. Furthermore, the anchorage roots have been severed by the installation/upkeep of the roadside kerb and guttering. It is also understood that the roots from this tree have blocked property plumbing and drainage in the past.

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Hazards and Risks

Inappropriate Species – This tree is located on the road reserve between a property fence and municipal infrastructure (roadway). It will continue to increase in size. This tree is the wrong species for an urban situation where housing, road infrastructure and water piping are in close proximity. Root decay will likely progress overtime causing a weakness of overall tree strength and integrity. This also weakens the tree's ability to heal itself. Pests, diseases, and pathogens can easily enter at these points. Weak joins where the leaders are attached may cause unpredictable failure in the future

These faults cause reduced tree structural integrity, the strength cannot easily be assessed without an extensive inspection. Given where the tree is located and the low value of the tree it is not viable to perform a more expensive type of structural inspection.

On the side where these roots have been removed the anchorage of this tree will have been weakened.

Recommendation

When reflecting on all the Hazards and Risks that have been identified it is recommended that this tree be removed. This would mitigate all the risks related to the questionable structural integrity of this tree in the position where it is located. There are no reasonable pruning methods that could be implemented to provide a similar safe outcome.

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Preliminary Tree Assessment Report

Prepared for:

Name: Bourke Shire Council

Contact: Peter Brown

Project Location: 19 Mitchell Street Bourke NSW

Date: 10/02/2022

Preliminary Tree Assessment –

Savco Vegetation Services ABN: 78 161 366 749 info@savco.com.au www.savco.com.au Head Office: 134 Briggs Road, Raceview,
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Project - Contact Details

Name: Aaron Potter
Mobile: 0408 854 420
Email: apotter@savco.com.au
Position: Area Manager
Company: Savco Vegetation Services

Name: Warren Prause
Phone: 0427 936 145
Email: wprause@savco.com.au
Position: Arborist
Company: Savco Vegetation Services

Name: Peter Brown
Phone: 02 6830 8000
Email: pbrown@bourke.nsw.gov.au
Position: Manager of Works
Company: Bourke Shire Council, 29 Mitchell Street, Bourke NSW 2840

Referenced Documents

AS4373 – 2007 Pruning of Amenity Trees

Report Definitions

Diameter at breast height (DBH)

The trunk diameter at 1.4 m above ground level.

Arborist

A person who is trained, formally qualified and experienced Arboriculture.

Koala Spotter

A koala spotter means a person who has demonstrated experience in locating koalas in koala habitats or conducting fauna surveys.

Structural Root Zone (SRZ)

The area around the base of a tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is circular with the trunk at its centre and is expressed by its radius in metres.

Tree

Long lived perennial plant greater than (or usually greater than) 3 m in height with one or relatively few main stems or trunks (or as defined by the determining authority).

Tree Protection Zone (TPZ)

A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

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Vigour

Ability of a tree to sustain its life processes ‘vigour’ in this report is common to terms such as ‘health’ and ‘vitality’.

Introduction

This report has been written to present gathered site inspection information regarding tree health.

One tree was assessed at this site, it is located outside the property fence on the road reserve.

This report will explain the status of the tree’s health, stability and sustainability and provide a recommended outcome or management plan.

Project Location

A single tree located at 19 Mitchell Street, Bourke, NSW was assessed during this inspection. The red dashed circle shape shows the location.

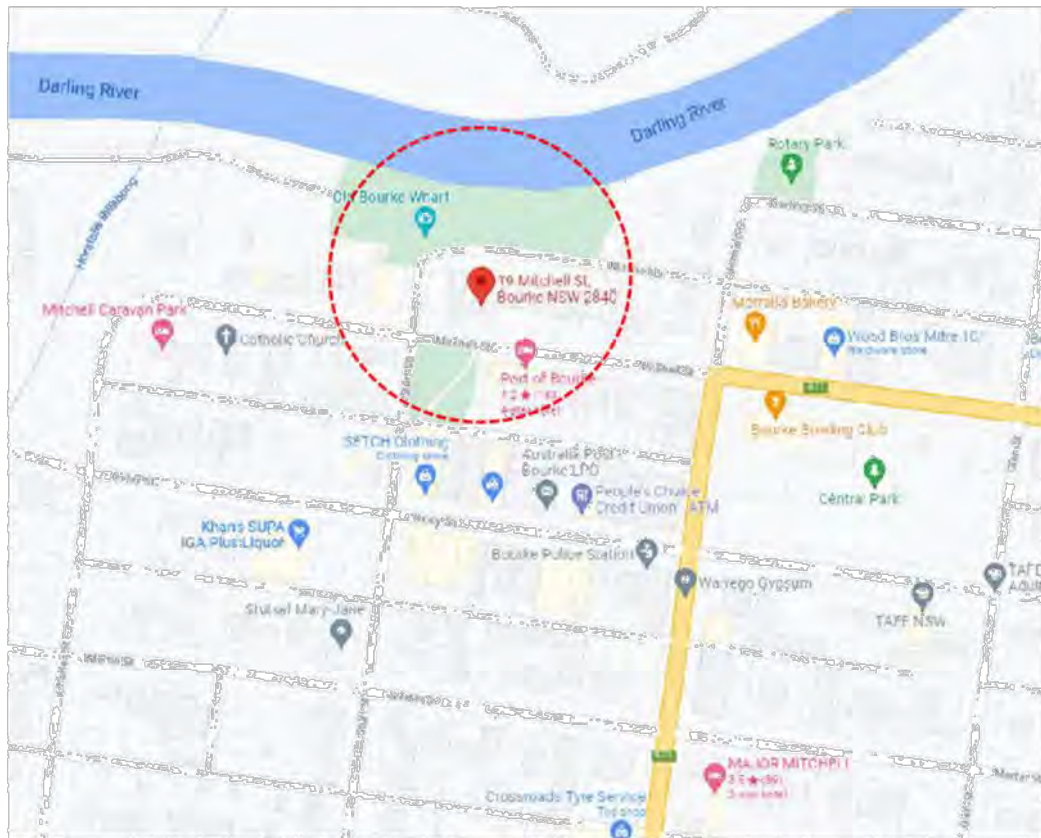


Figure 1.

Preliminary Tree Assessment –

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Inspection Methodology

A ground based inspection methodology has been used to gather all of the information for this assessment and report. The inspection was performed on the 09th of February 2022. No aerial inspections were performed.

Condition of Tree Health

The *Eucalyptus spp.* at this address has been in situ for numerous years and is a mature tree. Visually, this tree presents as being in generally good health.

Hazards and Risks

This species of tree is self-pruning so therefore they are able to selectively choose branches that are affected by bird chewing, pest and pathogen ingress and mechanical stresses. Throughout the life of these trees, they are likely to drop branches for the mentioned reasons. In general, there are no warning signs that can predict which branch may be going to drop or when it will happen. It is a really good practice to select open areas to plan these trees where there is no infrastructure or persons that may be in danger if and when branches are naturally shedded.

Recommendation

When reflecting on the Hazards and Risks that have been identified it is recommended that this tree could benefit from being pruned with a focus put on removing any suspect branches that may unpredictably fall onto neighbouring houses/sheds, fences or in the proximity of where vehicles or person are commonly located.

Removal will mitigate all the risks related to the questionable location of this tree that is growing above residential homes and sheds. This is a really tall tree, it has probably almost reached its full mature height, it is likely that the crown of the tree will continue to widen of the remainder of it's life cycle. The widening of the crown will create a higher risk of the neighbouring infrastructure being damaged from dropping branches.

Trim Tree (Option A)

Carry out pruning on this tree to reduce any hazardous branches that are identified. Help balance the tree as best as possible. Remove any long branches that are experiencing mechanical stresses.

Remove Tree (Option B)

When assessing the long-term maintenance costs of trimming or removing this tree. Removal could potentially be a better outcome. The tree is currently very large and will be quite slow and costly to remove above the house, shed and fences that are all beneath this tree.

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Removing this tree now will be less expensive than postponing this activity and revisiting the removal option in the future

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Preliminary Tree Assessment Report

Prepared for:

Name: Bourke Shire Council

Contact: Peter Brown

Project Location: 32 Green Street Bourke NSW

Date: 10/02/2022

Preliminary Tree Assessment –

Savco Vegetation Services ABN: 78 161 366 749 info@savco.com.au www.savco.com.au Head Office: 134 Briggs Road, Raceview,
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Project - Contact Details

Name: Aaron Potter
Mobile: 0408 854 420
Email: apotter@savco.com.au
Position: Area Manager
Company: Savco Vegetation Services

Name: Warren Prause
Phone: 0427 936 145
Email: wprause@savco.com.au
Position: Arborist
Company: Savco Vegetation Services

Name: Peter Brown
Phone: 02 6830 8000
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Vigour

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Introduction

This report has been written to present gathered site inspection information regarding tree health.

One tree was assessed at this site, it is located outside the property fence on the road reserve.

This report will explain the status of the tree’s health, stability and sustainability and provide a recommended outcome or management plan.

Project Location

A single tree located at 32 Green Street, Bourke, NSW was assessed during this inspection. The red dashed circle shape shows the location.

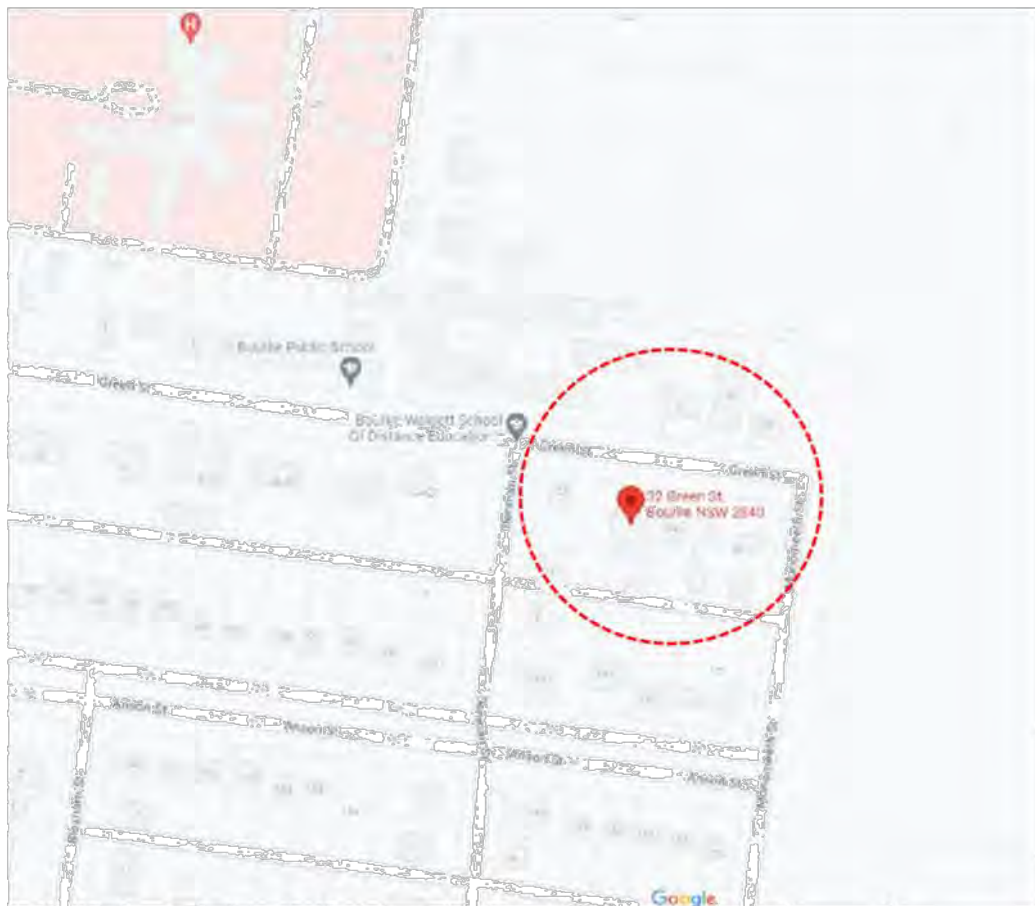


Figure 1.

Inspection Methodology

A ground based inspection methodology has been used to gather all of the information for this assessment and report. The inspection was performed on the 09th of February 2022. No aerial inspections were performed.

Condition of Tree Health

The *Eucalyptus spp.* at this address has been in situ for numerous years and is a mature tree. Visually, this tree presents as being in generally good health however there are a few notable faults that require management.

Hazards and Risks

The tree is experiencing die back on the property side. This can be identified as the branches are dead and dying. The tree is heavily weighted towards the road away from the property. It visually appears quite unbalanced for natural weight distribution. Roots from this tree have damaged the roadside kerb and channelling in the past.

Recommendation

When reflecting on the Hazards and Risks that have been identified it is recommended that this tree can be trimmed however removal may be a better option to reduce future maintenance costs of tree trimming and Kerb and Channelling renewal.

Trimming should help to improve the current weight distribution of this tree, dead and dying branches will be removed.

Removal will mitigate all the risks related to the questionable weight distribution it will reduce future maintenance costs and prevent any future damage to the roadside Kerb and Channelling Asset.

Trim Tree (Option A)

Carry out pruning on the roadside of this tree to improve and balance the weight distribution of this tree. Remove foliage and semi-mature leaders where necessary to remediate the unbalanced weight distribution. Remove any deadwood or dying branches to improve the public safety risk of the tree. This management technique will not prevent further damage from occurring to the driveway or roadside Kerb and Channelling Asset.

Remove Tree (Option B)

When assessing the long-term maintenance costs of trimming or removing this tree. Removal could potentially be a better outcome. The species onsite here is generally considered inappropriate for street plantings given the risks and long-term ongoing maintenance requirements. Currently there is a significant amount of pruning to be undertaken to try and

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balance the weight distribution of this tree. Removing the tree will also prevent any further damage from occurring to the driveway or roadside Kerb and Channelling Asset. Trimming a lot of foliage off one side of the tree (roadside) will generally influence the tree to try and regrow foliage on the same side of the tree from where the branches are removed. This creates further maintenance cost for the future.

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Site Photos



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Savco Vegetation Services ABN: 78 161 366 749 info@savco.com.au www.savco.com.au Head Office: 134 Briggs Road, Raceview, QLD 4350. (Po Box 391, Ipswich, QLD 4305) Phone: 07 3288 8800 Fax: 07 3288 0755



Preliminary Tree Assessment –

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14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**14.1 EMPLOYMENT ZONE REFORM**

File Number:	T5.1
Author:	Dwayne Willoughby, Manager Environmental Services
Authoriser:	Mark Riley, General Manager
Attachments:	Nil

Background

The Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order) has been amended to give effect to employment zone reform that, on completion, will replace the existing Business and Industrial zones with new zones. All Standard Instrument local environmental plans in NSW must be made in accordance with the SI LEP Order. It was recommended by the NSW Productivity Commission to rationalise the number of employment zones in NSW and to increase flexibility within the new zones to expand the land uses that are permitted.

This means that a translation amendment to the Bourke LEP is proposed. The Department of Planning, Industry and Environment (DPIE) is coordinating the translation of LEP amendments and is proposing a centralised public exhibition of all LEP amendments in April 2022.

The (DPIE) has amended the Standard Instrument (SI LEP) Order to introduce five employment zones and three supporting zones. On 1 December 2022 the Business and Industrial zones were repealed from the SI LEP Order.

The new zones are:

- o E1 Local Centre
- o E2 Commercial Centre
- o E3 Productivity Support
- o E4 General Industrial
- o E5 Heavy Industrial

Supporting zones

- o MU1 Mixed Use
- o W4 Working Waterfront
- o SP4 Enterprise

DPIE exhibited the employment zones framework from 20 May to 30 June 2021. Council did not make a submission.

To progress the translation to the new zones DPIE has provided a preliminary translation of Council's LEP including prepared land use tables. Staff have reviewed DPIE's translation. This detail is now being prepared for the public exhibition being coordinated by DPIE.

For the Bourke Local Environmental Plan 2012, this would translate as follows:

- Existing B2 Local Centre to E1 Local Centre;

- Existing IN1 General Industrial to E4 General Industrial; and
- Existing IN2 Light Industrial to E4 General Industrial

Current Situation

Council staff have been working with Council's planning consultant to review the translation of the zones alongside the broader suite of employment zones to find a zone that best fits councils' strategic planning.

Council staff and consultants are currently in discussions with DPIE in relation to adding a local provision to the current R1 Residential zone as part of the employment zone reforms. It is understood, by Council staff, that the objective of the employment zones reform is to better accommodate the changing needs of business, better support state and local strategic planning, increase investment, and boost jobs growth.

The existing commercial centre is currently at capacity presenting limited opportunity for new businesses or growth potential. Based on community representations to staff members at Council and the general expressions of interest, there is an identified demand for the expansion of commercial opportunities outside of the town centre in Bourke.

It is proposed that business premises be permitted with consent in the R1 General Residential zone with the introduction of a suitable floor space restriction. Ideally, the proposed amendment would be considered as part of the employment zones reforms and include an amendment to the local provisions and/or additional permitted use provisions. The intent is to provide additional commercial floor space within the existing residential area which will support both the local business activity in the town centre, education infrastructure and facilities, health services and providers and government and non-government organisations in Bourke. It is proposed that a Planning Proposal be prepared for consideration by Council to progress this matter.

A savings and transitional provision will be made which means councils can make changes to other documents incrementally including DCPs, Local Strategic Planning Statements, council strategies, policies, plans and forms.

Financial Implications

Any costs associated with the reform will be met out of the current town planning budget.

Recommendation

- 1. That the information in this report regarding the Employment Zone Reform as presented to Council on Friday, 25 February 2022 be noted.**
- 2. That the proposal to permit business premises, with consent, in the R1 General Residential Zone of the Bourke Local Environmental Plan be endorsed for the purposes of preparing a Planning Proposal for further consideration by Council in due course.**

15 GENERAL MANAGER

15.1 *** PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY

File Number: C11.1

Author: Mark Riley, General Manager

Authoriser: Mark Riley, General Manager

Attachments:

1. **Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors**  
2. **Reimbursement Form Councillors**  

Background

The Local Government Act requires that within the first 12 months of each term of a council, a policy concerning the payment of expenses and the provision of facilities to councillors, must be adopted. This report addresses such requirement.

In this regard, Section 252 of the Local Government Act 1993 provides the requirements of Council in respect of adopting such a Policy, as follows:

(1) Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.

(2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.

(3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.

(4) A council may from time to time amend a policy under this section.

(5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under [section 23A](#).

Current Situation

Bourke Shire Council has previously adopted a Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors. This document has been reviewed and a revised draft Policy is shown at attachment 1. This document is now provided as a draft for consideration by the Council as elected on 4 December 2021.

It is recommended that the attached Policy be placed on public exhibition for a period of 28 days in accordance with Section 253 of the Local Government Act which states as follows:

(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

(2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

(3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.

(5) A council must comply with this section when proposing to adopt a policy in accordance with [section 252\(1\)](#) even if the council proposes to adopt a policy that is the same as its existing policy.

A further report will be prepared for Council following the submission period to allow consideration of any public submissions prior to adoption.

Financial Implications

Funding is available to cover potential expenses arising from the eventual adoption of the policy.

Recommendation

- 1. That the draft policy "Payment of Expenses and Provision of Facilities for the Mayor and Councillors" as attached herewith be placed on Public Exhibition for a period of twenty-eight (28) days inviting the public to make submissions.**
- 2. That a further report be presented to Council following the submission period.**



Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors.

DRAFT

Policy No: 1.8.5(v7)

Date Adopted: xx/xx/2022

Resolution No:

Supersedes: 1.8.5(v6) – as adopted by Council 27/03/2017.

Verified by.....

Verified by.....

(Adopted at the Ordinary Meeting of Council xx/xx/2022)

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Status of the Policy

- Date of Adoption: xx/xx/2022
- Responsible Department: General Manager
- Mandatory Annual Review: Within 12 months of next Council election (by Sept 25)
- Policy Amended:
- Public Exhibition:

1. Title and Commencement of Policy

This policy is to be known as the Policy For The Payment Of Expenses And Provision of Facilities For The Mayor And Councillors.

2. Purpose of the Policy

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

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

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

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

3. Objectives and Scope of the Policy

The objectives of this policy are to:

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

4. Making and Adoption of the Policy

This policy will be reported to Council within the first 12 months of each term of a council. The proposed policy is required to be placed on public exhibition for 28 days within this first 12-month period, even if Council has resolved to adopt the same policy (Section 253 (5))

Council is also required to give public notice of any changes made throughout the council term. However, Council is not required to give notice if the changes are deemed not to be substantial as per section 253 (3) of the Local Government Act.

5. Legislative Provisions

The policy is governed by the Local Government Act 1993, specifically but not limited to; sections 252, 253 and 254 and the Local Government (General) Regulation 2005.

6. Other Government Policy Provisions.

In addition to the legislative provisions as detailed above the following should also be taken into consideration:

- Bourke Shire Council Code of Conduct
- ICAC Publication- No excuse for Misuse, Preventing the Misuses of Council resources
- Office of Local Government: Circular 17-17 - Payment of Expenses and Facilities Template

PART 2 - PAYMENT OF EXPENSES - GENERAL PROVISIONS

7.1 Exclusion of General Expense Provision

In accordance with clause 403 (a) of the Local Government (General) Regulation no provision has been made for the payment of an allowance in the nature of a general expense allowance.

(A general expense allowance is a sum of money paid by a council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific time frame.)

7.2 Monetary Limits on Expenses

This policy identifies and publishes monetary limits and standards applicable to the payment of various expenses to Councillors. This allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. The Mayor and General Manager may under exceptional circumstances vary the monetary limits with such variation to be reported to Council.

The payment of expenses and the facilities which may be provided to the Mayor and Councillors under this Policy shall be provided in addition to the annual fees payable to the Mayor and Councillors as determined by the Council under Sections 248 and 249 of the Act.

7.3 Code of Conduct

Council's Code of Conduct sets the minimum requirements of behaviour for Council officials. The Code of Conduct refers, in part, to the use of Council Resources as follows:

- *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.*
- *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.*
- *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.*
- *You must not convert any property of the Council to your own use unless properly authorised.*
- *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.*

These sections of the Code are relevant to this Policy in that they provide for an overarching standard of behaviour that the Mayor and Councillors would be expected to display when using Council's resources.

7.4 Approval and Dispute Resolution Process

The approval for expenses in accordance with this policy shall be undertaken by the General Manager.

Where a dispute arises concerning the payment of expenses or provision of facilities, the matter shall be referred for determination jointly by the Mayor and Deputy Mayor.

Where the dispute involves either of the Councillors holding one of the positions, it shall be referred for determination at a meeting of the Council.

7.5 Reimbursements and Reconciliation of Expenses

- (a) Reimbursement of costs and expenses to Councillors will only be made upon production of appropriate receipts and tax invoices and completion of a Councillor's Expense Claim Form. Expenses and costs incurred must be in accordance with the requirements of this policy.
- (b) Claims for reimbursement of expenses should be submitted within three (3) months of the expense being incurred. Expense claims submitted more than three (3) months of the expense being incurred will not be reimbursed.
- (c) Payment will be made within one (1) month of an approved claim being received unless documentation is inadequate, in which case the claimant will be notified immediately, or the matter requires determination by Council as per Section 7.4 herewith.

7.6 Payment in Advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advanced payment for the cost of any other service or facility covered by this policy. The General Manager is to authorise pre-paid expenses. A reconciliation of the funds expended, and accompanying receipts, are to be submitted to the General Manager within 10 days following the conclusion of the Conference, Seminar or Training together with any unspent funds.

SPECIFIC EXPENSES FOR MAYOR AND COUNCILLORS

8.1 Civic Business within the Bourke Shire Local Government Area

Expenses will be paid for Councillors to attend:

- Meetings of the Council and Committees.
- Meetings of other committees, bodies, organisations or groups to which those Councillors are Council delegates or representatives.
- Other meetings or inspections which are authorised by the Council, the Mayor or the General Manager.
- Training courses, seminars or conferences authorised by the Council (except in those circumstances where there is insufficient time for a Council decision and in those cases the Mayor and General Manager have the authority to approve the attendance and report back at the next Council meeting for endorsement of that decision).
- No Expenses are to be reimbursed to Councillors to support their attendance at political fund-raising functions.

CATEGORIES OF PAYMENT / REIMBURSEMENT

(a) Council and Committee Meetings

(i) Travel

Councillors are entitled to be reimbursed for the use of their private vehicle for travel to and from meetings.

Payment for the use of a Councillor's private vehicle will be based on the relevant kilometre rate for vehicles as determined in the Local Government (State) Award and as applicable as at 1st July each year.

The allowable distance claimed will be for travel, by the most practicable route from the Councillor's usual place of residence or other place where the Councillor might be (whichever is lesser), immediately prior to the meeting.

(ii) Meals/Refreshments

Arrangements will be made for a light meal and/or refreshments to be provided at each meeting depending on the scheduling of each meeting.

(iii) Accommodation

Should a meeting be scheduled to finish later than 9.00pm or start earlier than 7.00a.m and the Councillor lives more than 50 kilometres from Bourke or in other circumstances where, in the opinion of the Mayor or General Manager, because of the timing of the meeting, it would be impractical or introduce undue risk for the Councillor to travel from/to home before/after the meeting, Council will meet reasonable accommodation costs (including sustenance and telephone calls) on the evening of or prior to the meeting for the Councillor.

Accommodation will generally be booked by Council staff and will be limited to \$150.00 per night. Council will not meet any expenses incurred from mini bars.

(b) Meetings of Other Committees, Bodies, Organisations or Groups to Which Those Councillors are Council Delegates or Representatives or Other Authorised Meetings or Inspections, Training Courses, Seminars or Conferences within Bourke Shire Area

(i) Travel

Council vehicles will generally be made available, however, in circumstances where a Council vehicle is not available or the use thereof is impractical, Councillors may use their private motor vehicle. Councillors should check with the Manager Corporate Services to ascertain whether a Council vehicle is available and should make arrangements to collect the vehicle at a mutually suitable time.

Payment for the use of a Councillor's private vehicle will be based on the relevant kilometre rate for vehicles as determined in the Local Government (State) Award and as applicable as at 1st July each year.

When a private vehicle is used when a seat in a Council vehicle is available, reimbursement will be at the discretion of the Mayor and General Manager.

The allowable distance claimed will be for travel, by the most practicable route from the Councillor's usual place of residence or other place where the Councillor might be (whichever is the lesser), immediately prior to the meeting or inspection.

(ii) Out of Pocket Expenses

Reasonable out-of-pocket expenses will be reimbursed for costs associated with attendance. Out of pocket expenses are to be limited to \$50.00 per day when attending functions within Bourke Shire Area.

(iii) Accommodation

Should a meeting be scheduled to finish later than 9.00pm or start earlier than 7.00a.m and the Councillor lives more than 50 kilometres from Bourke or in other circumstances where, in the opinion of the Mayor or General Manager, because of the timing of the meeting, it would be impractical or introduce undue risk for the Councillor to travel from/to home before/after the meeting, Council will meet reasonable accommodation costs (including sustenance and telephone calls) on the evening of or prior to the meeting for the Councillor.

Accommodation will generally be booked by Council staff and will be limited to \$150.00 per night. Council will not meet any expenses incurred from mini bars.

(iv) Registration

Includes all registration fees involved in the attendance at the conferences, seminars etc as well as associated official luncheons, dinners and tours.

8.2 Civic Business outside the Local Government Area

Expenses will be paid for Councillors to attend:

(i) Conferences and Seminars:

Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW. Council will allocate funding in its annual budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. Approval to attend a conference or seminar is subject to a written request to the General Manager, in the first instance, for submission to Council for determination. The General Manager is to approve attendances at seminars and conferences by staff. In those circumstances where there is insufficient time for a Council decision, the Mayor and General Manager have the authority to approve the attendance and report back at the next Council meeting for endorsement of that decision. In assessing a councillor request for report to Council the General Manager must consider factors including the:

- (a) the relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties;
- (b) the cost of the conference or seminar in relation to the total remaining budget.

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

(ii) Training courses:

Council will allocate funding in its annual budget to facilitate professional development of councillors through programs, training and education courses. This allocation may be made available for individual training courses for Councillors or for training for all Councillors. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be funded through the annual Councillor Training funding

allocation. Annual membership of professional bodies by Councillors will not be covered by Council. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- details of the proposed professional development/training.
- relevance to Council priorities and business
- relevance to the exercise of the Councillor's civic duties.

In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in this policy, as well as the cost of the professional development in relation to the available budget.

(iii) Meetings of other committees, bodies, organisations or groups to which those Councillors are Council delegates or representatives; and

(iv) Other meetings or inspections which are authorised by the Council, the Mayor or the General Manager.

Categories of Payment/Reimbursement

(i) Registration

Includes registration fees for attendance at conferences, seminars and training etc as well as associated official luncheons, dinners and tours.

(ii) Travel

Council will either pay or reimburse Councillors for travel by air, private motor vehicle, rail or taxi/hire car, as appropriate and as set out below:

(a) Air

Where travel is undertaken by air, this will be by economy class. All bookings for travel will generally be made by Council staff.

(b) Motor Vehicle

Council will endeavour to make a vehicle available and Councillors are asked to clarify the availability of a vehicle with Council's Manager Corporate Services.

Where a Council vehicle is not available a private motor vehicle may be used. Councillors are entitled to be reimbursed for this use.

Payment for the use of a Councillor's private vehicle will be based on the relevant kilometre rate for vehicles as determined in the Local Government (State) Award and as applicable as at 1st July each year.

Where a private vehicle is used when a Council vehicle is available reimbursement will be at 50% of the determined rate unless otherwise approved by the General Manager.

If a councillor chooses to travel in their own vehicle when a seat is available in a Council vehicle travel will not be reimbursed unless otherwise approved by the General Manager and Mayor.

The allowable distance claimed will be for travel, by the most practicable route from the Councillor's usual place of residence or other place where the Councillor might be (whichever is the lesser), immediately prior to the meeting, function, training course, seminar or conference.

This claim will be subject to the cost not exceeding the economy class airfare as applicable.

(c) Rail

Where travel is undertaken by train, Council will meet the cost of a first-class ticket, or equivalent, including sleeping berths where necessary.

(d) Taxi/Hire Car

Where travel is undertaken by taxi/hire car, Council will reimburse fares paid upon presentation of relevant receipts.

With all travel arrangements, due consideration is to be given to the physical capacity of the Councillor and any variation to the arrangements below will be with the approval of the Mayor.

(iii) Accommodation

Council will meet reasonable costs (including sustenance and telephone charges) including the night before and after the meeting, training course, seminar or conference where necessary. Accommodation will generally be booked by Council staff and will be limited to \$150.00 per night in regional areas and \$300.00 in capital cities.

Council does not meet any expenses incurred from mini bars.

Note: *Should accommodation be in excess of this amount at the conference venue the General Manger is able to approve this additional cost.*

(iv) Out of Pocket Expenses

Reasonable out-of-pocket expenses associated with attendance and incurred in respect of meals (breakfast/lunch/dinner) and incidentals will be reimbursed. Expenses are to be limited to the those amounts as detailed in Table 2 of the Australian Taxation Office's Determination for reasonable travel and meal expenses for that financial year. All claims are to be accompanied by receipts.

Note: *It is expected that Councillors who attend conferences and seminars will provide Council with a brief report on such conference unless when accompanied by a staff member who will undertake this reporting function. Additionally, it is expected that all conference/seminar attendees will actively participate in all sessions of the conference unless engaged in other business on behalf of Council.*

8.3 Interstate Visits

All interstate visits should be approved by Council and the expenses payable will be in accordance with that for travel outside the Local Government Area.

Note: *For the purposes of this policy travel to Southwestern Queensland will not be regarded as interstate travel given the relationship of Council with that region. The ACT is also not deemed to be interstate.*

8.4 Overseas Visits

Overseas travel must be approved by the Council prior to a Councillor undertaking a trip.

Travel must be approved on an individual trip basis. Council will not permit the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been obtained.

Travel proposals shall be included in the Council business papers and not via a tabled Mayoral Minute (not included on the Council Meeting Agenda) and must include full details of the travel itinerary, cost, reasons for the travel and benefit to Council.

After returning from overseas, Councillors should provide a detailed written account to Council on the aspects of the trip relevant to Council business and/or the local community, unless accompanied by a Council staff member who will undertake this reporting function.

Should the Mayor or other Councillor accept an invitation to travel overseas, details of travel will be included in the Council's Annual Report as required by the Local Government Act and Regulations.

8.5 Legal Assistance

Legal and Representation Costs - Enquiries, Investigations, Hearings, etc

(a) Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

(b) In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

(c) Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

(d) Council will not meet the legal costs:

- of legal proceedings initiated by a Councillor under any circumstances
- of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a Councillor performing their role as a Councillor.

(e) Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

8.6 Legal Advice

Legal advice relating to a pecuniary interest, conflict of interest or matter governed by the code of conduct which in the opinion of the Chief Executive Officer is necessary to clarify the Councillor's responsibilities in the performance of his/her duties will be provided and paid for by Council.

8.6 Insurance

Councillors will receive the benefit of insurance cover for:

(i) **Personal injury** while on Council business.

The cover does not include medical expenses for illness in Australia.

(ii) **Professional indemnity** for matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty is, in the opinion of Council, in good faith or proper. This is subject to any limitations or conditions set out in the policy of insurance that is taken out from time to time.

(iii) **Public liability** for matters arising out of Councillors' performance of civic duties or exercise of their functions under the Local Government Act. This is subject to any limitations or conditions set out in the policy of insurance that is taken out from time to time.

(iv) **Councillors and Officers liability.** This policy provides protection in respect of actions against the individual Councillors in addition to legal costs incurred by them in defending an allegation of a wrongful act made in the course of their duties as Councillors. This is subject to any limitations or conditions set out in the policy of insurance that is taken out from time to time.

(v) **Travel Insurance-** Councillors will be provided with travel insurance when travelling outside the Bourke Shire Local Government area for those situations not covered under the personal injury policy.

8.7 Telecommunication Expenses

(i) **Councillor Supplied Fax/Phone Line**

Council will meet the cost of identified Council related calls and will make contribution to any consumables in proportion to the level of identified usage.

(ii) **Mobile Phone Calls**

Council will meet the cost of calls made on behalf of Council for from private mobiles. Such calls should be clearly identified on the monthly accounts issued by service providers.

(iii) **Limits on Expenditure on Calls**

The limit on the cost of reimbursement of calls shall be \$150.00 per month in the case of the Mayor and \$25.00 per month in the case of Councillors.

8.8 Carer and other related expenses

In accordance with the principles of participation, access and equity Council will reimburse the reasonable cost of carer arrangements, including childcare expenses and care of elderly, disabled and/or sick immediate family members of Councillors, to allow Councillors to undertake their Council business obligations.

Reimbursement of these expenses will be limited to a maximum of \$1,000.00 per annum, plus \$200.00 per annum for carers expenses incurred in relation to the attendance at a conference/seminar or training course.

Council business obligations in this context shall include Council and Committee meetings, Councillor briefings, attendance as an appointed Council delegate to meetings and functions of external agencies on which the Council is represented, Council Citizenship Ceremonies, but not functions that are primarily social in nature.

All claims should be accompanied by a receipt verifying payment to a care provider.

8.9 Councillors with Disabilities

In addition to other clauses on this policy regarding the provision of facilities to Councillors, in the event of a Councillor having a disability that would prevent them from performing their civic duties without the provision of additional facilities, where necessary, and with the agreement of the Mayor and General Manager, additional appropriate facilities will be made available to that Councillor.

8.10 Spouse and partner Expenses

- (i) There may be limited instances where certain costs incurred by a Councillor on behalf of their spouse, partner or carer are properly those of the Councillor in the performance of his or her functions (hence they are properly incurred by and reimbursable to the Councillor).
- (ii) As a consequence, meeting the reasonable costs of spouses and partners or carer for attendance at official Council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying Councillors within the Local Government Area. Such functions would be those that a Councillor's spouse, partner or accompanying person could be reasonably expected to attend. Examples could include, but not be limited to, Australia Day award ceremonies, Citizenship ceremonies, Civic receptions and charitable functions for charities formally supported by the Council.
- (iii) Where the Mayor or a Councillor is accompanied at a conference, all costs for, or incurred by, the accompanying person, including travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Mayor/Councillor/accompanying person and not by the Council. The exception to this is

that Council will meet the costs of the official conference dinner for an accompanying person of the Mayor/Councillor for the Local Government NSW Annual Conference only.

Accompanying person's registration, or accompanying person's program fees, are to be paid to the conference organiser, etc. and paid at the time of registration. The Council is prepared to receive such registration and payments and to forward them on to the conference organiser, etc with any Council delegates' registration.

Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

- (iv) Consideration will also be given by the General Manager to the payment of expenses for the spouse, partner or carer of a Mayor, or a Councillor when they are representing the Mayor, when they are called on to attend an official function of Council or carry out an official ceremonial duty while accompanying the Mayor outside the Council's area, but within the State. Examples could include charitable functions to which the Mayor has been invited to represent the Council.
- (v) The above circumstances should be distinguished from spouses, partners or carers who accompany a Councillor at any event or function outside the Council area, including interstate and overseas, where the costs and expenses of the spouse or partner or accompanying person will not be paid by Council (with the exception of attendance at the Local Government NSW annual conference, as noted above.)
- (vi) The above examples should also be distinguished from circumstances where spouses, partners or carers accompany Councillors at seminars and conferences and the like. In these situations, all costs, including any additional accommodation costs, must be met by the Councillor or the spouse/partner/ accompanying person.
- (vii) The payment of expenses for spouses, partners or carers for attending appropriate functions as permitted above should be confined specifically to the ticket, meal and/or the direct cost of attending the function.
- (viii) The processing and payment of registration and associated fees on behalf of spouses, partners or carers may be undertaken by Council in conjunction of the registration of delegates with any fees paid to be reimbursed within thirty (30) days.

9. ADDITIONAL EXPENSES FOR THE MAYOR

9.1 Corporate Credit Card

The Mayor shall be supplied with a corporate credit card to facilitate payment of official Council business expenses, including hosting official visitors and dignitaries to the Shire. Use of the card will be in accordance with the adopted credit card policy.

PART 3 – PROVISION OF FACILITIES

10. GENERAL PROVISIONS**Provision of facilities generally (principles and processes)****10.1 Private use of facilities and mechanism for reimbursement.**

Councillors should not generally obtain a private benefit from the provision of equipment and facilities. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental use is not subject to reimbursement.

10.2 No Use of Council Resources for Political Purposes

Council facilities and equipment are not to be used to produce election material or for any other political purpose.

11. PROVISIONS OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

To assist the Councillors, including the Mayor, in discharging the function of Civic Office, Councillors are, if they request, entitled to receive the following without reduction to the fees payable under Section 248 of the Act:

- (i) Business Cards – with approved details.
- (ii) Letterheads – for responding to matters raised by constituents.
- (iii) Meeting Room - Subject to availability, the meeting room or conference room will be able to be used for Councillors to conduct interviews etc. Tea/Coffee making facilities will also be made available.
- (iv) Corporate Apparel - Council will supply each Councillor at the beginning of each quadrennial term a shirt/blouse embroidered with Council's logo or of Council design with such cost not to exceed \$150.00
- (v) Personal Protective Equipment - Each Councillor required to undertake inspections as part of their role as a Councillor will be supplied upon request with personal protective equipment required as a condition of entry onto the individual work site.
- (vi) Name badge.
- (vii) Laptop Computer or I Pad

12. PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYOR

In addition to those facilities provided to the Councillors, the Mayor, in carrying out the duties of office, is entitled to receive the following:

- (i) A fully maintained vehicle (Toyota Prado or equivalent) will be supplied for the use of the Mayor and will be available at all times for use whilst undertaking his/her Mayoral Duties. A fuel card will be provided for use with the Mayoral vehicle. The Mayor is required to undertake the completion of a log book.
- (ii) Mobile Telephone with a car kit (Note monthly limit of \$150.00).
- (iii) Official stationary incorporating Mayoral letterhead for official Council correspondence issued under the hand of the Mayor.
- (iv) Business Cards for his/her role as Mayor.
- (v) Secretarial Services - word-processing, preparation of speeches, press releases and administrative support provided by the Executive Assistant.

- (vi) Administrative Support - assistance with the coordination of functions, organisations, meetings, etc.
- (vii) Where practicable and available provision of an appropriate facilities, suitable for interviews and small civic receptions.
- (viii) Use of ceremonial Chains of Office.
- (ix) A suitable name badge.

PART 4 – OTHER MATTERS

13. ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS

Councillors must return all equipment and other facilities in good condition to the Council when they cease to be an elected member of Council or are granted extended leave of absence.

On cessation of their civic duties Councillors may purchase the equipment provided by the Council at an amount determined at an agreed fair market price or at the written down value of the asset on appearing on Council's Asset Register

This clause shall exclude uniforms and protective equipment which are able to be retained and the Mayor Chains of Office which shall always remain the property of Council and the Mayoral vehicle.

Appendix 1**LEGISLATIVE PROVISIONS**Local Government Act 1993

The relevant provisions of the Local Government Act 1993 are set out below:

Section 252 Payment of Expenses and Provision of Facilities

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

Section 253 Requirements before Policy Concerning Expenses and Facilities can be Adopted or Amended

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (5) A council must comply with this section when proposing to adopt a policy in accordance with [section 252\(1\)](#) even if the council proposes to adopt a policy that is the same as its existing policy.

Section 254 Decision to be made in Open Meeting

The Council or a Council committee all the members of which are Councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

Local Government (General) Regulation 2005

The relevant provisions of the Local Government (General) Regulation 2005 are set out below:

Clause 217 (Additional information for inclusion in annual reports) states in part:

- (1) For the purposes of section 428(4)(b) of the Act, an annual report of a council is to include the following information—
- (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),
 - (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following—
 - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,
 - (iii) the attendance of councillors at conferences and seminars,
 - (iii a) the provision of induction training for councillors, supplementary induction training for mayors and professional development programs for mayors and other councillors,
 - (iv) other training of mayors and councillors and the provision of skill development for mayors and councillors,
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Secretary from time to time,
 - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.

Division 4 Clause 403 (Payment of Expenses and Provision of Facilities) states:

A policy under section 252 of the Act must not include any provision enabling a Council:

- (1) (a) To pay any Councillor an allowance in the nature of a general expense allowance, or
- (b) To make a motor vehicle owned or leased by the Council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.

- (2) A policy under the Act, section 252 must provide for the making of payment of expenses associated with carer responsibilities that are adequate or reasonable.

OTHER GOVERNMENT POLICY PROVISIONS

OLG Guidelines for Payment of Expenses and Provision of Facilities

This policy takes into account OLG Circular 17-17 - Councillor Expenses and Facilities Policy – Better Practice Template

Model Code of Conduct

This policy is consistent with the Model Code of Conduct for Local Councils in NSW, Department of Local Government, and Council's Code of Conduct which implements the Model Code.

ICAC publications

Councillors should also be aware of and take account of the Independent Commission against Corruption (ICAC) publication No Excuse for Misuse, Preventing the Misuse of Council Resources (Guidelines 2), November 2002.

This publication is available on the ICAC website at www.icac.nsw.gov.au.



29 Mitchell St, Bourke, NSW, 2840
 P.O. Box 71, Bourke, NSW, 2840
 Telephone: (02) 6531 8000
 Email: bourke@bourke.nsw.gov.au
 Web: <http://www.bourke.nsw.gov.au>

Name: _____

Address: _____

Date	Expense Detail	Total \$
		\$

Reason for Claim: _____

Job Number: _____

Order Number: _____

I hear by certify that I incurred the above expenses whilst on official Bourke Shire Council business.

 Signature of Claimant

 Approved for payment

 Date


 Date

15.2 * CODE OF MEETING PRACTICE**

File Number: C11.1, C12.1

Author: Mark Riley, General Manager

Authoriser: Mark Riley, General Manager

Attachments: 1. 1.6.1(v7) - Code of Meeting Practice [↓](#) 

Background

The Local Government Act requires that within 12 months after an ordinary election of councillors, Council must adopt a code of meeting practice. This report addresses such requirement.

In this regard, Section 360 of the Local Government Act 1993 provides the requirements of Council in respect of adopting its code of meeting practice as follows:

- (1) The regulations may prescribe a model code of meeting practice for the conduct of meetings of councils and committees of councils of which all the members are councillors.*
- (2) The model code may contain both mandatory and non-mandatory provisions.*
- (3) A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.*
- (4) A code adopted or amended by the council must not contain provisions that are inconsistent with the mandatory provisions.*
- (5) 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 it.*

Current Situation

Bourke Shire Council previously adopted an amended a Code of Meeting Practice, shown at attachment 1, and developed as per the model code as provided by the Local Government (General) Regulations, in November 2021 to take account of revised provisions which permitted Councillors to attend meetings via audio-visual link. This same document is now provided as a draft for consideration by the Council as elected on 4 December 2021.

It is recommended that the attached Code of Meeting Practice be placed on public exhibition for a period of 28 days in accordance with Section 361 of the Local Government Act which states as follows:

S. 361 Preparation, public notice and exhibition of draft code

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.*
- (2) The council must give public notice of the draft code after it is prepared.*
- (3) The period of public exhibition must not be less than 28 days.*
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.*
- (5) The council must publicly exhibit the draft code in accordance with its notice.*

A further report will be prepared for Council following the submission period to allow consideration of any public submissions prior to adoption. This action is in accordance with Section 362 of the Local Government Act as follows:

362 Adoption of draft code

(1) After considering all submissions received by it concerning the draft code, the council may decide:

(a) to amend those provisions of its draft mandatory code that are non-mandatory provisions, or

(b) to adopt the draft code as its code of meeting practice.

(2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

Financial Implications

There are no financial implications arising from this report.

Recommendation

- 1. That the draft Code of Meeting Practice as appended to this report be placed on public exhibition for a period of 28 days with the public notice for such exhibition also specifying a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.**
- 2. That a further report be presented to Council following the submission period.**

CODE OF MEETING PRACTICE



BOURKE SHIRE COUNCIL
FEBRUARY 2022

Policy No: 1.6.1 (v8)
Date Adopted: xx/xx/xxxx
Resolution No: 2022/xxx
Supersedes: 1.6.1 (v7 as adopted 22 November 2021 – noting that there are no amendments between v7 and v8 of this Code)

Verified by General Manager.....Verified by Mayor.....

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1. Introduction

1.1 Councils Code of Meeting Practice follows the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) 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's code of meeting practice incorporates the mandatory provisions of the Model Meeting Code.

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

Council and committees of the Council of which all the members are Councillors must conduct its meetings in accordance with the code of meeting practice as adopted herewith.

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 Removed (not applicable)
- 3.2 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.
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

- 3.3 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 (2) Councillors requesting the meeting.
Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of Council meetings

- 3.4 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.
Note: Clause 3.4 reflects section 9(1) of the Act.
- 3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 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

- 3.7 The general manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.
Note: Clause 3.7 reflects section 367(1) of the Act.
- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.
Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to Councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

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

Giving notice of business to be considered at Council meetings

- 3.10 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 four (4) full business days before the meeting is to be held.
- 3.11 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.
- 3.12 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.
- 3.13 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

- 3.14 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.
- 3.15 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.
- 3.16 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

- 3.17 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.
- 3.18 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.
- 3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a Mayoral minute to a meeting under clause 9.6.
- 3.20 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.
- 3.21 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.**
- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

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

Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.
Note: Clause 3.24 reflects section 9(2) and (4) of the Act.
- 3.25 Clause 3.24 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 3.25 reflects section 9(2A)(b) of the Act.
- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.
Note: Clause 3.26 reflects section 9(3) of the Act.
- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.
Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 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.
- 3.29 Despite clause 3.28, 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.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 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.

- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 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.
- 3.38 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 may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the Mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 4.00pm on the Friday 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.
- 4.5 A person may apply to speak on no more than two (2) items of business on the agenda of the Council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

- 4.8 No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the general manager or their delegate is to determine who will address the Council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the Mayor or the Mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs no more than three (3) days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to five (5) minutes.
- 4.17 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five (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.

- 4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the general manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the Council, speakers at public forums must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.
- Note:** Public forums should not be held as part of a Council or committee meeting. Council or committee meetings should be reserved for decision-making by the Council or committee of Council. Where a public forum is held as part of a Council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of Council and Committee meetings.

5. Coming Together

Attendance by Councillors at meetings

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

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

- 5.2 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting.
- 5.3 Removed (not applicable)
- 5.4 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.
- 5.5 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.
- 5.6 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.7 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
Note: Clause 5.7 reflects section 234(1)(d) of the Act.
- 5.8 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.
Note: Clause 5.9 reflects section 368(1) of the Act.
- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.
Note: Clause 5.10 reflects section 368(2) of the Act.
- 5.11 A meeting of the Council must be adjourned if a quorum is not present:
- 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
 - within half an hour after the time designated for the holding of the meeting, or
 - at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the Councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the 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 or a public health emergency, the Mayor may, in consultation with the general manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

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

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

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual

link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

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

Entitlement of the public to attend Council meetings

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

Note: Clause 5.31 reflects section 10(1) of the Act.

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

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

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

Note: Clause 5.33 reflects section 10(2) of the Act.

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

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.
- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.40 The general manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.
Note: Clause 5.40 reflects section 376(1) of the Act.
- 5.41 The general manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.
Note: Clause 5.41 reflects section 376(2) of the Act.
- 5.42 The general manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
Note: Clause 5.42 reflects section 376(3) of the Act.
- 5.43 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

6. The Chairperson

The chairperson at meetings

6.1 The Mayor, or at the request of or in the absence of the Mayor, the deputy Mayor (if any) presides at meetings of the Council.

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

6.2 If the Mayor and the deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

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

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

6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the Council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

6.9 When the chairperson rises or speaks during a meeting of the Council:

- (a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

7. Modes of Address

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

8. Order of Business for Ordinary Council Meetings

- 8.1 Removed (not applicable)
- 8.2 The general order of business for an ordinary meeting of the Council shall be:
1. Opening Prayer
 2. Acknowledgement of Country
 3. Remembrance
 4. Apologies and applications for a leave of absence
 5. Attendance by audio-visual link by councillors
 6. Disclosures of Interest
 7. Mayoral Minutes
 8. Starring of Items
 9. Confirmation of the Minutes
 10. Notices of Motion
 11. Rescission Motions
 12. Business Arising
 - 13-19. General Manager and Departmental Reports
 20. Delegates and Councillors Reports
 21. Policies
 22. Precis of Correspondence
 23. Activity Reports
 24. Confidential matters
 25. Conclusion of the meeting
- 8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
Note: If adopted, Part 13 allows Council to deal with items of business by exception.
- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9. Consideration of Business at Council Meetings

Business that can be dealt with at a Council meeting

- 9.1 The Council must not consider business at a meeting of the Council:

- (a) unless a Councillor has given notice of the business, as required by clause 3.10, and
- (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Council, or
- (b) is the election of a chairperson to preside at the meeting, or
- (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral minute, or
- (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).
- Mayoral Minutes
- 9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.7 A Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.9 A Mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

- 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.
- 10.31 Removed (not applicable)

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.
- 11.4 Removed (not applicable)

Voting at Council meetings

- 11.5 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the general manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.9 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.10 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.
- 11.11 Removed (not applicable)

Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 11.14 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.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.
Note: Clauses 11.12–11.15 reflect section 375A of the Act.

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

12. Committee of The Whole

- 12.1 The Council may resolve itself into a committee to consider any matter before the Council.
Note: Clause 12.1 reflects section 373 of the Act.
- 12.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.
Note: Clauses 10.20–10.30 limit the number and duration of speeches.
- 12.3 The general manager or, in the absence of the general manager, an employee of the Council designated by the general manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

13. Dealing with Items by Exception

- 13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or committee must not resolve to adopt any item of business under clause

- 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's code of conduct.

14. Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

- 14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than Councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the Council's code of conduct.

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- Note:** Clause 14.3 reflects section 10B(1) of the Act.
- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- Note:** Clause 14.4 reflects section 10B(2) of the Act.
- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.
- Note:** Clause 14.5 reflects section 10B(3) of the Act.
- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or committee.
- Note:** Clause 14.6 reflects section 10B(4) of the Act.
- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.
- Note:** Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is

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

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

Representations by members of the public

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

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

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

- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 8.30am on the day of 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 three (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 three (3) speakers to make representations in such order as determined by the chairperson.

- 14.17 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

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

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

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

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.

Note: Clause 15.11 reflects section 182 of the Regulation.

- 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).

Note: Clause 15.12 reflects section 233 of the Regulation.

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 Removed (not applicable)
- 15.15 All chairpersons of meetings of the Council and committees of the Council are authorised under this code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.
- 15.16 Clause 15.15 does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.17 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.
- Note:** Clause 15.17 reflects section 233(2) of the Regulation

- 15.18 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.
- 15.19 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.
- 15.20 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

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

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

Use of mobile phones and the unauthorised recording of meetings

- 15.23 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.
- 15.24 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.
- 15.24 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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

17. Decisions of the Council

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
Note: Clause 17.1 reflects section 371 of the Act.
- 17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Council decisions

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.
Note: Clause 17.3 reflects section 372(1) of the Act.
- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
Note: Clause 17.4 reflects section 372(2) of the Act.
- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.
Note: Clause 17.5 reflects section 372(3) of the Act.
- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.
Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.
Note: Clause 17.7 reflects section 372(5) of the Act.
- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.
Note: Clause 17.8 reflects section 372(7) of the Act.
- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than two (2) days after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.
Note: Clause 17.11 reflects section 372(6) of the Act.
- 17.12 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.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
(a) to correct any error, ambiguity or imprecision in the Council's resolution, or
(b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the Councillor is to propose alternative wording for the resolution.

- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 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.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 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 of the Council are to conclude no later than 6pm.
- 18.2 If the business of the meeting is unfinished at 6pm, the Council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 6pm, and the Council does not resolve to extend the meeting, the chairperson must either:
- defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
 - 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:
- individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
 - 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 Removed (not applicable)
- 20.18 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

- 20.20 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of Council committee meetings

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

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.


26. Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	In relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	In relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and In relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 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

DRAFT

15.3 * DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER**

File Number: A3.8
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: 1. 1.5.3(v9) General Manager Delegations [↓](#) 

Background

The Local Government Act (Section 380) requires that each council must review all its delegations during the first 12 months of each term of office. This report addresses such requirement. This clause refers to all delegations approved by a resolution of Council.

In this regard the new Council resolved to delegate certain actions to the Mayor and Deputy Mayor at its meeting held on 10 December 2021. Accordingly, such Delegations have been reviewed accordingly.

Current Situation

Regarding the reviewing of the delegations provided to the General Manager, it is advised that such delegations, (being version 9) were last reviewed in November 2021, as attached herewith.

These delegations have again been reviewed and the version 9 document is still considered appropriate and it will be recommended that they be adopted accordingly by the new Council as required by Section 380 of the Local Government Act.

Financial Implications

There are no significant financial implications arising from this report.

Recommendation

That Council endorse and adopt the Delegations of Authority to the General Manager identified as document version 9, as attached herewith.

SECTION No. 1 Service Management
PART No. 1.5 Delegation of Authority



General Manager's Delegations

Policy No: 1.5.3(v9)

Date Adopted: 22nd November 2021

Minute No: 2021/316

Supersedes: 1.5.3(v8) General Manager – Delegations
Adopted: 24/08/2020
Resolution No: 2020/268

Proposed Review Date: 22/11/2022

Responsible Officer: Mayor

Verified by General Manager..... Verified by Mayor.....

1. Background.

In accordance with Section 335 of the Local Government Act, 1993, as amended, the General Manager shall have the following particular functions:-

(a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,

(b) to implement, without undue delay, lawful decisions of the council,

(c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,

(d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,

(e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,

(f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,

(g) to exercise any of the functions of the council that are delegated by the council to the general manager,

(h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,

(i) to direct and dismiss staff,

(j) to implement the council's workforce management strategy,

(k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

2. Policy.

In order to provide for the expedient exercise of its powers and duties and the efficient management of its business and responsibilities, Bourke Shire Council hereby delegates, in accordance with the provisions of Section 377 of the Local Government Act 1993, to **Mark Geoffrey Riley**, the employee of the Council in whom the Council has vested the function of **General Manager**, the authority to exercise the powers, functions, duties and responsibilities arising from legislation specified in schedule 1 below, subject to the limitations in Schedule2, below.

Schedule 1

1. The powers, functions, duties and authorities of the Council as specified in
 - (i) the Local Government Act 1993 and Regulations, and
 - (ii) all other Acts and Regulations under which Council has powers, authorities, duties and functions

Schedule 2

1. Limitations arising from the provisions of the Local Government Act 1993 and all other legislation relevant to this delegation of Authority.
2. All resolutions from time to time of Council directing the General Manager from time to time in the exercise of any powers, authorities, duties and functions.

3.Related Policies.

Please refer to the following:

1.5.1 (v10) Mayors Delegation

1.5.2(v10) Deputy Mayors Delegation

4.Review.



This Policy will be reviewed as required and in the event of legislative changes. Any amendment to the Policy must be by way of a Council Resolution.

15.4 *** CODE OF CONDUCT

File Number: C11.1, C12.1

Author: Mark Riley, General Manager

Authoriser: Mark Riley, General Manager

Attachments: 1. **Model Code of Conduct for Local Councils in NSW dated 2020** [↓](#) 
 2. **Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW dated 2020** [↓](#) 

Background

The Local Government Act at Section 440 (7) requires that a council must, within 12 months after each ordinary election, review its adopted code of conduct and make such adjustments as it considers appropriate and as are consistent with this section.

In this regard, Section 440 of the Local Government Act 1993 provides as follows:

- (1) *The regulations may prescribe a model code of conduct (the "**model code**") applicable to councillors, members of staff of councils and delegates of councils.*
- (2) *The regulations may provide that the provisions of the model code relating to the disclosure of pecuniary interests are also to apply to the following persons--*
- (a) *a member of a committee of a council (including the Audit, Risk and Improvement Committee),*
- (b) *an adviser to a council.*
- (3) *A council must adopt a code of conduct (the "**adopted code**") that incorporates the provisions of the model code. The adopted code may include provisions that supplement the model code.*
- (4) *A council's adopted code has no effect to the extent that it is inconsistent with the model code as in force for the time being.*
- (5) *Councillors, members of staff and delegates of a council must comply with the applicable provisions of--*
- (a) *the council's adopted code, except to the extent of any inconsistency with the model code as in force for the time being, and*
- (b) *the model code as in force for the time being, to the extent that--*
- (i) *the council has not adopted a code of conduct, or*
- (ii) *the adopted code is inconsistent with the model code, or*
- (iii) *the model code contains provisions or requirements not included in the adopted code.*
- (6) *A provision of a council's adopted code is not inconsistent with the model code merely because the provision makes a requirement of the model code more onerous for persons required to observe the requirement.*
- (7) *A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.*
- (9) *This section applies to an administrator of a council (other than an administrator appointed by the Minister for Water, Property and Housing under section 66) in the same way as it applies to a councillor.*

Current Situation

The Office of Local Government has prescribed a Model Code of Conduct which 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.

Whilst Council may adopt a code of conduct that also include provisions that supplement the Model Code of Conduct, it is noted that an adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. Accordingly, it has been the practice of Bourke Shire Council to adopt the prescribed Model Code of Conduct as its “adopted code”. It is considered appropriate that this practice continue and I will recommend accordingly.

Breaches of a council’s code of conduct are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW as provided by the Office of Local Government. Councils must adopt procedures for the administration of their codes of conduct that incorporate the provisions of the Model Procedures. Again, it will be recommended that Council adopt the procedures as its “adopted procedures”.

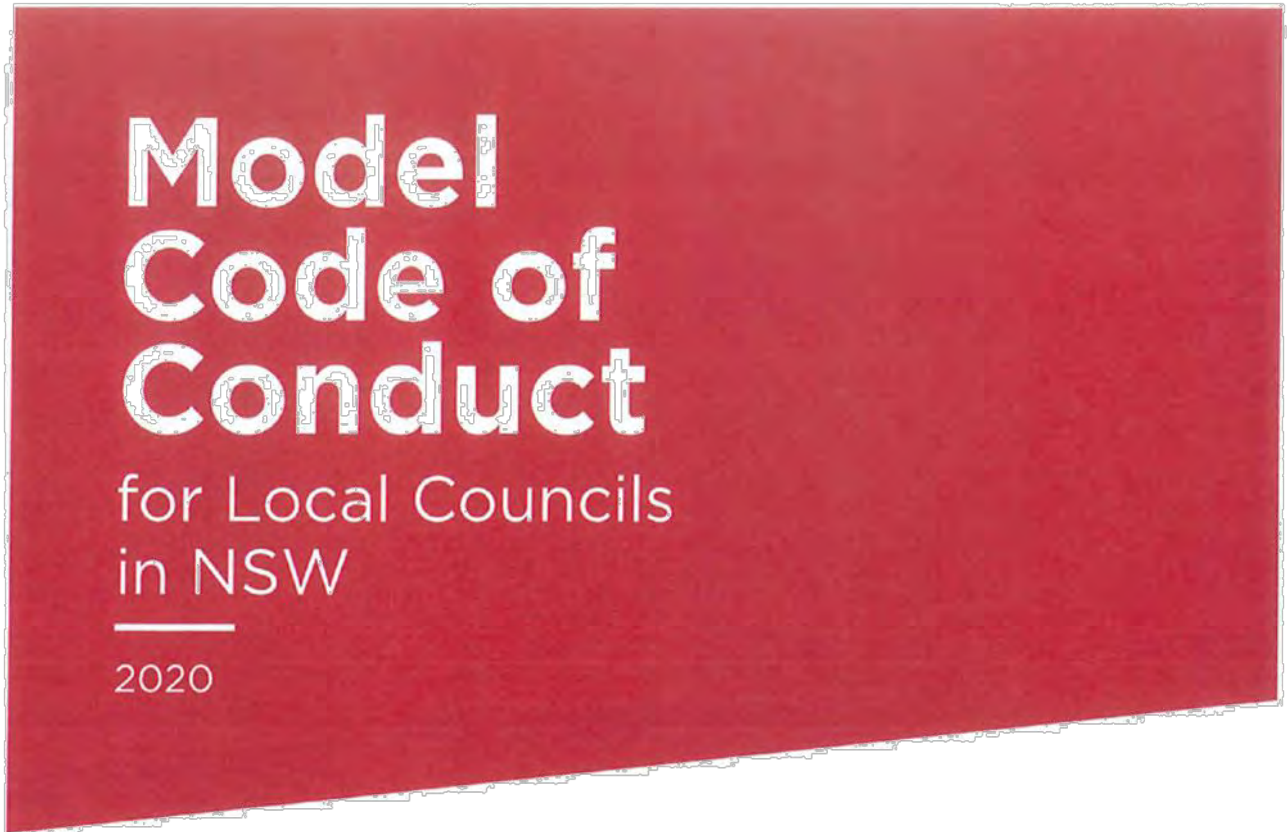
Copies of the Model Code and Procedures are attached.

Financial Implications

Funding is available to cover potential expenses arising from code of conduct matters.

Recommendation

1. That pending any prescribed amendments, Council adopt the “Model Code of Conduct for Local Councils in NSW” dated 2020 as its adopted code for the term of the Council ending 14 September 2024.
2. That pending any prescribed amendments, Council adopt the “Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW” dated 2020 as its adopted procedures code for the term of the Council ending 14 September 2024.



MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2020

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

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Part 1:
Introduction

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

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

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

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

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

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

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

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

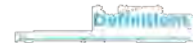
Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

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

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



Part 2:
Definitions



In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee.
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400Q of the LGA
LGA	<i>Local Government Act 1995</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation

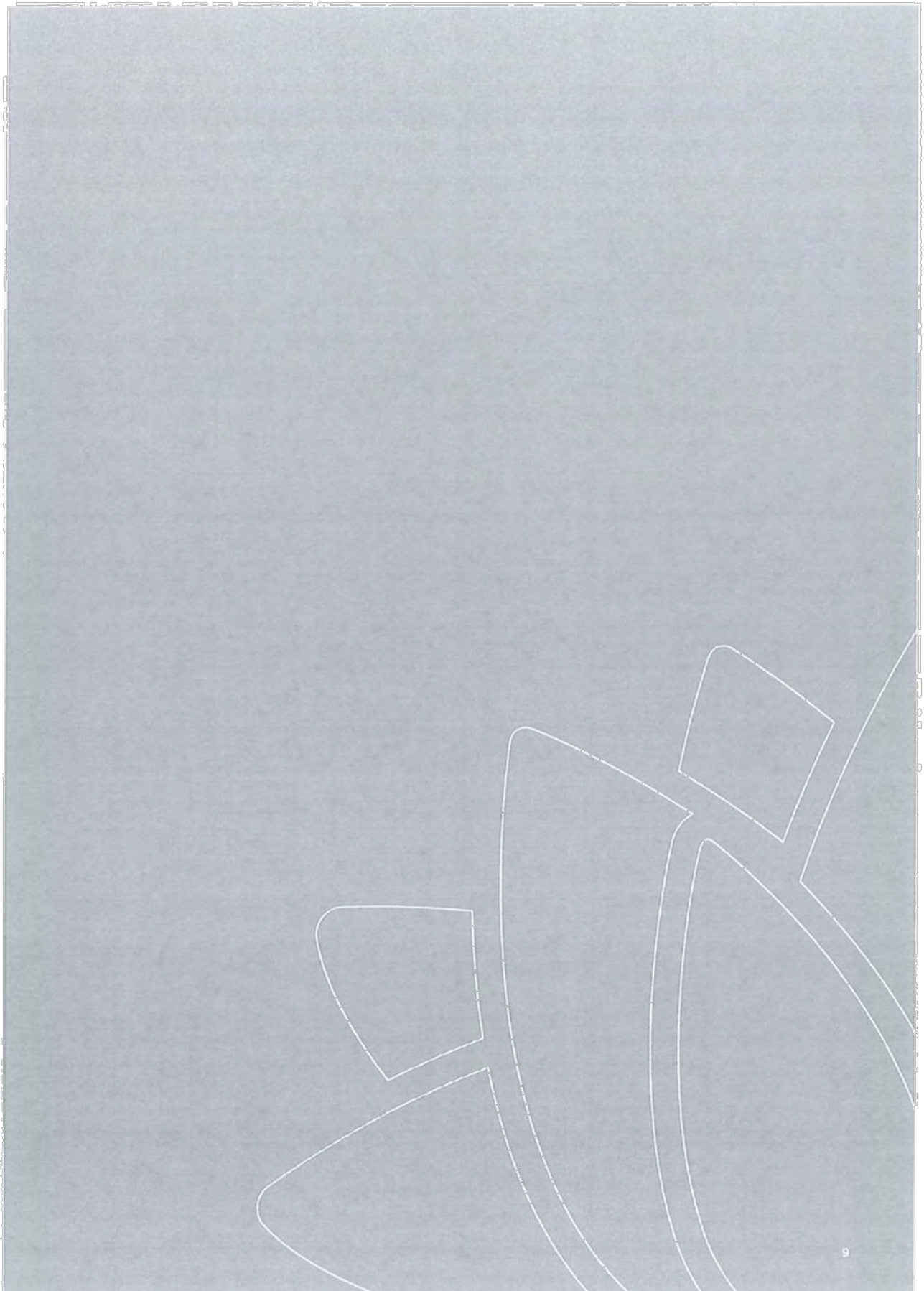
Model Code of Conduct for Local Councils in NSW


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

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Part 3:
General Conduct
Obligations

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments

Model Code of Conduct for Local Councils in NSW

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

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

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

Work health and safety

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

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

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land-use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

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

Binding caucus votes

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

Obligations in relation to meetings

- 3.19** You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20** You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21** You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22** If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.



Part 4:
Pecuniary Interests

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 or, 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

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- (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.

Pecuniary Interests

- 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.
- (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.

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
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting of 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.

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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.

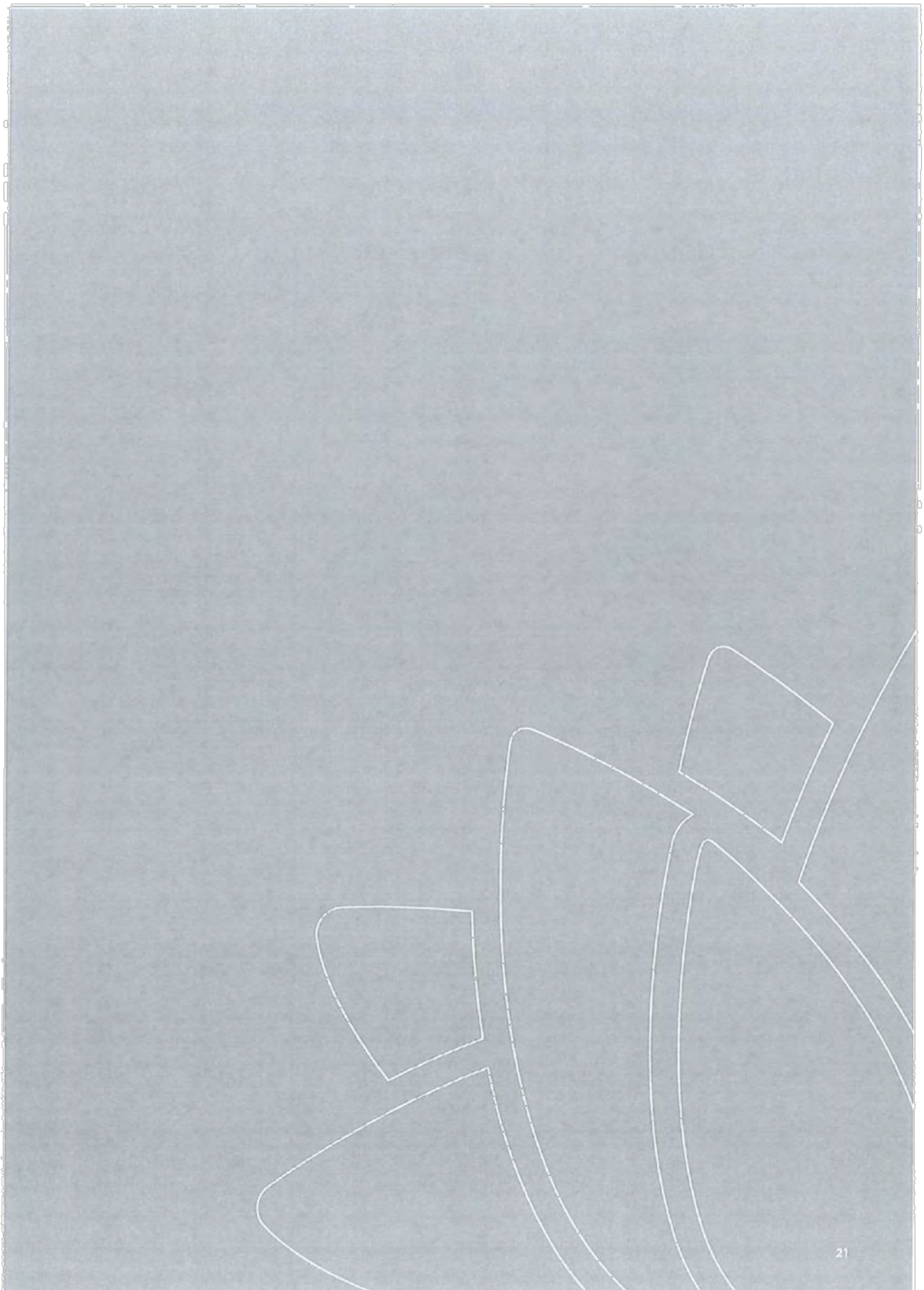
4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (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

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- 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.

Non-Pecuniary Conflicts of Interest

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.

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.

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.

5.19 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.

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*.

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

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- 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

Non-Pecuniary Conflicts of Interest

- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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

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



Part 6:
Personal Benefit



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

Gifts and benefits

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

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

- 6.5** You must not:
- a) seek or accept a bribe or other improper inducement;
 - b) seek gifts or benefits of any kind;
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty;
 - d) (subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9);
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount;
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser;
 - g) personally benefit from reward points programs when purchasing on behalf of the council.

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

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

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

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events, with a ticket value that does not exceed \$100
- b) gifts of alcohol that do not exceed a value of \$100
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

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

Personal Benefit

“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 roles 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.

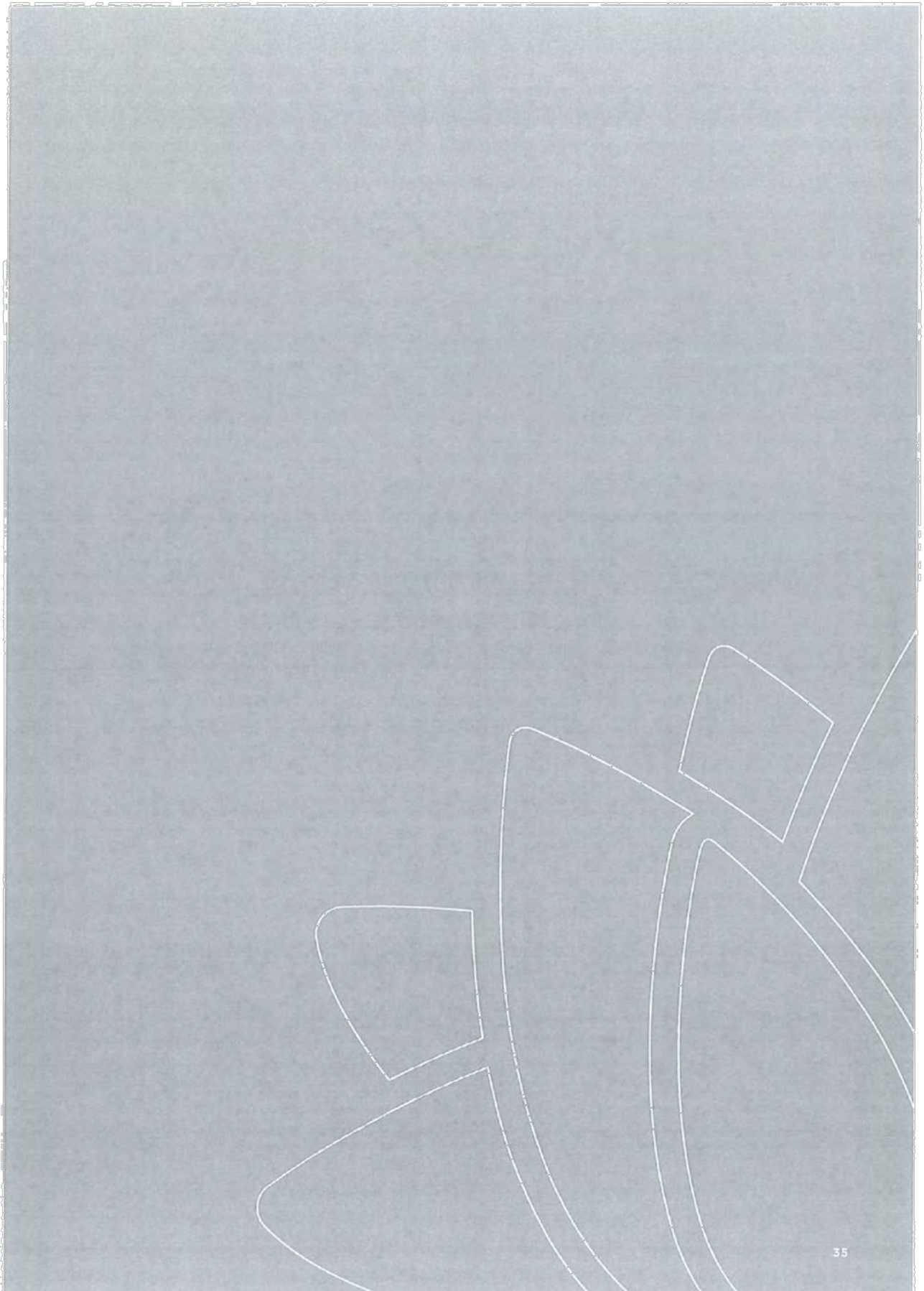
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Inappropriate Interactions

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

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff

- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under Section 226 of the LGA.



Part 8:

**Access to Information and
Council Resources**

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

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Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:

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

- 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).

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

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.

Access to Information and Council Resources

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.

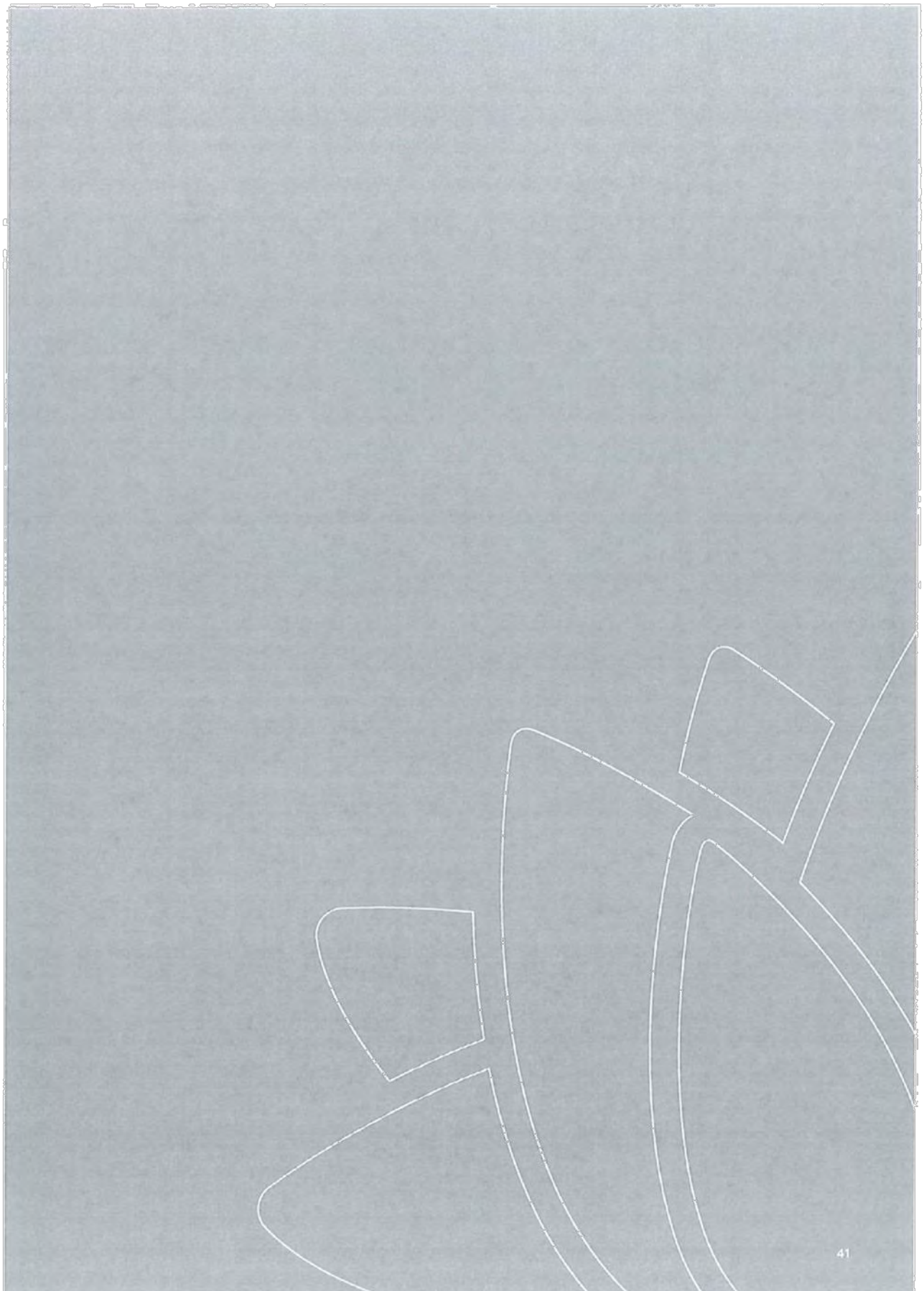
8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

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

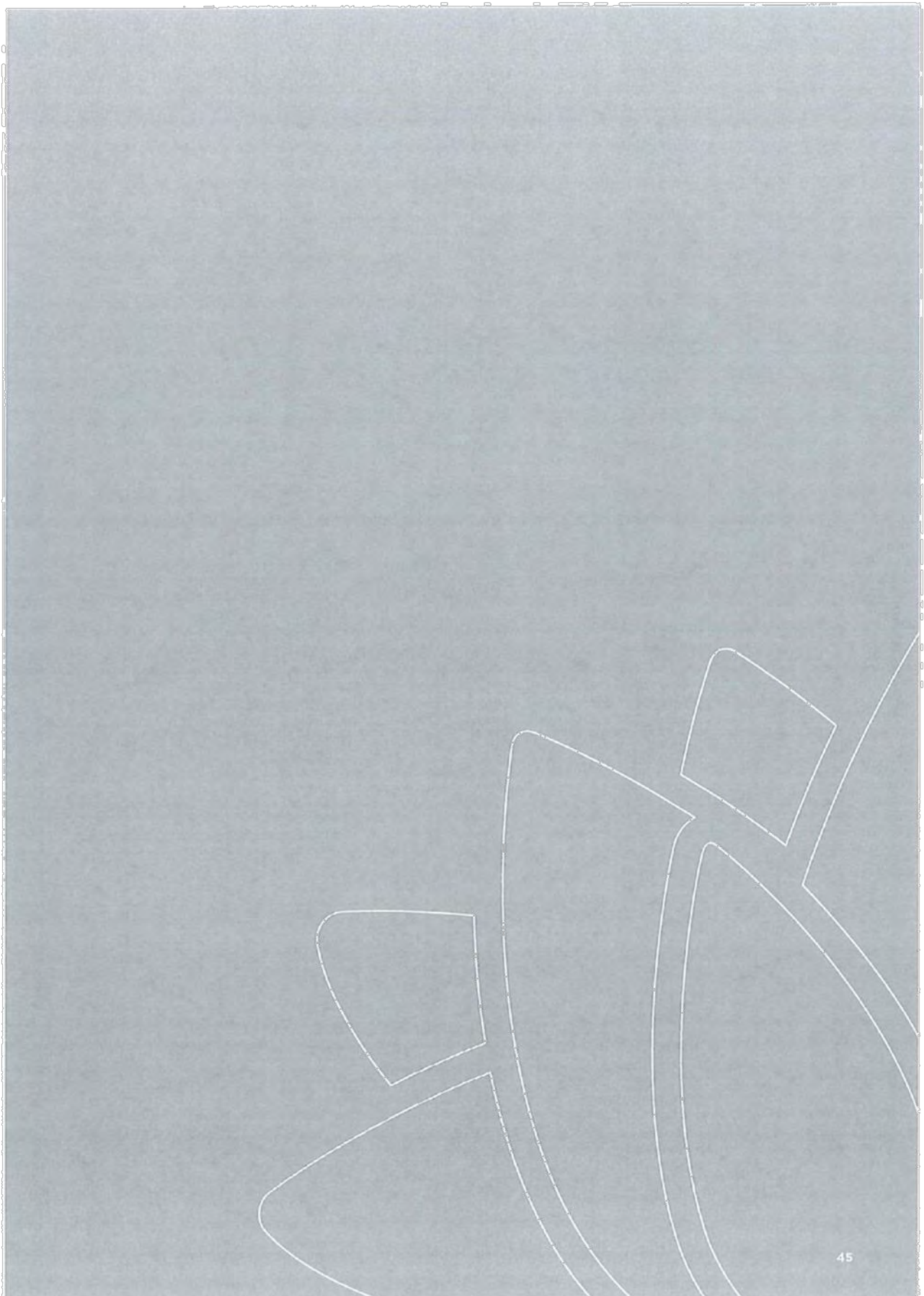
- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited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

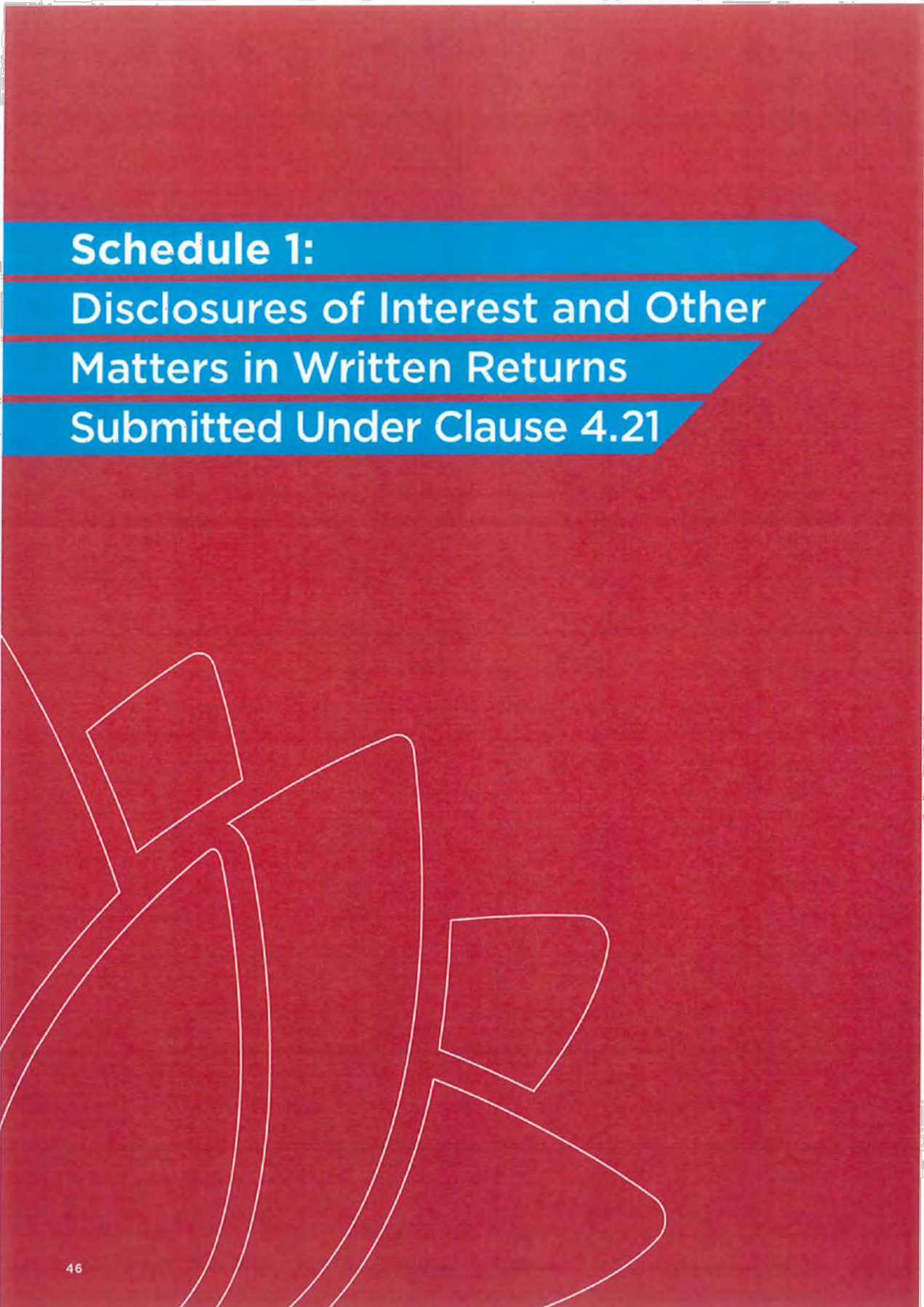
Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

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





Schedule 1:
Disclosures of Interest and Other
Matters in Written Returns
Submitted Under Clause 4.21

Part 1: Preliminary

Definitions

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

address means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

interest means:

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

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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

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- 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.

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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.

Model Code of Conduct for Local Councils in NSW

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 to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions of property

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

J. Discretionary disclosures

Schedule 3:

**Form of Special Disclosure of
Pecuniary Interest Submitted
Under Clause 4.37**

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

Important information

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

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

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

you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

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

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

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

Model Code of Conduct for Local Councils in NSW

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 councillor:

[Tick or cross one box.]

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).

An associated person of the councillor has an interest in the land.

An associated company or body of the councillor has an interest in the land.

Matter giving rise to pecuniary interest

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)

[Tick or cross one box]

The identified land.

Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

1. Clause 4.3 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
2. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Schedule 3

Proposed change of zone/planning control

Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land.

Effect of proposed change of zone/planning control on councillor or associated person

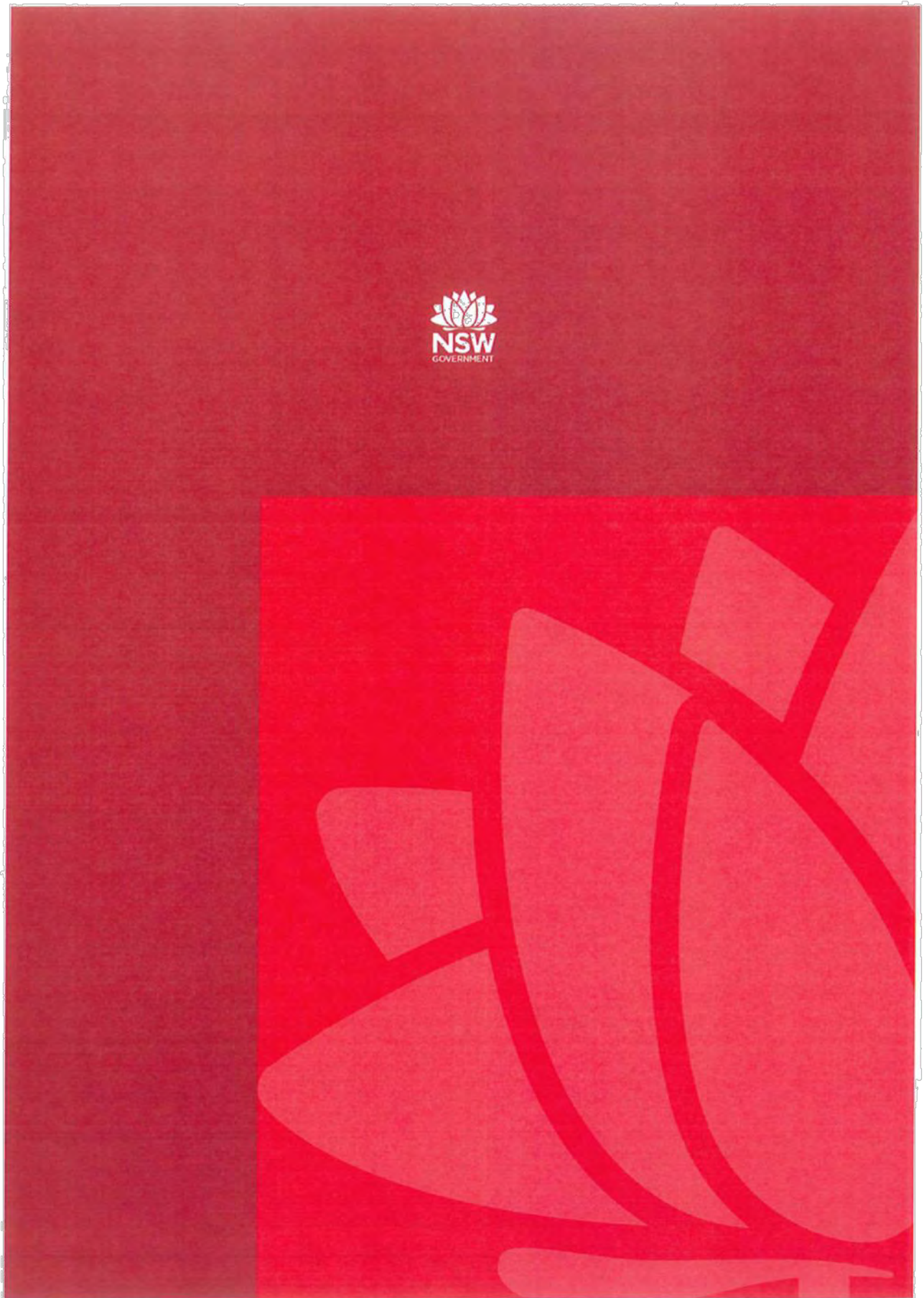
Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss."

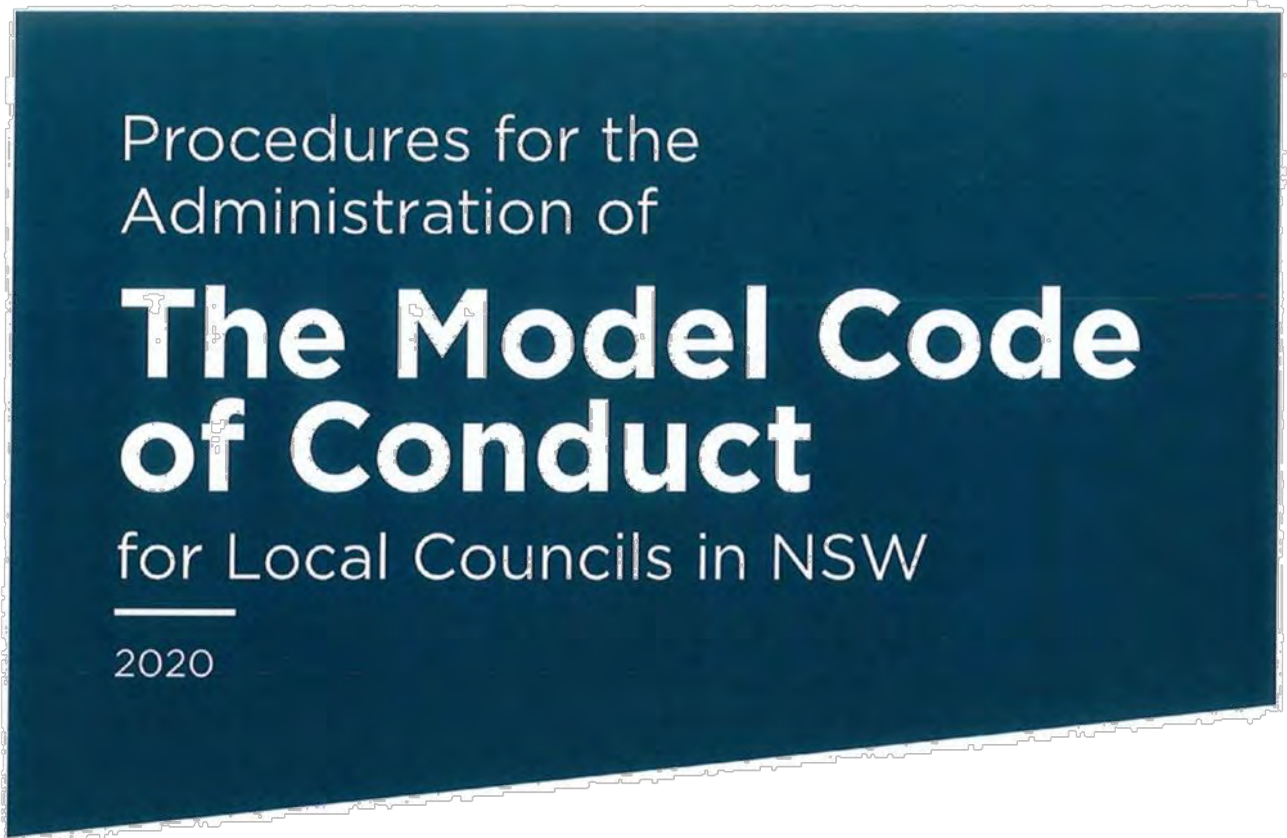
[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

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





PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2020

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

(Special arrangements may be made if these hours are unsuitable)

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

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Produced by the Department of Planning, Industry and Environment

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Part 1:
Introduction



Part 2:
Definitions

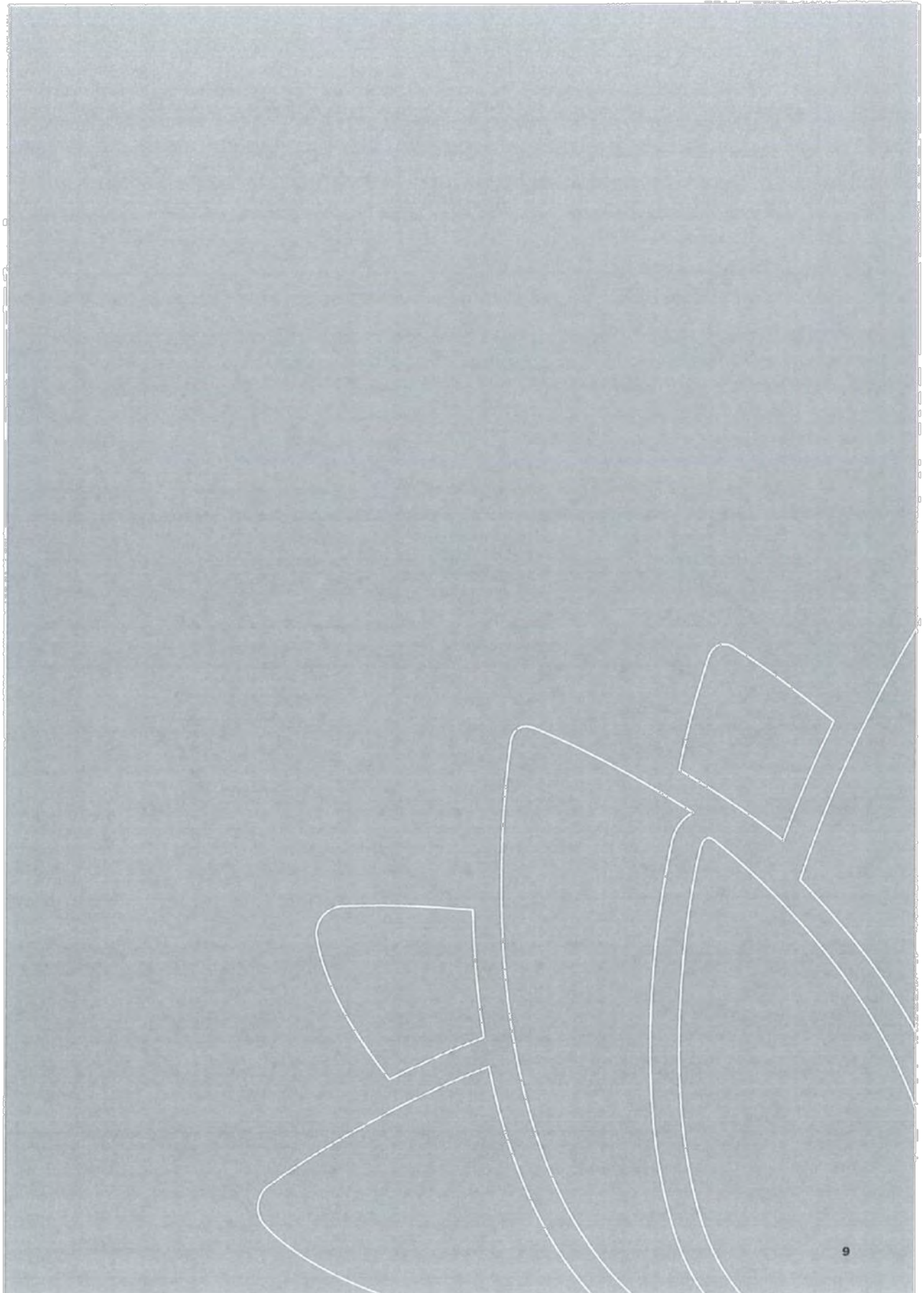
Definitions

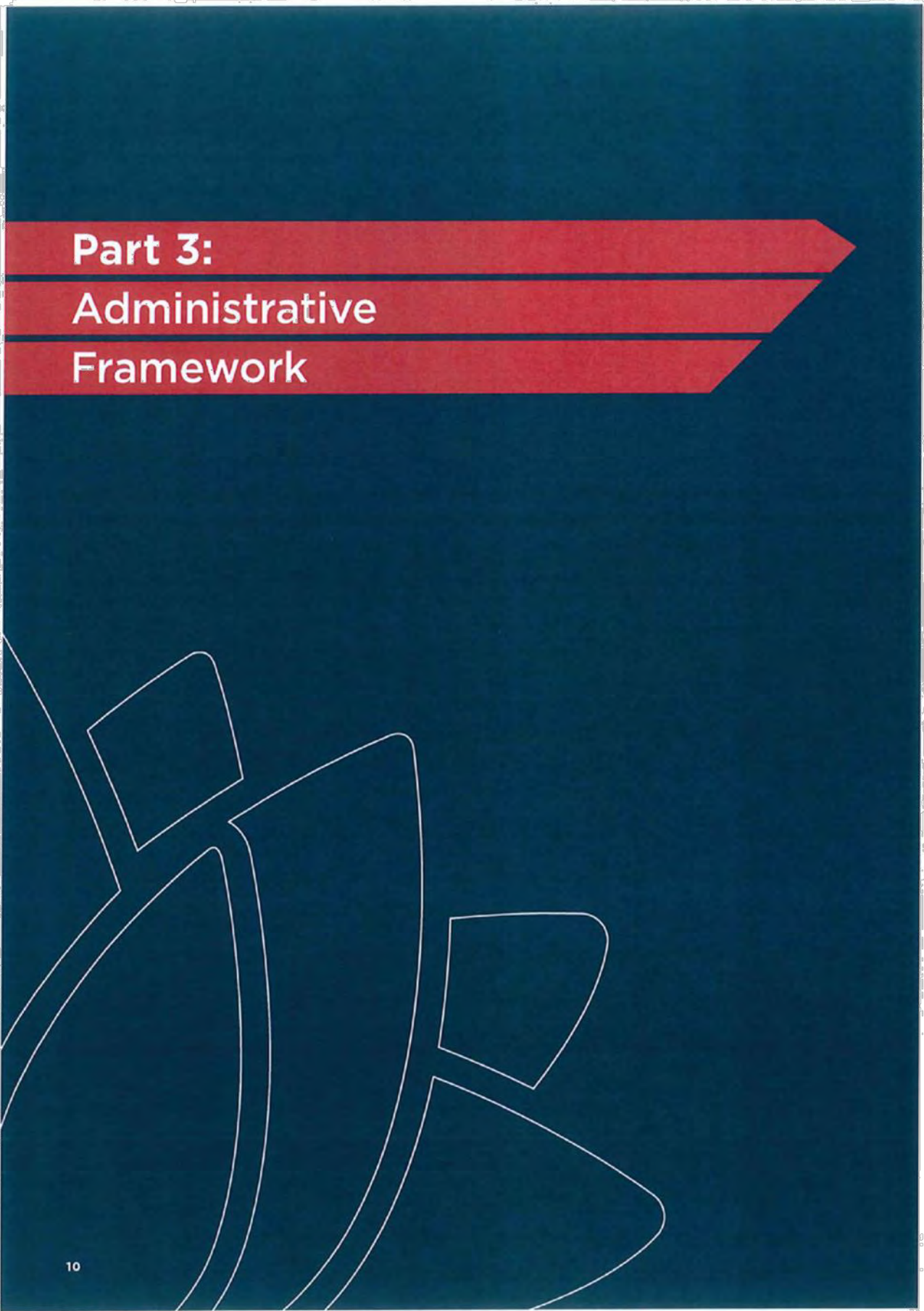
In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 68
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation

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

ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the Local Government Act 1993
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 Local Government (General) Regulation 2005
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to





Part 3:
Administrative
Framework

The establishment of a panel of conduct reviewers

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

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

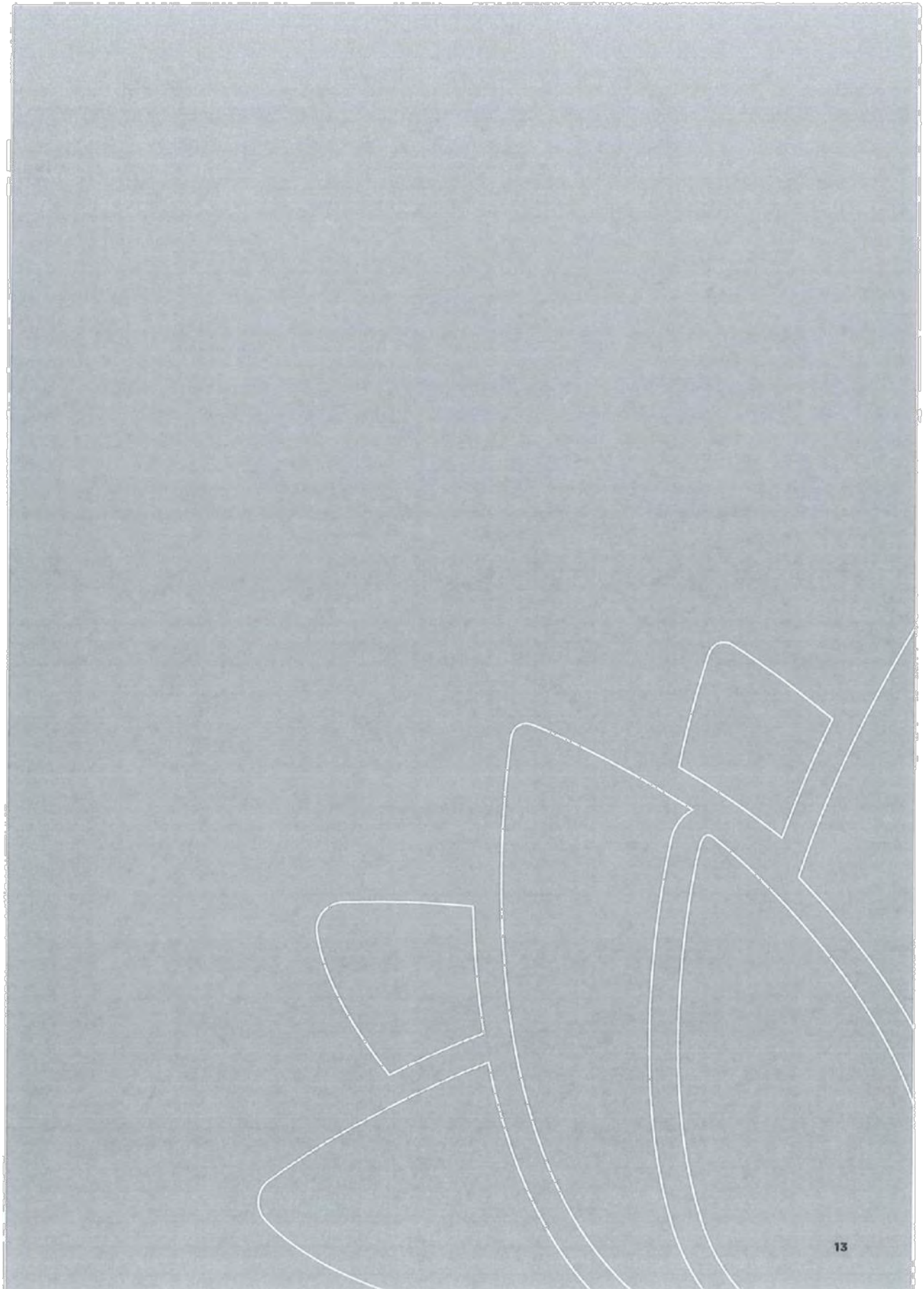
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
 - a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.



Part 4:

**How May Code of Conduct
Complaints be Made?**

What is a code of conduct complaint?

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

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 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.

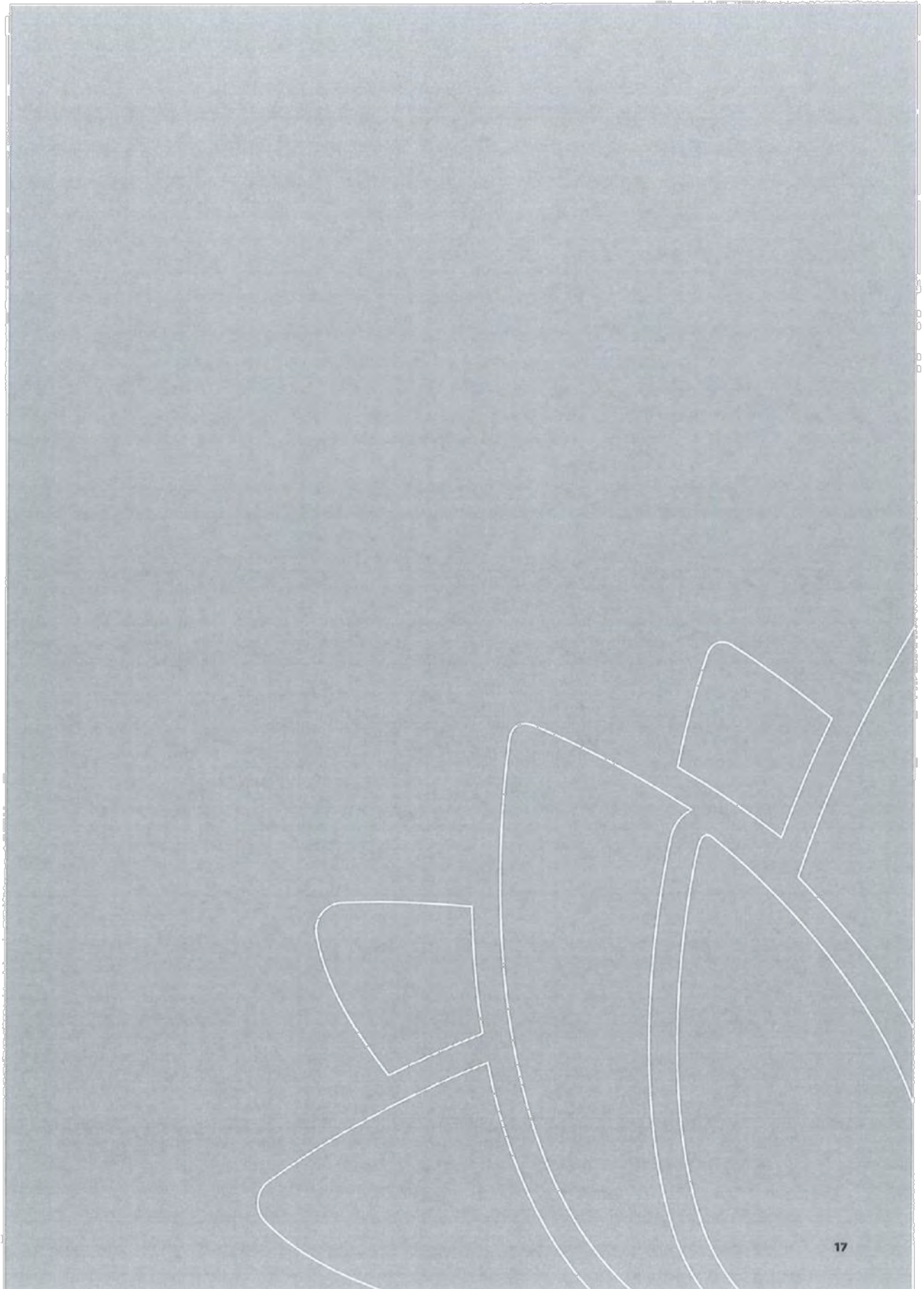
Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

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?**

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.

- 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.

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.

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.

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:

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.

- 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

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.

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

- 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.

- 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.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.15 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

How are code of conduct complaints to be managed?

- 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.

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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.

How are Code of Conduct Complaints to be Handled?

- 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.

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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.

How are Code of Conduct Complaints Managed?

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

Part 6:

**Preliminary Assessment of
Code of Conduct Complaints
About Councillors or the
General Manager by
Conduct Reviewers**

Proposed Amendment of Code of Conduct, Complaints About Councillors or the General Manager by Conduct Reviewers

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

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- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

Preliminary Assessment of Code of Conduct Complaints About Councillors of the General Manager by Conduct Reviewers

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
 - a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
 - a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

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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

Preliminary Assessment of Code of Conduct Complaints About Councilors or the General Manager by Conduct Reviewers

- 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**

Investigation of Code of Conduct Complaints About Council or the General Manager

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and

- d) advise the respondent of the requirement to maintain confidentiality, and
- e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

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- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

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.

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.

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.

Investigation of Code of Conduct Complaints About Councillors or the General Manager

Referral or resolution of a matter after the commencement of an investigation

7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days, specified by the investigator.

7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

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7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final Investigation reports

7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and
- b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

7.36 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

Investigations of Code of Conduct Complaints About Councillors of the General Manager

- 7.37** Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 44DG of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 44DG of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38** Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39** Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40** Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41** The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42** At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43** Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44** Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

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

7.43 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

7.52 Prior to imposing a sanction, the council may by resolution:

- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
- b) seek an opinion from the Office in relation to the report.

7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

Consideration of the final investigation report by council

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

Investigations of Code of Conduct Complaints About Councillors or the General Manager

7.58 A council may by resolution impose one of the following sanctions on a respondent:

- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

Part 8:

Oversight and Rights of Review

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

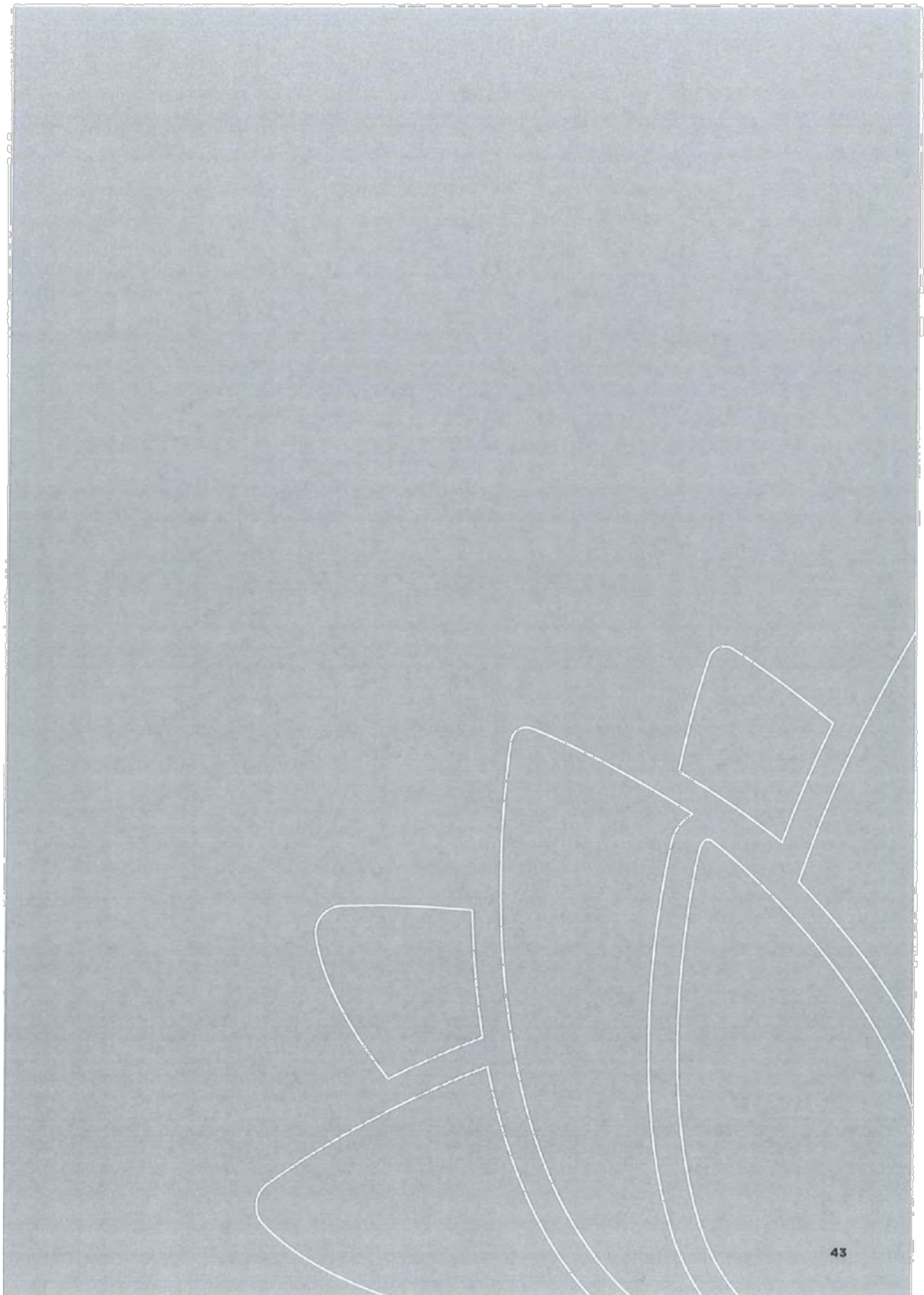
- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.5B, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

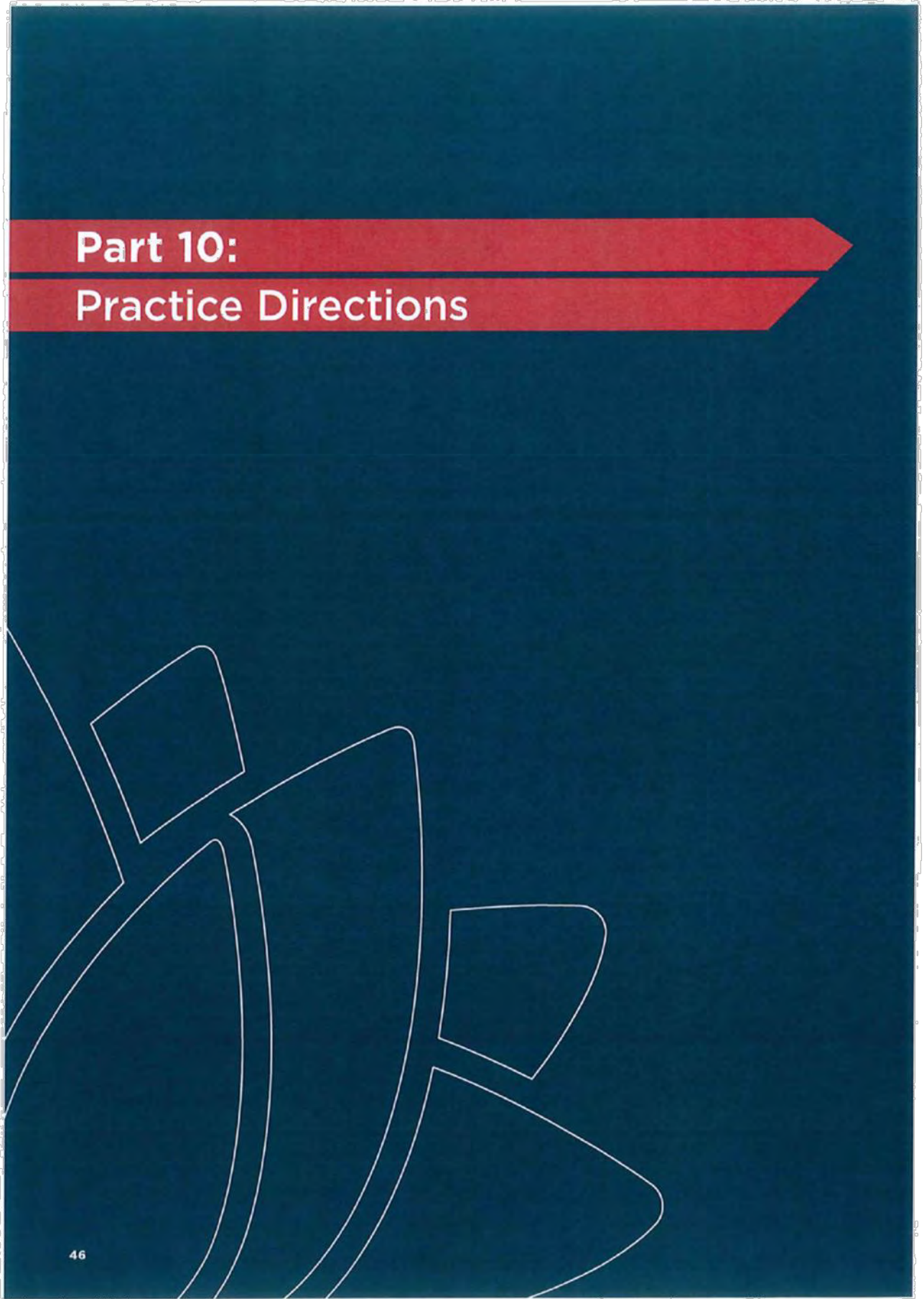
Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.





Part 9:
Procedural Irregularities



Part 10:
Practice Directions

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**

Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.



Part 12:
Confidentiality



- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
 - a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



15.5 * RESTORATION - NORTH BOURKE BRIDGE**

File Number: B6.1
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

As Councillors are aware, seven (7) kilometres north of Bourke is the location of one of the oldest historic bridges in the Nation. Opened in May 1883, the near 139 year old North Bourke Bridge over the Darling River is the oldest moveable span bridge in Australia and the only remaining example in NSW. The bridge was designed and constructed at the height of the River Trade Era when the principal mode of transport for Western NSW and the Riverina District was some 200 paddle steamer-barge combinations operating on the Murray-Darling River system.

The main structure of the bridge consists of a centrally located wrought iron lift bridge structure flanked on each side by two (2) wrought lattice trusses. All these rest upon pairs of concrete-filled cast cylindrical iron tubes braced together to form six piers. The links to the river banks are timber beam approaches, short and straight on the Bourke side, long and curved on the North Bourke side.

The one-lane and speed-limited bridge was mothballed in 1997 when a new 'Gateway Bridge' was constructed by the then Roads and Traffic Authority. Whilst the bridge was not earmarked for demolition the bridge is suffering from decay such that it has been barricaded from any public access for some years. The bridge is in need of, and deserving of, extensive refurbishment works to restore it to its former glory.

The restoration has been identified as a priority in Council's Community Strategic Plan.

Council's vision in undertaking the restoration of the bridge is to restore both the wrought iron lift bridge section and also repair/renew the entire timber structure that comprise the road approaches to the bridge. These approaches are in a very poor condition. On ultimate completion of the restoration, it is considered that the bridge would be a destination for visitors in vehicles and also by pedestrian/cyclists, with the latter utilising cycleway access from the centre of Bourke, at the Bourke Wharf, a distance of some 6.5km. The restored bridge would also be utilised by emergency vehicles in the event of a closure of the new bridge. The repairs would also be undertaken to necessary heritage standards.

Council has previously engaged the services of a Quantity Surveyor to prepare a preliminary cost plan for the restoration of this important historical bridge which identified an estimated cost of \$3.9m to upgrade the Bridge.

Current Situation

Council has previously made formal representations to the Minister for Western NSW, the Hon Adam Marshall MP seeking funding assistance for the restoration, to no avail. In addition, Council has lodged grant funding applications to the Federal Government under the Building Better

Regions Fund (BBRF) for the restoration component in 2021 and 2022 and to the NSW Government under the Tourism Activation Fund (TAF) for the project documentation phase. Council was unsuccessful in respect of its 2021 BBRF application with advice regarding the 2022 BBRF and TAF applications pending. Advice as to success or otherwise in respect of TAF application is imminent.

Whilst Council has undertaken the preparation of a cost plan for the bridge, it is considered that if Council is to have success in achieving grant funding for this important project, that Council should take the important step of preparing comprehensive project documentation such that the identified work is quantified as a project estimate and then, when applying for grant funding, it can do so with a high level of confidence with an identified project plan. When successful in achieving grant funding, Council will then be in a position to invite tenders from qualified organisations with a comprehensive project specification in place to achieve the desired outcome.

In respect of the preparation of this documentation it would be suggested that such work comprise the following stages and as undertaken by a structural engineering company:

A. INVESTIGATE AND DOCUMENT EXISTING CONDITIONS	1. Obtain copies of all existing drawings for the bridge plus any previous investigations.
	2. Organise and obtain a topographic survey of the bridge deck, supporting structures and the land below the bridge.
	3. Research the geotechnical nature of the foundations and if no such information exists organise a geotechnical investigation.
	4. Research previous flood studies for the Darling River in the local area. Update studies as required to inform the restoration options.
	5. Undertake a thorough site investigation of the condition of all elements of the bridge and approaches, inclusive of timber grading and termite / fungal deterioration assessment.
	6. Assess the current structural capacity of the bridge and approaches.
	7. Prepare report to document the above findings.
B. PRELIMINARY DESIGN OF RESTORATION OPTIONS	1. Establish the Design Criteria for restoration, inclusive of: <ul style="list-style-type: none"> a. Design Life. b. Design Loads for normal and emergency usage. c. Compliance with current Australian Standards for structural adequacy, access etc.

	<ul style="list-style-type: none"> d. Heritage constraints e. Operation of the lift section. <p>2. Design and prepare preliminary documentation of 3 restoration options.</p>
	3. Determine restoration options.
	4. Finalise restoration options documentation to allow costing by a Quantity Surveyor.
	5. Assist with costing of options through clarification of assumptions and explaining details as required.
	6. Prepare a preliminary design report to summarise all findings and assist Council and other stakeholders to assess the options and agree on the approved option
C. DOCUMENT THE APPROVED RESTORATION OPTION	<p>1. Prepare documentation for the approved option, inclusive of:</p> <ul style="list-style-type: none"> a. Existing condition report b. Preliminary design report and drawings c. Statement of Environmental Effects
	2. Respond to questions during the authority approval process
	3. Assist with preparation of a 'pre-tender' estimate
D. PREPARE DESIGN AND CONSTRUCT TENDER (Tenders would only be invited once grant funding had been secured.)	<p>1. Prepare documentation for issue of a Design and Construct tender for the restoration works, inclusive of:</p> <ul style="list-style-type: none"> a. Technical specification and conditions of contract b. Conditions of Consent c. Existing condition report, Preliminary design report and drawings
	2. Respond to requests for information during the tender period.
	3. Evaluate tenders and recommend awarding of the contract

The estimate to undertake the above stages and processes are estimated at between \$150,000 and \$200,000 (ex GST). It is my view that without this documentation, Council will not successfully progress the restoration of the bridge. As mentioned, Council has to date been unsuccessful with attempts to secure grant funding for the bridge project. It is considered that to progress the matter Council will need to fund this documentation phase from its resources. It may, unfortunately, take time and a series of grant applications to achieve the funding for the project. Once Council has the documentation in place, the estimated cost of the project can be updated

annually in terms of adjusting the price inputs of the quantity surveyors cost plan and subsequent applications can include realistic costings.

Restoration projects at the best of times can be difficult in terms of providing a realistic scope, however the above four (4) stages, once completed, provide Council with clear direction in terms of documenting the project, applying for grant funding, engaging a contractor, all in pursuit of a successful outcome.

Financial Implications

Council currently has available in its Internally Restricted Asset for the restoration of the bridge, an amount of \$650,000. This amount is as a result of various resolutions of Council to allocate funds to a bridge funding reserve such that Council had some funds to co - contribute to the project as part of a funding application. It would be proposed that \$200,000 be allocated from this reserve towards the documentation phase of the project.

Recommendation

- 1. That in the event of Councils application for funding under the Tourism Activation Fund being unsuccessful, Council allocate funding of \$200,000 from the North Bourke Bridge Internally Restricted Asset to undertake a documentation process in respect of the restoration of the North Bourke Bridge generally as follows:**
 - investigation and documentation of existing conditions at the bridge;
 - preliminary design of restoration options;
 - document the approved restoration option;
 - prepare design and construct tender.
- 2. That the General Manager be requested to take the necessary action to engage a Structural Engineer to undertake the documentation preparation process in respect of the restoration of the North Bourke Bridge.**

16 CORPORATE SERVICES DEPARTMENT**16.1 *** BANK RECONCILIATION & STATEMENT OF BANK BALANCES**

File Number: F1.1
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background**Bank Reconciliation for the period ending 31 December 2021**

Balances as per Bank Statement	\$501,993.38
Plus: Deposit not shown	\$0
Less: Unpresented Cheques	\$3,542.84
Balance as per Cash Book	\$498,450.54

Reconciled Ledger Accounts as at 31 December 2021

Fund or Account	Current Balance	Overdraft Statutory Limit
General	\$20,718,504.78	\$200,000.00
Water	\$3,172,186.84	
Sewer	\$2,817,598.97	
Trust	\$108,568.30	
	\$26,816,858.89	

Investments as at 31 December 2021

National Australia Bank	\$1,084,474.56	0.35%	367 Days	A1+
National Australia Bank	\$455,746.98	0.28%	181 Days	A1+
National Australia Bank	\$3,025,633.12	0.35%	365 Days	A1+
National Australia Bank	\$1,102,965.00	0.35%	365 Days	A1+
National Australia Bank	\$806,188.21	0.28%	210 Days	A1+
National Australia Bank	\$2,010,054.80	0.46%	182 Days	A1+
National Australia Bank	\$2,008,219.18	0.36%	365 Days	A1+
National Australia Bank	\$1,158,167.48	0.55%	365 Days	A1+
National Australia Bank	\$676,193.12	0.33%	330 Days	A1+
National Australia Bank	\$3,106,731.89	0.04%	365 Days	A1+
National Australia Bank	\$3,056,586.36	0.34%	305 Days	A1+
National Australia Bank	\$704,706.26	0.04%	360 Days	A1+
National Australia Bank	\$1,725,827.62	0.32%	300 Days	A1+
National Australia Bank	\$1,500,000.00	0.28%	180 Days	A1+
National Australia Bank	\$3,896,913.77	Flex		
Total Investments	\$26,318,408.35			

In accordance with Clause 212 of the Local Government Act (General) Regulation 2005 it is certified that the above investments have been made under Sec 625 of the Local Government Act and Council's Investment Policy.

Reconciliation at 31 December 2021

Balance as per cash book	\$498,450.54
Investments	\$26,318,408.35
Total, equalling Reconciled Ledger	\$26,816,858.89

Statement of Bank Balances as at 31 December 2021

	Balance 30 November 2021	Transaction	Balance 31 December 2021
General Fund	\$22,292,798.17	-\$1,574,293.39	\$20,718,504.78
Water Fund	\$3,078,696.64	\$93,490.20	\$3,172,186.84
Sewer Fund	\$2,758,828.04	\$58,770.93	\$2,817,598.97
Trust Fund	\$111,744.30	-\$3,176.00	\$108,568.30
Investments	-\$27,307,838.67	\$989,430.32	-\$26,318,408.35
Totals	\$934,228.48	-\$435,777.94	\$498,450.54

Balance of all Funds as at 31 December 2021

Balance as at 30 November, 2021	\$934,228.48
Add Receipts for	
(a) Rates	\$247,291.70
(b) Other Cash	\$4,365,301.86
Deduct payments for	
(a) Payments	\$2,937,797.83
(b) New Investment	\$2,110,573.67
Balance as at 31 December, 2021	\$498,450.54

Recommendation

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 31 December 2021 be noted.

16.2 * INVESTMENT REPORT AS AT 31 DECEMBER 2021**

File Number: F1.1
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

The investment report is submitted monthly to Council.

Issues

- Investments are in accordance with Division of Local Government Guidelines and Council's Investment Policy
- Statutory obligations are being met
- Councillors roles as resource allocators and policy directors are satisfied

Assessment**Legal Implications Including Directives and Guidelines**

Local Government Act 1993

Local Government (General) Regulation 2005

The management, of Council's investments is delegated by the General Manager to the Manager Corporate Services.

Financial Implications/Consideration

The 2021/22 Budget estimated the total investment revenue as \$295,000 which represents an estimated return of .25%. This revenue was split proportionally across General, Water and Sewer Funds and changes on a monthly basis in accordance with cash flow requirements.

The market value of Council's investments held as at 31 December 2021 is \$26,318,408.35
Investment income earned as at 31 December 2021 is \$74,526.90.

Policy Provisions – Council Policy and Procedure

Policy 1.8.10(v5) – Investment Policy adopted 23 July 2020.

Ministerial Investment Order – 12 January 2011

Strategic Implications – Implications for Long Term Plans/Targets

Funds are invested in accordance with identified cash flow requirements.

Investment Portfolio**Investments as at 31 December 2021**

National Australia Bank	\$1,084,474.56	0.35%	367 Days	A1+
National Australia Bank	\$455,746.98	0.28%	181 Days	A1+
National Australia Bank	\$3,025,633.12	0.35%	365 Days	A1+
National Australia Bank	\$1,102,965.00	0.35%	365 Days	A1+
National Australia Bank	\$806,188.21	0.28%	210 Days	A1+
National Australia Bank	\$2,010,054.80	0.46%	182 Days	A1+
National Australia Bank	\$2,008,219.18	0.36%	365 Days	A1+
National Australia Bank	\$1,158,167.48	0.55%	365 Days	A1+
National Australia Bank	\$676,193.12	0.33%	330 Days	A1+
National Australia Bank	\$3,106,731.89	0.04%	365 Days	A1+
National Australia Bank	\$3,056,586.36	0.34%	305 Days	A1+
National Australia Bank	\$704,706.26	0.04%	360 Days	A1+
National Australia Bank	\$1,725,827.62	0.32%	300 Days	A1+
National Australia Bank	\$1,500,000.00	0.28%	180 Days	A1+
National Australia Bank	\$3,896,913.77	Flex		
Total Investments	\$26,318,408.35			

Term Deposits**Discussions/Comments**

The Investment portfolio decreased by \$989,430.32 during the period.

The investment portfolio is invested in term deposits with the National Australia Bank. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk.

The Government Guarantee on Investments up to \$1 million dollars has now expired and the new cap of \$250,000 has replaced the scheme.

Certification – Responsible Accounting Officer

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

Recommendation

- 1. That the report regarding Council's Investment Portfolio 31 December 2021 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted**

16.3 * BANK RECONCILIATION & STATEMENT OF BANK BALANCES**

File Number: F1.1
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background**Bank Reconciliation for the period ending 31 January 2022**

Balances as per Bank Statement	\$1,267,363.03
Plus: Deposit not shown	\$220.50
Less: Unpresented Cheques	\$2,538.87
Balance as per Cash Book	\$1,265,044.66

Reconciled Ledger Accounts as at 31 January 2022

Fund or Account	Current Balance	Overdraft Statutory Limit
General	\$20,885,895.41	\$200,000.00
Water	\$2,817,082.23	
Sewer	\$2,784,250.43	
Trust	\$108,064.30	
	\$26,595,292.37	

Investments as at 31st January 2022

National Australia Bank	\$1,084,474.56	0.35%	367 Days	A1+
National Australia Bank	\$456,379.79	0.07%	360 Days	A1+
National Australia Bank	\$3,025,633.12	0.35%	365 Days	A1+
National Australia Bank	\$1,102,965.00	0.35%	365 Days	A1+
National Australia Bank	\$806,188.21	0.28%	210 Days	A1+
National Australia Bank	\$2,010,054.80	0.46%	182 Days	A1+
National Australia Bank	\$2,008,219.18	0.36%	365 Days	A1+
National Australia Bank	\$1,158,167.48	0.55%	365 Days	A1+
National Australia Bank	\$676,193.12	0.33%	330 Days	A1+
National Australia Bank	\$3,106,731.89	0.04%	365 Days	A1+
National Australia Bank	\$3,065,270.42	0.07%	360 Days	A1+
National Australia Bank	\$704,706.26	0.04%	360 Days	A1+
National Australia Bank	\$1,725,827.62	0.32%	300 Days	A1+
National Australia Bank	\$1,502,071.24	0.52%	181 Days	A1+
National Australia Bank	\$2,897,365.02	Flex		
Total Investments	\$25,330,247.71			

In accordance with Clause 212 of the Local Government Act (General) Regulation 2005 it is certified that the above investments have been made under Sec 625 of the Local Government Act and Council's Investment Policy.

Reconciliation at 31 January 2022

Balance as per cash book	\$1,265,044.66
Investments	\$25,330,247.71
Total, equalling Reconciled Ledger	\$26,595,292.37

Statement of Bank Balances as at 31 January 2022

	Balance	Transaction	Balance
	31 st December 2021		31 st January 2022
General Fund	\$20,718,504.78	\$167,390.63	\$20,885,895.41
Water Fund	\$3,172,186.84	-\$355,104.61	\$2,817,082.23
Sewer Fund	\$2,817,598.97	-\$33,348.54	\$2,784,250.43
Trust Fund	\$108,568.30	-\$504.00	\$108,064.30
Investments	-\$26,318,408.35	\$988,160.64	-\$25,330,247.71
Totals	\$498,450.54	\$766,594.12	\$1,265,044.66

Balance of all Funds as at 31 January 2022

Balance as at 31st December, 2021	\$498,450.54
Add Receipts for	
(a) Rates	\$133,223.30
(b) Other Cash	\$1,760,543.05
Deduct payments for	
(a) Payments	\$2,125,717.67
(b) New Investment	-\$998,545.44
Balance as at 31st January 2022	\$1,265,044.66

Recommendation

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 31 January 2022 be noted.

16.4 * INVESTMENT REPORT AS AT 31 JANUARY 2021**

File Number: F1.1
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

The investment report is submitted monthly to Council.

Issues

- Investments are in accordance with Division of Local Government Guidelines and Council's Investment Policy
- Statutory obligations are being met
- Councillors roles as resource allocators and policy directors are satisfied

Assessment**Legal Implications Including Directives and Guidelines**

Local Government Act 1993

Local Government (General) Regulation 2005

The management, of Council's investments is delegated by the General Manager to the Manager Corporate Services.

Financial Implications/Consideration

The 2021/22 Budget estimated the total investment revenue as \$295,000 which represents an estimated return of .25%. This revenue was split proportionally across General, Water and Sewer Funds and changes on a monthly basis in accordance with cash flow requirements.

The market value of Council's investments held as at 31 January 2022 is \$25,330,247.71

Investment income earned as at 31 January 2022 is \$90,378.21

Policy Provisions – Council Policy and Procedure

Policy 1.8.10(v5) – Investment Policy adopted 23 July 2020.

Ministerial Investment Order – 12 January 2011

Strategic Implications – Implications for Long Term Plans/Targets

Funds are invested in accordance with identified cash flow requirements.

Investment Portfolio**Investments as at 31st January 2022**

National Australia Bank	\$1,084,474.56	0.35%	367 Days	A1+
National Australia Bank	\$456,379.79	0.07%	360 Days	A1+
National Australia Bank	\$3,025,633.12	0.35%	365 Days	A1+
National Australia Bank	\$1,102,965.00	0.35%	365 Days	A1+
National Australia Bank	\$806,188.21	0.28%	210 Days	A1+
National Australia Bank	\$2,010,054.80	0.46%	182 Days	A1+
National Australia Bank	\$2,008,219.18	0.36%	365 Days	A1+
National Australia Bank	\$1,158,167.48	0.55%	365 Days	A1+
National Australia Bank	\$676,193.12	0.33%	330 Days	A1+
National Australia Bank	\$3,106,731.89	0.04%	365 Days	A1+
National Australia Bank	\$3,065,270.42	0.07%	360 Days	A1+
National Australia Bank	\$704,706.26	0.04%	360 Days	A1+
National Australia Bank	\$1,725,827.62	0.32%	300 Days	A1+
National Australia Bank	\$1,502,071.24	0.52%	181 Days	A1+
National Australia Bank	\$2,897,365.02	Flex		
Total Investments	\$25,330,247.71			

Term Deposits**Discussions/Comments**

The Investment portfolio decreased by \$988,160.64 during the period.

The investment portfolio is invested in term deposits with the National Australia Bank. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk.

The Government Guarantee on Investments up to \$1 million dollars has now expired and the new cap of \$250,000 has replaced the scheme.

Certification – Responsible Accounting Officer

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

Recommendation

- 1. That the report regarding Council's Investment Portfolio 31 January 2022 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted**

16.5 * RATES WRITE-OFF - ASSESSMENT NO. 00787-00000000-000**

File Number: R2.5
Author: Meredith Thompson, Revenue Officer
Authoriser: Leonie Brown, Manager of Corporate Services
Attachments: Nil

Background

Assessment number 00787-00000000-000 is a parcel of land located at 9 Oxley Street owned by Murdi Paaki Regional Housing Corporation Limited. This property was destroyed by fire on 13 November 2021.

Current Situation

As the property is owned by Murdi Paaki Regional Housing Corporation Limited the dwelling is now deemed uninhabitable following the fire. Under Section 555 (1)(a) of the *Local Government Act 1993* the property is exempt from all rates and charges and will now become non-rateable.

Council is now required to write-off the remaining Rates and Charges levied on the property for the 2021-22 financial year.

Financial Implications

The Rates and Charges write-off for the remainder of the year is \$988.00.

Recommendation

That Council write-off Rates and Charges to the value of \$988.00 for assessment 00787-00000000-000 located at 9 Oxley Street, Bourke.

16.6 * 2022/2023 - OPERATIONAL PLAN PREPARATION**

File Number: P4.1
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

Work on the budget is essentially a year round project and work has already commenced on the compilation of the 2022/2023 Operational Plan (Budget).

If any Councillor has a project they wish to have included in the Operational Plan or would like to see an amendment to the current level of expenditure or current level of service in any area, they are asked to contact the Manager of Corporate Services at their earliest convenience.

Council often receives requests for assistance and for items to be included in the Operational Plan. Following the completion of the Operational Plan and to ensure everyone has the opportunity to have input prior to the document being finalised, it is again intended to place advertisements seeking submissions in respect of the proposed Plan.

It is proposed, as has been the case in the past few years that the Draft Operational Plan for 2022/2023 include provision for the adoption of the maximum rate increase allowed for by IPART in their annual determination, which for Bourke in 2022/2023 will be 2.1%.

It is also proposed that the Water and Sewer Operational Plans be structured to allow for a balanced budget, inclusive of the depreciation. This has become increasingly difficult as the level of depreciation has increased following revaluations and this has become increasingly difficult as the works undertaken on the emergency water supply and the new Water Treatment Plant increase the annual depreciation costs.

Current Situation

Under the Integrated Planning and Reporting Framework, a Council is required to develop and adopt a number of documents including; a Community Strategic Plan, a Delivery Plan, a Long Term Financial Plan, Resourcing Strategy and an Asset Management Plan. All of these plans are currently under review. The 2022/2023 Draft Operational Plan will align to these documents, where possible.

The Community Strategic Plan (CSP) review following the December elections and changes identified in the strategic priorities will be included where possible within the successive budgets.

The increase in wages as detailed under the Local Government State Award is likely to be around 2% and this obviously flows onto wage related costs including superannuation and worker's compensation.

The increases for individual employees will vary as they progress through the skills based salary system, however, an overall figure of 4% will be utilised in the compilation of the increase in wages.

Given the increase in costs generally, the budget will once again be tight and it is hoped that additional savings and efficiencies will continue to be identified as we see changes in both work practices and the use of technology and improved equipment.

Council has been fortunate to be able to secure significant funding from a number of grant sources and this has in turn assisted in being able to provide opportunities for employment.

Fees and charges will be set as a minimum, on a full cost recovery basis, and where applicable include on-costs. Some fees are set by legislation or by external bodies and Council fees will obviously reflect these determinations in the fee structure.

In respect of the timetable for the preparation and adoption of Council's 2022/2023 Operational Plan, the following is proposed:

4 January 2022	Preparation Commenced
6 April 2022	MANEX Meeting to Finalise Preliminary Document
12 April 2022	Draft Document Distributed Councillors
20 April 2022	Meeting of Corporate Service Committee to consider preliminary document
26 April 2022	Draft Document to Council for approval to proceed to advertisement
28 April 2022	Period of Public Notices Commences
25 May 2022	Closing Date for Submissions to be lodged
27 June 2022	Submissions presented to Council for consideration
27 June 2022	Subject to any amendments the Operational Plan is to be adopted
30 June 2022	Final Document published and distributed



Financial Implications

The Operational Plan provides the budgetary framework for Council's operation for the year.

Recommendation

- 1. That the 2022/2023 Operational Plan be prepared utilising the 2.1% General Rate increase as determined by IPART for Bourke Shire Council**
- 2. That any Councillors wishing to have an item included in the 2022/2023 Draft Operational Plan for consideration, notify the Manager of Corporate Services by 7 March 2022**
- 3. That the proposed timetable for the preparation and adoption of Council's 2022/2023 Operational Plan be adopted.**

16.7 * BUDGET REVIEW TO 31 DECEMBER 2021**

File Number: F1.6
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: 1. Budget Review 31 December 2021  

Introduction

Clause 203 (1) of the *Local Government (General) Regulation 2005* (the Regulations) requires a Council's Responsible Accounting Officer to prepare and submit a Quarterly Budget Review Statement (QBRs) to the governing body of Council within two (2) months of the end of the quarter. Submitted hereunder is that report:

Background

The Division of Local Government released guidelines on the preparation of QBRs to Council in December 2010 with mandatory reporting in line with the guidelines commencing in July 2011.

The QBRs must show, by reference to the estimated income and expenditure that is set out in the operational plan adopted by Council for the relevant year, a revised estimate of income and expenditure for that year.

The guidelines also require the budget review statement to include a report by the responsible accounting officer as to whether or not they consider the statement indicates Council to be in a satisfactory financial position (with regard to its original budget) and if not, to include recommendations for remedial action.

Current Situation**Issues**

- The QBRs must be prepared by the Responsible Accounting Officer and presented to Council within two (2) months of the end of the quarter.
- The minimum format of the QBRs is governed by the Division of Local Government's Guidelines in December 2010.

Assessment**(a) Legal Implications Including Directives and Guidelines**

Local Government (General) Regulation 2005 (the Regulations) clause 203 requires a Council's Responsible Accounting Officer to prepare and submit a quarterly budget review statement to the governing body of Council within two months of the end of the quarter
Division of Local Government – Quarterly Budget Review Guidelines issued December 2010

(b) Financial Implications/Considerations

Council's original budget was adopted as part of the 2021/2022 Operational Plan on 24 May 2021 and reflected an overall cash based surplus of \$703,310.

(c) Policy Provisions – Council Policy and Practice

Nil

(d) Strategic Implications – Implications for Long Term Plans/Targets

Community Strategic Plan

Delivery Program/Operational Plan

Discussion

The QBRS has been prepared for the December 2021 review period and is presented to Council for consideration.

This review has been undertaken in consultation with the General Manager, Managers and other officers where applicable.

COVID has had a significant impact on the budget, two areas identified are the plant operations and Back O Bourke Exhibition Centre (BOBEC).

In August when COVID first impacted the LGA for 2021 Council stood down most staff to mitigate an outbreak within the workforce. Staff working heavy plant on the road networks were specifically impacted as they stay in communal workers accommodation and share vehicles. At this time, it was unknown as to the effects COVID was going to have on the community and Management took a cautious approach. The overall change with plant rates from December 2020 to December 2021 was \$374,000 decrease. The overall reduction in the Plant Hire Income is estimated to be \$400,000 in the December Review.

Likewise, the Back O Bourke Exhibition (BOBEC) had predicted a significant increase in tourist numbers due to the lockdown of 2020 and many families now touring Australia rather than travelling overseas. When COVID came to the regions in August 2021 the BOBEC closed their doors and visitors stopped coming due to the lockdown. The estimated cost to revenue for the BOBEC is a reduction of \$300,000. To offset part of this loss Management have reduced staff salaries by delaying the opening of the Centre on weekends until mid-March and not employing casual staff during the lockdown. The tourist season has been slow to commence and the delay in opening on weekends is not expected to impact on the business. There are a number of other adjustments made within the Economic affairs area of the budget review identified on page 4 of the attachment.

Overall Financial Position

The revised consolidated budget result following the September QBRS is estimated to be a Surplus of \$705,452.

The break-up of the funds are detailed in the table below once depreciation has been added back:

Fund	Expenses	Revenues	Depreciation	Operating result
General	(\$86,350,867)	\$81,208,330	\$5,142,537	0
Water	(\$5,817,725)	\$5,309,436	\$887,700	\$379,411
Sewer	(\$1,178,622)	\$1,195,963	\$308,700	\$326,041
Total	(\$93,347,214)	\$87,713,729	\$6,338,937	\$705,452

The adjustments which have been identified during the Review are summarised below:

Operating and Capital Works Budgets:

Adjustment Description	Budget Impact
Operational Income – decrease	(14,191)
Operational Expenses – decrease	62,738

Capital Income and Contributions - increase	5,254,985
Capital Expenditure - additional	(5,068,693)
Transfer to/from Reserves	
Net adjustment - Budget	\$234,839

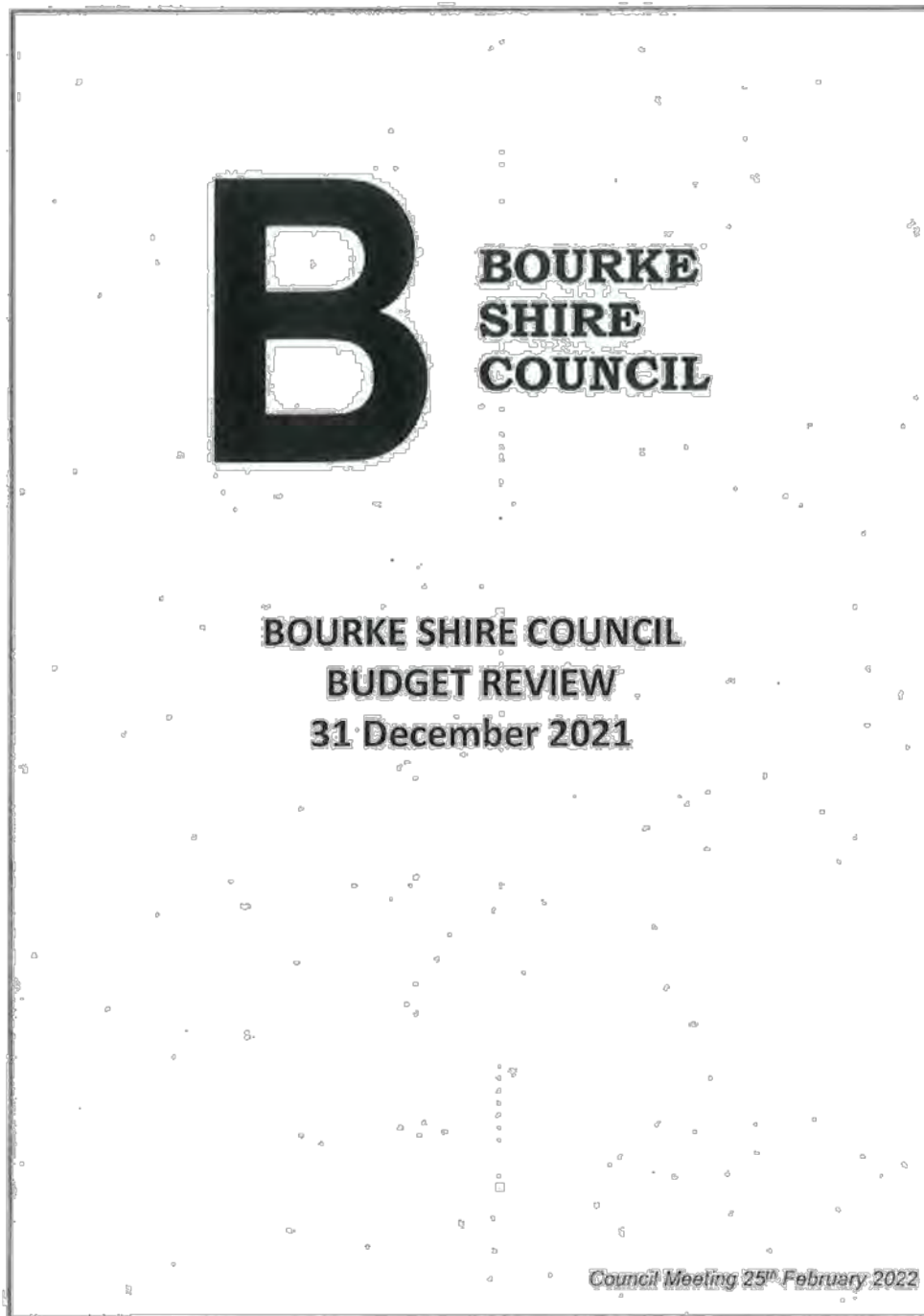
Summary	Budget Impact
Original Budget surplus	703,310
Adjustments from QBRS September 2021	(232,697)
Adjustments from QBRS December 2021	234,839
Revised Budget	\$705,452

Conclusion

The financial position of Bourke Shire Council as at 31 December 2021 is considered to be satisfactory and is confirmed by the Report from the Responsible Accounting Officer provided under separate cover to Council.

Recommendation

1. That the document entitled "Quarterly Budget Review Statement – December 2021" be received and noted
2. That the variations of income and expenditure as identified in the "Quarterly Budget Review Statement – December 2021" be adopted.



Bourke Shire Council

**Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21**

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Bourke Shire Council

**Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21**

Report by responsible accounting officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 December 2021

It is my opinion that the Quarterly Budget Review Statement for Bourke Shire Council for the quarter ended 31/12/21 indicates that Council's projected financial position at 30/6/22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____

date: 16th February 2022

Leonie Brown
Responsible accounting officer

Bourke Shire Council

Income & expenses budget review statement

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

Budget review for the quarter ended 31 December 2021

Income & expenses - Council Consolidated

(5000's)	Original Budget 2021/22	Approved changes			Revised budget 2021/22	Variations for this Dec Qtr	Projected year end result	Actual YTD figures
		Carry forward by O&RS	Other than O&RS	Dec O&RS				
Income:								
Administration	7,451,600	410,360		7,861,960	150,235	8,012,195	3,722,646	
Public order & safety	457,500	(8,363)		449,137	(40)	449,097	142,135	
Health	164,000	35,595		199,595		199,595	89,307	
Community services & education	23,000	20,000		43,000		43,000	26,641	
Housing & community amenities	929,000	37,952		966,952	101,403	1,068,355	847,323	
Water supplies	2,205,310	58,119		2,263,429	397	2,264,826	1,450,135	
Sewer services	1,064,400	41		1,064,441		1,064,441	1,006,624	
Recreation & Culture	89,800	(47,725)		42,075		42,075	2,559	
Manufacturing & construction	11,500			11,500		11,500	3,671	
Transport & communication	8,197,100	287,259		8,484,359	51,871	8,536,230	2,496,402	
Economic affairs	911,000	18,554		929,554	(318,054)	611,500	127,179	
Total income from continuing operations	21,515,210	885,946		22,401,156	(14,191)	22,386,965	10,004,322	
(Expenses)								
Administration	2,546,520	(381,073)		2,165,447	165,445	2,330,892	641,642	
Public order & safety	974,184	(9,369)		964,815		964,815	935,372	
Health	820,100	35,595		855,695	(70,000)	785,695	254,473	
Community services & education	75,100	20,750		95,850		95,850	34,785	
Housing & community amenities	2,572,233	37,150		2,609,383	(5,000)	2,604,383	1,781,016	
Water supplies	2,674,300	56,415		2,730,715		2,730,715	1,760,564	
Sewer services	1,042,000			1,042,000		1,042,000	538,291	
Recreation & Culture	1,815,400	59,118		1,874,518	(102,000)	1,772,518	1,716,249	
Manufacturing & construction	10,690,300	260,259		10,950,559	158,871	11,109,430	5,982,182	
Transport & communication	2,224,000	91,154		2,315,154	(228,054)	2,087,100	855,267	
Economic affairs	25,434,137	(931,145)		25,365,282	(62,738)	26,302,544	9,983,144	
Total expenses from continuing operations	(3,918,927)	(45,199)		(3,964,126)	48,547	(3,915,579)	41,178	
Net operating result from continuing operations								
Discontinued operations - surplus/(deficit)								
Net operating result from all operations								
Net operating result before capital items								
		(45,199)		(3,964,126)	48,547	(3,915,579)	41,178	

This statement forms part of Council's Quarterly Budget Review Statement (QBRSS) for the quarter ended 31/12/2021 and should be read in conjunction with the year O&RS report

Bourke Shire Council

**Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21**

**Income & expenses budget review statement
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes Details

1	Employment Training Subsidy for Apprentices offset by expenditure \$22,000 Regional Procurement tendering bonus \$6,792 Innovation Fund Covid19 Grant offset by expenditure \$90,000 National Aust Dy Council Grant offset by expenditure \$24,000
2	Increased Waste Tipping Fees offset by expenditure \$100,000
3	Flood/Storm Damage grant Nov 21 offset by expenditure \$51,871
4	Back O Bourke Centre reduced income -\$100,000 Back O Bourke Centre reduced Merchandise income -\$100,000 PV Jandra reduced income -\$100,000
5	Reduction in Election Costs -\$12,200 Reduction in Governance Vehicles Operating Costs -\$41,400 Reduction in Administration Vehicles Operating Costs -\$20,000 Reduction in Youth Community Contributions -\$10,000 Reduction in Engineering Salaries & Allowances -\$45,000 Reduction in Works Vehicles Operating Costs -\$124,000 Reduction in Engineering Services training -\$25,000 Reduction in Workers Compensation Premiums -\$16,100 Reduction in Superannuation Costs -\$30,664 Reduced Plant Hire Income contribution to Works \$400,000
6	Reduction in Health Salaries & Allowances -\$50,000 Reduction in Environmental Services training -\$20,000
7	Reduction in Street Cleaning Costs -\$60,000
8	Increase in Bourke Swimming Pool Running Costs \$15,000 Increase in Parks & Gardens Expense offset by reduction in Sporting Grounds expense \$60,000 Reduction in Main Street Beautification expense -\$117,000
9	Increase in Town & Village streets maintenance \$140,000 Decrease in Street Lighting costs -\$35,000
10	Reduction in expense for attendance at trade shows -\$10,000 Reduction in expense for Business HQ assist -\$10,000 Reduction in Back O Bourke Salaries & Wages -\$122,000 Reduction in Back O Bourke Training costs -\$5,000 Back O Bourke Centre reduction in merchandise costs -\$50,000 Reduction in Back O Bourke Function Centre Expense -\$10,000 Reduction in PV Jandra training costs -\$5,000

Bourke Shire Council

Capital budget review statement

Budget review for the quarter ended 31 December 2021

Capital budget - Council Consolidated

(\$000s)	Original budget 2021/22	Approved changes		Revised budget 2021/22	Variations for this Dec Qtr	Notes	Projected year-end result	Actual YTD figures
		Carry forwards by CBRs	Other than CBRs					
Capital expenditure	11,000,000			11,000,000				
New assets								
- Plant & equipment	3,103,400	646,919		3,750,319	52,555	1	3,822,884	515,902
- Land & buildings	18,369,000	1,648,381		20,017,381	1,276,754	2	21,294,145	1,708,538
- Other	15,711,400	7,142,081		22,853,481	3,644,418	3	26,497,909	3,202,521
Renewal assets (replacement)	2,768,000	234,011		3,002,011	52,598	4	3,044,610	533,564
- Plant & equipment	120,000	9,285		129,285	2,227		131,522	9,295
- Roads, bridges, footpaths	1,233,500			1,233,500			1,233,500	659,049
- Water Supplies								
- Sewerage Services								
- Loan repayments (principal)								
Total capital expenditure	52,295,300	9,680,677		61,975,977	5,068,553		67,044,670	6,639,469
Capital funding								
Rates & other unified funding	1,715,700	187,498		1,903,198	116,292		1,777,908	750,789
Capital grants & contributions	39,955,600	364,219		40,320,819	4,956,480		65,277,299	4,594,152
Reserves								
- External restrictions/reserves	228,000	-133,147		94,853	-122,175		383,322	80,322
- Internal restrictions/reserves	1,280,000	18,985,813		10,275,813	270,330		10,552,143	898,496
New loans	9,114,000			9,114,000			9,114,000	325,700
Receipts from sale of assets								
- Plant & equipment								
- Land & buildings								
Other funding - enter description here								
Other funding - enter description here								
Total capital funding	52,295,300	9,680,677		61,975,977	5,068,553		67,044,670	6,639,469
Net capital funding - surplus/(deficit)								

This statement is a part of Council's Quarterly Budget Review Statement (CBRS) for the quarter ended 31/12/2021 and should be read in conjunction with Budget CBRS report.

Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21



Cash & investments budget review statement

Budget review for the quarter ended 31 December 2021
Cash & investments - make a choice >>>

(\$000's)	Approved changes				Revised budget 2021/22	Variations for this Dec Qtr	Projected year end result	Actual YTD Figures
	Original budget 2021/22	Carry forwards by CERS	Sep CERS	Dec CERS				
Externally restricted (1)								
Specific Purpose unexp Grants General Fund	9,324,000				9,324,000		9,324,000	
Specific Purpose unexp Grants Water Fund	303,000				303,000		303,000	
Water Fund	9,715,000				9,715,000			
Sewerage Fund	2,460,000				2,460,000			
Domestic Waste Management	53,000				53,000			
Total externally restricted	15,855,000				15,855,000		15,855,000	
<i>(1) Funds that must be spent for a specific purpose</i>								
Internally restricted (2)								
Employee Leave Entitlement	800,000				800,000		800,000	
Deposits Retentions & Bonds	-5,000				-5,000		-5,000	
Prepaid Financial Assistance Grant	3,325,000				3,325,000		3,325,000	
Total internally restricted	3,930,000				3,930,000		3,930,000	
<i>(2) Funds that Council has committed for a specific purpose</i>								
Unrestricted (ie. available after the above Restricted)	10,374,000				10,374,000		10,374,000	
Total Cash & investments:	30,159,000				30,159,000		30,159,000	26,815,859

This statement forms part of Council's quarterly Budget Review Statement (BRS) for the quarter ended 31/12/2021 and should be read in conjunction with the BRS for this report.

Bourke Shire Council

**Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21**

Cash & investments budget review statement

Comment on cash & investments position

Not applicable

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$498,451

This Cash at Bank amount has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 31st December 2021

Reconciliation status

The YTD cash & investment figure reconciles to the actual balances held as follows:

	\$ 000's
Cash at bank (as per bank statements)	501,993
Investments on hand	26,318,408
less: unpresented cheques and undeposited funds	(3,542)
	(Timing Difference)
	(Timing Difference)
less: identified deposits (not yet accounted in ledger) and identified outflows (not yet accounted in ledger)	(Require Actioning)
	(Require Actioning)
less: unidentified deposits (not yet actioned) and unidentified outflows (not yet actioned)	(Require Investigation)
	(Require Investigation)
Reconciled cash at bank & investments	26,816,859
Balance as per QBRS review statement:	26,816,859
Difference:	

Bourke Shire Council

**Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21**

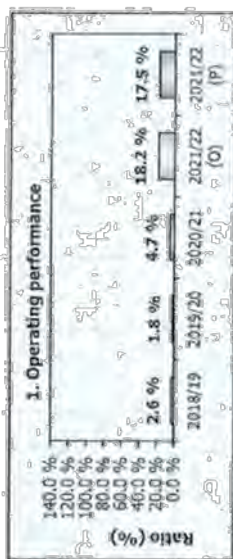
Key performance indicators budget review statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 December 2021

(\$000's)	Current projection Amounts Indicator 21/22	Original budget 21/22	Actuals prior periods 20/21	19/20
NSW local government industry key performance indicators (OLG):				

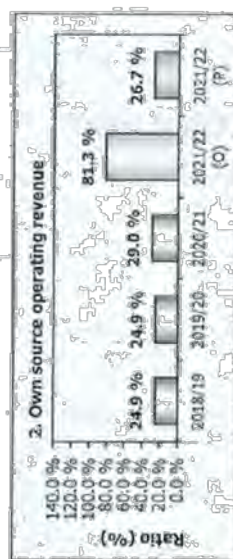
1. Operating performance				
Operating revenue (excl. capital) - operating expenses	3915579	17.5%	4.7%	1.8%
Operating revenue (excl. capital grants & contributions)	22386988	18.2%	4.7%	1.8%

This ratio measures Council's achievement of containing operating expenditure within operating revenue.



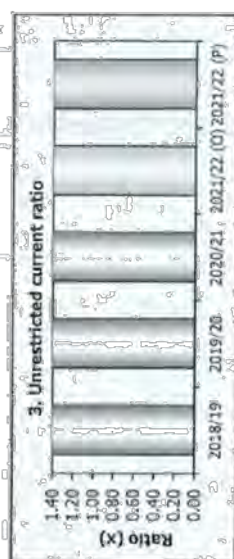
2. Own source operating revenue				
Operating revenue (excl. ALL grants & contributions)	1809758	26.7%	29.0%	24.9%
Total Operating revenue (incl. capital grants & cont)	67664264	81.3%	29.0%	24.9%

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.



3. Unrestricted current ratio				
Current assets less all external restrictions	25053	4.74	4.74	5.10
Current liabilities less specific purpose liabilities	5287			

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



Bourke Shire Council

**Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21**

Key performance indicators budget review statement - Industry KPI's (OLG)

(Budget review for the quarter ended 31 December 2021)

((\$000's))	Current projection Amounts indicator 21/22	Original budget 21/22	Actuals prior periods 20/21	19/20
	2600158	1.84	6.66	5.41
	1410300	1.84		

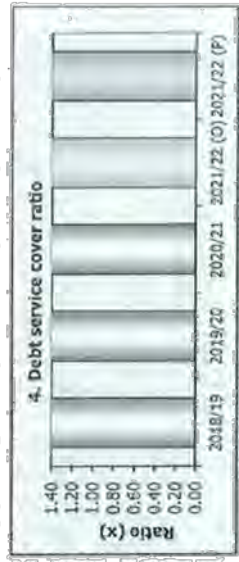
NSW local government industry key performance indicators (OLG)

4. Debt service cover ratio

Operating result before interest & dep. exp (EBITDA)

Principal repayments * borrowing interest costs

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.

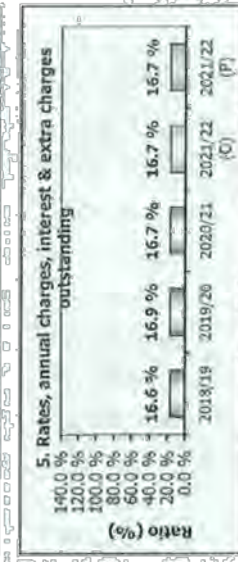


5. Rates, annual charges, interest & extra charges outstanding

Rates, annual & extra charges outstanding

Rates, annual & extra charges collectible

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

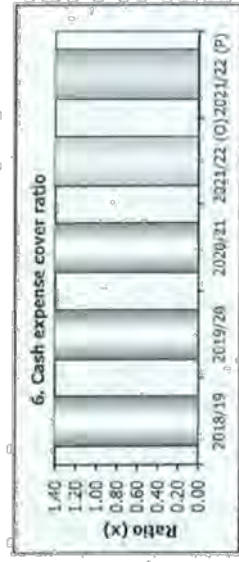


6. Cash expense cover ratio

Current year's cash & cash equivalents (incl term deposits)

Operating & financing activities cash flow payments

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



Bourke Shire Council

**Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21**

Key performance indicators budget review statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 December 2021

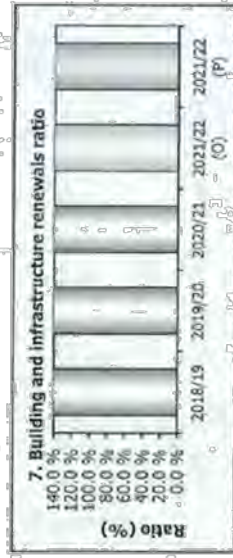
(\$000's)	Current projection Amounts Indicator 21/22	Original budget 21/22	Actuals prior periods 20/21	19/20
	6338937	3242%	247.5%	166.7%

NSW Local Government Infrastructure Asset Performance Indicators (OLG)

7. Building and infrastructure renewals ratio

Asset renewals (building, infrastructure & other structures) 139281124
Depreciation, amortisation & impairment 6338937

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.



8. Infrastructure backlog ratio

Estimated cost to bring assets to a satisfactory condition 3882
Total value of infrastructure, building, other structures & depreciable land improvement assets 298408

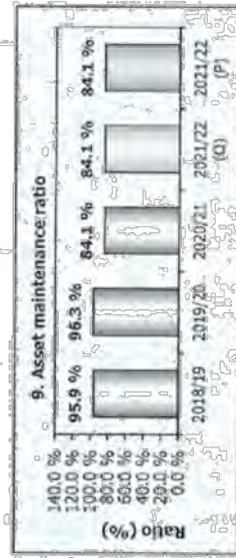
This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.



9. Asset maintenance ratio

Actual asset maintenance 4929
Required asset maintenance 5882

Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the Infrastructure Backlog growing.



Quarterly Budget Review Statement
for the period 01/10/21 to 31/12/21

Bourke Shire Council

Key performance indicators budget review statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 December 2021

(5000's)	Current projection Amounts Indicator 21/22	Original budget 21/22	Actuals: prior periods 20/21	19/20
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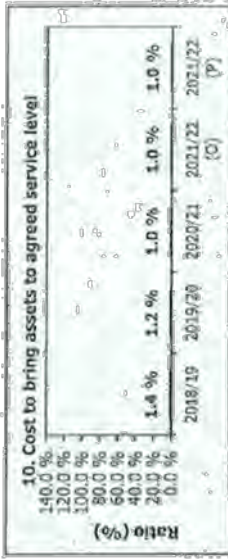
NSW Local Government Infrastructure Asset Performance Indicators (OLG):

10. Cost to bring assets to agreed service level				
Estimated cost to bring assets to an agreed service level set by council	3882	1.0 %	1.0 %	1.2 %
Gross replacement cost	389968			

This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.

11. Capital expenditure ratio				
Annual capital expenditure	5881170	8.1	7.9	8.4
Annual depreciation	5338937	10.4		

To assess the extent to which a Council is expanding its asset base thru capital expenditure on both new assets and the replacement and renewal of existing assets.



Bourke Shire Council

Contracts budget review statement

Budget review for the quarter ended 31 December 2021
Part A - Contracts listing - contracts entered into during the quarter

Quarterly Budget Review Statement
 for the period 01/10/21 to 31/12/21


Contractor	Contract detail & purpose	Contract value	Start date	Duration of contract	Budgeted (Y/N)	Notes
BestFit For Purpose	Provision of Road Stabilisation	293,300	01/10/22	2 Years	Y	
Public Works Advisory	Integrated Water Cycle Management Strategy	477,143	01/03/22	2 Years	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier List.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QRS) for the quarter ended 31/12/2021 and should be read in conjunction with the QRS and BBS report.

16.8 DELIVERY PLAN - HALF YEARLY REVIEW 2021/2022

File Number: P4.1
Author: Leonie Brown, Manager Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: 1. Delivery Plan Review December 2021 [↓](#) 

Background

This report provides Council with information on the progress of Council's Delivery Program actions from 1 July 2021 to 31 December 2021. Council has achieved mostly 50% of its goals for the 2021/2022 financial year.

Current Situation

The General Manager must ensure that progress reports are provided to Council, with respect to the principal activities delayed in the Delivery Program, at least every six months.

The report presents the progress on Council's achievements in implementing the 2017/2022 Delivery Program and the 2021/2022 Operation Plan to 31 December 2021. Each item in the Delivery Program is referenced to one of the key priorities in the Community Strategic Plan – Environmental Sustainability; Vibrant and liveable community; Economic Prosperity; Governance and Organisational performance; Our Infrastructure.

Overall progress towards achieving the goals set out in the delivery plan is progressing well with just a few exceptions that continue to prove difficult to implement or make progress on.

Most of the deliverables within the delivery plan are also Council's core business with a strong emphasis on consultation with community agencies, governance and statutory obligations in regards to water and road maintenance.

Notable achievements for the 2021/2022 financial year to date include:-

- Completion of the new Water Treatment Plant
- Continuation of the sealing MR 405 Bourke to Wanaaring
- Sealing River, Polygonum Swamp and Weir Roads
- Sealing of Coronga Peak Road
- Leading the COVID response with other Government Agencies
- Upgrade to the Bourke Pool area
- Renewal of Renshaw community shed

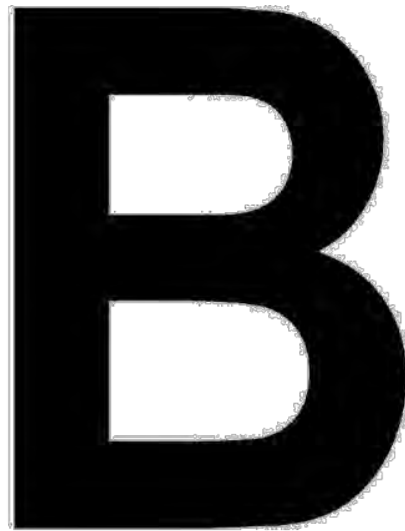
Projects underway

- Upgrade to signage
- Charles Street water tower renewal
- Podium Percy Hobson Park

Overall management is pleased with progress made towards the Delivery Plan for 2021/2022.

Recommendation

That Council note the half yearly Delivery Report as presented to the Ordinary Meeting of Council held on Friday, 25 February 2022.

A large, bold, black letter 'B' with a white outline, serving as a logo for Bourke Shire Council.

**BOURKE
SHIRE
COUNCIL**

**Council Review
as of 31 December 2021**

Economic prosperity

Our community values its history and heritage and seeks to develop the tourism industry

Action: Jandra landing completed

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop tourism facilities at wharf precinct including Jandra landing	Jandra landing completed	Manager Tourism and Events	Progressing	50%	Funding has been identified to complete the pontoon at wharf precinct. Works have commenced at the identified site with works to be completed by 30 June 2022.

Action: Reopen the North Bourke Bridge to pedestrian traffic

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Improve access to the North Bourke Bridge	Reopen the North Bourke Bridge to pedestrian traffic	Manager Tourism and Events	Progressing	50%	The North Bourke Bridge has broad community support. The bridge was closed due to the poor and deteriorating condition. A Quantity Surveyor has estimated repair costs. Tourism Activation Fund grant application applied for. Report on issue to go to February 2022 Council meeting.

Action: Undertake local tourism signage audit

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Improve signage	Undertake local tourism signage audit	Manager Tourism and Events	Progressing	50%	Audit ongoing. Signage rolling out across the villages of Byrock, Wanaaring, Enngonia, Fords Bridge, Louth, Yantabulla and Barrington. Bourke to be completed in the next quarter after COVID restrictions and floods have restricted accessibility. Funding is now available to undertake this work in 2021/2022

Action: Update signage

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Improve signage	Update signage	Manager Tourism and Events	Progressing	50%	Grant funding secured to undertake upgrade to history and heritage signage. Consultation was completed at each of the community meetings. Signage has started to rollout in the shire villages of Byrock, Wanaaring, Enngonia, Fords Bridge, Louth, Yantabulla and Barrington. Signage is continuing as COVID restrictions and receding floodwaters allow.

Action: Work with at least one group per year to explore this potential

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
<p>Seek opportunities to develop cultural tourism experiences</p>	<p>Work with at least one group per year to explore this potential</p>	<p>Manager Tourism and Events</p>	<p>Progressing</p>	<p>50%</p>	<p>In 2020/2021, 62% of visitors surveyed want to engage in activities (attractions, tours, events) within the shire whilst here. This supports the strong sales at the Centre with nearly 13,000 tickets sold for attractions that year.</p> <p>The profile of visitors travelling to Bourke region are predominately baby boomers (77%) and are from NSW (78%). Baby boomers are the demographic cohort that are generally defined as people born from 1946 to 1964 and have been our most popular visitor for over the past 20 years. These visitors want to immerse themselves into activities as suggested above whilst visiting the town that sees them stay on average 2-3 nights in Bourke whilst doing so.</p> <p>Working with operator too see potential for Convent tours to be aligned with our core target market's needs and provide Bourke and the region with a unique selling proposition, opening the opportunity for it to be another popular activity for the visitor to engage in whilst visiting Bourke.</p>

Action: Host at least one training opportunity each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Seek opportunities to grow the tourism sector	Host at least one training opportunity each year		Progressing	10%	COVID delayed plans to progress training. Council to investigate and progress accordingly in the next financial year.

Action: Participate in regional promotional committees

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Seek opportunities to grow the tourism sector	Participate in regional promotional committees	Manager Tourism and Events	Progressing	50%	Council recognises the importance of regional committees for the western region. We continue to work closely with Destination NSW, Darling River Run, Kidman Way, Kamilaroi Highway committees along with the Far North West Joint Organisation. We offer connections through these committees that is vital for the region to remain vibrant and competitive.

Our community welcomes new residents and businesses

Action: Encourage new business opportunities

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop industries and business development opportunities	Encourage new business opportunities	Manager Tourism and Events	Progressing	50%	Industrial land available for development opportunities. Interest in the development of a Solar Farm and new Motel Development are two new development opportunities currently showing interest in the area. Council continues to promote the positives of the region and investigate new business and value-adding to existing businesses. COVID has certainly slowed any potential business development. The sale of the new abattoir prior to Christmas is a real game changer for Bourke bringing employment opportunities to the town. 2 x meetings held with Abattoir owners. Council is hopeful with a change of season that the agriculture industry will receive a significant boost benefiting not only that industry but the whole business sector.

Action: Regular Passenger Transport Service available

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure a return of air services	Regular Passenger Transport Service available	GM	Progressing	50%	Air service commenced on 25/11/2019 for Bourke and Walgett, Cobar commenced in October. The Far Northwest Joint Organisation is administering the air services. Passenger numbers are lower than anticipated. It is hoped with more advertising additional passengers will utilise the service. COVID-19 has had a significant effect on all air-services.

Action: Ensure LEP up to date

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure land availability	Ensure LEP up to date	MES	Progressing	50%	LEP up to date and adhered to in planning assessments

Action: Host welcome to Bourke function each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure new residents have information about the town, region, and opportunities	Host welcome to Bourke function each year	Manager Tourism and Events	Progressing	50%	Welcome to Bourke Function scheduled for 8 March 2022.

Action: Update new residents information each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure new residents have information about the town, region, and opportunities	Update new residents information each year	Manager Tourism and Events	Progressing	50%	Welcome to Bourke function scheduled to be held in March along with distribution of guide.

Action: Information available in newspapers and through direct mail

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure opportunities with regards to the NBN are maximised	Information available in newspapers and through direct mail	Manager Tourism and Events	Progressing	50%	Council practices a variety of communication modes to ensure the community is well briefed and informed on operations and activities. These include the Council website, Facebook, emails, flyers, advertising in local paper and other methods. Covid-19 information has been directed to the community in a efficient, effective and timely manner to gain major impact. NBN is available in Bourke. NBN to hold community session in 2022.

Action: Action enquiries and send out information

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Promote Bourke as a business centre	Action enquiries and send out information	Manager Tourism and Events	Progressing	50%	COVID has stalled attendance at trade shows for the 2021/2022 period. Council is currently working with the Far Northwest Joint Organisation in developing a Tourism Strategy to bring visitors to the region. The Strategy will now be implemented through the stages to promote the regions.

Action: Encourage new employment opportunities

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Promote population growth	Encourage new employment opportunities	Manager Tourism and Events	Progressing	50%	Council continues to progress opportunities for business. The recent Abattoir sale brings and element of change and optimism for the Bourke community. COVID restrictions and travel between borders has impacted all of Australia and Bourke is no different. There are numerous vacancies in the community throughout the hospitality, health and local government industries with employers continuing to find it difficult to fill positions.

Environmental Sustainability

Ensure our heritage and culture are respected

Action: Co support at least one activity per year in regard to either land care or another community group achieving environmental outcomes

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure active local land care groups	Co support at least one activity per year in regard to either land care or another community group achieving environmental outcomes	MES	Completed	50%	Continue to support Local community groups to achieve environmental outcomes, such as fingerling release into Darling River with community groups. Bourke Landcare inception meeting held with Bourke Shire Council a driver along with the LLS in setting a local group. Follow up meeting postponed due to COVID.

Action: Maintain older portion of the Bourke cemetery to a satisfactory standard

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure maintenance of cemeteries	Maintain older portion of the Bourke cemetery to a satisfactory standard	MES	Progressing	50%	Historic Cemetery maintained to a satisfactory standard in line with the cemetery CMP.

Action: Maintain the new cemetery to a high level

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure maintenance of cemeteries	Maintain the new cemetery to a high level	MES	Progressing	50%	Cemetery maintained.

Action: Review and update Bourke Shire Council's trust register every second year or when required

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Manage Council trusts and reserves to a high standard	Review and update Bourke Shire Council's trust register every second year or when required	MES	Progressing	50%	Trust register updated.

Action: Ensure Heritage Advisor can consult widely with community groups

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Protect local heritage items including significant architecture and indigenous heritage	Ensure Heritage Advisor can consult widely with community groups	MES	Completed	50%	Heritage officer engaged, community groups and community members consulted on advisors' visits.

Managing the built environment sustainably

Action: Clean up at least two long term overgrown blocks each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Encourage the clean-up of vacant blocks	Clean up at least two long term overgrown blocks each year	MES	Progressing	30%	Works undertaken to clean up overgrown blocks. This work is undertaken in consultation with the RFS to ensure adequate hazard reductions are completed to prevent lighting of fires.

Action: Review LEP as per legislation

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure a relevant and up to date Local Environmental Plan (LEP)	Review LEP as per legislation	MES	Progressing	50%	LEP reviewed and adhered to.

Action: Review Louth LEP with a view to increase the Village area

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure a relevant and up to date Local Environmental Plan (LEP)	Review Louth LEP with a view to increase the Village area	MES	Progressing	30%	Proposed increase in Louth Village area to be included into the next LEP amendment with strategy.

Action: Actively reduce the level of cardboard that goes to landfill

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Increase the level of recycling within the Shire	Actively reduce the level of cardboard that goes to landfill	MES	Progressing	20%	Investigation as to ways to link in recycling with the CDS Scheme implementation proceeding. Ongoing research looking at a viable recycling option.

Action: Develop recycling function in partnership with private business or community groups

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Increase the level of recycling within the Shire	Develop recycling function in partnership with private business or community groups	MES	Progressing	40%	Investigating avenues with the private sector and government agencies at ways of establishing a viable recycling function into Bourke.

Action: Review the tree policy and Master Plan at least at the start of each new Council term

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain a suitable tree policy	Review the tree policy and Master Plan at least at the start of each new Council term	MW	Progressing	50%	Policy under review with report to be presented to Council in early 2022.

Action: Maintain a minimum of two Heritage Advisor visits to Bourke each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain and active Heritage advisory service	Maintain a minimum of two Heritage Advisor visits to Bourke each year	MES	Completed	50%	Heritage advisor visits programmed quarterly

Action: At least one bulk pick up of stockpiled waste per year in conjunction with other NetWaste Councils

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Reduce the amount of waste to landfill	At least one bulk pick up of stockpiled waste per year in conjunction with other NetWaste Councils	MES	Completed	50%	Bourke Shire Council part of the NetWaste Scrap metal regional contract, also includes the provision for Ewaste to be collected as part of the service

Action: Hold yearly public awareness campaign about watering in hot climate

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Seek to conserve water where possible and effective	Hold yearly public awareness campaign about watering in hot climate	MW	Progressing	50%	Water week supported through media.

Secure sustainable water and wastewater for all

Action: Additional height added to the Bourke weir

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Enhance the water supply options for Bourke	Additional height added to the Bourke weir	MW	Progressing	50%	Council is currently part of the western weirs program.

Action: Ensure additional water storage for the Bourke supply

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Enhance the water supply options for Bourke	Ensure additional water storage for the Bourke supply	MW	Progressing	50%	Council to continue to lobby the state and federal governments. Bourke Weir improvements a priority of the NSW Government.

Action: Review drought management plan as required

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Enhance the water supply options for Bourke	Review drought management plan as required	MW	Progressing	50%	To be reviewed in 2023.

Action: Ensure sewer conforms to EPA license requirements

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure a reliable sewer system in Bourke	Ensure sewer conforms to EPA license requirements	MW	Progressing	50%	Council currently meeting NSW health guideline regarding Sewage services.

Action: Respond to sewer chokes and boundary trap blockages within two hours

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure a reliable sewer system in Bourke	Respond to sewer chokes and boundary trap blockages within two hours	MW	Progressing	50%	Targets being meet.

Action: Ensure all repairs are undertaken as soon as possible

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure all Villages have access to non-potable water	Ensure all repairs are undertaken as soon as possible	MW	Progressing	50%	Conducting work in Council's time frames.

Action: Meet the standard guidelines as detailed by the Lower Macquarie Water Users Alliance

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure an adequate water supply for Bourke	Meet the standard guidelines as detailed by the Lower Macquarie Water Users Alliance	MW	Progressing	50%	Council currently meets all Health guideline and best practice.

Action: Incremental water and waste water renewal each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure upgraded water and wastewater infrastructure	Incremental water and waste water renewal each year	MW	Progressing	50%	New Water Treatment Plant completed. Construction of Charles Street water tank to commence in 2022. Other upgrades undertaken as budgets allow.

Action: New water treatment plant operational

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure upgraded water and wastewater infrastructure	New water treatment plant operational	MW	Completed	100%	Works completed and operating effectively.

Governance and Organisational performance

Advocate the benefits of living and working in the Bourke Shire Council area

Action: Participate in meetings between Council and inter agency stakeholders

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Promote participation and coordination between the Council and community	Participate in meetings between Council and inter agency stakeholders	GM	Progressing	50%	Numerous meetings attended including NGO's and State Government departments. Council administered 51 x LEMC meetings during 2021/2022 in relation to COVID and flooding issues.

Action: Undertake weekly column in the Western Herald

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Promote participation and coordination between the Council and community	Undertake weekly column in the Western Herald	GM	Progressing	50%	One page weekly GM's Column provided to the Western Herald for inclusion.

Action: Bourke Shire Council's financial sustainability indicators improving

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Provide strategic leadership to the community	Bourke Shire Council's financial sustainability indicators improving	GM	Progressing	50%	Financial Statements show improvement to most financial indicators. Council is in a sound financial position.

Action: Host yearly Village meetings

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Provide strategic leadership to the community	Host yearly Village meetings	GM	Progressing	20%	Successful meetings held in January 2022. Report on matters raised to be presented to Council in February 2022.

Seek continuous improvement in the business of Council

Action: Complete development of online community diary

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure Council activity is posted to well-maintained community diary	Complete development of online community diary	EDM	Progressing	40%	The Bourke Jobs Board continues to be updated when council receives notifications from businesses. The jobs board can be difficult to maintain at times due to other online applications including Facebook, local newspaper and social media applications that provide the information instantly. Council continues to upload information when new jobs are found and sent to contact person.

Action: Annual report completed on time

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure Council meets legislative governance standards	Annual report completed on time	MCS	Completed	100%	The 2020/2021 Annual Report was completed and lodged on time and placed on Council's website.

Action: No significant audit issues reported

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure Council meets legislative governance standards	No significant audit issues reported	MCS	Progressing	50%	All legislative governance standards are met. No significant Audit issues identified

Action: Report progress on other functions such as Business Continuity, WHS issues, Policy updates and staff training

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure Council meets legislative governance standards	Report progress on other functions such as Business Continuity, WHS issues, Policy updates and staff training	MCS	Progressing	50%	Legislative governance standards met. Review of all Council Policies is ongoing. WHS requirements reviewed, and areas of concern identified. BCP reviewed.

Action: No reasonable customer complaints

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure excellent customer services	No reasonable customer complaints	MCS	Progressing	50%	Customer Service is a key focus of Council.

Action: Library open for 5.5 days per week

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain library services	Library open for 5.5 days per week	EDM	Progressing	50%	Covid-19 led to the Bourke Library opening on restricted hours to meet the requirements of the Public Health Orders. To compensate for this, the Library has promoted a wide variety of digital programming for both children and adults. A Library App has also been added to aide in the communication process with the community. Residents of the Rivergum Lodge participated in the iPad user program.

Action: Review strategic needs of Council each budget period for year ahead

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain suitable Council owned housing	Review strategic needs of Council each budget period for year ahead	GM	Progressing	50%	12 Glen Street was purchased in 2019/2020 with the upgrade to the house completed and now occupied. The General Managers house was repainted in early 2022 and repairs undertaken where required.

Action: At least two meetings each with State and Federal Local Members each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain working relationships with senior politicians and local members	At least two meetings each with State and Federal Local Members each year	GM	Progressing	50%	Liaison with both levels of Government continuing. 2 x meetings held with both Local Members. Discussions held as required with relevant Ministers.

Action: Host at least two inter agency forums each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Participate in inter agency forums and opportunities	Host at least two inter agency forums each year	GM	Progressing	50%	Meeting held with agencies as required. Attendance at Interagency meetings on a regular basis. Attended Senior Leaders meeting from July to December. These meetings involved several agencies within the community

Action: Promote resolutions and activities of Council

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Seek continuous improvement in communications with residents	Promote resolutions and activities of Council	GM	Progressing	50%	Community consultation meeting to held in January 2022 with Senior staff attending these meeting with a good number of community representatives also in attendance. Weekly GM's Column is provided to the Western Herald detailing the activities of Council.GM also has a regular weekly segment on 2WEB.

Action: Finalise the development of plans and cost estimate for new construction in 2017-18

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Seek to improve Shire offices in the medium term	Finalise the development of plans and cost estimate for new construction in 2017-18	MES	Progressing	20%	Concept plans for a new council office hub have been completed and a QS analysis undertaken. These concepts are considered beyond the financial capability of Councils resources. No recent action taken.

Infrastructure

Ensure adequate levels of community amenities

Action: Develop precinct plans

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop sporting precinct plan to include Davidson Oval, Central Park, and the pool	Develop precinct plans	MES	Progressing	40%	Plan developed with Department Sport and Recreation. Still to be finalised. Major upgrades on infrastructure at community amenities with grant funding being awarded to Council.

Action: Increase communication amongst sporting groups (e.g., Davidson Oval users and Renshaw)

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop sporting precinct plan to include Davidson Oval, Central Park and the pool	Increase communication amongst sporting groups (e.g. Davidson Oval users and Renshaw)	MES	Progressing	45%	Future needs assessment completed through Sport and Recreation. Plans of Management drafted. Sporting Groups inputted to CSP in Feb 2022.

Action: Increase shade areas as budget permits

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Enhance shaded areas to parks	Increase shade areas as budget permits	MW	Progressing	50%	Stage one completed with stage two underway.

Action: Finalise development of the levee bank walk

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Enhance walking tracks along the levee bank	Finalise development of the levee bank walk	MW	Progressing	50%	Ongoing.

Action: Undertake discussions with aged care providers to determine in the 2017-18 financial year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure adequate levels of aged care facilities	Undertake discussions with aged care providers to determine in the 2017-18 financial year	MCS	Progressing	50%	Ongoing - discussions held as required. Transfer of land to Whiddon Group completed.

Action: Audit needs of Halls each year prior to budget process for consideration

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure Community Halls are maintained to a suitable standard	Audit needs of Halls each year prior to budget process for consideration	MES	Completed	50%	Works ongoing. Hall maintenance programmed within budget. Audits of halls undertaken for budget considerations. Potential future works at halls discussed at Village meetings.

Action: Ensure Village asset management plans are up to date

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure community infrastructure is well maintained where appropriate	Ensure Village asset management plans are up to date	MES	Progressing	45%	Plans reviewed and updated with the LTFP. A full revaluation of council's water and sewer infrastructure to be undertaken

Action: Complete audit of levees in line with asset management strategy. Undertake a review of levees prior to each major flood event.

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure levee banks are maintained to a high standard	Complete audit of levees in line with asset management strategy. Undertake a review of levees prior to each major flood event.	MW	Progressing	50%	Currently undertaken a flood study. Louth levee bank audited and repairs implemented prior to December/January 2022 flooding. Bourke levee also audited with minor works required.

Action: Attend to breakdowns in the Villages as required and within guidelines.

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure Village water supplies are adequate	Attend to breakdowns in the Villages as required and within guidelines.	MW	Progressing	50%	Council currently meeting all requirements.

Ensure adequate transport linkages

Action: Outline the improvements made to the Wanaaring and Louth Roads each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Further develop all weather roads to Louth and Wanaaring	Outline the improvements made to the Wanaaring and Louth Roads each year	MRS	Progressing	75%	36km of Wanaaring Road yet to be sealed with funding attempted to be secured.8km of sealing on the Louth Rd planned.

Action: Develop heavy vehicle bypass if shown to be needed

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Investigate the potential for a heavy vehicle bypass of town	Develop heavy vehicle by pass if shown to be needed	MRS	Completed	100%	Still negotiating with Traffic for NSW and Trucking industries. Issue of triple road trains raised at Feb 2022 Traffic Committee by TfNSW. TfNSW advised that Council may reconsider position to proposal if TfNSW was to provide funding for maintenance of roadway and curfews were put in place..

Action: Ensure that the roads schedule is completed each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain and seek to improve the road network in a sustainable way	Ensure that the roads schedule is completed each year	MRS	Progressing	50%	Roads on budget however storm/flood damaged road network affecting roads program.Council is planning to fix with flood recovery funding.

Action: Improve at least two sections of our local roads each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain and seek to improve the road network in a sustainable way	Improve at least two sections of our local roads each year	MRS	Completed	100%	Weir, River, Parkdale and Coronga Peak Roads sealed this financial year .

Action: Update and implement heavy vehicle replacement strategy each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain heavy vehicle replacement strategy	Update and implement heavy vehicle replacement strategy each year	MRS	Progressing	90%	All tender and resulting purchases have been ordered. Awaiting on delivery of a John Deere Tractor, 2x slashers, 1 x fitters' truck, 1x bridge truck and 4x4 Crew Cab.

Action: Ensure adequate resources are provided to maintain the Bourke airport

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain the Bourke airport to a high standard	Ensure adequate resources are provided to maintain the Bourke airport	MW	Progressing	50%	Council currently meeting all maintenance targets. Funding been applied for to reseal runway 05/23.

Action: Adequate resources are provided to maintain the Village runways as required

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain Village runways where appropriate	Adequate resources are provided to maintain the Village runways as required	MW	Progressing	50%	As per Councils maintenance program.

Manage the infrastructure needs of the Villages

Action: Yearly Village meetings held prior to operational plans being developed

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure good communication with Village committees	Yearly Village meetings held prior to operational plans being developed	GM	Progressing	20%	Meetings held in January 2022 in all villages. Senior staff attended all meetings. These meeting are to review the CSP and Disability Action Plan.

Action: Yearly Village meetings held prior to operational plans being developed

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure Village priorities are well understood	Yearly Village meetings held prior to operational plans being developed	GM	Progressing	20%	Meetings generally held in villages prior to the development of the Delivery and Operational Plan. Where possible, and the budget allows, items requested were considered and included in the budget.

Livable and Vibrant Community

Enjoy a vibrant Bourke and Village Community

Action: Attend meetings held with Regional Arts Board

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop and enhance the arts	Attend meetings held with Regional Arts Board	EDM	Progressing	50%	Representatives of Council have attended meetings with the Regional Arts Board this reporting period. The Aboriginal Art Center in Oxley Street continues to be a successful feature of the Bourke arts community. Council staff meet regularly with Arts Centre staff. This project was a joint initiative with Muda Aboriginal Corporation and funded by Create NSW.

Action: Undertake a number of activities locally

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop and enhance the arts	Undertake a number of activities locally	EDM	Progressing	50%	Council continues to be proactive in the sphere of sourcing means to engage with the community, businesses, and service providers for the betterment of all who live in the region. The Council's Community Consultation process is a powerful tool is generating community engagement.

Action: Coordinate Seniors Week activities

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop cultural partnerships	Coordinate Seniors Week activities	Manager Tourism and Events	Progressing	50%	Seniors' week application lodged. Depending on COVID if the activities will go ahead.

Action: Hold a number of functions/ activities yearly with local groups

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop cultural partnerships	Hold a number of functions/ activities yearly with local groups	EDM	Progressing	50%	Due to COVID 19 restrictions, face to face and community activities have been limited. Online connections continued with groups and other agencies to keep up a regular dialogue and continue with initiatives and planning. Council held several Bourke Business Readiness Zoom Sessions to get the business community ready to get back to work after lock down. Christmas Lights competition and the Christmas Markets were held in Central Park with over 400 in attendance All events were partnered with community organisation's and involved local business houses and service departments who assisted with supporting the events. Progress continues with local committees on upcoming events and activities.

Action: Participate in Community Working Party meetings

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop cultural partnerships	Participate in Community Working Party meetings	GM	Progressing	50%	Meeting attended when invited.

Action: Undertake Australia Day activities

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Develop cultural partnerships	Undertake Australia Day activities	Manager Tourism and Events	Completed	100%	Australia Day activities successfully undertaken.

Action: Maintain grounds to a high standard

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Encourage sport and recreation activities	Maintain grounds to a high standard	MW	Progressing	50%	Council's current maintenance program meeting targets.

Action: Support at least two youth initiatives each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Encourage sport and recreation activities	Support at least two youth initiatives each year	MTE	Progressing	50%	<p>With the COVID-19 restrictions including social distancing, activities, both indoors and outdoors, have been limited to meet these requirements. Council has made significant inroads to upgrading many social and sporting amenities in the region. The Christmas function held in Central Park on 10 December was well received with many activities held for youths.</p> <p>Activities continue to be supported through the PCYC and Bourke Swimming Pool.</p>

Action: Improve and upgrade lighting to Davidson and Coolican Ovals

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Enhance our parks and ovals	Improve and upgrade lighting to Davidson and Coolican Ovals	MW	Completed	100%	Completed.

Action: Meet with educational leaders at least once per year to discuss community feedback in regards to education issues

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure a high level of education	Meet with educational leaders at least once per year to discuss community feedback in regard to education issues	GM	Progressing	50%	Regular interaction undertaken with School Principals as part of LEMC meeting regime.

Action: Meet yearly with the BDCS committee to discuss issues and feedback

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure a strong early childhood sector	Meet yearly with the BDCS committee to discuss issues and feedback	EDM	Progressing	50%	Council representative attending all scheduled meetings. Positive discussions have occurred in relation to the continuing support of this highly important community service. Letter of support provided to assist with a BBRF grant application.

Action: Minimum six day per week community transport service

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure adequate levels of public transport	Minimum six day per week community transport service		Progressing	50%	Community transport is a concern. The taxi service is currently unavailable and the business for sale. Better Living has commenced operation of the Bourke Community Transport Service and are trying to provide a daily service Monday to Friday from 9am to 2pm. Better Living are finding it difficult to find staff to provide the service each day.

Action: Report monthly on the Ranger activities and issues arising

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure adequate Ranger Services	Report monthly on the Ranger activities and issues arising	MES	Progressing	50%	Ranger Activities reported to Council monthly.

Action: Fund initiatives included in the Disability Inclusion Action Plan

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Foster a community that respects diversity and is supportive of cultural differences, ages and liabilities of community members	Fund initiatives included in the Disability Inclusion Action Plan	GM	Progressing	50%	DIAP adopted. Budget allocation available for implementation of plans and initiatives relating to Council.

Action: Participate in inter agency, department, CWP meetings as requested and required

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Foster a community that respects diversity and is supportive of cultural differences, ages and liabilities of community members	Participate in inter agency, department, CWP meetings as requested and required	GM	Progressing	50%	Meetings attend when invited.

Action: Support at least one youth initiative each quarter

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Grow and invest in our future leaders	Support at least one youth initiative each quarter	EDM	Progressing	50%	Youth activities supported through the PCYC program and the Bourke Swimming Pool, where Council provided funding towards free pool admission during January 2022.

Action: Seek continuous improvement in town lighting

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Improve lighting throughout the Bourke township	Seek continuous improvement in town lighting	MW	Progressing	50%	As Council's budget allows, solar being investigated.

Action: Complete main street precinct upgrade

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Improve local main street amenity	Complete main street precinct upgrade	MCS	Progressing	80%	The Oxley Street (CBD) Project is now complete. The plantings are growing well and the street looks great with very positive comments received from both locals and visitors Work well underway in the Sturt Street wharf precinct area, with this on target to be completed by 30 June 2022.

Action: Tangible improvements to mobile and data coverage

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Improve telecommunications services	Tangible improvements to mobile and data coverage	GM	Progressing	50%	Meeting held with Federal Local Member re matter. Will continue to lobby for improved services to the outback.

Action: Improved boat ramp access, renew boat ramp

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Improve the boat ramp at North Bourke	Improved boat ramp access, renew boat ramp	MW	Completed	100%	Works completed.

Action: Focus quarterly on graffiti hotspots

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Minimise the amount of graffiti	Focus quarterly on graffiti hotspots	MW	Progressing	50%	As per maintenance program. In addition a specialist graffiti removal firm was engaged during January 2022 to undertake a general clean of Central Park and the CBD.

Our community values its safe, healthy lifestyle and is caring towards each other

Action: Actively support Youth Council, PCYC and other NGO youth agencies

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Encourage youth leadership	Actively support Youth Council, PCYC and other NGO youth agencies	EDM	Progressing	50%	Council supports youth group activities through the PCYC and other associated youth focused agencies. Council is fully aware of the need to ensure youth of the region are engaged in pursuits that stimulate the development of the mind and body. Council, PCYC and other associated youth focused agencies worked in partnership to provide free entry to the local pool this Summer. Council is working with a number of agencies and NGO's to ensure activities for January school holidays keep the children engaged.

Action: Support youth services quarterly

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Ensure a high level of youth services, amenities, and activities	Support youth services quarterly	EDM	Progressing	50%	Council has supported youth activities through the Maranguka school holiday program.

Action: Increased visitation for dental services to broad community

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Improve access to dental services	Increased visitation for dental services to broad community	EDM	Progressing	50%	Dental services continue to be available at the Bourke Aboriginal Corporation Health Service. Dental Service are also available at Brewarrina, Cobar and Nyngan.

Action: Undertake the strategies within the Disability Inclusion Action Plan

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Improve disability access	Undertake the strategies within the Disability Inclusion Action Plan	MW	Progressing	50%	New disability action plan being developed.

Action: Undertake activities that seek to increase our population

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Increase our local population	Undertake activities that seek to increase our population		Progressing	50%	Promotion of Bourke at travel Expo shows has been impeded due to COVID Communication is ongoing with the new operators of the Abattoir when this facility recommences operation there is expected to be an increase in the population within Bourke. Council continues to strive to promote the region as an area of choice for people, business, and service providers. With the Darling River getting a flow in the last half of the year, the growth of economic diversity in the area appears in the positive mode.

Action: Six monthly formal meetings with health providers to discuss needs and improvements

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain a viable health system	Six monthly formal meetings with health providers to discuss needs and improvements	GM	Progressing	50%	COVID LEMC meetings addressed the pandemic and the impact to our community. Meeting held with health officials in December 2021 to discuss the nursing crisis and provision of medical services at the Hospital with a further meeting held in February 2022.

Action: The number of Doctors in town is maintained

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain a viable health system	The number of Doctors in town is maintained	GM	Progressing	50%	Doctors' numbers are stable at the current time in Bourke. Meeting also held with Ochre Health when requested or required.

Action: The quality and diversity of local health care is maintained

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Maintain a viable health system	The quality and diversity of local health care is maintained	GM	Progressing	50%	There are several health organisations within the community that cover most health requirements. Council continues to lobby for the reopening of the birthing unit and to maintain the current level of care. The nursing shortage and turnover of management at the multipurpose center is having a significant impact on the operations of the facility, discussions held with LHD regularly.

Action: Actively participate in seniors week each year

Strategy	Action Name	Responsible Officer Position	Status	Progress	Comments
Respect and make welcome our senior citizens	Actively participate in seniors week each year	Manager Tourism and Events	Progressing	50%	Application made for funding. COVID restrictions has played a major role this past year in determining if Senior's week activities will be undertaken.

16.9 COMMUNITY CONSULTATION MEETINGS IN RELATION TO THE COMMUNITY STRATEGIC PLAN - TIMETABLES AND FORMAT

File Number: P4.4
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

Section 402(3) of the Local Government Act 1993 requires that following an ordinary election of Councillors, the Council must review the community strategic plan before June 30 following the election. The Council may endorse the existing plan or endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years.

The Draft Engagement Strategy advertised after the October Council meeting has not received any comments from the community and accordingly, as per Council's resolution at the time, the Strategy has therefore been adopted.

Having regard to these requirements, Council at its 22 November 2021 meeting considered the matter of Community Consultation Meetings in relation to the review of Councils Community Strategic Plan and resolved as follows:

1. That Council note the report regarding the legislative requirement to update the Community Strategic Plan.
2. That Council note the proposed timetable for the Consultative Meetings in the town and villages.
3. That Council continue with its ongoing consultation with community groups to obtain broad and comprehensive input into the Community Strategic Plan.

Current Situation

In response to Council's resolution, community consultation meetings were undertaken by Staff as follows: -

Town/Village	Day and Date
Enngonia	Monday, 17 January 2022
Fords Bridge	Monday, 17 January 2022
Louth	Tuesday, 18 January 2022
Wanaaring	Tuesday, 18 January 2022
Byrock	Wednesday, 19 January 2022
Bourke	Wednesday, 19 January 2022

Whilst further consultation meetings with entities such as government departments and local sporting groups have been held as part of the review process, minutes are yet to be completed

and are not included in this report. Information listed below are the issues raised at the above meetings.

The meeting purpose was provided to attendees addressing the following points;

- Legislative requirements.
- Future Directions – 10-year plan.
- Input from community members into the Community Strategic Plan.
- Integrated Planning Framework / Community Strategic Plan.
- Listening Opportunity – No right or wrong answers. Open Forum, Bourke Shire Council is here to listen.

Enngonia – 5 Community members in attendance.

- New tank for the village, water storage – secure water supply ensuring water is cooled
- Policing positions in the community need to be filled.
- Meeting times for community meetings - suggest change to later in the year, say February/March, additional community members would attend.
- Airstrip closure is an issue. A new airstrip is required for emergencies.
- Naming query – Billabong of Polygonum Swamp and The Polygonum Swamp. Signs removed over 20 years ago. The current signage is incorrect. Transport for NSW will need to help with follow up.
- Second Toilet Block and Shower. Current toilet could use an extra toilet bowl. Shower would not need hot water.
- Speeding through village – Trucks and cars, better signage.
- Walkways widened and extended to Hall. Include Solar Lightning.
- Telecommunications / NBN / Blackspot – continue to look at lack of access to telecommunications. NBN doesn't understand the community and the lay of the land. Took a Pandemic for NBN to communicate.
- Concerned that the Village is an aging community - who else can step up to help with the ongoing maintenance in Enngonia.
- Could BSC send out regular maintenance crew to help with upkeep, gardening, and maintenance?
- Attendance at Progress Association Meetings; be nice to see managers from BSC attending these meeting from time to time.

Fords Bridge – 9 Community members in attendance

Tourism

- The Big Yabbie Icon– yet to be named and signage requested. Suggested a story about the yabbie and new signage to attract tourist and visitors to the village.
- Solar Lighting so “the icon” can be a feature by night. Some sort of barrier required to stop people parking inappropriately.
- The “Big Yabbie ”could be a new recreational Area for the village. Grassed, garden beds and seating.

Roads

- Roads – funding to finish the Bourke to Fords Bridge Road. Residents noted the road between the bridges at Fords Bridge as a start.
- Bitumen – Gravel section Shannon Mailbox to Fords Bridge
- Lauradale Lake surfaces need to be upgraded.

Phone Service

- Blackspot – No mobile service. Mobile Tower, link to Hungerford. Safety for all to have better telecommunication service.
- Important link for travellers on the remote roads

Village

- Showers and Toilets need renewing

Water

- Warrego River – lengthy discussion about a possible blockage around the Cuttaburra. Community think this is a blockage caused by fallen trees and/or a sand bar. This stops the usual natural water course to the Warrego.

Louth – 16 Community members in attendance

Roads

- More sealing Bourke to Louth Road.
- Grid Removal and Double Grids. Bitumen both sides of the grids.
- Update requested on Lakemere Road.
- Streetlights on all Main Roads within the town – this could be solar.
- Local Roads / Rural Roads – decision makers need to be involved e.g., 8 kms of sealing around Yanda. Louth residents to discuss priorities and send information to Roads Staff.
- Main Roads need to be sealed this an increase to people in the Shire having access and helps with transport.
- Could Roads be sealed on population funding. 6 months of tourism in Louth the numbers in town increase.
- Can this Roads information be passed on to the State and Federal Politicians?
- Sealed roads increase road safety and access for emergency services e.g., Police, Ambulance and Health Agencies.

Town Signage

- Repair of current signs in Village.
- 40km School Zone markings on bitumen.
- 40km Zone for town area.
- Proper Road Closure sign for either side of the bridge as tourists to walk over bridge to use facilities when then camp in the camp area. – Shared zone.

Louth Park, Tennis Shed/Courts

- HUB of the community.
- Concrete Paths for Disabled Access required. Front gate into park needs to be accessible for the Disabled.
- Tennis court 3 Multipurpose. Is this still going ahead? Lawn Bowls, Basketball and Tennis.
- Bourke's Tourism Plans and where does Louth fit and how?

Tourism

- Update Bourke Shire website with a focus from people in the village.

- Weekly Bus service between Louth and Bourke (both for community and tourism, bringing people into the village for a day trip and for community members to go to town).
- River Run.
- Louth Walking Track like Bourke to North Bourke.
- Could the Old Hall Site be a potential location for this BIG picture item?

Airstrip

- Airstrip to have GPS approach added for RFDS and other aircraft to land safely in all weather conditions.

Ongoing Village maintenance

- Bourke Shire to employ member/s of the village to clean and maintain the village. For example, Toilets, Gardening, Slashing/mowing, Tree lopping, General Maintenance of the Village.

Zoning

- Town to be re-zoned - last one was completed in 2013.
- Town also to be surveyed. Surveyor in town recently and community was not notified.

New Hall and RFDS Clinic.

- Fencing around the Clinic and new hall once hall is completed.
- Trees planted for shade.
- Car parking area.

Town Water

- Back up pump for water supply for the village.
- Funding for water filtration.
- Upgrade and Drought Proof water infrastructure for the village.

Levee Bank

- Placement of Levee Bank around the village.
- Pipes under the Levee. Caps on Pipes.
- Flood gates like Nyngan installed in the Levee.

Louth Tip

- Recycle Bins and divide up into sections for example, batteries, Tyres, General Household Rubbish.
- Wheelie bins for elderly.

Communication / Notification of Funding:

- Any funding opportunity to emailed to progress committee and sporting groups.
- Example: Wish List for Village includes.
 - Update of Tennis Shed – refurbishing and equipment.
 - Louth Turf Club – Secretary Office and New Toilets (further explain below).
 - Louth Cricket Oval – Enclosed Shed with air conditioning.
 - Walking Path/Exercise track between town and speed limit sign to the Cobar T-piece.
 - More toilets where old hall is located.

Race Club

- Support and backing from Council. Round 6 application for new Secretary Office and Toilets. Jim to send previous applications to General Manager.
- New facilities could be used to increase other events at grounds. Example Horse Trail Tours, Field Day, Car Rallies.

Aging Community

- Louth is an ageing community. Could Louth be a destination for an Aged Care Facility.
- Access to Home care.

- Increase population with staff needed for an Aged Care facility.

Wanaaring 4 Community members in attendance

Roads

- Wanaaring Road sealing to date is great, needs to be finished.

Communication

- Place relay towers or could Telstra use towers/location already in place e.g., Cuttaburra Tower.
- Telstra Staff – a need for permanent staff/technicians to be in Bourke to service and carry out repairs and maintenance to the small villages.
- Locals going for long periods of time without a phone service.
- Dangerous for medical and social needs in an isolated community.

Electricity supply

- When the power outages occur, there is no phone or water to the village.
- Creates safety concerns for community.

Policing

- Local Police to be positioned back in the community.

Ageing Community

- Not enough in the community to help.

Tourism

- Paroo River looks great, and the current Water Flow helps attract visitors.
- Commercial Fishery and professional fisherman- can we do something about the amount of fish stock taken from Paroo River? Sterilize the River.
- Opening the corner country means more visitors to the area.

Cemetery

- Beautification and maintenance.

Main Street Beautification

- Trees for the street – residents to look after.
- Native trees for future shade.

Timing of the community engagement meetings could the Council look to hold them later in the year when people are not away on leave.

Byrock 3 Community members in attendance

- Current pipes need to be replaced with Poly - upgrade to water infrastructure for better quality of water.
- Small scale dosing machine for better water quality for individuals, business and visitors.
- Land Sales – people buy blocks without knowing where Byrock is located.
- New Business, like a shop would be ideal take some pressure off the Pub.
- No Village Progress Association that meets on a regular basis. Normally limited to those in attendance at these meetings - this makes it hard for those in business to shape a strategic plan.
- Increase to Infrastructure – Housing is a massive issue for business and the growth. Businesses in Byrock currently must send people into Bourke for accommodation (which is not a bad thing) it means the Pub is full but an increase to the village housing could bring permanent residence back to the village.

- Accommodation needed for FIFO when they are the only workforce you can employ.
- Electricity: Solar options for village and business.
- Byrock is a small town with a need for local workforce.
- Roads – if the roads could be sealed to Rurex, the business could increase staff and economic growth

Tourism

- Rock Holes – National Parks look after them. Could the Council contact NPWS to find out the maintenance requirements and when it will be carried out. The Rock Holes are a huge draw card but now are overgrown and not a great sell.
- Electric Vehicle Charger out the front of the Pub. Big picture idea.
- Cemetery is also an important tourist destination.

Bourke 6 Community members in attendance

Housing

- Housing – no houses available for staff. Speak with AHO and Aboriginal housing to see what the plan is.
- Vacant blocks that are used as walkways to be cleaned.
- Housing for staff – provider housing no stock.
- Accommodation for staff – big issues and strategies needed.

Transport and Roads

- Transport in town – TAXI Service. Bring back community transport for elderly to get from point A to point B.
- Freight cost –the price of freight is hurting small businesses.
- Moving the Bus stop from railway to Park opposite 2WEB would be a great spot and accessible and if the park was lit up would even make it so much safer.
- Roads maintenance and upgrade.

Law and Order

- Lighting in a lot of areas in town are still too dark - from police station to central corner and Mertin St and Oxley are terrible.
- Central Park needs to be lit up with lots of strong lights - it would make it safer for people when exiting the club and/or walking home Families might be able to use the location more .Also with crime this might be a way of identifying the perpetrators on camera.
- Law and Order – Big concern.
- Law and Order – parental responsibilities. Armidale program Backtrack – look at how this works and could a program like this work for our community.
- Courts and Justice in Bourke – Look at other programs that work to help with Law and Order issues.. Drug and Alcohol Domestic Violence.
- Permanent DV Counsellor employed in Bourke.
- Intervention programs – drug and DV. 3 – 18-year-old.
- Support to parent – parent programs

Sporting

- Tennis and netball courts could be like the old days when we played tennis and the kids played in the park.

- Sporting facilities – Davidson Oval a community space to be used. Indoor spaces for older people to come and be in the space. The space could be used as an integrated activity. Encourage the elderly to go watch the cricket in an airconditioned building.

Education and Childcare

- Access to early childcare services – formal plan for Early Childhood and Regional Development capacity. Longer operating hours is good for economic development.
- Disability inclusions - strategic plans for children affecting those with disabilities and those vulnerable children.
- Education – needs to be a plan?

Health

- Health Issue become a reason not to move to Bourke.
- Massive health industry but we can't get people to our community. Money out there and the community doesn't see it.
- Work closely with Health to see what we can do to attract people back to Bourke for work.
- Allied health Services – break down barriers that stop people accessing the service. No stability, 12-month contracts. Not working to full capacity.
- Health Care system is under pressure from GP's to nursing. Extremely fragile. Recruitment to roles.
- Primary Health Network – Trial and different model.

Communication

- Internet Access and Connectivity – ability to access good phone lines/unlimited access. Help attract good people to jobs. NBN space is a lost opportunity. Farmers are missing out.

Economic Development and Tourism

- 187 VISA's need to be back – attracts working holiday residents for 2 years. Current VISA's don't work in remote areas.
- Sydney Road – Unattractive selling point – drive in and see peoples back fences. Beautification to the area as you drive in.
- Work closely with Health to see what we can do to attract people back to Bourke for work.
- Music Festival – another event other than Easter. Long term a great thing for our town.
- To capitalise on the new Abattoir – it helps every community amenity and needs to be encouraged for the people of Bourke to support.
- Diggers to be replace with original building.
- Population Growth – Goal by 2050 Bourke will be to have a population of 4 – 5000 people.
- Tennis courts – committee needed.
- Recycling – Birrang model worked.

Golf Course

- Unexploited tourism asset ('golf tourism' is a big deal nowadays) and, by building its tourism potential, we can also create a better amenity for locals. For example:
 - Fence properly.
 - Put in some powered campsites and amenities and work on attracting the golfing tourist. May require upgraded amenities and security.
 - Beautify – suggested that watering the 5 or 6 fairways closest to the Cobar Road would make a big difference.
 - Use current and ex pro-golfers associated with the Pro-Am to get advice on improving the course 'as a golf course'.
 - There's room for a tourist information layover near the entrance to the course.
 - Encourage tourists to use ('green fee free' golf?).

- Aim medium term for permanent licensed clubhouse and restaurant (and even green fees).

Signage

- Welcome to <<insert town name>> ' signs on the approaches to rural towns are passed. Hardly anyone notices them.
- Should we replace all of ours with big 'Welcome Home' signs. This works on several levels.
- It's eye-catching and conversation-starting and different to literally every other town in the world).
 1. For people for whom Bourke is now 'home' it welcomes them back after that long drive from Dubbo or wherever.
 2. For anyone who has ever called Bourke 'home' it also welcomes them back.
 3. For the tourist visitors, it creates the opportunity for us to create our own narrative around Bourke's special place in the Australian psyche, that positions us as the 'home of the Australian spirit' or similar.
 4. That then becomes, in itself, a talking point for anyone involved with tourism, including Shire staff and local businesses.
 5. Put up little plaques around and about town with an explanation that makes reference to Lawson and the other poets, CEW Bean, etc.
 6. Even for the truckers and others who travel through all the time gives us a chance to pitch ourselves as a 'home away from home' and an ideal and welcoming place for them to break their trip.
 7. Needs to be done properly and professionally though.

Vision Statement

- Most people won't read the CSP but we need everyone on board so we have to arrest those peoples' attention with something that proves that we're not just stuffing about and that Bourke is a place with a future.
- Helps to have something in the headline statement that lays it on the line and makes crystal clear to the community what we're really on about.
- Including a long term population target
 - Is necessary anyway, because it's gives it "actual economic and civic meaning."
 - Makes people – including Councillors and Shire staff – think harder about what it will take.

Sydney Road Corner

- There is a lot that needs doing there. In fact, that whole approach starting with the old meatworks and then coming over the levee, is pretty shabby and gives the impression of almost wilful neglect.
- Waters Park needs re-fencing. It has become a sort of unofficial off-lead dog-exercising area for a few people but the fencing is not secure – small dogs can waltz under it and large dogs can jump it – so many dog owners use Davidson and Coolican ovals instead and that's not ideal. If we fixed it up it'd provide a community amenity and also give travellers with dogs (becoming more popular) somewhere to let them off.
- Hobson Park needs beautifying and a bit more work on making it a proper 'introductory' site for tourists.
- The spectacular view of the water tank when you enter town is blocked by one tree, such that you don't see Uncle Percy until it's almost too late. That tree needs removing (and all the rest, especially the double row running back towards the E. levee, need love, attention and watering).

- The area between the back fences on the south side of Meadows Rd and the highway needs – at minimum – some plantings.
- 50km/hr speed sign needs to be set back about 300m before the levee, rather than right on top of it.
- Suggested Richard Stutchbury be consulted to develop a draft plan for that whole approach.

Old Meat Works

- It's an eyesore and environmental hazard for most and an icon to others.
- We need a plan – can't keep doing nothing about it.
- Make it a pause-point in peoples' journeys like the survey marker out past Trafalgar, (but better) and put some 'Historic Tancred's Meatworks' signage and story-boards up, i.e., turn it into an asset, OR develop a plan for removal. Disability access
- One issue regarding the Disability Inclusion Action Plan, is the state of the footpaths and laybacks around the Bourke Township.
- One that stands out is on the Mertin St side of the Davidson Oval (between the pool & Wilson St). This particular section of footpath is very rough with pieces of concrete missing in numerous places and is dangerous not only through the daytime but also at dark.
- Also, at the pedestrian crossing in front of the hospital, the crossing leads over to the Coolican Oval side but there is no actual footpath on the Coolican side of Tarcoon St. Users must continue along the road sharing the road with cars and trucks which can be dangerous.
- One more footpath that is dangerous is out the front of the doctor's house at 58 Oxley St. There is a stormwater/ sewage manhole in the middle of the path, which has risen (or footpath has dropped) and the manhole protrudes above the footpath by about 4 inches.

¹ These issues will be further considered for inclusion or otherwise in the plan as appropriate. In this regard a further report will be forthcoming to Council in the form of a draft Community Strategic Plan.

It is further advised that in February/March 2023, the intention would be to revert to Councillors and Staff visiting the various villages at that time.

Financial Implications

There are no direct financial implications arising from this report.

Recommendation

1. **That the report of the Manager Corporate Services be noted.**
2. **That it be noted that it is the intention in 2023 to revert to Councillors and Staff undertaking Community Meetings in February.**

17 ECONOMIC DEVELOPMENT DEPARTMENT

Nil

18 DELEGATES AND COUNCILLORS REPORTS

Nil

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE

Nil

21 ACTIVITY REPORTS

21.1 ENGINEERING SERVICES ROAD WORKS & WORKSHOP - WORKS COMPLETED

File Number: E7.1
Author: Mark Gordon, Manager Roads
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

The following information outlines works completed from the 6 December 2021 to 15th February inclusive.

Road Works - Phillip Cross – Roads Supervisor	
1. NORTH SECTOR – Denis Tiffen, Team Leader	
Location	Work Carried Out
RLR 27 Burrawantie	Maintenance grade completed
RLR 23 Willara	Maintenance/Flood damage grade commenced
RLR 17 Snake Gully	Maintenance grade completed
RLR 4 Bundy	Maintenance grade completed
RLR 1 Dunsandle	Maintenance grade completed
RLR 3 Twin Rivers	Maintenance grade commenced
MR 404 Hungerford	Maintenance/Flood damage grade commenced
RLR 2 Wilganea	Maintenance Grade commenced
2. SOUTH SECTOR - John Reed, Team Leader	
Location	Work Carried Out
State Highway 7 STH	Batters completed
RLR 15 Lakemere	Maintenance/Flood damage grade commenced
RLR 13 Landsdown	Maintenance Grade commenced
3. TRANSPORT SECTOR - Simon Wielinga, Team Leader	
State Highway 7 STH	Shoulder widening commenced
4 BITUMEN SECTOR - John Bartley, Team Leader	
Bourke Township	Patching undertaken/heavy patching
Regional Roads	Patching undertaken/Flood damage
State Highways	Patching undertaken

WORKSHOP – Colin Kiley, Team Leader, Tradesman Plant Mechanic			
Plant no	Rego	Description	Work Carried Out
12	BM99KO	2011 Toyota Hilux	Keys locked in car, forced entry and removed keys
37	AJ01DM	Isuzu 500 Long	Repairs evacuate and gas
50	CL16AC	Kenworth	Service carried out, repair wiring for engine brake, re-gas air conditioner
57	CC20UJ	2015 Hino	Service carried out, Repair hydraulic oil leak, removed and replace middle broom
59	Z37484	2014 Trans tech Quad axle	Welding repairs to trailer frame and tool boxes
62		2010 Delta	Replace hydraulic hoses and repair pto shafts Replace hydraulic hoses and top up gear box, repair wheel bearing Repair back wheel bearing, replace hub and bearings
64		2011 Gason HD S/Shift	Replace pto shaft, replace hydraulic hoses, check over gear box Service carried out Removed and replace blades
65	BG97LI	2010 John Deere	Diagnose overheating problem, clean down tractor, cleaned air filters and radiator Remove hitch repair and reassemble
66	CI37TV	Caterpillar Backhoe	Service carried out
68	X50802	2011 Moore	Repair tarps and measure trailer for new tarps
69	X50803	2011 Moore	Repair tarps and measure trailer for new tarps
72	BC YB	2009 John Deere	Service carried out, clean radiator, air conditioner out repair 3 point leakage Attach slasher to tractor Remove and replace left hand door
92	NX29QQ	Western Star	Service carried out, repair hood mounts order new one
103	TF51EG	Fuel Trailer	Remove and replace jockey wheel
107	73635C	2009 Kubota	Service carried out, removed and place deck cable, replace belts and pulleys
108	63723D	Toro	Removed and replace wheels on deck
109	DA75LP		Service carried out, diagnosed cutting out fault
110	43961D	2015 Toro GM Quad Steer	Remove deck repairs spindles, replace belt and refit
123	DB78LA	2021 Mitsubishi Pajero	Service carried out, fit phone kit and aerial
125	YJ028X	2020 Mazda BT 50	Service carried out
134	94196D	2019 John Deere	Service carried out, replace fan motor, hydraulic hoses and fittings, replace blade, side shafts, adjust bushes and circle shims, repair broken bolts, remove and replace leaking hydraulic hoses
139	BR53WH	Caterpillar 950H	Service carried out, hood stuck open, lower

			hood, repair motor and order new one
141	XN84BW	John Deere Grader	Service carried out
149	TC61FS	Moore Triaxle tipper	Removed and replace bearing, spindle, drum and brakes adjust wheel bearings and brakes on second axle
150	BV55RE	2013 Caterpillar 12M	Repair coolant leak, air conditioner blocked, remove interior clean out cab and air conditioner reassemble and test
155	NX95ZI	2021 Isuzu	Service carried out, repair wiring and replace fuel tank
157		Road Broom	Carry out repairs to frame, adjust broom to sweep better
170	CS74ZN	Holden Colorado	Service carried out, remove equipment and clean for trade
172	CL38AZ	Isuzu 1500 FXY	Remove hydraulic pump drive shaft replace unis, yokes and safety guards refit to pump
177	CU43PH	Ford Ranger	Service carried out, brake fluid level low, diagnosed problem, found broken pipe, removed and replaced and bleed
178	CO73PY	Isuzu	Truck derated and engine light on, diagnosed problem, found diesel particulate filter (DPF) wouldn't carry out a burn , diagnose problem with air conditioner, found leaking pipe, replace pipes, removed erg valve and clean reassemble and calibrate, remove and replace batteries, clean terminal
188	O9245E	John Deere 670G	Service carried out, Replace hydraulic hose and fittings
197	YII01C	2017 Mazda BT 50 Freestyle	Replace air bag suspension and repair air lines
218	BR67WH	2012 Hino	Service carried out, diagnose problem with front lights and repair wiring, removed and repair wiring, loom from chassis though back door to trail lights, cut rust out of back door and replaced with new steel, remove brakes and clean, order new brakes parts and repair foot valve and refit order new one
239	TB85BR	Tri Axle Tanker	Remove and replace oil cooler and fan rewire fan motor, carry out welding repairs to water pipe, remove air, remove air valve apart and clean reassemble and fit, repair plug wire
257	XO89ED	2021 Hino	Take delivery and get inducted on the new vehicle, Diagnose noise in exhaust and organise Hino for warranty, repair lights, diagnose problem with spray, repair hose and tarp replace belt, diagnose engine code on back motor problem with alternator, check all wiring and connection

247		2021 John Deere	Check over new tractor and tighten wheel nuts and bolts, repair flashing lights
260	CT96NB	Mazda BT 50	Service carried out, remove equipment and clean for trade
293	19931C	Mahindra Enngonia Tractor	Service carry out, repair lights, replace front tyre
298		Caterpillar Compactor	Repair hydraulic leak
300	CR59EV	Mitsubishi Triton	Remove and replace tail light and repair wiring
330	CZ11HU	Ford Ranger	Service carried out, remove fuel tank and fit new long range tank
404	XN30QQ	2010 Isuzu 500 Short	Service carried out, repair wiring on trailer brake controller and repair air leaks
405	V21058	2008 Seca Machine	Manu factor new back bumper, fit new lights and rewire
460	DB98LA	Mitsubishi Pajero	Service carried out, fit phone kit and aerial
505	XN17EH	Kenworth Prime mover	Service carried out, repair back bumper and replace bolts
506	XN65HG	Kenworth Prime mover	Remove and replace flashing light
510	73228D	Smooth Drum Roller	Diagnose starting problem, test battery, found faulty battery, replaced battery and clean terminal, remove and replace tyre
511	73229D	Smooth Drum Roller	Remove and replace battery
512	73225D	Multi tyre Roller	Service carried out, Diagnose starting problem, found faulty battery, remove and replace, clean terminal
520	YN03BI	Moore's Trailers	Measure trailer for new tarps, remove and replace and adjust wheel bearing and brakes
521	YN04BI	Moore's Trailers	Measure trailer for new tarps, remove and replace and adjust wheel bearing and brakes, remove and replace bearings and wires for tarps
522	NY05BI	Moore's Dolly	Remove, replace and adjust wheel bearing and brake
Staff Training		New Street Sweeper	

Recommendation

That Council note the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Friday, 25 February 2022.

21.2 PARKS & GARDENS / TOWN SERVICES / WATER & WASTEWATER ENGINEERING SERVICES ACTIVITY REPORT

File Number: E7.1
Author: Peter Brown, Manager Works
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

The following information outlines works completed for the period of December 2021.

Current Situation

PARKS & GARDENS – Terry Rankmore, Team Leader	
Location	Work Carried Out
General	All parks & sporting grounds gardens, regular mowing & maintenance carried out. Sporting grounds facilities cleaned & maintained. Public toilets cleaned & maintained. Clean facilities. General graffiti removal carried out on Council facilities.
Small Plant	Maintenance & service carried out on all ground plant.
Works Requests	Actioned & ongoing.
1 Tudor St	General maintenance carried out.
Wharf	General maintenance carried out.
Council Office	General maintenance carried out.
Renshaw Complex	Grounds, facilities cleaned & maintained.
Coolican Oval	General maintenance carried out.
Davidson Oval	General maintenance carried out. Prepare grounds for Junior and Senior Cricket.
Central Park	Skate Park - regular mowing & maintenance carried out, graffiti removal.
Villages	Mow grounds, facilities cleaned & maintained.
Airport	Mowed airstrip.
Darling Park	General maintenance carried out.
Pool	Prepare grounds for Australia Day.
Staff Training	Nil

TOWN SERVICES– Troy Hayman, Team Leader	
Location	Work Carried Out
Work Requests	Actioned & ongoing
	Weekly sand footpaths
	Weekly Town mowing
	Relieving Staff in garbage truck
	Daily-Main Street Program
	Daily airport Inspections
	Town Slashing
	Town Poisoning
	Monthly airport inspections Louth & Wanaaring
Cemetery	Prepared graves:- Graves 7/12/2021, Removed headstone 9/12/2021, 15/12/2021, 22/12/2021, 23/12/2021
Rest Areas	Weekly rubbish removal & cleaning along road side and pressure clean 65km Cobar road new toilets
	Mow rest areas
Staff Training	Nil
Works Request	Crane plumbers sewer well pump
	Removed weeds from bitumen at Airport
	Began mowing Airport and Airport runway
	Patch driveway for SES shed in Darling Street
	Pick up dirt from Charles Street from reseals
	Pick up dirt from old railway station block for extended car parking at depot
	Pick up potting mixture for tree programme work
	Remove tables at Jandra site due to flooding
	Put gravel in new parking area old railway station
	Remove fencing from Diggers on the Darling
	Erect Christmas tree in Central Park Cenotaph
	Close off levee pump station, flood gates and turn pumps onto auto
	New John Deere tractor arrived
	Crane wharf levee pump station lift out
	Pick up trees from footpath in Glen Street
	Water trees on footpath
	Whipper snip and mow town footpaths and entrances into town
	Yantabulla Hall clean up
	Slashing Tancred Drive and North Bourke
	Clean gutter out from reseals in Charles Street
	Crane sewer wells
	Call out Spar fire
	Erect water over road signs on Brewarrina Highway at Piano Gully
	Kill wasps nets at Wharf and at pump station in Tudor Street
	Poisoning laneways
	Remove car from Tudor Street
	Remove Christmas flags and erect Australia Day flags
	Block off Rover Road North Bourke
Start slabs for tables along Tancred Drive and bolt down	

	Take bobcat to Enngonia to dig holes for new town signs
	Pick up branches from winds
	Remove dead branch from wharf
	Gravel holes in driveway in Sturt Street
	Remove stump from Sturt Street footpath
	Deliver crusher dust to Diggers on the Darling
	Crane to DJB Fabrications to move wharf frames

Water & Wastewater – Shane Hopley, Team Leader

Water Supply Planned Maintenance

1 Bloxham Street	Sewer Choke
10 Moculta Street	Sewer Choke
43 Darling Street	Sewer Choke
10 Culgoa Street	Sewer Choke
2 Becker Street	Sewer Choke
1 Richard Street	Sewer Choke
40 Tudor Street	Sewer Choke
123 Anson Street	Sewer Choke
Pool	Sewer Choke
2 Hume Place	Repair leaking 20mm filtered water service
2 Richard Street	Repair leaking 20mm filtered water service
16A Meek Street	Repair leaking 20mm filtered water service
12 Tudor Street	Dug and repaired leaking 25mm raw water service
49 Anson Street	Dug and repaired leaking 25mm raw water service
Central Park	Vandals smashed 100mm raw water pipe going into pump shed Clean Sprinklers
Davidson Oval	Replace starter on pump station Repair lights
Rotary Park	Repair and upgrade sprinkler system
Fords Bridge	Dug and repaired 50mm water main
Byrock	Flush Hydrants
Enngonia	Move portable buildings for pad Speared gravel for portable building
Louth	Location service for bridge railing No water electrical fault
Rainbar	Plumbing for Rainbar
North Bourke	Tank not filling, electrical fault Fix up spilt screen
Mitchell Street	Dug and repaired 150mm raw water main
58 Oxley Street	Replaced filtered water line
Bourke Public School	Look for leak, block off filtered water main
34 Hope Street	Low water pressure, blow out and clear
97 Mertin Street	Low water pressure, blow out and clear
Culgoa Street	Fill on pot hole
17 Tudor Street	Dug service
Charles Street	Find hydrants for road works Dug raw water services
Richard Street	Dug filtered water main
Stormwater	Wharf pump tripped out

	Install pump and pipe work WTP
Roadwork around town	Clean up and help out
Bores	Fill up and check bore Connect bore pumps Test bores, run on auto
Water Treatment Plant	Integration of RO plant/bores Dug out drain raw pump shed
Water	Monitoring water sampling/testing and maintenance
Sewer	Weekly COVID-19 sewer sample Monthly sewer samples Retic water samples Spray weeds Install sewer pump at Renshaw Patch hole in Charles Street water tower Repair rails and pull out pump, clean out rags at Mertin Street SPS Becker Street not pumping set up bypass, pump repair pumps Pull out pump and clean out rags at Warraweena Street SPS
Alice Edwards Village	Routine maintenance & monitoring as per ACP Management Plan
Clara Hart Village	Routine maintenance & monitoring as per ACP Management Plan
Training	DBYD

Treatment Plant EPA Licence Compliance

Record of Effluent Analysis

Pollutant	Unit Of Measure	Licence 100 Percentile Concentration Limit	Aug 2021 TEST	Sept 2021 TEST	Oct 2021 TEST	Nov 2021 TEST	Dec 2021 TEST
Oil & Grease	mg/L	10	2	<2	<2	<2	<2
pH		6.5-8.5	8.47	9.63	9.06	9.15	9.16
Nitrogen (total)	mg/L	15	16.8	71	4.6	6.6	8.9
Phosphorus (total)	mg/L	10	3.68	2.85	3.11	2.76	2.96
Total suspended solids	mg/L	20	112	60	40	70	95
Biochemical oxygen demand	mg/L	15	29	21	41	19	32

Council notes the provisions of clause L2.5 (a) and (b) of its licence conditions of a chlorophyll exemption due algal growth, which also exempts the above exceedances.

- Rainfall in Bourke for December 2021 was 35.4 mm
- Hottest day for December 2021 was 34.7 degrees
- Coldest day for December 2021 was 19.9 degrees

Background

The following information outlines works completed for the period of January 2022.

PARKS & GARDENS – Terry Rankmore, Team Leader	
Location	Work Carried Out
General	All parks & sporting grounds gardens, regular mowing & maintenance carried out. Sporting grounds facilities cleaned & maintained. Public toilets cleaned & maintained. Clean facilities. General graffiti removal carried out on Council facilities.
Small Plant	Maintenance & service carried out on all ground plant.
Works Requests	Actioned & ongoing.
1 Tudor St	General maintenance carried out.
Wharf	General maintenance carried out.
Council Office	General maintenance carried out.
Renshaw Complex	Grounds, facilities cleaned & maintained.
Coolican Oval	General maintenance carried out.
Davidson Oval	General maintenance carried out. Prepare grounds for Junior and Senior Cricket. Prepare grounds for twenty/20 cricket competition. Prepare grounds for league tag.
Central Park	Skate Park - regular mowing & maintenance carried out, graffiti removal.
Villages	Mow grounds, facilities cleaned & maintained.
Airport	Mowed airstrip.
Darling Park	General maintenance carried out. Prepare for Leadership Presentation.
Pool	Prepare grounds for Australia Day.
Staff Training	Nil

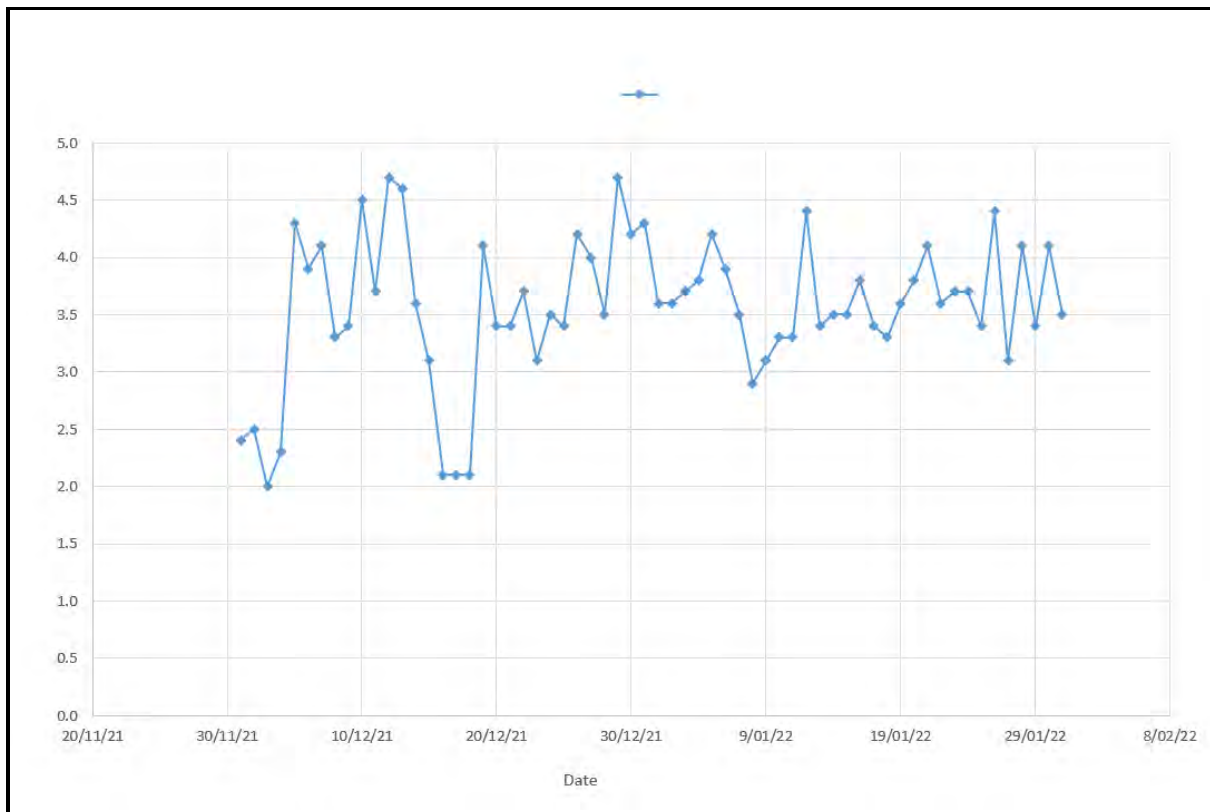
TOWN SERVICES– Troy Hayman, Team Leader	
Location	Work Carried Out
Work Requests	Actioned & ongoing
	Weekly sand footpaths
	Weekly Town mowing
	Relieving Staff in garbage truck
	Daily-Main Street Program
	Daily airport Inspections
	Town Slashing
	Town Poisoning
Cemetery	Monthly airport inspections Louth & Wanaaring
	Prepared graves:- Graves
Rest Areas	Weekly rubbish removal & cleaning along road side and pressure clean 65km
	Cobar road new toilets
	Mow rest areas

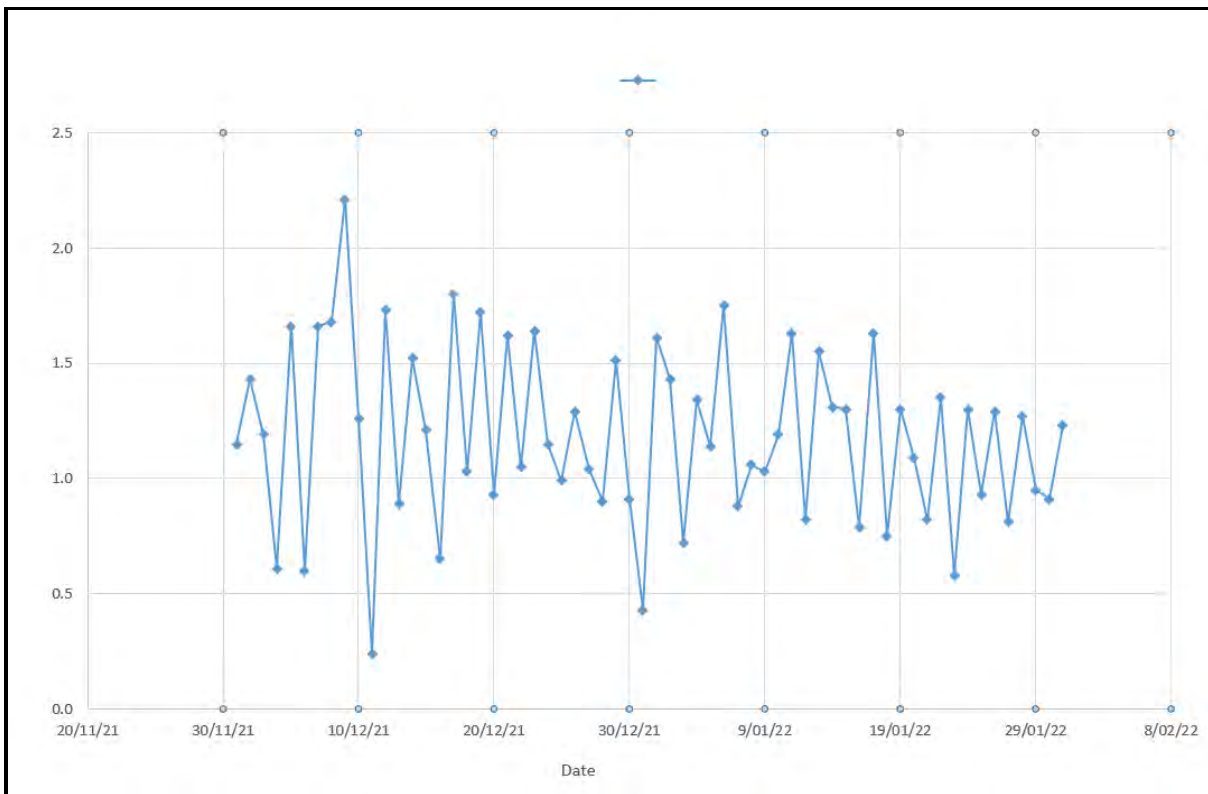
Staff Training	New Street Sweeper
Works Request	Pick up branches from Back O Bourke Exhibition Centre
	Remove dead trees from Oxley Street, footpath and garden beds
	Deliver crane to sewer well
	Repairs to laneway gate after sewer well collapsed
	Set up for Australia Day at Pool
	Town and North Bourke Village mowing
	Replace keep left signs in Oxley and Mitchell Streets
	Remove car from North Bourke Village
	Clean out drainage in Short Street
	Deliver mulch and gravel to Wharf
	Open levee gates
	Prune trees along footpath at High School
	Prune trees at VRA Shed
	Remove fencing at Spar site
	Replace keep left sign in Mitchell Street
	Mow Louth airstrip
	Remove fallen tree in Oxley Street
	Mow North Bourke Village and sub division
	Lane way gate repairs
	JR Richards cleaning out pipes
	Gravel stand pipes Sydney Rd water tower
	Dry Bogan Bridge remove tree branch
	Concrete post for lane gates
	Start new lane gate behind River Gum Lodge

Water & Wastewater – Shane Hopley, Team Leader	
Water Supply Planned Maintenance	
1 Collie Street	Sewer Choke
1 Glen Street	Sewer Choke
18 Mertin Street	Sewer Choke
123 Anson Street	Sewer Choke
1-3 Short Street	Sewer Choke
42 Short Street	Sewer Choke, dug sewer main and cleared choke
58 Oxley Street	Replace filtered line
7 Warraweena Street	Reconnect sewer
97 Mitchell Street	Repair leaking 20mm filtered water service
12 Tudor Street	Repair leaking 25mm raw water service
Bourke Public School	Replace 50mm filtered water service
42 Short Street	Repair 50mm filtered main
144 Meadows Road	Dug 50mm filtered water main and repaired main
31 Mitchell Street	Low raw water pressure, blow out and clear
64 Hope Street	Low raw water pressure, blow out and clear
Nomoi Street, North Bourke	Low raw water pressure, blow out and clear
Oxley Street	Low raw water pressure, blow out and clear
Hope Street	Low raw water pressure, blow out and clear
North Bourke	Low raw water pressure, blow out and clear
161 Anson Street	Low raw water pressure, blow out and clear
97 Mertin Street	Low raw water pressure, blow out and clear
Darling Street	Dug 100mm raw water main and repair main
29 Mitchell Street	Dug 100mm raw water main and repair main
Short Street	Dug 100mm raw water main and repair main
North Bourke	Dug 100mm raw water main and repair main
133 Anson Street	Dug 150mm filtered water main and repair main
21 Wortumertie Street	Dug 150mm filtered water main and repair main
21 Wortumertie Street	Repair storm water rising main
Back O Bourke Exhibition Centre	Repair service, repair leaking poly pipe
Rotary Park	Turn sprinklers on
Davidson Oval	Check sprinklers, pump bugged
Renshaw Complex	Check sprinklers
Pool	Connect water to new air conditioner Restart pool pump Repair chlorine pump
Byrock	Clean overhead tank Put up non potable water signs
Wanaaring	Water truck, no power
Sewer	Weekly COVID-19 sewer sample Monthly sewer samples Retic water samples Spray weeds Install sewer pump at Renshaw Patch hole in Charles Street water tower Repair rails and pull out pump, clean out rags at Mertin Street SPS

	Becker Street not pumping set up bypass, pump repair pumps Pull out pump and clean out rags at Warraweena Street SPS
Alice Edwards Village	Routine maintenance & monitoring as per ACP Management Plan
Clara Hart Village	Routine maintenance & monitoring as per ACP Management Plan
Training	Nil

Graphs for January and February





Month	Raw water ML	Filter magflow pump 2 ML	Raw Water North Bourke KL	Filter Water North Bourke KL
January 2021	134	43	31,255	2,013
February 2021	94	39	30,110	2,145
March 2021	96	38	29,332	2,130
April 2021	99	36	11,607	1,717
May 2021	102	38	12,676	1,808
June 2021	74	34	8,484	1,735
July 2021	75	33	9,856	1,788
August 2021	98	27	16,310	1,542
September 2021	107	29	19,235	1,325
October 2021	122	30	20,314	1,255
November 2021	81	31	16,326	1,356
December 2021	108	36	20,589	1,234
January 2022	113	34	25,364	1,463

Process	Parameter	Minimum	Average	Maximum	Lower critical lim	Upper critical lim	No. of samples
0/01/1900	0/01/1900	5.34	9.90	12.29	3.9		62
0/01/1900	0/01/1900	7.10	7.41	7.74			62
0/01/1900	0/01/1900	8.00	125.73	654.00			62
0/01/1900	0/01/1900	7.00	7.25	7.90			62
0/01/1900	0/01/1900	0.59	1.15	1.80	0.0		62
0/01/1900	0/01/1900	1.50	2.67	3.60		5.0	62
0/01/1900	0/01/1900	0.12	0.17	0.30	0.0		62
0/01/1900	0/01/1900	1.00	1.40	2.10			6
0/01/1900	0/01/1900	7.10	7.20	7.30			6
0/01/1900	0/01/1900	0.15	0.18	0.20	0.0		6
0/01/1900	0/01/1900	2.30	2.30	2.30			2
0/01/1900	0/01/1900	7.30	7.30	7.30			2
0/01/1900	0/01/1900	0.15	0.15	0.15	0.0		2
0/01/1900	0/01/1900	1.00	1.00	1.00			2
0/01/1900	0/01/1900	7.40	7.40	7.40			2
0/01/1900	0/01/1900	0.19	0.19	0.19	0.0		2
0/01/1900	0/01/1900	1.30	1.30	1.30			2
0/01/1900	0/01/1900	7.30	7.30	7.30			2
0/01/1900	0/01/1900	0.15	0.15	0.15	0.0		2
0/01/1900	0/01/1900	1.20	1.20	1.20			2
0/01/1900	0/01/1900	8.50	8.50	8.50			2
0/01/1900	0/01/1900	0.20	0.20	0.20	0.0		2
0/01/1900	0/01/1900	1.90	1.90	1.90			2
0/01/1900	0/01/1900	7.30	7.30	7.30			2
0/01/1900	0/01/1900	0.17	0.17	0.17	0.0		2
0/01/1900	0/01/1900	0.90	0.90	0.90			2
0/01/1900	0/01/1900	7.40	7.40	7.40			2
0/01/1900	0/01/1900	0.25	0.25	0.25	0.0		2

No	CCP	Monitoring Parameter	Location	Frequency	Target	Adjustment Level	Critical limit
CCP 1	Clarification	Turbidity	After clarifier	Daily grab sample	<1 NTU	4 NTU	>4 NTU
CCP 2 *	Filtration	Turbidity	After Filters	Daily grab sample	0.4 NTU	1 NTU	>1.2 NTU
CCP 3	Disinfection	Chlorine residual	Filtered Water	Daily grab sample	1.5-2 mg/L	<1.5 mg/L for more than 3 days	<0.5 mg/L or > 5 mg/L
CCP 4	Fluoridation	Fluoride concentration	After filters	Daily grab sample	1.0 mg/L	<0.95 mg/L	<0.9 mg/L for > 72 hours
						or	Or
						>1.0 mg/L	>1.5 mg/L
CCP 5	Reservoirs	Reservoir Integrity	Reservoirs	Weekly	Integrity maintained	Signs of integrity breach	Unable to rectify breaches

Treatment Plant EPA Licence Compliance

Record of Effluent Analysis

Pollutant	Unit Of Measure	Licence 100 Percentile Concentration Limit	Nov 2021 TEST	Dec 2021 TEST	Jan 2022 Test	Feb 2022 TEST	Mar 2022 TEST
Oil & Grease	mg/L	10	<2	<2	n/a	n/a	
pH		6.5-8.5	9.15	9.16	n/a	n/a	
Nitrogen (total)	mg/L	15	6.6	8.9	n/a	n/a	
Phosphorus (total)	mg/L	10	2.76	2.96	n/a	n/a	
Total suspended solids	mg/L	20	70	95	n/a	n/a	
Biochemical oxygen demand	mg/L	15	19	32	n/a	n/a	

Council notes the provisions of clause L2.5 (a) and (b) of its licence conditions of a chlorophyll exemption due algal growth, which also exempts the above exceedances.

- Rainfall in Bourke for January 2022 was 70.2mm
- Hottest day for January 2022 was 35.8 degrees
- Coldest day for January 2022 was 23.4 degrees

Recommendation

That Council note the information in the Parks & Gardens, Town Services and Water and Waste Water Engineering Services Department Activity Reports as presented to Council on Monday, 25th February 2022.

21.3 ENVIRONMENTAL SERVICES DEPARTMENT - ACTIVITY REPORT

File Number: D3.1-A11.1-A8.1-S10.4
Author: Dwayne Willoughby, Manager Environmental Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Development Approvals – December 2021

Delegated Authority or Council	Consent Type & Consent No.	Subject Land	Nature of Development
Nil			

Total value of Approved works for December 2021	= 0
No. of Development Application Approvals for December 2021	= 0
No. of Complying Development Application Approvals for December 2021	= 0

Development Approvals – January 2022

Delegated Authority or Council	Consent Type & Consent No.	Subject Land	Nature of Development
Delegated	DA 2022/0006	Part Lot 7, DP829041 82-86 Anson Street Bourke	Replacement of existing advertising signage to reflect rebranding of Caltex to Ampol

Total value of Approved works for January 2022	= \$55,000
No. of Development Application Approvals for January 2022	= 1
No. of Complying Development Application Approvals for January 2022	= 0

Building Services Report

Location	Work Carried Out
Work Requests	Actioned and ongoing
Risk Assessments	Completed with every job
Training	Nil
Contractors	Maintenance works completed as required Upgrade works completed as per Operational Plan
Buildings	Maintenance works completed as required
Airport	Maintenance works completed as required

Animal Control – December 2021		
Bourke Shire Council Holding Facility	Dogs	Cats
Animals in Pound beginning of Month	4	0
Seized	1	0
Surrendered	5	0
Handed in by members of the public	0	0
Seized by Police	0	0
Total	10	0
Euthanised	0	0
Returned to Owner	0	0
Released from Pound	1	0
Re-housed	9	0
Died in Pound	0	0
Escaped from Pound	0	0
Animals Remaining at End of Month	0	0
Total	10	0
Stock Rested in Stock Yards	1	

Animal Control – January 2022		
Bourke Shire Council Holding Facility	Dogs	Cats
Animals in Pound beginning of Month	0	0
Seized	8	0
Surrendered	5	2
Handed in by members of the public	0	0
Seized by Police	1	0
Total	14	2
Euthanised	2	0
Returned to Owner	0	0
Released from Pound	2	0
Re-housed	7	2
Died in Pound	0	0
Escaped from Pound	0	0
Animals Remaining at End of Month	3	0
Total	14	2
Stock Rested in Stock Yards	0	

- Attended complaints in regards to dogs causing trouble to the general public
- Ongoing patrols of the township enforcing the Companion Animal Act
- Water sampling for the township, villages and Darling river
- Patrols of Councils Reserves

Swimming Pool Attendance for December 2021	
Adults	1531
Children (2+)	3072
Children (<2)	792
Pensioners	0
School Groups/Other	0
Total for Month	5395

Swimming Pool Attendance for January 2022	
Adults	1107
Children (2+)	2438
Children (<2)	746
Pensioners	0
School Groups/Other	34
Total for Month	4325

Recommendation

That the information in the Environmental Services Activity Report as presented to Council on Friday, 25th February 2022 be received and noted.

21.4 GENERAL MANAGER'S ACTIVITY REPORT

File Number: G2.1
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Current Situation**3 February 2022****Happy New Year**

Even though we are now into February and given that this is my first Column for 2022, I take this opportunity to put in print, my best wishes to all residents and readers for the New Year. It was a rather subdued and quiet Christmas and New Year period with limited celebrations by most people across the region due to the Omicron phase of the COVID Pandemic. COVID just “keeps on keeping on” and I certainly hold in the highest regard all those people on the COVID front line for all their fantastic work.

The Summer break has been relatively mild, weather wise, in Bourke with plenty of rain and storm activity. The river reached a high of 12.29m and I found it amazing to see where water flowed to. The sport has been great with Australia quickly wrapping up the Ashes against England and uncovering quite a bowler in Scott Boland. The Novak Djokovic non vaccination issue was soon forgotten once the games in the Australian Open were actually underway. Ash Barty appears to be an absolute champion player and an even better person. I really enjoy her humility when she is interviewed. Then there was Dylan Allcott, named as Australian of the Year. His reflections on his life as a disabled person were very powerful and worth viewing if readers get the chance. There was the earthquake in Tonga, most sad, and more recently the allegations of violence against a woman by former television games host, Andrew O’Keefe. Men don’t hit women. Simple.

Australia Day

Last Wednesday we came together at the Bourke War Memorial Olympic Pool Complex to reflect, respect and celebrate Australia Day. People in Bourke took the time to celebrate everything that is good about our country, particularly our people and our resilience. It was also an opportunity to reflect on Australia’s rich Aboriginal and Torres Strait Islander history and culture and celebrate the contribution that every Australian makes to our great nation. Bourke was fortunate to have as its Australia Day Ambassador, Mr James Pittar. James is blind and has achieved much as a marathon swimmer. On the day he reflected on his 30-hour swim of the English Channel. Who does that?

Congratulations to our three (3) Bourke Residents who were naturalised by Mayor Barry and become Australian Citizens. It’s a big step and well done to them for doing so. Congratulations also to Bourke’s Citizen of the Year, Kelly Lienesch; Young Citizen of the Year, Trae Wilson; Sportsperson of the Year, Laura Gordon; Young Sportsperson of the Year, Archie Nott and Volunteers of the Year, the Bourke Rural Fire Service Brigade. These winners were also announced at the Australia Day event as was the announcement that Mrs Pam Simpson had been awarded an Order of the Medal of Australia (OAM) for services to the Bourke community.

It was particularly pleasing to see that the volunteers from the Bourke Rural Fire Service Brigade were awarded the Volunteers Award. As part of the Communities response to COVID in August to October last year, I was proud to be part of the Maranguka Food Distribution Group which distributed food packages to COVID positive families and individuals during that phase of the pandemic. With the Group comprising hard working representatives from NSW Aboriginal Affairs, Council, Health Service, Bourke Police, Maranguka, Outback Division of General Practice and the Rural Fire Service (RFS), COVID positives were able to contact Maranguka for a food package delivery. From there it was the Bourke RFS volunteers who were out there, day in day out, delivering the packages. I thank all associated with the Food Group for their considerable efforts but particularly congratulate the RFS Volunteers for their fantastic work and assistance to the community.

Vaccination Clinics in Bourke

As a community, Bourke has generally done very well in terms of the take up of the COVID vaccine. The process for the vaccine as this point is two (2) initial shots and then a booster. From Friday, 21 January 2022, booster vaccinations can be given 3 or more months after your first 2 doses of a COVID-19 vaccine.

To progress first, second, booster or kids doses, the Western NSW Local Health District will be delivering a pop-up COVID vaccination clinic at the Full Gospel Fellowship Church, 25 Short Street, Bourke on Tuesday 8th, Wednesday 9th & Thursday 10th February 2022. To attend the clinic in Bourke, it is necessary that you book an appointment. There are plenty of flyers around Bourke promoting the Clinic with these flyers showing a QR code which will link you to the booking form. Alternatively, phone 1800 684 423 to make a booking.

As of Saturday, 29 January 2022, there had been 133 positive COVID cases recorded in Bourke since Christmas 2021, when the first omicron case was recorded in the community. With these numbers comes a higher probability of exposure. In addition to the numbers in Bourke, on the same day, tragically 49 people died in NSW from COVID related matters. Of the 28 women and 21 men who passed away, 11 were recorded as receiving three (3) COVID doses, 24 had received two (2) doses, two (2) people had received a single dose and 12 were unvaccinated. Whilst a booster won't stop you from getting the virus, the medical advice is it will help to strengthen your immune system and improve your long-term protection against serious illness from the COVID-19 virus.

Wanaaring Rd Funding

One of the many projects that Council has undertaken over the past few years is the reconstruction and sealing of a large part of the Bourke to Wanaaring Road. At this point, there remains but 36.33km of road left to be sealed at an approximate cost of \$13.6m. What was once a bone jarring road full of bulldust and corrugations in the dry and a road impassable to non-4WD vehicles following periods of minor rainfall events (<10mm) is now, for all but this 36.33km, a sealed all-weather surface. The difference that this road has made to the quality of life of residents both along the road and in the village of Wanaaring cannot be underestimated in terms of its positive and productive impact. Funding for the sealing of the final 36.33km's of this roadway will complete both Councils and Governments vision to improve vehicular access west of Bourke, allow increased and more reliable freight movements from Western NSW to major stock selling centres in central NSW, reduce road closures during wet weather and reduce ever increasing road maintenance costs.

The completion of the reconstruction and sealing of this road is a high priority strategic project that Council raises the need for final funding with Government at every opportunity. To their

considerable credit, Councils road construction crews have become very efficient and effective in undertaking long lengths of road works given the considerable experience gained undertaken the numerous stages of work previously undertaken on this road. This is evidenced by the fact that in respect of the last stage of the project, being the Romani to Wangamana section of the road, Council has underspent the funding by \$2.6m due to the efficiencies of the workforce. Good problem, I say!

It is not, however, a case of simply pushing on with further works on the road using these surplus funds as any such works would be outside the scope of the project funding. Accordingly, representations have been made to Government officers to extend the scope of the project and undertake further works on the Wanaaring Road utilising the remaining funds. It is important that Council "plays by the rules" and I look forward to positive advice from the authorities.

National Corrections Day

Friday 21 January marked the fifth National Corrections Day. The day recognised the 10,000 corrections staff in NSW who work year-round with offenders to keep our community safe. This year the theme was, Giving Back, with this theme highlighting the ways Corrective Services NSW staff go beyond the call of duty to protect the community, fundraise for important charities, volunteer and contribute to vital community projects and partnerships.

Staff from Corrective Services NSW work in our community and I take this opportunity to acknowledge their dedication and contribution.

Quote

"I think standing ovations are one of the most ironic things in the world, by the way. But I'll take them, without a doubt....." Wheelchair athlete, Dylan Allcott on receiving his Australian of the Year Award.

10 February 2022

Charles St Water Tower

Back in 2018, the existing Charles St Water Reservoir structure ruptured with the required repairs undertaken. At that time a condition report was completed for Council by Public Works Advisory (PWA) with the conclusion being that the water tower required replacement. Council subsequently engaged PWA to undertake the design and tender process for a replacement reservoir for this project which was the last piece of the "Drought Proofing of Bourke" project.

At the closing of tenders, it was found that there was a \$520,000 price variance between the estimate provided by Councils consultants and the tender price. Whilst of obvious concern, pricing estimates for civil construction projects elevated rapidly in 2021 and this project was an obvious example. Following representations by Mayor Barry to the then NSW Minister for Water, the Hon. Melinda Pavey, MP and discussions by Council staff with officers from the Local Water Utility Infrastructure Program (formerly Safe and Secure Water Program), Water Infrastructure NSW, Department of Planning, Industry and Environment, funding to meet the unexpected price increase was provided by the NSW Government.

With the funding issue resolved, Council in May 2021 accepted a tender for the construction of the new water reservoir. The successful contractor was Brockman Engineering with work proposed to commence in October 2021. However, given the outbreak of COVID at the time, it was agreed that on site work would be delayed till the new year.

Whilst the fabrication of tank components has commenced at the Brockman Engineering workshop located in Norlane, Victoria, works in Bourke will commence on 15 February 2022 when Brockman's piling contractor (Murray Constructions) will be mobilised on site. These piling works will be completed by the end of February. From there, the civil works contractor (Lukas Building and Excavation) will be commencing the foundation works from the second week of March. It will be good to see the project come to fruition.

Lifeblood

In my GM's Column of 18 February 2021, I wrote that Council staff were overseeing the installation of a new presentation in the theatre at the Back O' Bourke Exhibition Centre, which was titled 'Lifeblood.'

This 20 minute animated film about Bourke's history and ancient identity, was written in collaboration with locals, Aunty Dot Martin and Phil Sullivan with Nick Tory from Ample Projects undertaking the production. I noted that over the period of development more than thirty-five artists, technicians, designers, animators, photographers and illustrators had worked on the project. The crew included a group of 16 animation students from the Design Department of the University of Technology Sydney, who took part in an internship program, created to be a genuine part of the production process.

As an update 12 months on, this 20 minute animated film has literally travelled the world and achieved major success at Film Festivals around the Globe. As a snap shot it has won awards at Film Festivals in Catalina, Los Angeles, New York, Chicago, Arizona, Indianapolis and Palm Springs in the USA, Tokyo, Manchester England, Berlin, Rome, Munich, Singapore, India, Taiwan, Montreal, and New Zealand and at awards in Canberra, Sydney, Perth and Melbourne in Australia. Wow! Congratulations must go to all involved in the development of this film and I would encourage locals to head to the Back O Bourke Exhibition Centre to view this most interesting production.

Australia Day

As mentioned in last week's column, marathon swimmer James Pittar was the Australia Day Ambassador at the 2022 Australia Day Celebrations in Bourke. Councils Manager of Economic Development, Mel Milgate, last week received a note of thanks from James and his family as follows:

"I would like to say thank you to you and the Council for a brilliant time on the 25th and the 26th of January in Bourke. Thank you for all of your assistance with making everything work with the Dinner on the night prior to Australia day and our accommodation and everything working well on Australia day

It was great to meet you all and the people in Bourke.

We did get out to Fred Hollows grave as well on our way to Dubbo.

Also thank you for finding my daughters shoes.

Could you please also pass on our thanks to the Mayor Barry Hollman.

Bourke is a great place and we will certainly drop in and see you when we are next time in Bourke.

Thank you again from Jenny, James and Annica."

It was certainly a pleasure for Council to host James and his family and hear his stories and learn of his background. Like all tourists, the Pittars will be most welcome when they return to Bourke.

Wild Dog Baiting Program

The Western Local Land Services (WLLS) have commenced the necessary planning for their next seasonal baiting program of wild dogs which is aerial baiting to commence late March/early April with ground baiting to then follow.

Wild dogs are a massive issue in the northwest of NSW and I was interested to recently read some information from the WLLS in regard to the baiting program. From such information it is noted that WLLS have conducted aerial baiting for the control of wild dogs in the region for a number of years. WLLS run two programs per year, complemented by ground baiting following the program. Aerial baiting makes use of dried muscle meat injected with 0.2ml of 1080 poison. The muscle meat used is predominantly kangaroo with other meat species utilised as necessary. Offal isn't used in the aerial program as it doesn't dry as well and is more difficult to handle. For the upcoming program, aerial baiting will cost rural landholders \$1.80 per bait noting that this price is after LLS have provided a 50% subsidy.

Aerial baits are dropped from a fixed wing aircraft at a rate of 10 baits per km. i.e., 10km of baiting is 100 baits. To undertake aerial baiting, landholders need to be a member of a pest group and also undertake ground baiting activities. Aerial baiting is undertaken on those area of properties that are classed as 'inaccessible'. LLS just don't grid an entire property, rather have distance restrictions that the plane needs follow much like ground baiting activities. These include, they can't bait within 300m of the property boundary, within 1km of public roads and they need a minimum buffer of 1km around houses/ sheds. In addition, as part of the program, Landholders are required to display "1080" notification signs and also notify their neighbours. They are also required to complete a consent form to allow WLLS and the aerial pilot to conduct a program over their property.

If rural landholders wish to get involved in the upcoming program, they are best to contact the WLLS Regional Pest Animal Coordinator, Brooke Anderson on 0436 475 814. From there Brooke will email out a blank map of your property to allow you to begin marking where you want bait lines flown.

Once the map, is returned WLLS will GPS the markings and let you review it for final approval of costs and kilometres flown. If you do not wish to go ahead with aerial baiting this year, you can simply reply that you are no longer interested this round.

Local Emergency Management Committee

Since the COVID outbreak in August 2021, the Bourke Local Emergency Management Committee (LEMC) was most active with extraordinary meetings of the Committee initially being held on a daily before, over an extended period of time, ending up as a fortnightly meeting. The last scheduled extraordinary meeting was held on 2 February 2022. In all, the Committee met on 51 occasions during the period August 2021 to February 2022 to discuss and address COVID, and then also flooding, issues in Bourke. The meetings proved to be an excellent opportunity for agencies to both update and be updated regarding the ever-evolving COVID and flooding situations and address matters requiring action in the community. Again, a big thank you to all involved.

Recruitment of General Manager

Following the retirement of Councils previous General Manager, Ross Earl, I was engaged as Councils General Manager for a period of 12 Months from February 2021. This period was extended by some 3-4 months given the delay in the conduct of the 2021 Council elections. Recruitment of a long term General Manager for Bourke Shire Council has now commenced with

the advertising of the position having commenced on 4 February 2022. Advertisements have been lodged in a variety of traditional and electronic formats to promote the availability of the role far and wide. Applications for this important role close on Monday 28 February 2022. From there, applications will be shortlisted for first round interviews, with final interviews ultimately being held with the full Council at an extraordinary meeting on a date yet to be confirmed. The aim is for the new General Manager to commence in May. For me, retirement beckons!

Quote: “So if I can encourage any young boys or girls to pick up a racquet and have a go, that would be brilliant.” Australian Open Tennis Champion, Ash Barty on winning the Open. Bourke and Louth have excellent synthetic grass courts - so get in and have a go!

17 February 2022

Crime Issues

The last four (4) months have been a considerably tough time for the Bourke community in terms of juvenile crime. The weekend of 5 and 6 February 2022 was an extremely poor weekend in terms of criminal activity in the town with two (2) cars stolen and burnt out and the visiting Magistrate assaulted in her motel room on the Sunday evening, as part of an aggravated break and enter. Whilst the Mayor has previously made representations to the NSW Attorney General on the issue of the bailing of youth offenders, and more recently held discussions on the crime issue with Bourke’s local State member, the Member for Barwon Roy Butler MP; senior officers from Regional NSW and with senior officers from the hard-working Bourke Police, the previous weekends unsavoury activities demanded a higher level of representations and action. To this end, Mayor Barry emailed an extensive letter to the States Premier, the Hon Dominic Perrottet, last week. Through contacts established during the visit to Bourke of the NSW Cabinet in Nov 2019, Council received assurances from staff of the Premiers Office that the letter would “be personally read by the Premier”.

In such letter, the Mayor highlighted specific incidents that had occurred during the months of January and early February 2022 and in doing so, highlighted that many of the break-ins at residential properties had occurred at residences occupied by vulnerable members of the Bourke community. The Mayor also spoke about the impact of the situation on our visitors and the fact that the perpetrators of these crimes are mostly young people who face a very ordinary life and future. The Mayor sought the urgent assistance of the Premier requesting that the “governments brightest minds” assist Bourke to develop and implement effective programs. “Straight talk and clear action” are what the Mayor said was needed. The Mayor in closing invited the Premier to Bourke or alternatively the Mayor was happy to travel to Sydney to progress the issue. A copy of the letter was also forwarded to Roy Butler MP and also the Hon Dugald Saunders, Member for Dubbo and the recently appointed Minister for Western NSW. The Mayor also had subsequent discussions with Minister Saunders regarding the seriousness of the situation and I am confident that the pleas of the Mayor for assistance, on behalf of the community, are being heard at the highest levels of Government.

Health Issues

Services provided to the Bourke region by the Western NSW Local Health District (LHD) have been profoundly impacted by the lack of staff at the Bourke Multi-Purpose Service (MPS). The ability of the LHD to attract nursing staff is unfortunately at a very low point. This is obviously a major concern for Council, and most in the community, with the current crime issues in Bourke having certainly made the attraction of staff to Bourke even more difficult in the current labour shortage

environment being experienced across the nation. Last Monday week, the Mayor, Councils Manager Corporate Services, Leonie Brown and I met with Mark Spittal, the recently appointed Chief Executive Officer of the LHD. We had previously met with Mr Spittal and various members of his team prior to Christmas, via audio-visual link, to discuss our concerns regarding staffing numbers at the hospital over the Christmas/New Year period. Our meeting last week was “face-to-face” at Council after Mr Spittal drove to Bourke to meet with staff at the MPS. It was certainly good to meet in person. Council took the opportunity to discuss the need for important leadership positions at the MPS to be filled, sooner rather than later; nursing issues; recruitment issues; and safety at the facility both in terms of accommodation and at the MPS itself. Post the meeting Mr Spittal provided advice in terms of some progress in respect of the deploying of senior nurses to Bourke from the wider NSW Health system and from other Local Health Districts in the State. This was good news.

As part of our discussions on the Monday, Mr Spittal sought the assistance of Council to engage with new medical staff to maximise a positive experience in Bourke. In this regard I have advised Mr Spittal that Councils Manager of Economic Development, Melanie Milgate, is excited at the prospect of engaging and assisting not only these potential new staff, but other staff as progress is made in manning the MPS. Melanie was previously employed at the Outback Division of General Practice in Bourke and engaged with Medical Placement Students in presenting and increasing their understanding of Bourke. Whether the induction of these new to town medical staff includes a tour of town, the Back O Bourke Centre, a run out to Mt Oxley, an organised dinner, interaction at a service club event, whatever – Council is more than happy to work with the LHD, or any local business, to make a move to Bourke of their staff a success.

Good News for Louth

The Louth Tennis Courts Reserve is situated on land owned by the NSW Government. It is located on what is known as Crown Land. In partnership with the Louth Chamber of Commerce, an application was previously made for funding under the Crown Reserves Improvement Fund. Last week Council received advice that the application in the amount of \$91,058 has been successful. Council will auspice the expenditure of the funds that will result in the finalisation of the sports precinct at the Louth Courts which will include the laying of a synthetic bowling green and a cricket practice wicket. Council recently upgraded two of the Louth Tennis courts with synthetic grass, utilising funding provided by the NSW Governments, Stronger Communities Program.

On a recent visit to Louth by Council staff, it was great to witness the new courts with residents advising that the new facilities are being regularly utilised by locals with the community recognising that the tennis facilities are another way of bringing families together and a way of encouraging visitors to stop and have a hit of tennis along the Darling River Run! The additional sport facilities will only further enhance the participation in sporty locals and visitors. A big thank you to the NSW Government for the funding but also congratulations to the Louth Chamber for their vision and drive in achieving the funding to bring the precinct to fruition.

Western Regional Water Strategy - Aboriginal Consultation

The NSW government is developing regional water strategies for 12 regions in NSW to enhance resilience of water sources for local communities, the environment and to protect Aboriginal cultural values and rights, while supporting economic prosperity over the next 20 years. Government has identified the Bourke community as an important part of the conversation in developing a draft Western Regional Water Strategy.

One of the overarching objectives of regional water strategies is to recognise and protect Aboriginal rights, interests and access to water. Following the first round of workshops in 2021, the Water Division of the NSW Department of Planning, Industry and Environment (WDPIE) is holding a second series of workshops to provide an update on the Western strategy and seek feedback and local knowledge on some of the proposed Cultural options considered in the strategy.

Each workshop will be independently facilitated, commence with a yarning circle and include a light lunch. WDPIE's coordinated engagement approach will be held in collaboration with Water Infrastructure NSW and team members from the Barwon-Darling Water Sharing Plan in some locations. This will provide the opportunity to discuss a range of water projects at one time. The Bourke Workshop will be held on Tuesday 8 March 2022 at the Maranguka Community Hub, 41B Mitchell St, Bourke from 10am - 1pm. If you would like to join a session, dial in remotely or view the COVID-19 safety plan, or require any other assistance, please email regionalwater.strategies@dpie.nsw.gov.au .For more information on regional water strategies visit : www.industry.nsw.gov.au/water/plans-programs/regional-water-strategies

Quote: ““If rural health services don't exist, people cannot access the health care they need,” National Rural Health Alliance (NRHA) Chief Executive, Gabrielle O'Kane, with the NRHA estimating that 7 million people, or about 28 per cent of Australia's population, are forgoing \$4 billion of healthcare because of a lack of GPs, specialists and allied health workers such as psychologists and physiotherapists in rural and remote areas.

Recommendation

That the information in the General Manager's Activity Report as presented to Council on Friday, 25 February 2022 be noted.

21.5 LIBRARY MANAGER'S ACTIVITY REPORT FOR DECEMBER

File Number: L4.1
Author: Jodi Hatch, Library Manager
Authoriser: Melanie Milgate, Economic Development Manager
Attachments: Nil

Current Situation

The following items for the December 2020 - December 2021 period are presented for your information:

Item	January 2021	January 2022
Loans	416	467
New Members	3	5

Other statistical information:

	December 2020		December 2021
Internet/Word Processing	36	Internet/Word Processing	13
Wireless Tickets	12	Wireless Tickets	4
Number of Visitors	243	Number of Visitors	321
Scans	17	Scans	19
Information Requests	39	Information Requests	53
Technical Assistance	33	Technical Assistance/Printing	80
Faxes	1	Faxes/Laminating	2

- We held an online trivia Christmas Special in December, with 21 people attending. We had a half ham generously donated by Bourke’s Butchery as the grand prize, and every attending received either a Booktopia voucher or a book.



- We held another children’s craft session in December, with 7 children attending. They all had fun creating Christmas ornaments and cards.



- We have started the Summer Reading Challenge this month. This year the challenge is available to all ages, including adults. It will run over the summer months, with lots of prizes available, including audio books donated by Bolinda.



Recommendation

That the information in the Library Manager’s Report for December 2021 as presented to Council on Friday, 25 February 2022 be noted.

21.6 LIBRARY MANAGER'S ACTIVITY REPORT FOR JANUARY

File Number: L4.1
Author: Jodi Hatch, Library Manager
Authoriser: Melanie Milgate, Economic Development Manager
Attachments: Nil

Current Situation

The following items for the January 2021 - January 2022 period are presented for your information:

Item	January 2021	January 2022
Loans	562	443
New Members	12	9

Other statistical information:

	January 2021		January 2022
Internet/Word Processing	27	Internet/Word Processing	18
Wireless Tickets	11	Wireless Tickets	3
Number of Visitors	268	Number of Visitors	282
Scans	19	Scans	11
Information Requests	58	Information Requests	62
Technical Assistance	50	Technical Assistance/Printing	35
Faxes	3	Faxes/Laminating	2

- The Summer Reading Club ran throughout January. The challenge is available in print and online through the Beanstack app. We also put together activity packs for adults and children, which were available to be picked up from the library. Prizes will be awarded in February.



Beanstack



Recommendation

That the information in the Library Manager's Report for January 2022 as presented to Council on Friday, 25 February 2022 be noted.

21.7 TOURISM & EVENTS MANAGER'S ACTIVITY REPORT

File Number: T4.1
Author: Fran Carter, Manager Tourism & Events
Authoriser: Melanie Milgate, Economic Development Manager
Attachments: Nil

Background

The Bourke Shire Councils Tourism and Events Manager's Activity Report provides Council with an updated status report for December 2021 and January 2022, relating to its tourism teams activities through visual data including graphs and statistics to allow for the measurement of the team's progress and performance.

Current Situation**Back O' Bourke Information and Exhibition Centre**

Visitor numbers for December were 897 and January 603.

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Jan	448	560	325	326	302	348	386	782	1109	816	603
Feb	157	397	271	373	391	220	282	1043	386	630	
Mar	570	1500	1051	1342	1612	1245	1274	1021	412	1389	
April	2144	3103	3146	3849	3118	3114	4024	3166	0	2387	
May	2891	3758	3988	4602	4073	3983	4770	3693	0	2564	
June	3216	4492	4275	5437	5199	4754	5634	4490	993	2366	
July	4643	5173	6241	6002	5941	5982	7614	6834	2570	1068	
Aug	4162	4410	4793	5078	4951	5051	5548	4052	1898	255	
Sept	5074	4275	4764	4489	4532	4246	4676	3601	3325	0	
Oct	3067	2383	2486	2370	2475	2463	3574	2222	5246	409	
Nov	930	789	671	610	1031	876	1014	1220	1989	866	
Dec	347	207	242	272	281	255	630	860	1194	897	
Total	27649	31044	32253	34750	33906	32537	39454	32984	19122	13647	

December 2021

- Turnover for the centre in December was down 30% on November
- Visitor number for December were 897 compared to 866 in November.
- Email enquiries for December were down 20% on November.
- Incoming calls for December were down 15% on November.
- The PV Jandra only operated for 8 days in December due to floodwaters.
- Exhibition Centre tickets sold in December were down 42% on November.
- Mt Oxley tickets sold were up by 40% on November.

- Café turn over in December was slightly down 2% on November.
- The Function centre had one private booking along with the PV Jandra for December.
- Crossley Engine ceased operating on 3 December and maintenance will be completed in early 2022.

EVENTS:

Christmas in the Park

Bourke Shire Council in partnership with Maragunka kicked off the festive season on Friday 10 December in Central Park with its annual Christmas in the Park. The successful event attracted hundreds of families who enjoyed market stalls, live entertainment and a range of kids' activities such as a giant water slide and jumping castle, before the lights on the Christmas tree were officially switched on.

To the delight of the many small children in attendance, Santa also made a special appearance on the night.



Families this year noticed the 5 new trees along with the larger Christmas tree on top of the Pergola at the end of the park, with even more fairy lights

being added to trees inside and around Central Park and festive Christmas banners down the main street.

Christmas Light Competition

There were many residents who came on board with “Light Up the Night Christmas Competition”.

Winners for the following categories were;

- Best Rural Lights- Belinda & Christopher Norman,
- Judges Choice- Bevan Williams & Janelle Hollman,
- Christmas Spirit- Tammy Gould,
- Creative & Festive- Craig & Charlene Noye
- Nativity- Jodie Sontag & Frank Hollman,

Winners were notified and all presented with gift vouchers.

Australia Day

Australia Day was the highlight event for January along with the newly upgraded Bourke War Memorial Swimming Pool. Overall, the kids enjoyed the pool party theme that had inflatables, Dash for Cash, Watermelon Eating Competition, Dive for Dough and a lamington stack to celebrate.

Everyone was encouraged to **Reflect, Respect and Celebrate** our nation and our people — it was an opportunity to open our hearts, respect our differences, and celebrate our strength, our generosity, and our strong sense of community.

Our Australia Day Ambassador –James Pittar, (Endurance Swimmer) delivered the official address along with Mayor, Mr Barry Hollman welcoming everyone and Phil Sullivan, delivering the Welcome to Country and Smoking



Ceremony. The Flag ceremony conducted by Tristian Gale along with Clontarf Academy- Riley Parnaby and Trae Wilson.

Our official winners for the day were: Kelly Lienesch- Citizen of the Year, Trae Wilson-Young Citizen of the Year, Laura Gordon- Sportsperson of the Year, Archie Nott- Young Sportsperson of the Year, Bourke Rural Fire Brigade volunteers- Emergency Services of the Year.

We also welcomed three (3) new citizens to the community.

Castlereagh Connection kept the crown entertained.

Back O Bourke Easter Festival

Held over Easter Weekend- 15, 16, 17 and 18 April 2022

- A meeting was held on 9 December to discuss with stakeholders the program for this year's Back O Bourke Easter Festival.
- Marketing Campaign – looking to create a TV commercial with Imparja & WIN TV, targeting- Visiting Friends and Relatives (VFR) market
- Also promote on local radio, social media, website and creating a printed program.
- Event Management Plan is underway

Recommendation

That the information in the Tourism and Events Manager's Activity Report for December 2021 and January 2022 as presented to Council on Friday, 25 January 2022 be noted.

22 CLOSED SESSION**Recommendation**

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

22.1 * North Bourke Stormwater Drainage**

This matter is considered to be confidential under Section 10A(2) - (g) 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 advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

22.2 * Outstanding Rates and Charges**

This matter is considered to be confidential under Section 10A(2) - (b) 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 discussion in relation to the personal hardship of a resident or ratepayer.

22.3 * Write-off outstanding Debtor accounts**

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).