



**Edward  
River**  
COUNCIL

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

**Date:** Thursday, 24 September 2020  
**Time:** 9.00am  
**Location:** RFS Building, Macknight Drive,  
Deniliquin

# **BUSINESS PAPER**

**Ordinary Council Meeting**

**24 September 2020**

**Phil Stone  
General Manager**



**Order Of Business**

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**1 OPENING MEETING****2 LIVE STREAMING STATEMENT**

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**3 ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge that we are here today on the land of the Wamba Wamba Perrepa Perrepa people. I would also like to acknowledge and pay my respects to past Aboriginal Elders, the present Aboriginal and Torres Strait Islander people who reside within this area, and their future generations.

**4 STATEMENT OF PURPOSE****5 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS****6 CONFIRMATION OF MINUTES**

Ordinary Council Meeting - 20 August 2020

Extraordinary Council Meeting - 3 September 2020



**Edward  
River**  
COUNCIL

# **MINUTES**

**Ordinary Council Meeting**

**20 August 2020**

**MINUTES OF EDWARD RIVER COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIKUIN  
ON THURSDAY, 20 AUGUST 2020 AT 9.00AM**

**PRESENT:** Cr Norm Brennan (Mayor), Cr Pat Fogarty (Deputy Mayor), Cr Peta Betts, Cr Marg Bull, Cr Ashley Hall, Cr Norm McAllister, Cr Peter McCrabb, Cr Nick Metcalfe, Cr Mac Wallace

**IN ATTENDANCE:** Phil Stone (General Manager ) via zoom, Oliver McNulty (Director Infrastructure), Suni Campbell (Director Corporate Services), Marie Sutton (Acting Manager Environmental Services), Eliza Eastman (Planning Officer), Tiffany Carroll (Communications Advisor), Belinda Perrett (Executive Assistant).

**1 OPENING MEETING**

**2 LIVE STREAMING STATEMENT**

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**4 STATEMENT OF PURPOSE**

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

**5 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

Nil

**6 CONFIRMATION OF MINUTES**

**RESOLUTION 2020/151**

Moved: Cr Peta Betts

Seconded: Cr Norm McAllister

That the minutes of the Ordinary Council Meeting held on 16 July 2020 be confirmed.

**CARRIED**

**7 DISCLOSURES OF INTERESTS**

Item 10.10 Cr Nick Metcalfe declared a pecuniary interest in the Environmental Services Report DA28/18 Expansion of Wyoming Dairy Cattle Feedlot.

Item 10.13 Cr Pat Fogarty declared a non-pecuniary significant interest in the Infrastructure Report North Deniliquin Levee Upgrade Feasibility Report.

**8 MAYORAL MINUTE(S)**

Nil

**9 REPORTS OF COMMITTEES**

Nil

**10 REPORTS TO COUNCIL****10.1 MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS****RESOLUTION 2020/152**

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council note the Mayor, Councillors and General Manager meetings attended during the month of July 2020, undertaken either remotely, or adhering to COVID-19 distancing regulations.

**CARRIED**

**10.2 RESOLUTIONS OF COUNCIL****RESOLUTION 2020/153**

Moved: Cr Pat Fogarty

Seconded: Cr Marg Bull

That Council note the information in the Resolutions of Council as at 11 August 2020.

**CARRIED**

**10.3 INVESTMENT REPORT JULY 2020****RESOLUTION 2020/154**

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

That Council:

1. Note and receive the July report on Investments totalling \$42,258,764 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of July 2020 was \$72,595;
3. Note that accrued interest earned to 31 July 2020 but not yet received was \$205,477;
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.
5. Note that the revised Investments balance for 30 June 2020 was \$44,869,775.

**CARRIED**



**10.4 SME COMMERCIAL LEASING PRINCIPLES DURING COVID-19 - APPLICATIONS FOR CONCESSION****RESOLUTION 2020/155**

Moved: Cr Peter McCrabb

Seconded: Cr Ashley Hall

That Council:-

1. Waive 50% and defer 50% of the rental payable by Wettenhall Air Services for 24 months as provided under the mandatory code, for the period the company receives the Jobkeeper allowance.
2. That the Mayor and General Manager be delegated authority to determine further requests for assistance under the code.

**CARRIED**

**10.5 COMBINED DELIVERY PROGRAM 2018 - 2021 AND OPERATIONAL PLAN 2019-2020 ANNUAL PROGRESS REPORT****RESOLUTION 2020/156**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That That Council:

1. Receive and note the Combined Delivery Program 2018-2021 and Operational Plan 2019-2020 Annual Progress Report, contained at Attachment 1.

**CARRIED**

9.22am Tiffany Carroll left the Chambers and returned at 9.24am.

**10.6 ADVOCACY STRATEGY****RESOLUTION 2020/157**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council:-

1. That the Strategy "Deniliquin Airport Redevelopment be strengthened by including statistics on aircraft movements particularly, for health and emergency services.
2. That detailed evidence be gathered to support the strategy "Investment in Deniliquin Hospital".
3. Adopt the updated Advocacy Strategy

**CARRIED**

**10.7 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020****RESOLUTION 2020/158**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council approve the Mayor, up to two other Councillors and the General Manager to attend the Local Government NSW Annual Conference 22 – 24 November 2020 being held at the Crowne Plaza Hunter Valley.

**CARRIED**

**10.8 APPOINTMENTS TO COMMITTEES****RESOLUTION 2020/159**

Moved: Cr Pat Fogarty

Seconded: Cr Nick Metcalfe

That the following appointments be made to Committees.

- Aboriginal Advisory Committee.
  1. Committee Membership Cr Peta Betts (Chairperson) and Deputy Mayor Cr Pat Fogarty.
- Deniliquin Retirement Village Committee.
  2. Committee Membership Deputy Mayor Pat Fogarty (Interim Chairperson), Cr Peta Betts, Cr Ashley Hall.
- Recreation and Community Facilities Recommendations
  3. Committee Membership Cr Norm McAllister (Chairperson), Cr Nick Metcalfe (Deputy Chairperson) and Cr Marg Bull.

**CARRIED**

**10.9 FREE WASTE WEEKENDS - EDWARD RIVER LANDFILL****RESOLUTION 2020/160**

Moved: Cr Nick Metcalfe

Seconded: Cr Peta Betts

That Council:

1. Approve the Free Waste Disposal weekends at the Deniliquin Landfill to take place on the following dates during the 2020/21 financial year: 24 & 25 October 2020; 9 & 10 January 2021; 3 & 4 April 2021; 12 & 13 June 2021.
2. Note that on the Free Waste Disposal weekends the following waste is still charged for: tyres, commercial waste, construction and/or demolition waste.
3. Acknowledge that these dates may be postponed due to COVID-19 restrictions and that if they proceed, all safety recommendations will be followed.

**CARRIED**

9.25am Cr Nick Metcalfe left the Chambers.

**10.10 DA 28/18 - EXPANSION OF WYOMING DAIRY CATTLE FEEDLOT****RESOLUTION 2020/161**

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That Council resolves to: -

1. **APPROVE** the development application for the expansion of an existing dairy cattle feedlot to 3,500 head dairy cattle feedlot (Intensive Livestock Industry), on Lot 174 DP756305 & Lot 210 DP756305, 218 Campbells Road, Mayrung dated 8 June 2018 as shown on plan numbered 2722/C03 and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:
  - (a) *The proposed development is permissible within the zone under the Conargo Local Environmental Plan 2013 and complies with the provisions of this environmental planning instrument.*
  - (b) *The proposed development is consistent with the provisions of the relevant SEPPs that apply.*
  - (c) *The proposed development, subject to the imposition of conditions, is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.*
2. Impose conditions as detailed in Attachment 1

In Favour: Crs Norm Brennan, Pat Fogarty, Peta Betts, Marg Bull, Ashley Hall, Norm McAllister, Peter McCrabb and Mac Wallace

Against: Nil

**CARRIED 8/0**

9.31am Cr Nick Metcalfe returned to the Chambers

**10.11 LOCAL HERITAGE FUND 2020-2021****RESOLUTION 2020/162**

Moved: Cr Ashley Hall

Seconded: Cr Marg Bull

That Council fund the projects detailed in Attachment 1 under the Local Heritage Fund 2019-2020 as follows:

- (a) 138 End Street – Local Heritage Fund contribution of \$2325
- (b) 33 - 37 Napier Street – Local Heritage Fund contribution of \$825
- (c) 255 Cressy St – Local Heritage Fund contribution of \$2500
- (d) 367 Henry Street – Local Heritage Fund contribution of \$2000
- (e) 217- 223 Cressy St – Local Heritage Fund contribution of \$6600
- (f) 307 Cressy St - Local Heritage Fund contribution of \$2000

**AMENDMENT TO THE MOTION**

Moved: Cr Ashley Hall

Seconded: Cr Peter McCrabb

That the 2020-2021 projects to be funded are reviewed by a Committee of Council including Cr Ashley Hall and Cr Mac Wallace and that the Local Heritage Funding Guidelines are reviewed.

**CARRIED**

**10.12 ENVIRONMENTAL SERVICES REPORT (JULY 2020)****RESOLUTION 2020/163**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council note the Environmental Services report for July 2020.

**CARRIED**

Cr Pat Fogarty left the Chambers at 9.45am.

Acting Manager Environmental Services, Marie Sutton and Planning Officer, Eliza Eastman left the Chambers

**10.13 NORTH DENILQUIN LEVEE UPGRADE FEASIBILITY REPORT****RESOLUTION 2020/164**

Moved: Cr Mac Wallace

Seconded: Cr Norm McAllister

That Council:

1. Adopt the North Denilquin Levee Upgrade Feasibility Report, contained as Attachment 1 to this report, and;
2. Apply to Office of Environment and Heritage for funding of the works detailed in the North Denilquin Levee Upgrade Feasibility Report

**CARRIED**

Cr Pat Fogarty returned to the Chambers at 9.50am

**10.14 RAIL INTERFACE AGREEMENT****RESOLUTION 2020/165**

Moved: Cr Marg Bull

Seconded: Cr Peter McCrabb

That Council

1. Note the Interface Agreement, Rail or Road Crossings in the Edward River Council Local Government Area, as appended to this report.

Delegate the Director Infrastructure to sign the Interface Agreement.

**CARRIED**

**10.15 DROUGHT RELIEF****RESOLUTION 2020/166**

Moved: Cr Mac Wallace

Seconded: Cr Nick Metcalfe

That Council approve the cessation of the Drought Relief Program and recall the Avdata fobs.

**CARRIED**

**10.16 REQUEST FOR WATER TRANSFER****RESOLUTION 2020/167**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council

1. Approve the request from Deniliquin Golf Club for the transfer of 200ML for their use at the Golf Club,
2. Provide the water to the Deniliquin Golf Club free of charge and only pass on administrative charges as incurred in establishing the water transfer,
3. Inform the Golf Club that this approval is for 2020 only and that Council may not be able to provide this support in future years if increased water restrictions are applied.

**CARRIED**

**10.17 ROADSIDE VEGETATION MANAGEMENT PLAN****RESOLUTION 2020/168**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council endorses the Roadside Vegetation Management Plan including the following documents:

- a) Roadside Vegetation Management Plan, contained as Attachment 1 to this report.
- b) Roadside Vegetation Management Code of Practice, contained as Attachment 2 to this report.
- c) Community Roadside Vegetation Management Handbook, contained as Attachment 3 to this report, and;
- d) Community Roadside Vegetation Management Information Sheet, contained as Attachment 4 to this report.

**CARRIED**

**10.18 MAJOR PROJECTS PROGRAM - AUGUST 2020 PROGRESS REPORT****RESOLUTION 2020/169**

Moved: Cr Pat Fogarty

Seconded: Cr Nick Metcalfe

That Council note the Major Projects Program from various funding sources - Progress Report for July 2020.

**CARRIED**

**10.19 CAPITAL WORKS UPDATE****RESOLUTION 2020/170**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council notes the final Capital Works update for the 2019-2020 financial year.

**CARRIED**

**11 NOTICES OF MOTIONS**

Nil

**12 QUESTIONS WITH NOTICE**

Nil

**13 CONFIDENTIAL MATTERS****RESOLUTION 2020/171**

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

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:

**13.1 Request to Write off Debtor Accounts**

This matter is considered to be confidential under Section 10A(2) - b and 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 discussion in relation to the personal hardship of a resident or ratepayer and 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.

**13.2 Financial Hardship relief application - BIG4 DENILQUIN HOLIDAY PARK**

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.

**CARRIED**

**13.1 REQUEST TO WRITE OFF DEBTOR ACCOUNTS****RESOLUTION 2020/172**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council

1. Receive and note the report.
2. Write-off bad trade debts amounting to \$55,996.83 for financial year 19/20 that are unrecoverable (as showing in Attachment 1) in accordance with *clause 213(3) of the Local Government (General) Regulation 2005*.

**CARRIED**

**13.2 FINANCIAL HARDSHIP RELIEF APPLICATION - BIG4 DENILQUIN HOLIDAY PARK****RESOLUTION 2020/173**

Moved: Cr Peta Betts

Seconded: Cr Peter McCrabb

That Council approve the financial hardship relief application from BIG4 Deniliquin Holiday Park, a deferral of *estimated* all Council charges \$46,332.98 including Rates, water, and debtor until 31 December 2020.

**CARRIED**

**RESOLUTION 2020/174**

Moved: Cr Mac Wallace

Seconded: Cr Pat Fogarty

That Council moves out of Closed Council into Open Council.

**CARRIED**

**3 CLOSE OF MEETING**

The Meeting closed at 10.42am

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 September 2020.

.....  
**CHAIRPERSON**



**Edward  
River**  
COUNCIL

# **MINUTES**

**Extraordinary Council Meeting**

**3 September 2020**



**MINUTES OF EDWARD RIVER COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE RFS BUILDING, MACKNIGHT DRIVE, DENILIQUN  
ON THURSDAY, 3 SEPTEMBER 2020 AT 9.00AM**

**PRESENT:** Cr Norm Brennan (Mayor), Cr Pat Fogarty (Deputy Mayor), Cr Peta Betts, Cr Marg Bull, Cr Ashley Hall, Cr Norm McAllister, Cr Peter McCrabb, Cr Nick Metcalfe, Cr Mac Wallace

**IN ATTENDANCE:** Phil Stone (General Manager via zoom), Suni Campbell (Director Corporate Services), Oliver McNulty (Director Infrastructure), Michelle Cobb (Manager Community & Economic Development), Tiffany Carroll (Communications Advisor), Belinda Perrett (Executive Assistant).

**1 OPENING MEETING**

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**4 STATEMENT OF PURPOSE**

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

**5 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

Nil

**6 DISCLOSURE OF INTEREST**

Nil

**3 REPORTS TO COUNCIL**

**7.1 DETERMINATION OF NUMBER OF COUNCILLORS FOR 2021-2024 TERM OF OFFICE**

**RESOLUTION 2020/175**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That pursuant to section 224(2) of the *Local Government Act 1993*, determine the number of Councillors for the 2021-2024 term of office to be nine, one of whom is the Mayor.

**CARRIED**

**4 CLOSE OF MEETING**

The Meeting closed at 9.02am

The minutes of this meeting were confirmed at the Ordinary Meeting of the Edward River Council held on 17 September 2020.

.....  
**CHAIRPERSON**

**7 DISCLOSURES OF INTERESTS**

**8 MAYORAL MINUTE(S)**

Nil

**9 REPORTS OF COMMITTEES**

Nil

**10 REPORTS TO COUNCIL****10.1 MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS****Author:** Belinda Perrett, Executive Assistant**Authoriser:** Phil Stone, General Manager**RECOMMENDATION**

That Council note the Mayor, Councillors and General Manager meetings attended during the month of August 2020, undertaken either remotely, or adhering to COVID-19 distancing regulations.

**BACKGROUND**

The report details meetings undertaken on behalf of Council by the Mayor, Councillors and the General Manager during August 2020.

**ISSUE/DISCUSSION**

<b>Mayor, Councillor and General Manager meetings July 2020</b>			
<b>Date</b>	<b>Participants</b>	<b>Topic</b>	<b>Council Reps</b>
4 Aug	NSW Cross Border Commissioner	Vic-NSW Border Closure Update	Mayor, Interim General Manager, Director Infrastructure
11 Aug	NSW Cross Border Commissioner	Vic-NSW Border Closure Update	Mayor, Interim General Manager, Director Infrastructure
12 Aug	RAMJO Board Meeting	Board Meeting	Mayor
13 Aug	RAMJO	Ministerial Meetings	Mayor
13 Aug	Murray Socio-economic Activation Taskforce	Emerging Priorities	Mayor
13 Aug	Hospital Action Group	Health Matters	Mayor
14 Aug	RAMJO	Ministerial Forum	Mayor
14 Aug	RAMJO	Water Security Sub-Committee	Mayor
18 Aug	NSW Cross Border Commissioner	Vic-NSW Border Closure Update	Mayor, General Manager, Director Infrastructure
20 Aug	RAMJO	Water Submissions	Mayor
21 Aug	RAMJO	DPIE Regional Water Strategies	Mayor
25 Aug	Community Safety Precinct	Community Issues	Mayor

	Committee Meeting		
26 Aug	Yanco Stakeholder Advisory Group	Meeting DPIE	Mayor
27 Aug	Long Paddock Committee	AGM and General Meeting	Cr McCrabb
27 Aug	NSW Cross Border Commissioner	Vic-NSW Border Closure Update	Mayor, General Manager, Director Infrastructure
27 Aug	Murray Socio-economic Activation Taskforce	Emerging Priorities	Mayor
27 Aug	South West Music	Board Meeting	Cr Bull

**STRATEGIC IMPLICATIONS**

N/A

**COMMUNITY STRATEGIC PLAN**

5.1 Our community is informed and engaged.

**FINANCIAL IMPLICATIONS**

N/A

**LEGISLATIVE IMPLICATIONS**

N/A

**ATTACHMENTS**

Nil

**10.2 RESOLUTIONS OF COUNCIL****Author:** Belinda Perrett, Executive Assistant**Authoriser:** Phil Stone, General Manager**RECOMMENDATION**

That Council note the information in the Resolutions of Council as at 15 September 2020.

**BACKGROUND**

The attached report details the status of open Resolutions of Council.

**ISSUE/DISCUSSION**

Monthly report to update Councillors and community members on the progress of Council Resolutions.

**STRATEGIC IMPLICATIONS**

As outlined in the status updates.

**COMMUNITY STRATEGIC PLAN**

This report aligns with Outcome 5 – A community working together to achieve its potential. Particularly it supports outcome 5.3, our local government is efficient, innovative and financially sustainable.

**FINANCIAL IMPLICATIONS**

Not applicable

**LEGISLATIVE IMPLICATIONS**

Not applicable

**ATTACHMENTS**

1. Resolutions of Council as at 15 September 2020

20 August 2020	Resolution	Responsibility	Status	Expected Date of Completion
2020/155	<p>SME Commercial Leasing Principles during COVID-19 Applications for Concession</p> <p>That Council:-</p> <ol style="list-style-type: none"> <li>1. Waive 50% and defer 50% of the rental payable by Wettenhall Air Services for 24 months as provided under the mandatory code, for the period the company receives the Jobkeeper allowance.</li> <li>2. That the Mayor and General Manager be delegated authority to determine further requests for assistance under the code.</li> </ol>	Director Corporate Services	Commenced	October 2020
2020/157	<p>Advocacy Strategy</p> <p>That Council:-</p> <ol style="list-style-type: none"> <li>1. That the Strategy “Deniliquin Airport Redevelopment be strengthened by including statistics on aircraft movements particularly, for health and emergency services.</li> <li>2. That detailed evidence be gathered to support the strategy “Investment in Deniliquin Hospital”.</li> <li>3. Adopt the updated Advocacy Strategy</li> </ol>	General Manager	Underway	October 2020
2020/158	<p>Local Government NSW Annual Conference 2020</p> <p>That Council approve the Mayor, up to two other Councillors and the General Manager to attend the Local Government NSW Annual Conference 22 – 24 November 2020 being held at the Crowne Plaza Hunter Valley.</p>	General Manager	Annual Conference will now be held remotely. Delegates to be registered.	October 2020
2020/159	<p>Appointments to Committees</p> <p>That the following appointments be made to Committees.</p> <ul style="list-style-type: none"> <li>• <u>Aboriginal Advisory Committee.</u></li> </ul> <ol style="list-style-type: none"> <li>1. Committee Membership Cr Peta Betts (Chairperson) and Deputy Mayor Cr Pat Fogarty.</li> </ol>	Director Corporate Services	Governance Noted.	Closed

	<ul style="list-style-type: none"> <li>• <u>Deniliquin Retirement Village Committee.</u></li> </ul> <p>2. Committee Membership Deputy Mayor Pat Fogarty (Interim Chairperson), Cr Peta Betts, Cr Ashley Hall.</p> <ul style="list-style-type: none"> <li>• <u>Recreation and Community Facilities Recommendations</u></li> </ul> <p>3. Committee Membership Cr Norm McAllister (Chairperson), Cr Nick Metcalfe (Deputy Chairperson) and Cr Marg Bull.</p>			
<b>2020/160</b>	<p>Free Waste Weekends – Edward River Landfill That Council:</p> <ol style="list-style-type: none"> <li>1. Approve the Free Waste Disposal weekends at the Deniliquin Landfill to take place on the following dates during the 2020/21 financial year: 24 &amp; 25 October 2020; 9 &amp; 10 January 2021; 3 &amp; 4 April 2021; 12 &amp; 13 June 2021.</li> <li>2. Note that on the Free Waste Disposal weekends the following waste is still charged for: tyres, commercial waste, construction and/or demolition waste.</li> <li>3. Acknowledge that these dates may be postponed due to COVID-19 restrictions and that if they proceed, all safety recommendations will be followed.</li> </ol>	Director Infrastructure	Noted	Closed
<b>2020/161</b>	<p>DA28/18 – Expansion of Wyoming Dairy Cattle Feedlot That Council resolves to: -</p> <ol style="list-style-type: none"> <li>1. <b>APPROVE</b> the development application for the expansion of an existing dairy cattle feedlot to 3,500 head dairy cattle feedlot (Intensive Livestock Industry), on Lot 174 DP756305 &amp; Lot 210 DP756305, 218 Campbells Road, Mayrung dated 8 June 2018 as shown on plan numbered 2722/C03 and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons: <ul style="list-style-type: none"> <li>(a) <i>The proposed development is permissible within the</i></li> </ul> </li> </ol>	Acting Manager Environmental Services	Completed	Closed



	<p><i>zone under the Conargo Local Environmental Plan 2013 and complies with the provisions of this environmental planning instrument.</i></p> <p><i>(b) The proposed development is consistent with the provisions of the relevant SEPPs that apply.</i></p> <p><i>(c) The proposed development, subject to the imposition of conditions, is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.</i></p> <p>2. Impose conditions as detailed in Attachment 1</p>			
<p><b>2020/162</b></p>	<p>Local Heritage Fund 2020-2021 That Council fund the projects detailed in Attachment 1 under the Local Heritage Fund 2019-2020 as follows:</p> <p>(a) 138 End Street – Local Heritage Fund contribution of \$2325</p> <p>(b) 33 - 37 Napier Street – Local Heritage Fund contribution of \$825</p> <p>(c) 255 Cressy St – Local Heritage Fund contribution of \$2500</p> <p>(d) 367 Henry Street – Local Heritage Fund contribution of \$2000</p> <p>(e) 217- 223 Cressy St – Local Heritage Fund contribution of \$6600</p> <p>(f) 307 Cressy St - Local Heritage Fund contribution of \$2000</p> <p><b>AMENDMENT TO THE MOTION</b></p> <p>Moved: Cr Ashley Hall Seconded: Cr Peter McCrabb</p> <p>That the 2020-2021 projects to be funded are reviewed by a Committee of Council including Cr Ashley Hall and Cr Mac Wallace</p>	<p>Acting Manager Environmental Services</p>	<p>Noted</p>	<p>Closed</p>

	and that the Local Heritage Funding Guidelines are reviewed.			
<b>2020/164</b>	<p>North Deniliquin Levee Upgrade Feasibility Report That Council:</p> <ol style="list-style-type: none"> <li>1. Adopt the North Deniliquin Levee Upgrade Feasibility Report, contained as Attachment 1 to this report, and;</li> <li>2. Apply to Office of Environment and Heritage for funding of the works detailed in the North Deniliquin Levee Upgrade Feasibility Report</li> </ol>	Manager Engineering & Assets	Underway	October 2020
<b>2020/165</b>	<p>Rail Interface Agreement That Council</p> <ol style="list-style-type: none"> <li>1. Note the Interface Agreement, Rail or Road Crossings in the Edward River Council Local Government Area, as appended to this report.</li> </ol> <p>Delegate the Director Infrastructure to sign the Interface Agreement.</p>	Director Infrastructure	Agreement Signed	Closed
<b>2020/166</b>	<p>Drought Relief That Council approve the cessation of the Drought Relief Program and recall the Avdata fobs.</p>	Director Infrastructure	Actioned	Closed
<b>2020/167</b>	<p>Request for Water Transfer That Council</p> <ol style="list-style-type: none"> <li>1. Approve the request from Deniliquin Golf Club for the transfer of 200ML for their use at the Golf Club,</li> <li>2. Provide the water to the Deniliquin Golf Club free of charge and only pass on administrative charges as incurred in establishing the water transfer,</li> <li>3. Inform the Golf Club that this approval is for 2020 only and that Council may not be able to provide this support in future years if increased water restrictions are applied.</li> </ol>	Director Infrastructure	Water transfer complete	Closed
<b>2020/168</b>	<p>Roadside Vegetation Management Plan That Council endorses the Roadside Vegetation Management Plan</p>	Manager Engineering &	Endorsed	Closed

	<p>including the following documents:</p> <ul style="list-style-type: none"> <li>a) Roadside Vegetation Management Plan, contained as Attachment 1 to this report.</li> <li>b) Roadside Vegetation Management Code of Practice, contained as Attachment 2 to this report.</li> <li>c) Community Roadside Vegetation Management Handbook, contained as Attachment 3 to this report, and;</li> <li>d) Community Roadside Vegetation Management Information Sheet, contained as Attachment 4 to this report.</li> </ul>	Assets		
<b>2020/172</b>	<p>Request to write off debtor accounts That Council</p> <ul style="list-style-type: none"> <li>1. Receive and note the report.</li> <li>2. Write-off bad trade debts amounting to \$55,996.83 for financial year 19/20 that are unrecoverable (as showing in Attachment 1) in accordance with <i>clause 213(3) of the Local Government (General) Regulation 2005</i>.</li> </ul>	Director Corporate Services	Actioned	Closed
<b>2020/173</b>	<p>Financial Hardship Relief Application – Big4 Deniliquin Holiday Park That Council approve the financial hardship relief application from BIG4 Deniliquin Holiday Park, a deferral of <i>estimated</i> all Council charges \$46,332.98 including Rates, water, and debtor until 31 December 2020.</p>	Director Corporate Services	Actioned	Closed
<b>16 July 2020</b>	<b>Resolution</b>	<b>Responsibility</b>	<b>Status</b>	<b>Expected Date of Completion</b>
<b>2020/143</b>	<p>That Council;</p> <ul style="list-style-type: none"> <li>1. Approve an application for a loan facility of up to \$2.5M over the 2020/21 and 2021/22 financial years to match the funding received from the Commonwealth Regional Airport Program towards the renewal and upgrade of the runway at Deniliquin airport,</li> <li>2. Direct that officers investigate further opportunities for State</li> </ul>	Manager Engineering and Assets	Representations made.	30 December 2020

	<p>funding towards this work.</p> <p>3. Make representations through the Member for Murray and the Deputy Premier seeking State Government funding towards the project as the runway upgrade is essential to providing the region with air access to medical facilities and will assist in aerial firefighting in the event of serious bush and grass fires.</p>			
<b>2020/144</b>	<p>Asset Management Plans That Council:</p> <ol style="list-style-type: none"> <li>1. Note the current Transport, Buildings, Open Space and Recreation, Flood Mitigation and Drainage, Water and Sewerage Asset Management Plans;</li> <li>2. Undertake a project to update the Asset Management Plans based on the outcomes from the Asset Revaluation project; and</li> <li>3. Receive a further report in October 2020 regarding the Asset Management Plans.</li> </ol>	<p>Manager Engineering and Assets</p>	<p>Asset Management Plans being updated.</p>	<p>15 October 2020</p>
<b>2020/149</b>	<p>Sale of Lots 33, 34, 35 and 36 Saleyards Road, Deniliquin</p> <ol style="list-style-type: none"> <li>1. That Council commence an expression of interest process to sell industrial lots 33, 34, 35 and 36 Saleyards Road, Deniliquin</li> <li>2. Following the period of public exhibition, a further report will be brought to Council detailing any submissions received enabling Council to reach an informed position on whether to proceed or not proceed with the sale of the land.</li> </ol>	<p>Manager Community and Economic Development</p>	<p>Expression of Interest Process commenced.</p>	<p>17 September 2020 Closed</p>
<b>25 June 2020</b>	<b>Resolution</b>	<b>Responsibility</b>	<b>Status</b>	<b>Expected Date of Completion</b>
<b>2020/115</b>	<p>Adoption of Combined Delivery Program 2018-2021 and Operational Plan 2020-2021 That Council</p> <ol style="list-style-type: none"> <li>1. Receive and note the submission received from Ms. Lynette Ives and Deniliquin Rhinos Cricket Club on the draft combined Delivery Program 2018-2021 and Operational Plan 2020-2021,</li> </ol>	<p>Director Corporate Services</p>	<p>Commenced. Letters to be sent.</p>	<p>31 July 2020 Closed</p>

	<p>contained at Attachment A.</p> <p>2.Acknowledge and thank Ms. Lynette Ives and Deniliquin Rhinos Cricket Club for their submission and request the General Manager respond to the submission.</p> <p>3.In accordance with sections 533, 534, 535 and 536 of the <i>Local Government Act 1993</i>, make and levy the following rates and annual charges for the 2020/2021 year:</p> <ul style="list-style-type: none"> <li>a) In relation to Ordinary Rates, Council will postpone all rate increases under the rate pegging regime. Accordingly, the 2.6% Rate peg cap as allowed will not be applied by Edward River Council, for the 2020-2021 rating year.</li> <li>b) Pursuant to section 494 of the <i>Local Government Act 1993</i>, make and levy the following Ordinary Rates for the year 1 July 2020 to 30 June 2021:</li> <li>c)In relation to water supply charges and pursuant to sections 501 and 502 of the <i>Local Government Act 1993</i>, make and levy the following charges on all consumers connected to, or capable of being connected to, the Edward River water supply systems for water supply for the year 1 July 2020 to 30 June 2021:</li> <li>d)In relation to sewerage service charges and pursuant to sections 501 and 502 of the <i>Local Government Act 1993</i>, make and levy the following rates and charges on all residential and non-residential consumers connected to, or capable of being connected to, the Edward River sewer system services for the year 1 July 2020 to 30 June 2021:</li> <li>e) In relation to stormwater management services and pursuant to section 496A of the <i>Local Government Act 1993</i>, make and levy the following annual charge on residential, business and industrial lots with impervious surfaces for stormwater management services for the year 1 July 2020 to 30 June 2021:</li> </ul>			
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	<p>f) In relation to domestic waste management service charges and pursuant to sections 496, 501, 503(2) and 504 of the <i>Local Government Act 1993</i>, make and levy the following annual charge for the provision of waste management collection services on each of the rateable properties for the year 1 July 2020 to 30 June 2021:</p> <p>g) In relation to liquid trade waste charges and pursuant to section 501 of the <i>Local Government Act 1993</i>, make and levy the following annual fixed and usage charges for all liquid waste other than sewerage of a domestic nature on three categories (based on the level of impact discharges have on Edward River sewerage system) for the year 1 July 2020 to 30 June 2021:</p> <p>4.Pursuant to clause 211(2) of the Local Government (General) Regulation 2005, approve expenditure and vote funds as detailed in the draft combined Delivery Program 2018-2021 and Operational Plan 2020-2021, contained at Attachment.</p> <p>5.Pursuant to sections 404 and 405 of the <i>Local Government Act 1993</i>, adopt the draft combined Delivery Program 2018-2021 and Operational Plan 2020-2021, including the 2020-2021 Statement of Revenue Policy incorporating the annual budget and fees and charges, contained at Attachment.</p> <p>6.That bike hire be removed from the fees and charges schedule as no fee is charged.</p> <p>7.That page 65 of the Operating Plan be amended to read “borrowing costs” – Council currently has no loan portfolios and we are exploring the possible funding opportunities for the retirement facilities in the forecast period.</p>			
<p><b>2020/116</b></p>	<p>Edward River Council’s COVID-19 Economic and Resilience Response That Council, as per <b>resolution 2020/74</b>, apply the extension for the revised interim Debt Collection and Hardship Policy (attachment 1)</p>	<p>Director Corporate Services</p>	<p>Extension Revised to 31 December 2020</p>	<p>31 December 2020</p>

	<p>until 31 December 2020</p> <ol style="list-style-type: none"> <li>1. Consider taking up the extended period allowing for rates notices to be issued by 01 September 2020 – refer OLG 20-20 Clarification for issuing and collecting 2020-21 single and first quarter rates instalments. Councils cannot enforce the collection of a single instalment or the first quarter rates instalments until after 30 September 2020.</li> <li>2. Encourage ratepayers who have the capacity to pay their rates early to do so, while acknowledging that many members of the community have been affected by COVID-19 financial pressures and that first quarter rates instalments are now due by 30 September 2020. Pause any new Rates Debt Collection action until 31 December 2020 refer OLG 20-19 Information about Ratings 2020-21.</li> <li>3. Interest will be raised on all outstanding rates and charges up until 30 June 2020. Those ratepayers that have entered into an approved Payment Plan and have adhered to that Payment Plan, will have any interest charges raised, written off. No interest will be raised on overdue rates and charges from 01 July 2020 until 31 December 2020, From the 01 January 2021 to 30 June 2021 the interest rate will be 7.0% per annum refer OLG 20-19 Information about Ratings 2020-21. Waiving of any other Fees/ Interest charges will be considered on a case by case basis; No Rates or Annual Charges will be written off or waived.</li> <li>4. Existing properties already under Debt Collection Legal procedure process to continue as normal. Any correspondence received from a ratepayer regarding suspension of Legal pursuit of debts is to be reviewed on a case by case basis with approval to proceed with Legal Action/Temporarily Suspension/Hold Action. Existing legal charges raised on existing Debts on the property remain as charged, no removal of these legal cost of debt recovery amounts will be applicable.</li> </ol>			
<p><b>2020/117</b></p>	<p>Cressy Street Retail Trader Assistance Program</p>	<p>Director</p>	<p>Program</p>	<p>31 December</p>

	That the Retail Trader Assistance program, as set out in Council Report 10.13, 21 <sup>st</sup> May 2020 be adopted.	Infrastructure	commenced	2020
<b>2020/119</b>	<p>Sale and Development of 143-147 Hardinge Street, Deniliquin That Council</p> <ol style="list-style-type: none"> <li>1. Agree to sell the former South Depot site at 143-147 Hardinge Street Deniliquin, to Purtill Bros for the price of \$467,000 including GST.</li> <li>2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for the sale of the South Depot, 147-149, Hardinge Street, Deniliquin.</li> </ol>	Manager Community & Economic Development	Contract being drawn Contract signed. Invoice sent.	31 July 2020 31 August 2020 Closed
<b>18 June 2020</b>	<b>Resolution</b>	<b>Responsibility</b>	<b>Status</b>	<b>Expected Date of Completion</b>
<b>2020/108</b>	<p>Local Roads and Community Infrastructure Program That Council endorse the submitting of an application to the Local Roads and Community Infrastructure Program incorporating the following projects as detailed in this report:</p> <ul style="list-style-type: none"> <li>• Community Facilities Refurbishment Program 2020/21;</li> <li>• Airport Hangar Refurbishment Project;</li> <li>• Deniliquin Visitor Centre and Peppin Heritage Centre Upgrades;</li> <li>• Urban and Rural Cemetery Upgrade;</li> <li>• Memorial Park Amenities Upgrade; and</li> <li>• Off Leash Dog Park.</li> </ul>	Director Infrastructure	Application has been submitted.  Application successful	31 August 2020 Closed
<b>2020/110</b>	<p>Contract C2020/21-Deniliquin Town Hall and Civic Precinct Redevelopment That Council:</p> <ol style="list-style-type: none"> <li>1. Resolved that reports 13.1 and 13.2 be considered in conjunction.</li> <li>2. Not accept any tender submissions for Contract C2020/21 – Deniliquin Town Hall and Civic Precinct Redevelopment in accordance with Clause 178(1)(b) of the <i>Local Government</i></li> </ol>	Director Infrastructure	Negotiations commenced  Contract Signed	August 2020 Closed



	<p>(General) Regulations 2005 as tenderers submitting tenders for the project did not attend all compulsory pre-tender site meetings;</p> <ol style="list-style-type: none"> <li>3. Declare the reason for not entering a fresh tender process being that all tenderers had visited the site prior to the tender closing date and incorporated site conditions into their respective tender responses, thereby meeting the intent of the tender process;</li> <li>4. Adopt the Preferred Tenderer for Contract C2020/21 – Deniliquin Town Hall and Civic Precinct Redevelopment;</li> <li>5. Authorise the Director Infrastructure to negotiate with the Preferred Tenderer to confirm the contract lump sum, at a variance of no more than 10% from the submitted tender sum in accordance with Clause 178(3)© of the <i>Local Government (General) Regulations 2005</i>;</li> <li>6. That the Civic Building works may be deferred and removed from this contract if required to ensure the contract sum remains within the available funding;</li> <li>7. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020/21 – Deniliquin Town Hall and Civic Precinct Redevelopment; and</li> <li>8. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site.</li> </ol>			
<p><b>2020/111</b></p>	<p>Deniliquin Town Hall and Civic Precinct Redevelopment Program Funding That Council:</p> <ol style="list-style-type: none"> <li>1. Allocates \$412,805 from the Infrastructure Replacement Reserve towards the Deniliquin Town Hall and Civic Precinct Redevelopment project;</li> <li>2. Authorise the General Manager to approve a Certificate of Exemption to deviate from Council's Procurement Policy in relation to open tendering for Stage 4 of the Town Hall Revitalisation project in accordance with Section 55(3)(i) of the</li> </ol>	<p>Director Infrastructure</p>	<p>Detailed designs progressing</p> <p>Final Stage 4 designs available September for pricing by the contractor</p>	<p>September 2020</p>

	<p><i>Local Government Act 1993</i>;</p> <p>3. Notes that the exemption to Section 55(3)(i) of the <i>Local Government Act 1993</i> is granted due to the following extenuating circumstances:</p> <ul style="list-style-type: none"> <li>(a) Stage 4 forms part of the overall Town Hall Revitalisation project;</li> <li>(b) Stages 1, 2 and 3 were subject to a competitive open tendering process with Council accepting the lowest tenderer as the preferred tenderer;</li> <li>© The preferred tenderer for the overall project shall be requested to provide a quotation for the Stage 4 works;</li> <li>(d) Incorporating Stage 4 into the overall project will assist in delivering the project within the required funding agreement requirements;</li> </ul> <p>4. Authorises the General Manager to negotiate with the preferred tenderer for Contract C2020/21 – Deniliquin Town Hall and Civic Precinct Redevelopment regarding a quotation for Stage 4 of the Deniliquin Town Hall and Civic Precinct Redevelopment project; and</p> <p>5. Receives a further report regarding the outcomes from the negotiation prior to engaging a contractor for the Stage 4 works.</p>			
<p><b>2020/112</b></p>	<p>Appointment of General Manager</p> <p>1. That the report on process and outcome in relation to the recruitment and appointment of a General Manager for Edward River Council be received and noted.</p> <p>2. That Mr Phillip Stone, the preferred candidate selected by Councillors at the Council Meeting held on Thursday 18 June 2020 for the position of General Manager of Edward River Council, be offered the position.</p> <p>3. That the Mayor and Deputy Mayor be authorised, with advice from Blackadder Associates, to finalise negotiations based on the following:</p> <ul style="list-style-type: none"> <li>a) A five (5) year performance-based Contract.</li> <li>b) A total remuneration package of \$270,000 per annum</li> </ul>	<p>Mayor</p>	<p>Completed</p>	<p>November 2020</p>

	<p>comprising salary, the private use of a Council provided motor vehicle valued at \$12,000 in the TRP, and statutory superannuation</p> <p>c) The contract of employment being in accordance with the standard contract required by all Councils in NSW for the position of General Manager, with the Mayor being authorised with advice from Blackadder Associates to finalise and sign the contract on Council's behalf.</p> <p>4. That Blackadder Associates be engaged to assist Council, within three months of the GM commencing in the role, in the identification of expectations of the General Manager by the Councillors, and the expectations of the Councillors by the General Manager so this can be built into a Performance Agreement to align the Council and the GM with a core group of agreed objectives</p>			
<b>16 April 2020</b>	<b>Resolution</b>	<b>Responsibility</b>	<b>Status</b>	<b>Expected Date of Completion</b>
<b>2020/63</b>	<p>Drought Communities Programme – Extension – Round Two</p> <p>1. That Council approve the application seeking \$1 million in funding from the Drought Communities Programme – Extension to support the implementation of seven identified projects.</p> <p>2. Note that the Deniliquin Town Hall tenders will be received on 17 April 2020 and submit the application after it is ascertained if there is a funding gap to be closed. And if there is a shortfall in funding it will come back to the Council.</p> <p>3. If there is a shortfall a decision will be made by Council</p>	Manager Tourism and Economic Development	Waiting on Town Hall Tender decision	29 May 2020 Closed
<b>2020/65</b>	<p>Planning Proposal 10</p> <p>That Council:</p> <p>1. Prepare a planning proposal to amend the Deniliquin Local Environmental Plan 2013 in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 to rezone Lot 2 DP1220715 Harfleur Street, Deniliquin, from SP2 Infrastructure to B2 Local Centre;</p> <p>2. Forward the planning proposal to the Minister for Planning and Public Spaces in accordance with section 3.34(1) of the</p>	Manager Environmental Services	Gateway determination requested 20 April 2020	November 2020

	Environmental Planning and Assessment Act 1979. 3. Request that the local plan making functions in relation to this planning proposal be delegated to Council.			
<b>19 March 2020</b>	<b>Resolution</b>	<b>Responsibility</b>	<b>Status</b>	<b>Expected Date of Completion</b>
<b>2020/54</b>	<p>Contract C2020/19 Supply, Installation and Maintenance of Solar Panel Systems That Council</p> <ol style="list-style-type: none"> <li>1. Accepts the tender submitted by The Green Guys Group Pty Ltd and award The Green Guys Group Pty Ltd Contract C2020/19 Supply, Installation and Maintenance of Solar Power Systems for the lump sum tendered price of \$474,311.82 + GST;</li> <li>2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for C2020/19 Supply, Installation and Maintenance of Solar Power Systems;</li> <li>3. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site.</li> </ol>	Manager Engineering Assets	<del>Contracts being drawn up.</del> Completed	<del>May 2020</del> August 2020 October 2020
<b>2020/56</b>	<p>Contract C2020/20 – Peppin Heritage Centre &amp; Crossing Café Refurbishments That Council</p> <ol style="list-style-type: none"> <li>1. Approve the reallocation of funding from the following projects to Contract C2020/20 – Peppin Heritage Centre and Crossing Café refurbishments                     <ol style="list-style-type: none"> <li>(a) \$110,000 from the library refurbishment project carried forward from 2018/19</li> <li>(b) \$13,000 from the Council Depot allocation of the Renewal Energy project</li> </ol> </li> <li>2. Note that the works proposed at the library and the Depot will be reconsidered through future budget process,</li> </ol>	Director Infrastructure	<del>Work has commenced and should be completed by end of June 2020</del> Work completed at the Crossing Café, final painting continuing at the Peppin Heritage Centre.	<del>May 2020</del> June 2020 August 2020

	<ol style="list-style-type: none"> <li>3. Exclude the front decking are from George Street and the new double new entrance from the contract at an estimated value of \$16,000</li> <li>4. Accepts the tender from Denbrok Constructions PTY LTD for Contract C2020-20 – PEPPIN HERITAGE CENTRE &amp; CROSSING CAFÉ REFURBISHMENTS for the total lump sum of \$525,172.73 excluding GST;</li> <li>5. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020-20 – PEPPIN HERITAGE CENTRE &amp; CROSSING CAFÉ REFURBISHMENTS; and</li> <li>6. Authorise the General Manager to approve variations to the contract to cover contingencies of up to 20% of the contract amount,</li> <li>7. Note that works to construct the new cool room and works to upgrade the power supply to the building will be completed by alternate contractors outside this contract,</li> <li>8. Approve the suspension of the monthly lease amount for a period of six months as from 31 October 2019, being Council's consideration. No further consideration will be given.</li> </ol>			
<b>20 February 2020</b>	<b>Resolution</b>	<b>Responsibility</b>	<b>Status</b>	<b>Expected Date of Completion</b>
<b>2020/29</b>	<p>Rates Harmonisation That</p> <ol style="list-style-type: none"> <li>1. The resolution 2019/08/179 titled Rates and Revenue Harmonisation Project that was passed on 15 August 2019 be rescinded.</li> <li>2. The resolution 2019/12/305 titled Rates Harmonisation Project – Preferred Rate Structure that was passed on 19 December 2019 be rescinded.</li> <li>3. That Council                     <ol style="list-style-type: none"> <li>(a) Make an application to the Minister to vary its Rates Path</li> </ol> </li> </ol>	General Manager	Currently progressing.	July 2021

	Harmonisation to 1 July 2021; and (b) Receive an updated Community Engagement Plan at the March 2020 Ordinary Council Meeting			
<b>19 December 2019</b>	<b>Resolution</b>	<b>Responsibility</b>	<b>Status</b>	<b>Expected Date of Completion</b>
<b>2019/12/306</b>	Strategic Review of Committee Framework and Community Facility Management Model Report. That Council <ol style="list-style-type: none"> <li>1. Adopt the Strategic Review of Committee Framework and Community Facility Management Model Report contained at Attachment 1.</li> <li>2. Request Officers commence implementation via the following priority actions: <ol style="list-style-type: none"> <li>a. Meet with each committee and advise them of the review outcomes and the next steps to implement the recommendations, including the winding-up of Committees as outlined in the report</li> <li>b. Develop and implement terms of reference, delegations, and trust documentation to implement the Conargo Hall Committee arrangements, including those relating to the bequest from Mr Bob White</li> <li>c. Develop a detailed action plan, with resources and costings, required to achieve the remainder of the implementation plan contained in the report.</li> </ol> </li> </ol>	General Manager	Underway	<del>May 2020</del> December 2020
<b>2019/12/315</b>	Edward River Council Agribusiness Masterplan That Council <ol style="list-style-type: none"> <li>1. Adopt the Agribusiness Masterplan 2019-2024, attachment 1</li> <li>2. Resource the agribusiness development capability within Council by applying for funding to appoint an Agribusiness Development Officer for a 12-month period through the second round of the Drought Communities Programme</li> <li>3. Continue to work with neighbouring Councils of Murrumbidgee, Murray River and Berrigan to implement a governance model such as a board or committee to oversee the implementation</li> </ol>	Manager Community & Economic Development	Underway. <del>Currently holding.</del> 2. Recruitment unsuccessful. Funds reallocated within the application.	<del>April 2020</del> <del>July 2020</del> Closed

21 November 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/11/284	of the Agribusiness Masterplan. Edward River Council Library Strategy That Council 1. Adopt the draft Edward River Council Library Strategy (Attachment 1); and 2. Notify the submission authors of Council's decision. 3. Commence the process to establish Edward River Council Library.	Manager Community & Economic Development	Underway	September 2020 Closed

**10.3 INVESTMENT REPORT AUGUST 2020****Author: Bruce Maunganidze, Financial Accountant****Authoriser: Suni Campbell, Director Corporate Services****RECOMMENDATION**

That Council:

1. Note and receive the August report on Investments totalling \$43,928,709 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of August 2020 was \$60,206;
3. Note that accrued interest earned to 31 August 2020 but not yet received was \$202,508;
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report

**BACKGROUND**

The purpose of this report is to update Council on the investment of surplus funds and performance of Council's investment portfolio for the month to 31 August 2020 as required by *Regulation No 264 (Part 19) of the Local Government Act 1993*.

As at 31 August 2020, Council had a total of \$43,928,709 in invested funds. Interest received from investments during the month of August 2020 was \$60,206.

Included in this report are the following items:

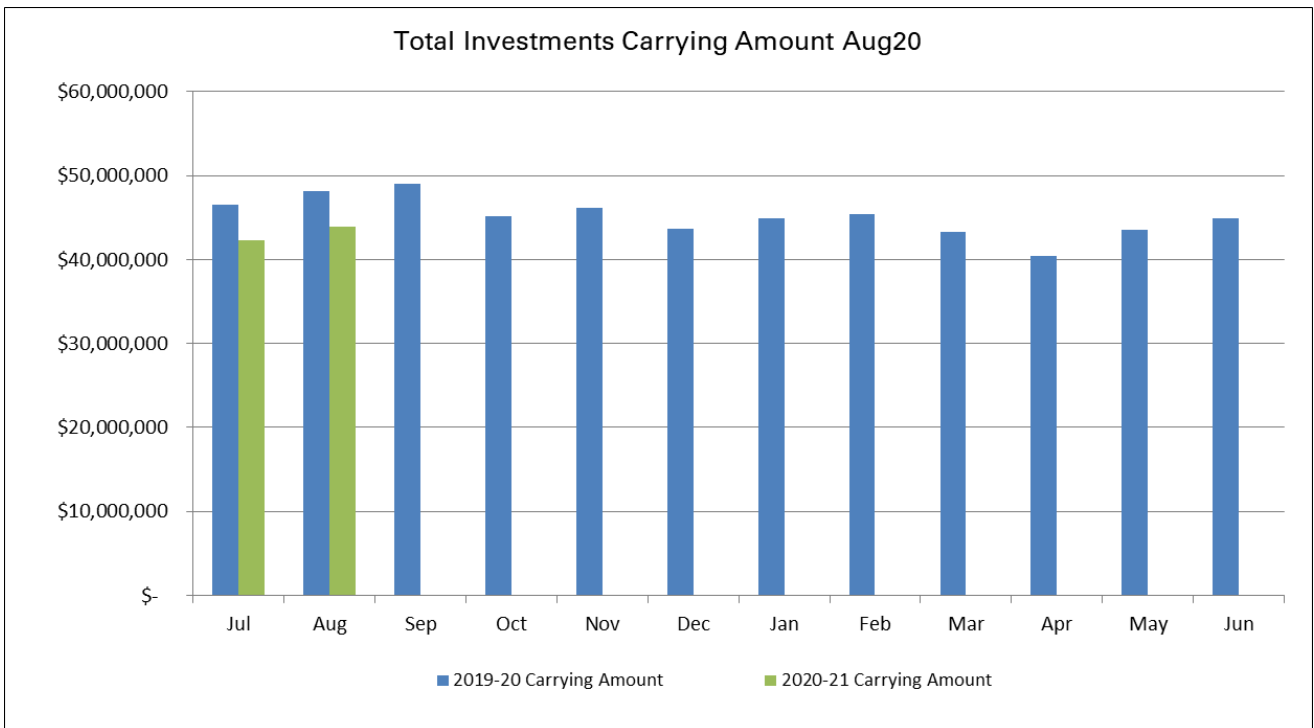
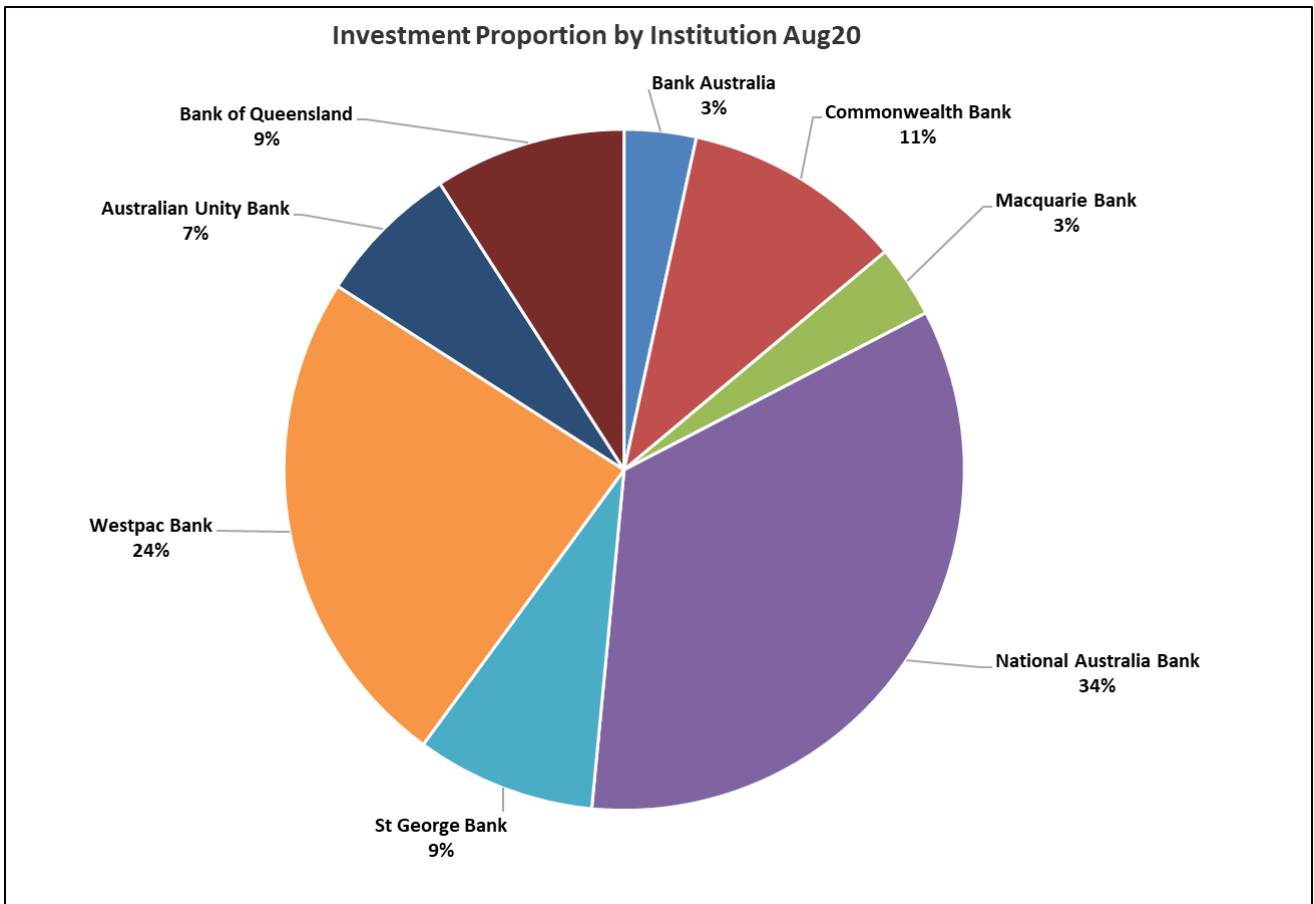
- Council's Investments as at 31 August 2020
- Restrictions Applying to Investment Funds
- Investment Portfolio Performance
- Investment Commentary
- Certification by the Responsible Accounting Officer

**ISSUE/DISCUSSION****Council's Investments as at 31 August 2020**

As at 31 August 2020, Council had a total of \$43,928,709 in term deposits and cash at bank exclusive of unrepresented receipts or cheques. The details of the investments are included in **Attachment 1** – Investment Register as at 31 August 2020.

Council's funds were invested with A1+, A1 and A2 rated Authorised Deposit Institutions (ADI's) as follows:





The total investments balance continues to show a gradual decline from a peak of around \$49M in September 2019 to \$43.9M in August 2020. This is mainly due to capital expenditure on Merger projects as well as other Council infrastructure projects.

The following term deposits matured during the month:

Financial Institution	Date Invested	Maturity Date	Interest Rate	Amount	Interest Received	Comments
St George	20/08/2019	18/08/2020	1.85%	1,500,000	27,674	Redeemed, Reinvested in NAB for 6mths @ 0.70%
St George	22/08/2019	22/08/2020	1.85%	1,000,000	18,551	Redeemed, Reinvested in NAB for 10mths @ 0.75%
St George	12/02/2020	22/08/2020	1.58%	1,000,000	8,311	Redeemed, Reinvested in NAB for 10mths @ 0.75%
<b>Total</b>				<b>3,500,000</b>	<b>54,536</b>	

Total funds increased by \$1,669,944 during the month mostly due to receipt of several grants as well as sale of the depot (*settlement was \$463,859.79*).

Summary of **cash at bank** for day to day operations:

<b>Cash Summary</b>		<b>Comment</b>
Opening cash book balance	\$ 5,599,444	
Plus receipts	\$ 12,707,655	Term deposit movements, Grants and Rates debtors receipts
Less payments	\$ 13,511,926	Term Deposit movements, Capex and Opex payments
<b>Cash book balance as at 31 August 2020</b>	<b>\$ 4,795,173</b>	
<b>Statement Summary</b>		
Opening statement balance	\$ 5,580,488	
Plus receipts	\$ 12,712,929	Term deposit movements, Grants and Rates debtors receipts
Less payments	\$ 13,557,892	Term Deposit movements, July unrepresented payments, Capex and Opex payments
<b>Bank statement balance as at 31 August 2020</b>	<b>\$ 4,735,525</b>	
plus Unpresented receipts	\$ 77,953	31 August receipts not yet presented at bank
less Unpresented payments	\$ 18,305	August payments not yet presented at bank
<b>Reconciliation balance as at 31 August 2020</b>	<b>\$ 4,795,173</b>	

### **Restrictions Applying to Investment Funds**

Total Funds were held between General, Water and Sewer as follows:

<b>Fund Name</b>	<b>Bank and Investments Percentage</b>	
General	\$ 29,725,515	67.67%
Water	\$ 8,297,956	18.89%
Sewer	\$ 5,905,238	13.44%
<b>Total Funds</b>	<b>\$ 43,928,709</b>	<b>100.00%</b>

The following restrictions applied to the cash and investments balance:

**Internal Restrictions**

Infrastructure replacement	\$ 2,599,826
Plant replacement reserve	\$ 1,798,670
Recreation reserves/villages	\$ 1,113,000
Other internal reserves	\$ 898,084
Employee entitlements	\$ 692,727
Land Development Fund	\$ 385,000
Airport Development	\$ 187,447
Deposits, retentions and bonds	\$ 447,529
Retirement Living Project	\$ 325,000
Cressy Street Revitalisation	\$ 400,000
Deniliquin Town Hall and Civic Precinct Redevelopment	\$ 412,805

**Total Internal Restrictions** **\$ 9,260,089**

**External Restrictions**

Water supplies fund	\$ 8,297,956
Sewerage services fund	\$ 5,905,238
Tip remediation	\$ 1,300,000
Unexpended Merger funds	\$ 3,217,871
Other unexpended grant funds	\$ 1,056,084
Library fund	\$ 261,936
Other external reserves	\$ 159,553

**Total External Restrictions** **\$ 20,198,637**

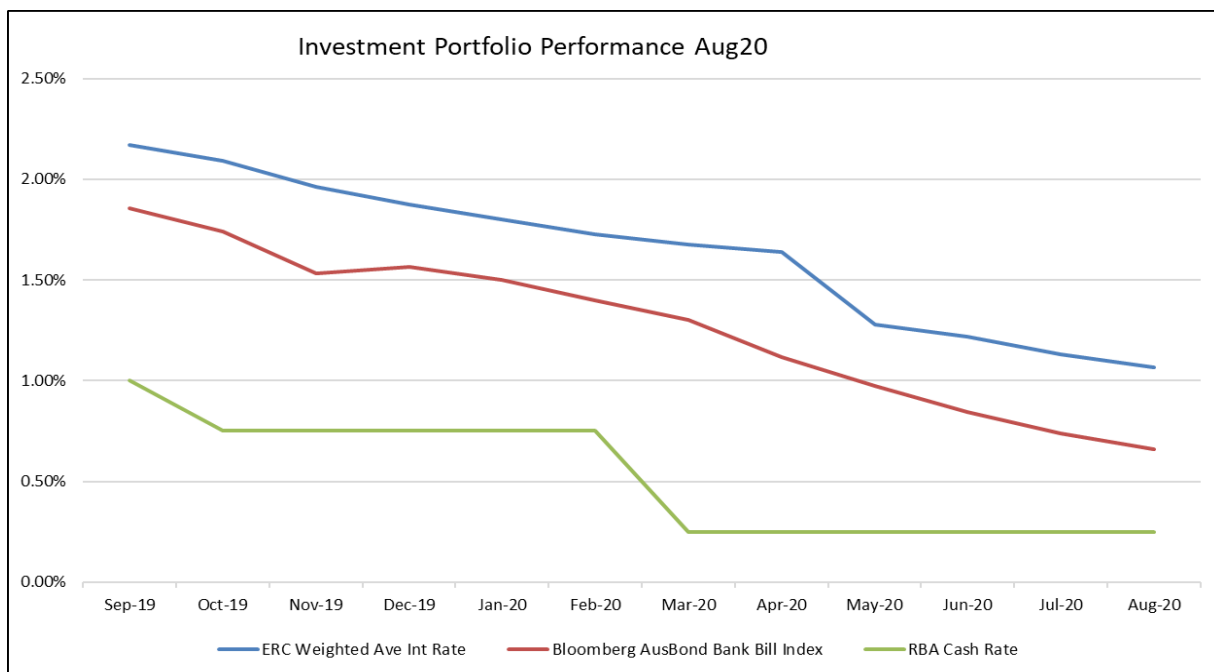
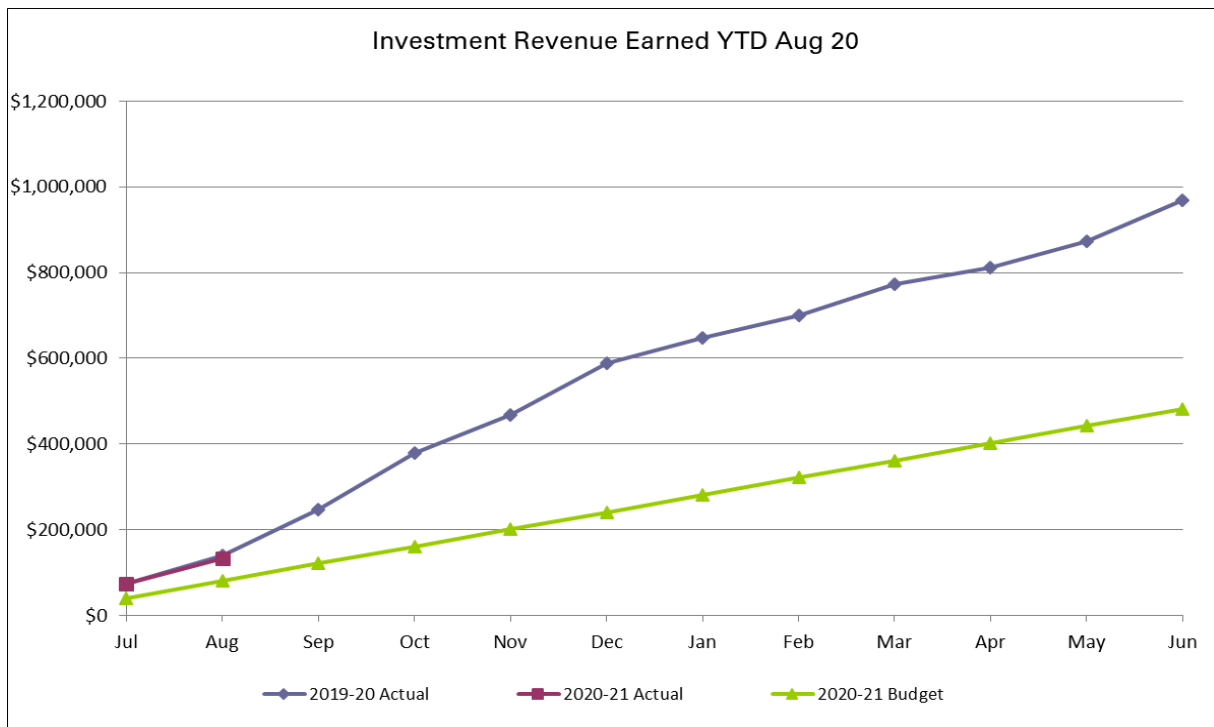
**Unrestricted Funds** **\$ 14,469,982**

**Total Funds** **\$ 43,928,709**

A detailed breakdown of the restrictions is provided in **Attachment 2 – Detailed Reserve Balances** as at 31 August 2020.

**Investment Portfolio Performance**

Interest received from investments during the month of August 2020 was \$60,206 consisting of \$5,670 from on-call/bank accounts and \$54,536 from term deposits. Year to date interest received to 31 August 2020 was \$132,802 which is 95% above the budget and at par with the previous year.



As at 31 August 2020, Council’s weighted average interest rate was 1.08%, which was 0.42% above the Bloomberg AusBond Bank Bill Index implied one-year return of 0.66%. Accrued interest of \$202,508 had been earned to 31 August 2020 but was yet to be received as these investments mature in later months.

**Investment Commentary**

As at 31 August 2020, all investments were within the defined Investment Policy limits. Council’s investment portfolio consisted of term deposits (75%) and cash at bank/ on call (25%), all with less than one year to maturity.

The term deposit market continues to see worsening returns, with the Reserve Bank of Australia (RBA) electing to leave the official cash rate in August at a record low of 0.25%. The low interest climate is therefore set to continue in the medium to long term, which means that as Council’s current investments mature, the interest rate obtainable in the market will be progressively lower.

This will have the effect of reducing Council's weighted average interest rate on investments which means less income from investments.

To optimise returns and to reduce exposure to risk, Council is investing surplus funds prudently in authorised financial institutions under current legislation and in accordance with the Council's Investment Policy.

### STRATEGIC IMPLICATIONS

Investments have been made in accordance with Council's investment policy which was adopted on 20 December 2018.

### COMMUNITY STRATEGIC PLAN

This report aligns with Outcome 5 – A community working together to achieve its potential and will assist to achieve the objective 'Our local government is efficient, innovative and financially sustainable'.

### FINANCIAL IMPLICATIONS

Under Council's Investment policy, investments are made with a range of ADI's, with Council funds invested with a single institution not going above a percentage of the total portfolio as follows:

40%	A1+ rated institutions
20%	A1 rated institutions
10%	A2 rated institutions
\$250,000	Unrated authorized deposit taking institutions

The overall portfolio credit framework limits applicable to any credit rating category are as follows:

100%	TCorp/M Funds
100%	A1+ rated institutions
40%	A1 rated institutions
30%	A2 rated institutions
5%	A3 Unrated authorized deposit taking institutions

### LEGISLATIVE IMPLICATIONS

#### **Certification – Responsible Accounting Officer**

I hereby certify that the investments listed in the Investment Report Attachment 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 Investments Policy.

Amanda Barber  
**Responsible Accounting Officer**

### ATTACHMENTS

1. Investments Register as at 31 August 2020
2. Reserve Balances as at 31 August 2020

Schedule of Investments											
This Report is at date								31-August-2020			
Description	Financial Institution	Type	Account No.	Rating at EOM (S&P)	Date Invested	Maturity Date	Days	Rate	Face Value Amount	% of Portfolio	Estimated Interest
Westpac Business Cheque Plus Account	Westpac Bank	Oncall/ CMT	032-870 16-6545	A1+	N/a	N/a	365	0.00%	639,425	1.46%	Monthly
Westpac 31 Day Notice Account	Westpac Bank	Oncall/ CMT	032-870 23-2696	A1+	N/a	N/a	365	1.00%	5,906,743	13.45%	Monthly
Commonwealth Bank General Fund	Commonwealth Bank	Oncall/ CMT	062-533 000 000 10	A1+	N/a	N/a	365	0.05%	4,096,101	9.32%	Monthly
Commonwealth Bank Business On Line Saver	Commonwealth Bank	Oncall/ CMT	062-533 101 511 17	A1+	N/a	N/a	365	0.35%	522,544	1.19%	Monthly
Macquarie Bank - Rates	Macquarie Bank	Oncall/ CMT	3005-79778	A1	N/a	N/a	365	0.00%	12,862	0.03%	Monthly
Macquarie Bank - Water	Macquarie Bank	Oncall/ CMT	2643-18940	A1	N/a	N/a	365	0.00%	1,033	0.00%	Monthly
<b>Total Oncall/ CMT Accounts</b>									<b>11,178,709</b>	<b>25.45%</b>	
<b>Term Deposits</b>											
St George	St George Bank	TD	354775348	A1+	03-Sep-19	02-Sep-20	365	1.73%	1,500,000	3.41%	25,950.00
St George	St George Bank	TD	354032747	A1+	04-Nov-19	03-Nov-20	365	1.57%	1,250,000	2.85%	19,625.00
St George	St George Bank	TD	357226820	A1+	25-Feb-20	03-Nov-20	252	1.50%	1,000,000	2.28%	10,356.16
Westpac	Westpac Bank	TD	032-870-24-5462	A1+	26-Sep-19	25-Sep-20	365	1.87%	2,000,000	4.55%	37,400.00
Westpac	Westpac Bank	TD	032-870-24-5534	A1+	10-Oct-19	10-Sep-20	336	1.53%	1,000,000	2.28%	14,084.38
Westpac	Westpac Bank	TD	032-870 243053	A1+	24-Sep-19	23-Sep-20	365	1.86%	1,000,000	2.28%	18,600.00
National Australia Bank	National Australia Bank	TD	3375 999999947 (04714	A1+	19-Jun-20	16-Oct-20	119	0.83%	1,000,000	2.28%	2,706.03
National Australia Bank	National Australia Bank	TD	3375 999999947 (04714	A1+	19-Jun-20	16-Oct-20	119	0.83%	1,000,000	2.28%	2,706.03
National Australia Bank	National Australia Bank	TD	3375 999999947 (04714	A1+	19-Jun-20	16-Oct-20	119	0.83%	1,000,000	2.28%	2,706.03
National Australia Bank	National Australia Bank	TD	3375 999999947 (04714	A1+	19-Jun-20	16-Oct-20	119	0.83%	1,000,000	2.28%	2,706.03
National Australia Bank	National Australia Bank	TD	3375 999999947 (04714	A1+	19-Jun-20	16-Oct-20	119	0.83%	1,000,000	2.28%	2,706.03
National Australia Bank	National Australia Bank	TD	3375 999999947 (04714	A1+	19-Jun-20	16-Oct-20	119	0.83%	1,000,000	2.28%	2,706.03
National Australia Bank	National Australia Bank	TD	GM-DEAL-10713076	A1+	24-Jul-20	26-Jul-21	367	0.92%	1,000,000	2.28%	9,250.41
National Australia Bank	National Australia Bank	TD	GM-DEAL-10713973	A1+	30-Jul-20	30-Jul-21	365	0.85%	2,000,000	4.55%	17,000.00
National Australia Bank	National Australia Bank	TD	GM-DEAL-10717570	A1+	20-Aug-20	18-Feb-21	182	0.70%	1,500,000	3.41%	5,235.62
National Australia Bank	National Australia Bank	TD	0	A1+	25-Aug-20	25-Jun-21	304	0.75%	2,000,000	4.55%	12,493.15
National Australia Bank	National Australia Bank	TD	75-932-6938	A1+	31-Jul-20	30-Jul-21	364	0.85%	1,500,000	3.41%	12,715.07
Macquarie Bank	Macquarie Bank	TD	304516123	A1	01-Apr-20	01-Apr-21	365	1.70%	1,500,000	3.41%	25,500.00
<b>Total A1+ Deposits</b>									<b>24,250,000</b>	<b>55.20%</b>	
Bank Australia	Bank Australia	TD	138375947	A2	20-Dec-19	21-Sep-20	276	1.45%	500,000	1.14%	5,482.19
Bank Australia	Bank Australia	TD	138375949	A2	20-Dec-19	21-Sep-20	276	1.45%	1,000,000	2.28%	10,964.38
Bank of Queensland	Bank of Queensland	TD	046102	A2	06-May-20	06-Nov-20	184	1.45%	1,000,000	2.28%	7,309.59
Bank of Queensland	Bank of Queensland	TD	046103	A2	06-May-20	06-Nov-20	184	1.45%	1,000,000	2.28%	7,309.59
Bank of Queensland	Bank of Queensland	TD	046104	A2	06-May-20	06-Nov-20	184	1.45%	1,000,000	2.28%	7,309.59
Bank of Queensland	Bank of Queensland	TD	046105	A2	06-May-20	06-Nov-20	184	1.45%	1,000,000	2.28%	7,309.59
Australian Unity Bank	Australian Unity Bank	TD	083-01854-5526	A2	19-Mar-20	19-Mar-21	365	1.70%	2,000,000	4.55%	34,000.00
Australian Unity Bank	Australian Unity Bank	TD	083-01854-5527	A2	19-Dec-19	21-Sep-20	277	1.70%	1,000,000	2.28%	12,901.37
<b>Total A2 Deposits</b>									<b>8,500,000</b>	<b>19.35%</b>	
<i>Weighted Average Interest Rate</i>								1.08%	<b>43,928,709</b>	<b>100.00%</b>	319,738.29

**ERC Detailed Reserves Balances**

31/08/2020

**EXTERNAL RESERVES**

Developer Contributions - General	39,485
Specific Purpose Unexpended Grants	955,773
Water Supplies	8,297,956
Sewerage Services	5,905,238
Domestic Waste Management	1,300,000
Conargo Milestones/Interpretative	37,287
Conargo Oval M&R	20,000
Deniliquin Band Committee	21,219
Deniliquin Community Gardens	2,967
EPA Waste	35,915
Library Reserve	261,936
Regional Arts	2,580
<b>Total External Restrictions</b>	<b><u>16,880,355</u></b>

**INTERNAL RESERVES**

Plant Replacement	1,798,670
Infrastructure Replacement	2,599,826
Employees Leave	692,727
Deposits, retentions and bonds	447,529
Airport Industrial Land	50,000
Asset Management	14,000
Airport Runway Development	187,447
Blighty Power Upgrade	70,000
Building Maintenance	50,000
Cemetery Upgrade	9,000
Depot office & gates upgrade	41,000
Dog Trail	3,000
Election Reserve	12,312
Fencing Conargo	7,000
Gravel Pits	14,000
Human Resources	17,674
Internal Audit	6,000
Land Development	385,000
Landscaping plan	90,000
Merger Operational	406,126
Merger Stronger Communities	2,803,984
Merger Grant - Ute Muster	7,761
Recreation Reserves/Villages (Landscaping Plans)	1,113,000
Risk Management	44,686
Wanganella Community Hall	5,000
Shire Entrance Signs	5,000
Tourism/Industry Promotion	13,000
Town Planning Plan, Surveys & Studies	102,662
Waste Facilities	63,300
Water Supply Network	57,000
Website Development	1,750
Booroorban Truck Layby	50,000
Rural Village Signage Program	15,000
Retirement Living Project	325,000
Conargo Hall Refurbishment	70,000
Conargo and Pretty Pine Rural Landfills	86,700
Cressy Street Revitalisation	400,000
Deniliquin Town Hall and Civic Precinct Redevelopment	412,805

<b>Total Internal Restrictions</b>	<b><u>12,477,960</u></b>
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<b>Total Restrictions</b>	<b><u>29,358,315</u></b>
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**10.4 SCHEDULE OF ORDINARY MEETINGS****Author:** Belinda Perrett, Executive Assistant**Authoriser:** Phil Stone, General Manager**RECOMMENDATION**

That Council:

1. Pursuant to section 365 of the *Local Government Act 1993* and clause 3.1 of Council's Code of Meeting Practice, adopt the proposed 2020/2021 Schedule of Ordinary Meetings contained at Attachment A.
2. Pursuant to section 9 of the *Local Government Act 1993* and clause 3.3 of Council's Code of Meeting Practice, provide public notice of the time, date and place of each scheduled Ordinary Meeting.

**BACKGROUND**

Section 365 of the Local Government Act 1993 ("the Act") requires Council to meet at least 10 times each year, each time in a different month. Clause 3.1 of Council's Code of Meeting Practice ("Meeting Code") provides that Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Section 9 of the Act and clause 3.3 of Council's Meeting Code requires Council to give public notice of the times and places of its meetings. Clause 3.4 of Council's Meeting Code provides that the notice must be published on Council's website, and in such other manner that Council is satisfied is likely to bring notice of the meetings to the attention of as many people as possible.

**ISSUE/DISCUSSION**

The proposed Schedule of Meetings for 2020-2021 ("the Schedule") recommends that Council hold 11 Ordinary Meetings in the 2020-2021 period, ensuring compliance with section 365 of the Act. As done in previous years; the Schedule recommends that an Ordinary Meeting be held in each month, except for January.

Council traditionally holds its regular Ordinary Meeting on the third Thursday of the month. The proposed Schedule recommends continuing this practice.

In June 2020, the Minister for Local Government postponed the next Local Government ordinary elections due to the ongoing Novel Coronavirus ("COVID-19") pandemic and extended the current Council term for 12 months to 04 September 2021.

All Ordinary Meetings are proposed to be held at the RFS Centre, Macknight Drive, Deniliquin until the reinstatement of the Edward River Council Chambers and due to the mandatory requirement for webcasting meetings.

**STRATEGIC IMPLICATIONS**

Nil.

**COMMUNITY STRATEGIC PLAN**

- Outcome 5.3 – Our local government is efficient, innovative and financially sustainable

**FINANCIAL IMPLICATIONS**

Nil.



**LEGISLATIVE IMPLICATIONS**

*Local Government Act 1993*

- Section 9 – Public notice of meetings
- Section 365 – How often does the council meet?

**ATTACHMENTS**

1. Attachment A - Proposed Schedule of Meetings

<b>October 2020</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 15 October 2020	9.00am	RFS Building, Macknight Drive, Deniliquin
<b>November 2020</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 19 November 2020	9.00am	RFS Building, Macknight Drive, Deniliquin
<b>December 2020</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 17 December 2020	9.00am	RFS Building, Macknight Drive, Deniliquin
<b>January 2021</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
<i>No meeting scheduled</i>		
<b>February 2021</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 18 February 2021	9.00am	RFS Building, Macknight Drive, Deniliquin
<b>March 2021</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 18 March 2021	9.00am	RFS Building, Macknight Drive, Deniliquin
<b>April 2021</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 15 April 2021	9.00am	RFS Building, Macknight Drive, Deniliquin
<b>May 2021</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 20 May 2021	9.00am	RFS Building, Macknight Drive, Deniliquin
<b>June 2021</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 17 June 2021	9.00am	RFS Building, Macknight Drive, Deniliquin
<b>July 2021</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 15 July 2021	9.00am	RFS Building, Macknight Drive, Deniliquin
<b>August 2021</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 19 August 2021	9.30am	RFS Building, Macknight Drive, Deniliquin
<b>September 2021</b>		
<b>Date</b>	<b>Time</b>	<b>Venue</b>
Thursday, 16 September 2021	9.00am	RFS Building, Macknight Drive, Deniliquin



**10.5 CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT**

**Author:** Michelle Siena, Governance & Corporate Support Coordinator

**Authoriser:** Suni Campbell, Director Corporate Services

**RECOMMENDATION****THAT COUNCIL:**

1. Pursuant to section 440(3) of the *Local Government Act 1993* and clause 180(1) of the Local Government (General) Regulation 2005, adopt the draft Code of Conduct, contained at Attachment A.
2. Pursuant to section 440AA(3) of the *Local Government Act 1993* and clause 181 of the Local Government (General) Regulation 2005, adopt the draft Procedures for the Administration of the Code of Conduct, contained at Attachment B.
3. Repeal the Code of Conduct and Procedures for the Administration of the Code of Conduct adopted 18 April 2019.

**BACKGROUND**

Section 440(1) of the *Local Government Act 1993* (“the Act”) provides that the Local Government (General) Regulation 2005 (“the Regulations”) may prescribe a Model Code of Conduct applicable to Council Officials. Section 440(3) of the Act further provides that councils must adopt a Code of Conduct incorporating the provisions of the Model Code.

Section 440AA(1) of the Act provides that the Regulations may also prescribe a procedure for administering the Model Code and dealing with alleged contraventions of the Model. Section 440AA(3) requires councils to adopt a procedure for administering its Code of Conduct incorporating the provisions of the Model Procedure.

On 14 December 2018, the *Model Code of Conduct for Local Councils in NSW* (“the Model Code”) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (“the Model Procedures”) were published in the NSW Government Gazette and prescribed under clauses 180(1) and 181 of the Regulations.

On 14 August 2020, the NSW Government announced amendments to the Model Code and Model Code Procedures, in response to the NSW Supreme Court’s decision in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment [2019] NSWSC 1134* (“*Cornish v DPIE*”). The revised Model Code and Model Code Procedures have since been published in the Gazette and prescribed under the Regulations.

The Office of Local Government (“the OLG”) issued a circular on 14 August 2020 (20-32) advising that councils should adopt the amended Code of Conduct and accompanying procedures as soon as possible.

**ISSUE/DISCUSSION**

Council adopted its current Code of Conduct and Procedures for the Administration of the Code of Conduct at its Ordinary Meeting held 18 April 2020 [2019/04/89]. These documents were based on the-then Model Code and Model Procedures, which have since been retired through the prescription of the revised Model Code and Model Procedures in August 2020.

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.

Key changes to the Model Code include:

- The Model Code of Conduct has been amended to:
  - removal of clause 9.9 from the previous Code of Conduct which stated ‘Where you a councillor or the general manager, you must comply with the council resolution requiring you to take action as a result of a breach of this code’ (because it is now redundant)
  - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
  - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
  - lift the \$50 cap on the value of gifts that may be accepted to \$100
  - clarify that items with a value of \$10 or less are not “gifts or benefits” for the purposes of the Model Code of Conduct and do not need to be disclosed
  - clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
  - remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

Key changes to the Model Procedures include:

- Councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
  - that a councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (the Act), or
  - that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator’s findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:

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

The draft Code of Conduct ("the draft Code"), contained at Attachment A, includes all provisions of the Model Code. Similarly, the draft Procedures for the Administration of the Code of Conduct ("the draft Procedures"), contained at Attachment B, includes all provisions of the Model Procedures.

The Act provides that Council may include supplementary provisions in its Code of Conduct and accompanying procedures, so long as those provisions enhance and strengthen the provisions of the Model Code and Model Procedures, rather than dilute or weaken them. Council Officers are not recommending any supplementary provisions for inclusion in either document.

### **STRATEGIC IMPLICATIONS**

Nil.

### **COMMUNITY STRATEGIC PLAN**

- Outcome 5.3 – Our local government is efficient, innovative and financially sustainable

### **FINANCIAL IMPLICATIONS**

There will be financial implications associated with implementing the new Code of Conduct, namely providing training for Councillors, Council Officers, and members of Council committees. Training for Councillors and Council Officers can be funded through Council's current 2020/21 Budget.

### **LEGISLATIVE IMPLICATIONS**

*Local Government Act 1993*

- Section 440 – Codes of conduct
- Section 440AAA – Content of model code
- Section 440AA – Administration of code of conduct

*Local Government (General) Regulation 2005*

- Clause 180 – Content of model code of conduct
- Clause 181 – Model procedure for administering the model code of conduct

4.

### **ATTACHMENTS**

1. **Attachment A - Code of Conduct - Draft**
2. **Attachment B - Procedures for the Administration of the Code of Conduct - Draft**



DRAFT

Code of Conduct  
2020



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## PART 1 Introduction

This *Code of Conduct* incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* ("the Model of Conduct") which 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.



## 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	Edward River Council
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns



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



## PART 3 General Conduct Obligations

### General conduct

- 3.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
  - is contrary to statutory requirements or the council's administrative requirements or policies
  - is improper or unethical
  - is an abuse of power
  - causes, comprises or involves intimidation or verbal abuse
  - involves the misuse of your position to obtain a private benefit
  - 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:
- is not wanted by the person
  - offends, humiliates or intimidates the person, and
  - creates a hostile environment.



### Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards
  - f) legitimately exercising a regulatory function
  - g) legitimately implementing a council policy or administrative processes.

### Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons



- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

### Land use planning, development assessment and other regulatory functions

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

### Binding caucus votes

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



### Obligations in relation to meetings

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



## PART 4 Pecuniary Interests

### What is a pecuniary interest?

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

### What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector





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



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

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

#### What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

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

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



- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

#### What disclosures must be made by council advisers?

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

#### What disclosures must be made by a council committee member?

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



### What disclosures must be made by a councillor?

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

### Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

### Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at



which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
  - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.



- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



## PART 5 Non-Pecuniary Conflicts of Interest

### What is a non-pecuniary conflict of interest?

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

### Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.



- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing





why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

### Political donations

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



such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

#### Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.



### Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

### Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.



## PART 6 Personal Benefit

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

### Gifts and benefits

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

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

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



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

#### Gifts and benefits of token value

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

#### Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.



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

#### "Cash-like gifts"

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

#### Improper and undue influence

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



## PART 7 Relationships between Council Officials

### Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

### Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions



- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

### Inappropriate interactions

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

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

### Use of certain council information

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

### Use and security of confidential information

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

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

### Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
  - b) the *Health Records and Information Privacy Act 2002*
  - c) the Information Protection Principles and Health Privacy Principles
  - d) the council's privacy management plan
  - e) the Privacy Code of Practice for Local Government



### Use of council resources

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

### Internet access

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



### Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

### Councillor access to council buildings

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



## PART 9 Maintaining the Integrity of this Code

### Complaints made for an improper purpose

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

### Detrimental action

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



### Compliance with requirements under the Procedures

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

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

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

### Complaints alleging a breach of this Part

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



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

### 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.

*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:
- 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
  - the dates on which the travel was undertaken, and
  - 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:
- 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
  - was made by a relative of the traveller, or
  - 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
  - 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
  - was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - 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
  - subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

### Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- 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
  - 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
  - the nature of the interest, or the position held, in each of the corporations, and
  - 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:
- on the return date, and
  - 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:
- 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:
    - 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
    - the amounts to be paid exceeded, in the aggregate, \$500, or
  - the person was liable to pay the debt to a relative, or
  - 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
  - in the case of a debt arising from the supply of goods or services:
    - 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
    - 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
  - subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.



### Discretionary disclosures

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



## Schedule 2: Form of Written Return of Interests Submitted Under Clause 4.21

### 'Disclosures by councillors and designated persons' return

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

### Important information

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





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

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

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

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

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

as at *[return date]*

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

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

**A. Real Property**

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

**B. Sources of income**

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

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

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

Name and address of settlor	Name and address of trustee



3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June  
Sources of other income I received at any time since 30 June  
*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

---

C. Gifts

Description of each gift I received at any time since 30 June Name and address of donor

---

D. Contributions to travel

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

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E. Interests and positions in corporations

Name and address of each corporation in which I had an interest 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)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

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G. Positions in trade unions and professional or business associations

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

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H. Debts

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

---

I. Dispositions of property

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

---

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

---

J. Discretionary disclosures

---



### Schedule 3: Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

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

#### Important information

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

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

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

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

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

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



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

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

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

to be held on the            day of            20   .

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

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

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



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

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

Councillor's signature

Date

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



## Version Control

<b>Title</b>	Delegations of Authority			
<b>ECM Doc Set ID</b>	27187			
<b>Date Adopted</b>	18 April 2019			
<b>Council Minute No.</b>	2019/04/89			
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1	Cian Middleton	Adopted by Council	18 April 2019	2019/04/89
2	Michelle Siena	New Model of Conduct as per OLG Circular 20-32 dated 14 August		

## Document Information

<b>Related Legislation</b>	Local Government Act 1993
<b>Related Policies</b>	Nil
<b>Related Documents</b>	Edward River Council Code of Meeting Practice Edward River Council Procedures for the Administration of the Code of Conduct



DRAFT

Procedures for the  
Administration of the  
Code of Conduct  
2020



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## PART 1 Introduction

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

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

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

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



## PART 2 Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation



ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

## PART 3 Administrative Framework

### The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
  - a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration



- iv) public sector ethics
  - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.



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

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

### The appointment of complaints coordinators

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



## PART 4 How may code of conduct complaints be made?

### What is a code of conduct complaint?

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

### When must a code of conduct complaint be made?

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

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

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.



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

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

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

### PART 5 How are Code of Conduct Complaints to be Managed?

#### Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an



external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

### Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

### What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

### How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make





provision for procedural fairness including the right of an employee to be represented by their union.

- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure



- b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

#### How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

#### How are code of conduct complaints about councillors to be dealt with?

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.



- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

#### How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for



their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

#### How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
  - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

#### Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.



- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

### Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

### Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's



internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

### Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.



- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

## PART 6 Preliminary Assessment of Code of Conduct Complaints about Councillors or the General Manager by Conduct Reviewers

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

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.



- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal





- discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and



- c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

#### Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to



implement the conduct reviewer's recommendation once these steps have been completed.

### Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
- b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
- c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
- d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
- e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.



## PART 7 Investigations of Code of Conduct Complaints about Councillors or The General Manager

### What matters may a conduct reviewer investigate?

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

### How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
  - a) disclose the substance of the allegations against the respondent, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and
  - d) advise the respondent of the requirement to maintain confidentiality, and
  - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
  - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.



- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

#### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.



### How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
  - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.



- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.



- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i. constitutes a breach of the code of conduct, or
    - ii. does not constitute a breach of the code of conduct, and
  - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
  - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
  - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
  - e) a description of any attempts made to resolve the matter by use of alternative means
  - f) the steps taken to investigate the matter
  - g) the facts of the matter
  - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - i) the investigator's determination and the reasons for that determination
  - j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor, that the council resolves as follows:
    - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination





and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
  - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - b) the investigator's determination and the reasons for that determination
  - c) any recommendations, and
  - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the



investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

### Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or



- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor:
    - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## PART 8 Oversight and Rights of Review

### The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the



completion of its review. Any person the subject of a direction must comply with the direction.

- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

#### Complaints about conduct reviewers

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

#### Practice rulings

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

#### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.



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



## PART 9 Procedural Irregularities

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

## PART 10 Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

## PART 11 Reporting Statistics on Code of Conduct Complaints about Councillors and the General Manager

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



- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

## PART 12 Confidentiality

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



## Version Control

<b>Title</b>	Procedures for the Administration of the Code of Conduct			
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<b>Date Adopted</b>	18 April 2019			
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<b>Document Owner</b>	Director Corporate Services			
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<b>Version Number</b>	<b>Modified By</b>	<b>Modifications Made</b>	<b>Date modified and Approved by Council</b>	<b>Council Minute Number</b>
1	Cian Middleton	Adopted by Council	18 April 2019	2019/04/89
2	Michelle Siena	New Model of Conduct as per OLG Circular 20-32 dated 14 August		

## Document Information

<b>Related Legislation</b>	Local Government Act 1993
<b>Related Policies</b>	Nil
<b>Related Documents</b>	Edward River Council Code of Conduct Edward River Code of Meeting Practice



**10.6 DA 56/20 - INSTALL 2 SHIPPING CONTAINERS - DENILIQUN LITTLE ATHLETICS CLUB****Author:** Eliza Eastman, Town Planner**Authoriser:** Phil Stone, General Manager**DIVISION**

In accordance with section 375A of the Local Government Act 1993, it is necessary for Council to call a division when voting of any resolution relating to a relevant planning application.

**RECOMMENDATION/S**

That Council resolves to: -

1. **APPROVE** the development application DA56/20 for the installation of 2 x shipping containers, on Lot 1 DP724430, Crown reserve 77085, 149-173 Hardinge Street, Deniliquin dated 19 August 2020 as shown on the site plan and elevation and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:

(a) *The proposal is appropriate given the site and character of the area*

2. Impose the following conditions:

1. Development as per Plans

The development shall take place in accordance with the approved plans and documentation, including any notations marked by Council thereon, as referenced in Schedule 1 - List of approved plans attached to DA No.56/20 and the conditions of consent.

Reason: To clarify the extent of the consent.

2. Plant / Tree Removal

No plants or trees are to be removed unless:

- (i) The individual trees or area to be cleared have been delineated on the approved plans; or
- (ii) Removal is required to comply with any other condition of consent in relation to matters such as servicing or firebreaks.

Reason: To clarify the extent of vegetation removal permissible with this consent.

3. Non-reflective materials

The exterior of the shipping containers must be finished in non-reflective materials.

Reason: To maintain and enhance visual amenity.

**BACKGROUND**

A development application was submitted by the Deniliquin Little Athletics Club on 19 August 2020 for the installation of 2 x shipping containers on Lot 1 DP724430, Crown reserve 77085, 149-173 Hardinge Street, Deniliquin (Deniliquin Rams Football Oval). Figure 1 shows the location of the subject site.



Figure 1 Location of subject site

There is existing athletics infrastructure, a sports oval, netball courts, clubrooms and associated carparking and accessways at the proposed site.

The proposed development is to install 2 x shipping containers for the storage of equipment on the Ochtertyre Street boundary of the site adjacent to the existing access. There is one existing shipping container in this same location already which was granted development approval in 2015 (DA81/15). A Crown Lands condition of that consent restricted the time period on which the shipping container was permitted on the Reserve to 24 months. This current DA proposes a total of 2 shipping containers (including the existing) of which Crown Lands have not imposed the previous time period restriction.

The plans of the proposed development, the DA and statement of environmental effects are attached to this report.

As the DA relates to Council managed land, it was exhibited for a period of 14 days and no submissions were received.

### INTERNAL REFERRALS

Infrastructure – No objections subject to condition regarding development as per plans.

### EXTERNAL REFERRALS

Crown lands – The application was referred to Crown lands as the owner of the site. Land owners consent was provided with no further conditions.

### STRATEGIC IMPLICATIONS

N/A

### COMMUNITY STRATEGIC PLAN

N/A

### FINANCIAL IMPLICATIONS

N/A

**LEGISLATIVE IMPLICATIONS**

The following assessment of the Development Application is in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979*.

***Provisions of Environmental Planning Instruments (s4.15(1)(a)(i))***Deniliquin Local Environmental Plan 2013 (DLEP 2013)

The subject site is zoned RE1 Public Recreation under the DLEP 2013 and the proposed shipping containers for storage of athletics equipment will form part of a 'recreation facility (outdoor)' which is permissible with development consent in the zone.

The following clauses of the DLEP 2013 apply:

Clause	Control	Response
6.1	<p><b>Earthworks</b></p> <p>Before granting consent for earthworks (or development involving ancillary earthworks), the consent authority must consider the following:</p> <ul style="list-style-type: none"> <li>▪ Likely disruption of, and any detrimental effect on, drainage patterns and soil stability in the locality of the development;</li> <li>▪ The effect of the development on the likely future use or redevelopment of land;</li> <li>▪ The quality of the fill of the soil to be excavated, or both;</li> <li>▪ The effect of the development on the existing and likely amenity of adjoining properties;</li> <li>▪ The source of any fill material and the destination of any excavated material;</li> <li>▪ The likelihood of disturbing relics;</li> <li>▪ The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area; and</li> <li>▪ Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul>	<p>Minor earthworks will be required to level the pad for the shipping containers.</p> <p>The earthworks will be very minor in scale and have no detrimental impacts on soil stability or drainage patterns.</p>

State Environmental Planning Policy (Infrastructure)

Clause 101 of the Infrastructure SEPP applies to this DA as the subject site has frontage to a classified road (Ochtertyre Street and Hardinge Street). Council must not grant consent to development on land that has frontage to a classified road unless it is satisfied that:

- Where practicable and safe, vehicular access to the land is provided by a road other than the classified road – no change to vehicular access proposed by this development.
- The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of the design of the vehicular access to the land, the emission of smoke or dust from the development or the nature, volume, frequency of vehicles using the classified road to gain access to the land – the proposed development will not increase traffic accessing the site.

- The development is of a type that is not sensitive to traffic noise, or vehicle emissions, or is appropriately located and designed, or include measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road – the proposal is not sensitive to traffic noise in anyway.

#### Murray Regional Environmental Plan

Council must consider the following planning principles when assessing a development application.

Planning Principle	Response
Access	The proposed development does not impact on public access to the river.
Bank disturbance	Not applicable.
Flooding	Not applicable.
Land degradation	The proposed development will not result in any land degradation.
Landscape	The proposed development will not impact on the riverine landscape.
River related uses	Not applicable.
Settlement	Not applicable.
Water quality	Not applicable.
Wetlands	Not applicable.

#### ***Provisions of any draft Environmental Planning Instrument (s4.15(a)(ii))***

**Planning Proposal No.11** - Council has prepared a planning proposal to amend the Deniliquin Local Environmental Plan 2013 (LEP 2013) to rezone Lot 2 DP1220715 Harfleur Street, Deniliquin from SP2 Infrastructure to B2 Local Centre to allow for the development of this land for seniors housing. The subject site is located in the block bounded by Poitiers, Napier, Harfleur and Hardinge Streets, Deniliquin.

This planning proposal is not applicable to the subject site.

#### ***Provisions of any Development Control Plan (s4.15(a)(iii))***

The following provisions of the DCP 2016 apply to this development:

Clause	Requirements	Comments
<i>Chapter 1 Notification</i>		
1.11 Notification	DA exhibition required for DAs where Council is the applicant, landowner or are in care and control of the land in question.	DA was notified, no submissions received.
<i>Chapter 6 Recreation Zones</i>		
6.1 Infrastructure and Services	Not applicable to the proposed development as it does not require any services.	
6.2 Access and Parking	The site has existing vehicular access off Hardinge Street and Ochertyre Street. The proposed shipping containers do not trigger any additional carparking requirements.	
6.3 Landscaping	There is an established band of trees along the Ochertyre Street boundary of the site which will provide some visual screening to the proposed shipping containers	

Clause	Requirements	Comments
	form the street. No additional landscaping is required.	
6.4 Building appearance and design	The shipping containers will be constructed of non-reflective materials and finishes and will not present large areas of blank walls.	
6.5 Outdoor areas	The shipping containers will provide indoor storage for athletics equipment, no outdoor storage is proposed.	
6.6 Waste and trade waste	Any waste generated by the installation of the shipping containers will need to be managed and disposed of in an appropriate manner.	
6.7 Impacts on surrounding land	The proposed development will not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour.	

***Provisions of any Planning Agreement or Draft Planning Agreement (s4.15(a)(iia))***

Not applicable.

***Prescribed Matters in the Regulation (s4.15(a)(iv))***

Not applicable.

***Likely Impacts of that Development (s4.15(b))***

There will be some impacts during the preparation of the site for the installation of the two shipping containers, but these are considered to be minimal. Any other detrimental impact is considered unlikely.

***Suitability of Site for Development (s4.15(c))***

The site is considered suitable for the proposed development in the context of its location and will improve the useability of the facility for the Deniliquin Little Athletics Club who currently utilise part of the site.

***Submissions (s4.15(d))***

No submissions have been received.

***The Public Interest (s4.15(e))***

The proposed development is in the public interest as it will improve the useability of the recreation facility.

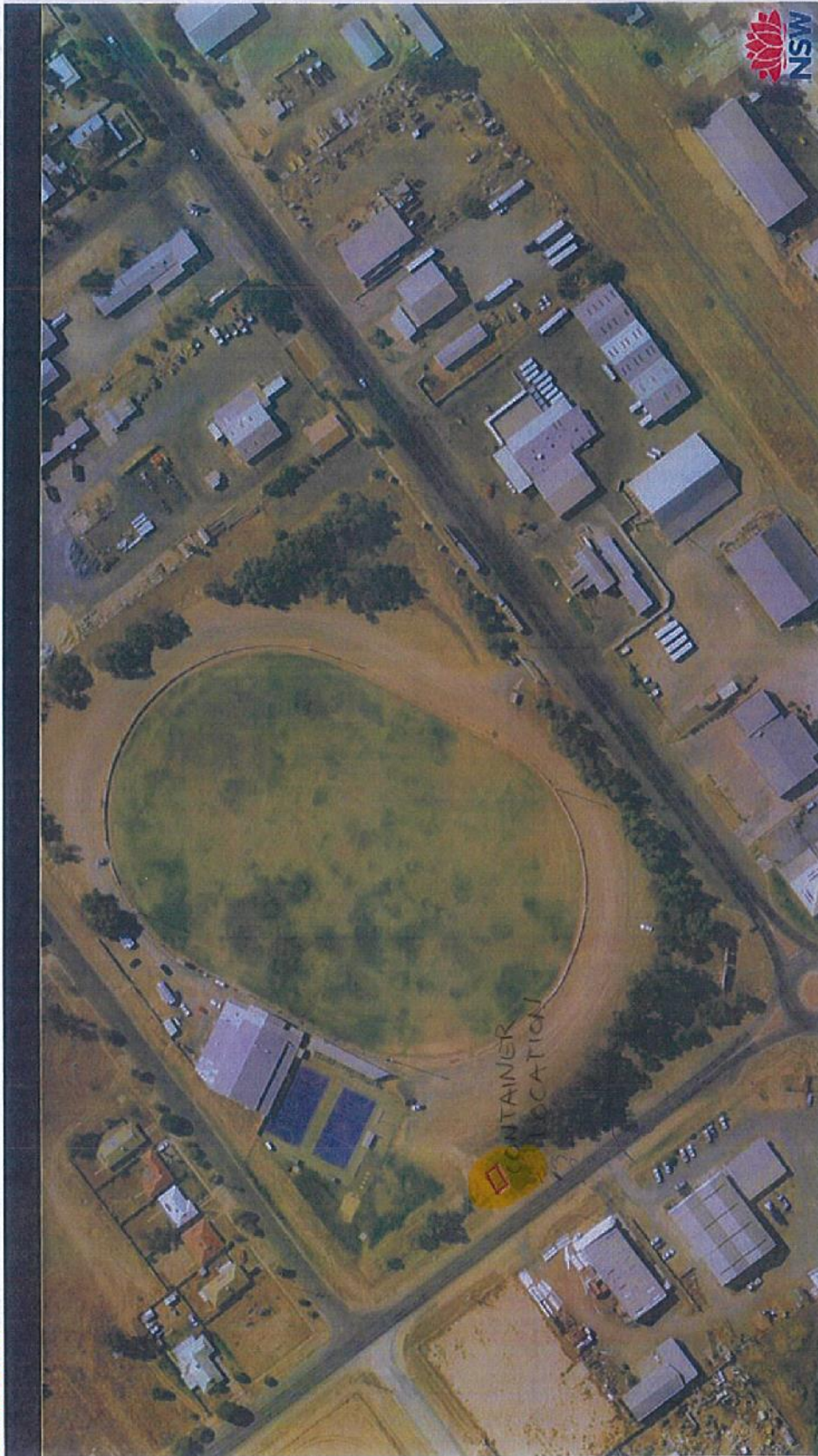
***Political Donations and Gifts Disclosure***

The Applicant has advised that they have not made reportable political donations to a Councillor and/or any gift to a Councillor or Council employees within a two (2) year period before the date of the application being submitted.

**ATTACHMENTS**

1. Plans
2. Development Application
3. Statement of Environmental Effects

Rams Oval

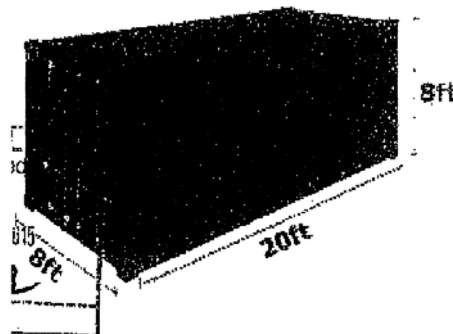
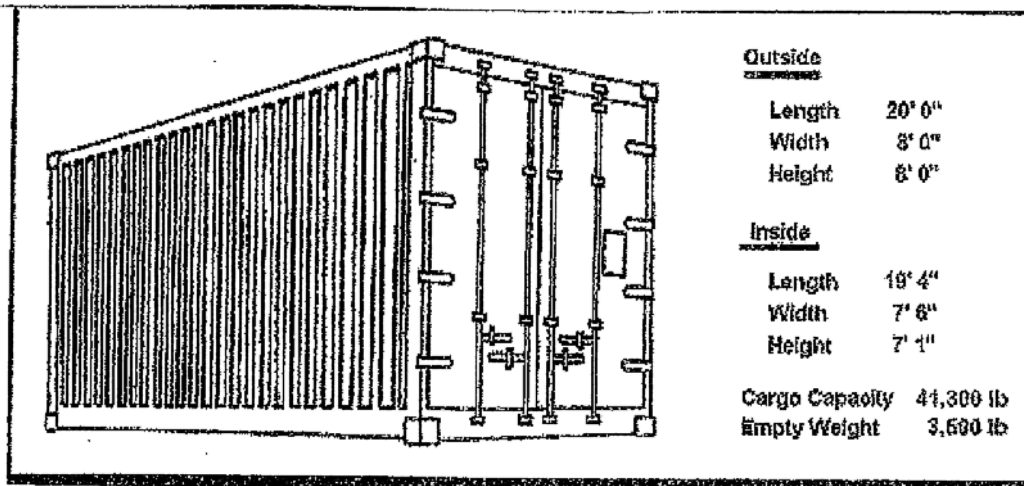


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SITE PLAN

20 FT. STANDARD CONTAINER

DIMENSIONS:	LENGTH	WIDTH	HEIGHT
Overall	20' - 6096 mm	7' 9.25" - 2379 mm	8' 6" - 2591 mm
Internal	19' 5.75" - 5935 mm	7' 8" - 2335 mm	7' 9.75" - 2383 mm
Door Opening		7' 8" - 2335 mm	7' 6.25" - 2292 mm
<b>WEIGHTS:</b>			
Max. Gross	52910 lbs - 24000 kg		
Tare	4585 lbs - 8080 kg		
Max. Payload	48325 lbs - 21920 kg		
<b>CUBE:</b>	1197.25 cu. ft. - 33.9 m <sup>3</sup>		





**FORM 1**

Application for Development Consent,  
Construction Certificate and  
Complying Development

Environmental Planning & Assessment Act 1979

We recommend that you make an appointment to speak to Council's Environmental Services staff to assist with the completion of this form and to discuss your development proposal.

RECEIVED  
19 AUG 2020  
*Cheryl Bl...*

<b>Address this application to:</b> The General Manager, Edward River Council		<b>Contact us</b>	
<b>Mail</b> PO Box 270 Deniliquin NSW 2710	<b>Personal Delivery</b> 180 Cressy Street Deniliquin NSW 2710	<b>Phone</b> 03 5898 3000 <b>Fax</b> 03 5898 3029 <b>Email</b> council@edwardriver.nsw.gov.au	

Type of Application (please tick as appropriate)	
<input checked="" type="checkbox"/>	Development Consent (DA)
<input type="checkbox"/>	Construction Certificate (CC)
<input type="checkbox"/>	Complying Development (CDC) – Codes SEPP

1. Applicant Details			
Applicant Name	Deniliquin Little Athletic Club		
Postal Address <i>Your reply will be posted to this address</i>	P O Box 303 Deniliquin NSW 2710		
Company contact person	Leanne Mulham		
Phone	0447357437	Email	gmulham@tpg.com.au

2. Land Details			
Street Number	149-173	Street	Hardinge St
Town	Deniliquin	Site Area m <sup>2</sup>	5 HA
Lot/DPs numbers	Lot 1 DP 724430 Crown Res 77085		2618

3. Owner's Consent (Must be completed by the owner of the land). As the owner/s of the land to which this application relates, I/we consent to this application. I also give consent for authorised Council Officers to enter the land to carry out inspections.			
Owner Name		Additional owner/s	
Signature	<i>* Crown land owners consent Attached.</i>		Signature/s

4. Proposed development details	
Description of proposed development	Positioning of 2 X 20ft shipping containers for storage of equipment
Estimated cost of development	\$4,000



Type of Development (please tick as appropriate)	
<input type="checkbox"/> Use of land/building	<input type="checkbox"/> Carrying out of Work
<input type="checkbox"/> Subdivision of land/building	<input type="checkbox"/> Buildings Additions/Alterations
<input checked="" type="checkbox"/> Erection of Temporary Building	<input type="checkbox"/> Demolition of building/work
<input type="checkbox"/> Erection of a Building	<input type="checkbox"/> Other
Has development consent been previously granted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If yes, provide details:</b>	
Development Consent Number	Date of determination
Construction certificate (please tick as appropriate)	
<input type="checkbox"/> Building work	
<input type="checkbox"/> Subdivision work	
Building Code of Australia Building Classification (CC Only)	

5. Approvals required under Section 68 of the Local Government Act 1993
<input type="checkbox"/> Install a manufactured home moveable dwelling or associated structure
<input type="checkbox"/> Carry out water supply work
<input type="checkbox"/> Draw water from a Council water supply or a standpipe or sell water so drawn
<input type="checkbox"/> Install, alter, disconnect or remove a meter connected to a service pipe
<input type="checkbox"/> Carry out sewerage work
<input type="checkbox"/> Carry out stormwater drainage work
<input type="checkbox"/> Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer
<input type="checkbox"/> For fee or reward, transport waste over or under a public place
<input type="checkbox"/> Place waste in a public place
<input type="checkbox"/> Place a waste storage container in a public place
<input type="checkbox"/> Dispose of waste into a sewer of the council
<input type="checkbox"/> Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

Note: other s68 approvals such as onsite sewerage systems require form 'Application for Local Activity' to be completed.

6. Environmental Impact (DA only)
Designated Development
<input type="checkbox"/> An environmental impact statement (EIS) is attached
Development on land that is, or is a part of, critical habitat or likely to significantly affect threatened species, populations or ecological communities or their habit
<input type="checkbox"/> A species impact statement (SIS) is attached
Other Development
<input checked="" type="checkbox"/> A statement of environmental effects is attached

7. Integrated Development (DA only)				
Applications to be referred to another authority for approval				
Is this application for Integrated Development?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Please tick other approvals required to be obtained:				
Fisheries Management Act 1994	<input type="checkbox"/> s144	<input type="checkbox"/> s201	<input type="checkbox"/> s205	<input type="checkbox"/> s219
Heritage Act 1977	<input type="checkbox"/> s58			
Mine Subsidence Compensation Act 1961	<input type="checkbox"/> s15			
Mining Act 1992	<input type="checkbox"/> ss63	<input type="checkbox"/> ss64		
National Parks and Wildlife Act	<input type="checkbox"/> s90			
Petroleum (Onshore) Act 1991	<input type="checkbox"/> s9			
Pollution Control Act 1979	<input type="checkbox"/> s17A	<input type="checkbox"/> s17D	<input type="checkbox"/> s171	
Protection of the Environment Operations Act 1997	<input type="checkbox"/> ss43(a)	<input type="checkbox"/> ss43(b)	<input type="checkbox"/> ss43(d)	<input type="checkbox"/> ss47
	<input type="checkbox"/> ss48	<input type="checkbox"/> ss55	<input type="checkbox"/> ss122	
Roads Act 1993	<input type="checkbox"/> ss138			
Rural Fire Services Act 1997	<input type="checkbox"/> s100B			
Water Management Act 2000	<input type="checkbox"/> s89	<input type="checkbox"/> s90	<input type="checkbox"/> s91	

8. Concurrence Authorities (DA only)	
Is concurrence required from the Department of Planning & Environment for this development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is concurrence required from any other authority?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, provide details:

9. Threatened Species/Biodiversity Compliant Development (DA only)	
Is this land part of critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the development likely to significantly affect threatened species, populations or ecological communities or their habitats?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the development biodiversity compliant development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, please provide reasons why it is:

Does your proposal include land clearing of native vegetation? <i>(Note: Native vegetation is defined in the Local Land Services Act)</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	------------------------------	--

If yes, please complete the section below

If no, proceed to **Section 10**

<p><b>Biodiversity Offsets Scheme (BOS)</b>                  The Biodiversity Conservation Regulation 2017 sets out threshold levels for when the Biodiversity Offsets Scheme (BOS) will be triggered. The threshold has two elements:</p> <ul style="list-style-type: none"> <li>• whether the amount of native vegetation being cleared exceeds a threshold area</li> <li>• whether the impacts occur on an area mapped on the BOSET Map</li> </ul> <p>The Biodiversity Offset Scheme Entry Threshold (BOSET) tool can be used as a guide to decide whether this development is required to enter the Biodiversity Offsets Scheme:</p> <ul style="list-style-type: none"> <li>• BOSET Tool User Guide: <a href="http://www.environment.nsw.gov.au/resources/bcact/biodiversity-offset-scheme-entry-threshold-user-guide-170503.pdf">http://www.environment.nsw.gov.au/resources/bcact/biodiversity-offset-scheme-entry-threshold-user-guide-170503.pdf</a></li> <li>• BOSET Tool (Map): <a href="http://lmbc.nsw.gov.au/BOSETMap">lmbc.nsw.gov.au/BOSETMap</a>  <i>(Note: the tool is updated every 3 months, you must provide evidence of when you viewed it – to do this print out the BOSET Report in the tool)</i></li> </ul>		
Does the Biodiversity Offsets Scheme (BOS) apply to the subject land?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, the Biodiversity Offsets Scheme (BOS) **DOES APPLY,**

The biodiversity impacts must be assessed using the Biodiversity Assessment Method (BAM). Assessment must be done by an accredited person The accredited person will prepare a Biodiversity Development Assessment Report (BDAR).
You must submit a copy of the Biodiversity Development Assessment Report (BDAR) with this Application
If the BDAR proposes biodiversity credits to be used as offsets (in accordance with the variation rules under the Biodiversity Conservation Act 2016), submit information on the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values.
If the land is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016, provide a description of the kind of agreement and the area to which it applies.

If no, the Biodiversity Offsets Scheme (BOS) **DOES NOT APPLY,**

Submit a copy of the BOSET Assessment Tool report (showing the date assessed)		
In accordance with Section 7.3 of the Biodiversity Conservation Act 2016, you are required to carry out a 'test of significance' also known as the '5-part test' – ( <a href="https://www.legislation.nsw.gov.au/#/view/act/2016/63/part7/div1/sec7.3">https://www.legislation.nsw.gov.au/#/view/act/2016/63/part7/div1/sec7.3</a> ) The test must be carried out by a suitably qualified person. You must submit a copy of the test with this Application		
Does the test show that the development is likely to have a significant impact on threatened species in accordance with Section 7.3 of the Biodiversity Conservation Act 2016?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

10. Principal Certifying Authority	
Before you commence the development, you must appoint a Principal Certifying Authority (PCA). You can nominate Council or a private accredited certifier.	
Do you wish to nominate Edward River Council as your Principal Certifying Authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, you need to complete 'Form 2 - Appointment of Principal Certifying Authority'	
If no, provide details: <span style="float: right;">N/A</span>	
Certifier Name	
Accreditation No.	Date of Expiration

11. Builder / Owner-Builder Details	
<input type="checkbox"/> Not known <span style="float: right;">N/A</span>	
<input type="checkbox"/> Owner-Builder	
<input type="checkbox"/> Licensed Builder (please complete details below)	
Licence Number	
Name	
Address	
Phone	

12. Schedule for building work only	
Information for Australian Bureau of Statistics	
What are the current uses of the building/land? (If land is vacant, state that it is Vacant)	N/A
Does this site contain a dual occupancy?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Gross floor area proposed addition or new building (m <sup>2</sup> )	
Gross floor area whole building (m <sup>2</sup> )	
Number or pre-existing dwellings	
Number of dwellings to be demolished	
Number of proposed dwellings	
Number of storeys	

Materials to be used (please tick which best describes the materials used for the construction of the new work)			
Walls	Roof	Floor	Frame
<input type="checkbox"/> Brick Veneer	<input type="checkbox"/> Aluminium	<input type="checkbox"/> Concrete or Slate	<input type="checkbox"/> Timber
<input type="checkbox"/> Double Brick	<input type="checkbox"/> Concrete	<input type="checkbox"/> Timber	<input type="checkbox"/> Steel
<input type="checkbox"/> Concrete/Stone	<input type="checkbox"/> Fibre Cement	<input type="checkbox"/> Other	<input type="checkbox"/> Aluminium
<input type="checkbox"/> Steel	<input type="checkbox"/> Tiles	<input type="checkbox"/> Not specified	<input type="checkbox"/> Other
<input type="checkbox"/> Fibre Cement	<input type="checkbox"/> Slate		<input type="checkbox"/> Not specified
<input type="checkbox"/> Timber/Weatherboard	<input type="checkbox"/> Steel		
<input type="checkbox"/> Curtain glass	<input type="checkbox"/> Other		
<input type="checkbox"/> Other	<input type="checkbox"/> Not specified		
<input type="checkbox"/> Not specified			

13. Asbestos Material	
Estimated area (if any) of bonded asbestos material or friable asbestos material that will be disturbed, repaired or removed in carrying out the development (m <sup>2</sup> )	N/A

14. Potentially Contaminated Land	
Where it is proposed to erect a new building or make an alteration or addition to an existing building used for commercial and/or industrial purposes, is the land or has the land been formerly been used for a purpose listed in Table 1 to clause 3.2.1 of the Managing Land Contamination Planning Guidelines, SEPP 55 – Remediation of Land (Department of Urban Affairs and Planning/Environment Protection Authority, 1998) or is the land on the list of sites notified under s60 of the Contaminated Land Management Act 1997?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, please provide details:

<p><b>AND</b> If yes, you must provide a statement from a suitably qualified person that the land is suitable for the intended purpose of the development having regard to the contamination status of the land or the land would be so suitable if the remediation works specified in that statement were carried out.</p> <p>A list of uses identified in Table 1 to clause 3.2.1 of the Managing Land Contamination Planning Guidelines, SEPP 55 Remediation of Land can be found under Item 15 of Council's Application Guide.</p>
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15. Disclosure of Political Donation or Gift (DA only)	
<p>Under Section 147 of the <i>Environmental Planning and Assessment Act 1979</i>, any reportable political donations to a councillor and / or any gift to a Councillor or Council employee within a two (2) year period before the date of this application must be publicly disclosed.</p> <p>Note: Failure to disclose relevant information is an offence under the Act. It is also an offence to make a false disclosure statement.</p>	
Are you aware of any person with a financial interest in this application who made a reportable donation or gift in the last two (2) years?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If yes, complete the Political Donation and Gifts Disclosure Statement and lodge it with this application (available from Council or from the Council website)</p> <p>If no, in signing this application I undertake to advise the Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of determination.</p>	

16. Applicant's Declaration	
<p>I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct.</p> <p>I also understand that if incomplete, the application may be delayed, rejected or more information may be requested.</p>	
Signature:	
Date	19/8/2020

Please also complete the Development Application Checklist on pages 7 and 8 of this form.

**Privacy Policy** - The information you provide in this application will enable your application to be assessed by the certifying authority under the Environmental Planning and Assessment Act 1979. If the information is not provided, your application may not be accepted. The application can be viewed by members of the public. Please contact the Council if the information you have provided in your application is incorrect or changes.

**Development Application Checklist**

The purpose of this checklist is to ensure that the development application is accompanied by adequate information to allow the prompt assessment and determination of your proposal. **If your application is incomplete it may be rejected or refused. Council reserves the right to request additional information if it is deemed necessary following a detailed assessment of the application. This checklist must be completed for all applications.**

Address	Ochertyre St
Lot/DPs numbers	Lot 1 DP 724430 Crown Res 77085

For each item identified below, please confirm (by ticking the appropriate column) that your application contains the required information. If in doubt, please contact Council's Development & Environment Section.

ALWAYS REQUIRED		Yes	No	Office Use
<b>Completed Application Form</b>	All sections completed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Payment of Fees</b>	As per Council Fee Schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Owner Consent</b>	All owners must sign. If the owner is a company or strata title body corporate, the application must be signed by a director or an authorized person and delegated under common seal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Site Plan</b>	Scaled plan illustrating areas and dimensions of land, north point, existing buildings and vegetation, setbacks of proposed building(s) from site boundaries, existing and proposed ground levels, proposed vehicular access and parking, landscaping, storm water drainage, septic tank, effluent disposal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Floor Plan</b>	Scaled plan(s) illustrating layout, partitioning, room sizes finished floor levels and intended uses of each part of the building.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Elevations</b>	Scaled plan(s) illustrating proposed external finishes and heights of any proposed buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sections</b>	Scaled plan(s) illustrating proposed external finishes and heights of any proposed buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Statement of Environmental Effects</b>	Not required for Complying Development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Hard Copies</b>	Clear and legible documents and plans. A3 size plans, 1:100 scale preferred	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Electronic copies</b>	<ul style="list-style-type: none"> <li>All documents, plans and application forms must be supplied as PDF files in unprotected PDF/A format (max file size is 10mb) and must be clear and legible. Security settings must not be applied to documents.</li> <li>Plans must be rotated to landscape with scaling clearly marked.</li> <li>Electronic documents must not be saved in sub folders. The data must be able to be read on a standard Windows based system.</li> <li>Photos/Photomontages must be provided as jpeg files.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REQUIRED IN CERTAIN CIRCUMSTANCES		Yes	No	N/A	Office Use
<b>Structural Engineers Certification</b>	Plans and Certification for structural steel frame and concrete footings/slab for construction works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BASIX Certificate</b>	If the estimated cost of residential works is > than \$50,000 or a pool/ spa with volume greater than 40,000 Litres. Must be less than 3 months old at time of DA lodgement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Bushfire Assessment (BAL) /Bushfire Report</b>	If the site is mapped as being Bushfire Prone Land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>On Site Sewerage Management</b>	If on site disposal of effluent is required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ecological Report</b>	If the development involves impacts upon areas of ecological significance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Clause 4.6 Request</b>	Required when an applicant seeks to vary an LEP Development Standard (e.g. Lot size,etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Biodiversity Report</b>	1. If any clearing (including for APZ) is located within area shaded Orange on the Biodiversity Value Map <a href="http://lmbc.nsw.gov.au/BVMap">lmbc.nsw.gov.au/BVMap</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2. If the required clearing is above the threshold based upon the minimum lot size (0.25 ha for 1 ha or less/ 0.5 ha for 1 ha to <40ha/1 ha for 40 ha to <1000ha)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3. If clearing is likely to significantly affect threatened species/ecological communities or their habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Colours and Materials</b>	Provide a schedule of colours and materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Flood Assessment</b>	If the site involves development on land subject to the 1:100 ARI flood level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Acoustic Report</b>	If the development is likely to create impacts upon residential amenity, involves extended trading hours in proximity to residential uses, or is sensitive to external noise sources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Contamination</b>	A preliminary investigation of the land carried out in accordance with the Managing Land Contamination Planning Guidelines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Signage</b>	Include details area, dimensions & text, unless the sign is exempt development or approved under a separate consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Shadow Diagram</b>	If the development is more than single storey or 6.5m high and adjoins a residential property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Heritage Report</b>	If site is a Heritage Item or located within a Heritage Conservation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Aboriginal Heritage</b>	If the site contains a registered site or is likely to contain an Aboriginal site or object	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Geotechnical Report</b>	For determining soil conditions for design and construction recommendations for buildings, structures, retaining walls, on site effluent disposal areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Traffic and Parking Report /Justification</b>	If the development involves variation to Council car parking requirements (DCP) or the development has potential to adversely impact upon the road network.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Building Report Identifying Compliance with BCA</b>	If the proposal is for the continued use of an existing building which does not have lawful approval for occupancy or use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Survey Plan</b>	If verification of site levels, floor height or property boundaries is required for construction works or if there is uncertainty regarding the location of the building and the lot boundaries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


**FORM 7** Statement of Environmental Effects for Minor  
Impact Developments
**IMPORTANT INFORMATION**

In accordance with Schedule 1 of the Environmental Planning and Assessment Regulation 2000 a development application must be accompanied by a Statement of Environmental Effects.

**QUALIFIER**

This Statement of Environmental Effects template has been produced to assist applicants identify the environmental impacts of a development and the steps to be taken to protect the environment or lessen expected harm. The template is suitable for minor impact development. It may be necessary for Council to request additional information depending on the nature of the impacts of a proposal. Larger scale developments should be accompanied by a detailed and specific Statement of Environmental Effects.

1. Applicant Details			
Applicant Name	Deniliquin Little Athletics Club		
Postal Address <i>Your reply will be posted to this address</i>	P O Box 303 Deniliquin NSW 2710		
Phone	0447357437	Email	gmulham@tpg.com.au
2. Property Details (of the site to be developed)			
Street Number	149-173	Street	Hardinge St
Town	Deniliquin	Site Area m <sup>2</sup>	5 HA
Lot/DPs numbers	Lot 1 DP 724430 Crown Res 77085		
3. Proposal details			
Describe your proposal in detail, including:			
<ul style="list-style-type: none"> <li>the physical description of building and any proposed buildings</li> <li>dimensions of building including height, proposed materials, nominated colour scheme, nature of use</li> <li>signage, disabled access and facilities, driveway access points, parking</li> </ul>			
<p>Add two 20 feet shipping containers to unused area that does not impact on surrounding facilities however accessible for our clubs use. Each with a dimension of 6 metres X 2.4 m wide X 2.4 m high. We plan to have them the same color (light green), no signage on containers and only the one access point to each container that will be side by side. The container entrance will be aligned to the emergency access road into the facility on Ochertyre St</p> <p>Shipping containers are to store sporting equipment.</p>			



4. Site details	
What is the area of the site?	30 m2
What is the land zone?	RE1 Public Recreation
Describe the site - Provide information on physical features of the site such as shape, slope, vegetation, waterways, access, existing services/infrastructure	
Unused section of land behind spectator hill at Hardinge St oval	
Describe the use of lands adjoining the site. Will the proposal impact on adjoining property? Consider issues such as noise, privacy, overland flows of storm water and other amenity impacts.	
Adjoining area used for car parking. Which will not be impacted	

5. Present and Previous Uses	
What is the present use of the site and when did this use commence? Did this use receive development consent?	
Football oval, Netball courts, athletic field event areas	
List the previous use(s) of the site	
Are you relying on existing use rights?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have any potentially contaminating activities been undertaken on the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please identify:	

6. Existing Structures	
List existing structures on the land	
N/A	
List any structures to be demolished as part of the proposal	
N/A	

7. Subdivision	
Do you propose to subdivide?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
How many existing lots?	
How many proposed lots?	

8. Planning Policies / Controls			
Does the proposal seek a variation to the provisions contained in the following controls?	Yes	No	N/A
Deniliquin LEP 2013	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Conargo LEP 2013	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Deniliquin DCP 2016	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other relevant SEPP / EPI Standards	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. Context and Setting			
	Yes	No	N/A
Will the Development be visually prominent in the surrounding area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the Development be consistent with the existing streetscape or Council Policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the development be out of character with the surrounding area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comment	We can ensure the two containers are similar colour		

10. Access and Traffic			
	Yes	No	N/A
is legal and practical access available to the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are additional access points to road network required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has vehicle manoeuvring and onsite parking been addressed in the design?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the development increase local traffic movements/volumes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, please specify how much:			

11. Utilities and Services
<b>Water supply</b> - Please provide details of existing and any proposed arrangements
N/A
<b>Sewer</b> - Please provide details of existing and any proposed arrangements
N/A
<b>Storm Water connection / disposal</b> - Please provide details of existing and any proposed arrangements
N/A
<b>Septic Tank / Effluent disposal</b> - Please provide details of existing and any proposed arrangements
N/A
<b>Other</b>

**12. Threatened Species and Biodiversity Considerations**

Is the land identified as a critical habitat or as part of a critical habitat?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	------------------------------	--

If yes, you need to submit a Species Impact Statement to accompany your application

Is the development likely to significantly affect threatened species populations or ecological communities or their habitat?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	------------------------------	--

If yes, you need to submit a Species Impact Statement to accompany your application

Does the proposal include land clearing of native vegetation?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If no, proceed to Section 13

Does your proposal require land clearing of vegetation within an area identified on the Biodiversity Values Map as defined under the Biodiversity Conservation Regulation 2017?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Does your proposal exceed the Biodiversity Offset Scheme Thresholds in accordance with part 7.4 of the Biodiversity Conservation Act 2016?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------

If yes to EITHER of the above 2 questions, please attach a Biodiversity Development Assessment Report (BDAR) in accordance with part 6.12 of the Biodiversity Conservation Act 2016

If no to BOTH of the above 2 questions, please attach a "test of significance" also known as the 5 part test, in accordance with section 7.3 of the Biodiversity Conservation Act 2016

**13. Environmental Impacts**

Is your proposal likely to result in air, noise or water pollution? (Including during construction works)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If yes, please describe the source of pollution and what measures will be implemented to control pollution

Air (Dust, Odour)	
Noise	
Water	

Is the development likely to result in any form of sediment run-off?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	------------------------------	--

If yes, please describe what erosion prevention and sediment control measures you propose to implement

Is the land flood prone?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If yes, describe the proposed finished floor levels of habitable rooms

Is the land classed as bushfire prone?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	------------------------------	--

If yes, and if your proposal is for the construction of a dwelling or dwelling additions/alteration, you will need to undertake BAL Risk Assessment in accordance with NSW RFS Planning requirements and provide to Council. If you determine your development is a higher risk BAL 40 or BAL FZ, you will need to consult with a Bushfire consultant to assist further.

Do you propose to clear any vegetation and/or trees (Non-Native) as part of your proposal?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
--	------------------------------	--

If yes, please provide details

14. Aboriginal Cultural Heritage	
Is the proposed site of the development in close proximity to Aboriginal cultural heritage (ACH) indicators (such as the Edward River or sites that are registered within the Aboriginal Heritage Information Management System (AHIMS) which may include culturally modified trees and known burial)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, you must submit evidence that they have carried out due diligence in determining that the actions will not harm Aboriginal objects.

Attention is drawn to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Code) and in particular the generic Due Diligence process on pages 10 – 14 of the Code. Anyone who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later harm an object. Further information on the code is available at the OEH website: [www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf](http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf)

As a minimum the applicant is required to undertake a Due Diligence assessment in accordance with the Code to identify:

- Whether or not Aboriginal objects are, or are likely to be, present in the proposed development area, and
- To determine whether or not the proposed activities are likely to harm Aboriginal objects (if present)

To determine whether further assessment in the form of an Aboriginal Cultural Heritage Assessment (ACHA) and/or an Aboriginal Heritage Impact Permit (AHIP) application is required.

Briefly summarise below the findings of your Due Diligence assessment – detail your site inspection, results from your AHIMS basic search and any other relevant information sourced

15. Presumptive Title	
Is your development proposal located on the riverbank?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, please advise / provide evidence if you have presumptive title (own to the middle thread of the river). This information can be obtained from Crown Lands – Phone 1300 886 235.

**16. Operational and Management Details**

**NOTE**

This section does not relate to residential development and is generally only applicable to commercial, industrial, rural industrial or tourism developments

Describe in detail the proposed business/activity				
Hours of operation				
Monday to Friday	AM	to		PM
Saturday	AM	to		PM
Sunday	AM	to		PM
Extended hours	AM	to		PM
Total number of staff members				
Maximum number of staff members on duty at any one time				
Maximum number of clients/customers expected in a day				
Maximum number of clients/customers expected at any one time				
Expected vehicle types associated with the proposal				
Number of car parking spaces provided				
Location of car parking spaces provided				
Describe arrangements transport, loading, and unloading of goods (including expected frequency of deliveries, size of vehicles and frequency of truck movements)				
List machinery associated with the proposed business / activity				
List the type and quantity of raw materials, finished products and waste materials				
Describe how waste will be disposed				
Identify any processes or materials that may be potentially hazardous and identify management				

**10.7 ENVIRONMENTAL SERVICES REPORT (AUGUST 2020)****Author:** Marie Sutton, Acting Manager Environmental Services**Authoriser:** Phil Stone, General Manager**RECOMMENDATION**

That Council note the Environmental Services report for August 2020.

**BACKGROUND**

Attachment 1 is the Environmental Services report for August 2020.

**ISSUE/DISCUSSION**

N/A

**STRATEGIC IMPLICATIONS**

N/A

**COMMUNITY STRATEGIC PLAN**

N/A

**FINANCIAL IMPLICATIONS**

N/A

**LEGISLATIVE IMPLICATIONS**

N/A

**ATTACHMENTS**

1.	Environmental	Services	Report	Attachment
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<b>Current Applications at 31 August 2020</b>					
<b>Application</b>	<b>Property Description</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Date Rec'd</b>	<b>Status</b>
<b>Development Applications/Construction Certificates</b>					
CC 55/14	Lot 272 DP756325, 234 Barham Road, Deniliquin 10/11/14	Jamie Park/JNP Architecture & Associates Pty Ltd	Erection of a shed for use as 'rural industry' (maintenance and construction shed for the proposed ethanol plant)	10/11/14	DA Lapsed
DA 64/18	Lot 153, DP756325, 154 Pakenham Street, Deniliquin	Andrew and Kim Barry	7 lot subdivision	16/10/2018	Awaiting advice from applicant
DA 77/18	Lot 1, & 3 DP1235420 & Lot 5 DP1220715, 227 Cemetery Road & 179-183 Cemetery Road, Deniliquin	Deni Industrial Park Pty Ltd	Staged development Stage 1: Railway freight terminal Stage 2: 13 lot subdivision	4/12/2018	Awaiting advice from applicant/ VicTrack
CC 44/18	Lot 1, Section 208, DP758913, 46-58 Edwardes Street, Deniliquin	Tim Nolan	Multi Arts Centre Kitchen Extension	23/11/2018	Applicant to provide advice re status of application
DA 33/19	Lot 3 DP537791, 812 Old Morago Road, Morago	Ecotech Energy	Install 99kw ground mount solar PV system	14/06/2019	Applicant to provide advice re status of application
DA 47/19	Lot 6 DP264379, 176-178 River Street, Deniliquin	Tony Campbell	Erection of shed for use for residential storage and a home industry	4/09/2019	Applicant to provide advice re status of application
DA 71/19	Lot 100 DP1061446, Ochertyre Street, Deniliquin	Brunker Fabrications	Camp kitchen and bbq shelter	26/11/2019	Under assessment

DA 34/20 CC 23/20	Lot 12 DP1041961, 951 Wargam Road, Booroorban	William & Diane Hooke	Single new dwelling	28/5/2020	Awaiting further information from Applicant
DA 45/20 CC 34/20	Lot 3 Sec 8 DP758782, 276 Victoria Street, Deniliquin	Jaimee Hammond	Carport / Shed	31/7/2020	Under assessment
DA 46/20 CC 35/20	Lot 2 DP62839, 279 Duncan Street, Deniliquin	Decentralised Demountables	New single dwelling	31/7/2020	Under assessment
DA 47/20	Lot 46 DP756347, 141 McAllisters Road, Deniliquin	Mark Denny	2 lot subdivision	4/8/2020	Under assessment
DA 50/20	Lot 1 DP34649, 266-312 Cressy Street, Deniliquin	Edward River Council	Waring Gardens Masterplan works	4/8/2020	Under assessment
CC 38/20	Lot 1 DP714260 & Lot 530 DO46861, 5-9 Macauley Street, Deniliquin	Blair Architects (Navorina)	Addition of 2 bedwings, admin & services area & car park extension	7/8/2020	Under assessment
DA 51/20 CC 39/20	Lot 16 DP24772, 129 Wellington Street, Deniliquin	Meg Barling	Residential shed	4/8/2020	Under assessment
DA 53/20 CC 41/20	Lot 13 Sec 52 DP758913, 79 Macauley Street, Deniliquin	Sarah Tritton	Residential Shed	18/8/2020	Under assessment
DA 54/20	Lot 124 DP775768, 849 Aratula North Road, Deniliquin	Decentralised Demountables	Installation of a 2 bedroom transportable building	10/8/2020	Under assessment
DA 55/20 CC 42/20	Lot 18 DP979186, 271 Harfleur Street, Deniliquin	Precise Build	Residential Shed	21/8/2020	Under assessment



CC 43/20	Lot 14 DP38670, 519 St Michael Street, Deniliquin	Linda Freshwater	Repairs and replacement of retaining wall, deck and paths	20/8/2020	Under assessment
DA 56/20	Lot 1 DP724430, 149-173 Hardinge Street, Deniliquin	Deniliquin Little Athletic Club	Install 2 x 20ft shipping containers	19/8/2020	Under assessment
DA 57/20	Lot 3 Dp71645, 214 Cressy Street, Deniliquin	Kasey Collett & Matthew Hilliard	Change of use to a Plant Nursery	17/8/2020	Under assessment
DA 58/20 CC 45/20	Lot 1 DP1132408, 1 Butler Street, Deniliquin (site 259)	Troy Schiavella	Awning	14/8/2020	Under assessment
DA 59/20	Lot 1 DP11292 & Lot 33 DP756301, 822 Moonee Swamp Road, Deniliquin	John Waterfall	Change of use to home food business	18/8/2020	Under assessment
DA 60/20	Lot 2 Sec 63 Dp758913, 598-606 Harfleur Street, Deniliquin	John & Vicky Stephens	2 lot subdivision	26/8/2020	Under assessment
DA 61/20	Lot 131 DP1236504, 248 Harfleur Street, Deniliquin	Edward & Jane Glowrey	2 lot subdivision	26/8/2020	Under assessment

<b>Complying Development Certificates</b>					
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CDC 4/20	Lot 3 DP285499, 7 Mulumbah Road, Deniliquin	Conquest Industries	Inground Swimming Pool	18/8/2020	Under assessment
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<b>S68 Applications</b>					
S68 2/19	Lot 1 DP1132408, 1 Butler Street, Deniliquin	Adam Rose	Extension to existing site	15/2/2019	Awaiting advice from the applicant
S68 5/20	Lot 153 DP1133106, 5-9 Macauley Street, Deniliquin	Navorina Nursing Home	Water, sewerage & stormwater drainage works	1/5/2020	Awaiting advice from the applicant
S68 7/20	Lot 153 DP1133106, 5-9 Macauley Street, Deniliquin	Navorina Nursing Home	Water, sewerage & stormwater drainage works	13/5/2020	Awaiting advice from the applicant
S68 10/20	Lot 1 DP446571/, 1 Butler Street, Deniliquin	James Gardner	Install a demountable building	23/6/2020	Further information requested

<b>Applications Determined August 2020</b>				
<b>Application</b>	<b>Property Description</b>	<b>Applicant</b>	<b>Development</b>	<b>Amount</b>
DA 28/18	Lot 174 & 210, DP756305, 218 Campbells Road, "Wyoming" Mayrung	CAF Consulting Services Pty Ltd	3,500 head dairy cattle feedlot	\$500,000
DA 37/20 CC 25/20	Lot 4 DP285949, Lot 4 Riverview Drive, Deniliquin	Clifford & Marita Leetham	New single dwelling	\$392,167
DA 43/20 CC 31/20	Lot 4 DP337340, 322 Wood Street, Deniliquin	All Sheds	Storage shed	\$28,083
DA 44/20 CC 33/20	Lot 11 DP285949, 14 Lakeview Court, Deniliquin	Jesse Soding	Carport	\$7,500
CC 28/20	Lot 52 DP1189132, Cemetery Road, Deniliquin	Deniliquin Aero Club	Mural & Memorial	

CC 32/20	Lot 3 DP285606, 523A St Michael Street, Deniliquin	Jon & Elizabeth Whykes	Replace existing retaining wall, jetty and add a new mooring point	
DA 48/20 CC 36/20	Lot 1 DP1132408, 1 Butler Street, Deniliquin (Site 134)	Craig Manning	Awning extension	\$2,000
DA 49/20 CC 37/20	Lot 1 DP1132408, 1 Butler Street, Deniliquin	McLean Beach Caravan Park	Kiosk Verandah	\$3,200
DA 52/20 CC 40/20	Lot 2 DP337504, 323 Sloane Street, Deniliquin	Emma Dennison	Residential Shed	\$14,000
				\$19,200.00

Processing Times for August 2020		
Application Type	Mean Gross Days	Mean Net Days
DA	140	54
Mod (S96) of DA & DA/CC	-	-
CDC	-	-
CC	30	30
S68 Applications	19	19

Value and Number of Applications Determined 2019 and 2020								
Month	DAs 2019	DAs 2020	CDCs 2019	CDCs 2020	S68 2019	S68 2020	Value 2019	Value 2020
January	5	3	1	2	0	-	\$608,750	\$737,500
February	3	3	1	1	0	-	\$397,819	\$89,175
March	4	7	0	-	2	1	\$287,580	\$46,000
April	9	6	2	-	1	-	\$181,439	\$818,000
May	13	5	2	-	0	1	\$864,100	\$205,000
June	6	12	0	-	3	1	\$895,990	\$532,258
July	7	11	2	1	1	1	\$1,287,030	\$983,473
August	6	7	1	-	1	5	\$731,323	\$918,903
September	5		1		2		\$504,965	
October	6		0		0		\$1,198,000	
November	7		0		1		\$630,900	
December	9		0		1		\$12,415,000	
<b>TOTALS</b>	<b>80</b>	<b>54</b>	<b>10</b>	<b>4</b>	<b>12</b>	<b>9</b>	<b>\$20,002,896.00</b>	<b>\$4,330,309.00</b>

Note: numbers of application determined does not include construction certificates, modifications and applications determined by private certifiers. Value of application determined does not include the value of work for s68 applications.

Section 149 Certificates/Sewerage Drainage Diagrams	
Planning certificates	40
Sewerage drainage diagrams	25

Swimming Pool Inspection Program			
Month	1 <sup>st</sup> Inspection	2 <sup>nd</sup> Inspection	3 <sup>rd</sup> Inspection
August	4	-	-

<b>Ranger's Report – July 2020</b>			
<b>Companion Animals</b>			
	<b>Cats</b>	<b>Dogs</b>	<b>Other</b>
Animals still impounded	1	3	
Animals seized/surrendered	2	10	
Animals released to owner	0	3	
Animals euthanised	1	1	
Animals rehomed	0	2	
Dogs declared dangerous / menacing	0	0	
Animals microchipped by Council	-	-	
Animals microchipped by Council (Desexing Program)	4	7	
Animals microchipped by Council (quarterly free chipping week)	-	-	
Animals registered	CAR website unavailable	CAR website unavailable	
Animal registration notices sent	-	-	
Animal fines	0	1	
<b>Clean Up Notices</b>			
Property clean up notices	4		
Illegal dumping	0		
<b>Parking</b>			
Parking fines	0		
Parking patrols completed	0		
<b>Impoundment (Impounding Act 1993)</b>			
Vehicles	1		
Livestock	0		
<b>Euthanised Wildlife</b>	1 injured kangaroo		

### Dog Attacks

<b>Date</b>	<b>Details</b>	<b>Victims</b>	<b>Outcome</b>
28/08/2020	Dog attacked chickens	3 chickens	Dog released to owner. Owner fined.

## Dog Attacks 2019 and 2020

Month	No. of Incidents		No. of Attacking Dogs		No. of Victims	
	2019	2020	2019	2020	2019	2020
January	4	1	4	1	11	1
February	1	2	2	4	1	29
March	1	2	1	2	4	2
April	1	1	1	1	1	1
May	2	2	3	3	7	2
June	2	CAR website unavailable	2	CAR website unavailable	9	CAR website unavailable
July	4	1	6	1	4	1
August	0	1	0	1	0	3
September	2		4		6	
October	3		3		4	
November	1		1		1	
December	0		0		0	
<b>TOTAL</b>	<b>21</b>	<b>9</b>	<b>27</b>	<b>12</b>	<b>48</b>	<b>36</b>

**10.8 2020-21 COMMUNITY GRANTS PROGRAM - RECOMMENDED FUNDING ALLOCATION****Author: Erica Singleton, Community and Economic Development Project Officer****Authoriser: Michelle Cobb, Manager Community and Economic Development****RECOMMENDATION**

That Council:

1. Approve the 2020-21 Community Grants funding allocation as detailed in Attachment 1, allocating \$40,000 across 14 applications and reserve the remaining \$5,000 for Council's 2020-21 Quick Response Grant Program.
2. Approve Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ for membership on future Community Grant assessment panels.

**BACKGROUND**

Edward River Council coordinates an annual Community Grants Program where not-for-profit community organisations, groups and associations are invited to apply for small grants of up to \$5,000 for projects, equipment, events or exhibitions which contribute positively to the Edward River community.

This year's program attracted 30 funding applications requesting a total of \$116,041.80. A summary of the previous three programs is included below for reference.

<b>Program</b>	<b>Applications received</b>	<b>Amount sought</b>	<b>Budget available</b>
<b>2020-21 Community Grants</b>	30	\$116,041.80	\$45,000
<b>2019-20 Community Grants</b>	41	\$161,756.00	\$50,000
<b>2018-19 Community Grants</b>	30	\$104,772.00	\$50,000

Note: the 2020-21 Community Grants budget was reduced from \$50,000 to \$45,000 as Council previously approved a \$15,000 contribution to Hilltop Accommodation, \$5,000 of which was charged against the 2020-21 Community Grants budget.

Each application was individually assessed by a panel of three Council Officers using the following assessment criteria:

<b>Criteria</b>	<b>Description</b>	<b>Weighting</b>
Community Benefit	What social, economic or environmental benefit does the project provide to the community?	40%
Sustainability	Does the project require ongoing funding, and if so, how will it be funded?	10%
Innovation	Will the funding solve an issue in a new or unique way?	20%
Inclusivity	Has the applicant considered the needs of community members who suffer financial, social or physical disability?	10%
Partnership	Is the Applicant and/or another partner participating in or contributing to the project?	20%

Following the assessment process, a report was presented at the 3 September 2020 Council workshop for consideration and discussion.

### **ISSUE/DISCUSSION**

A report outlining the 2020-21 Community Grants Program recommended funding allocation was presented at the 3 September 2020 Council workshop for consideration and discussion. Councillors reviewed the report and suggested the following:

- Revisions to the recommended funding allocation;
- Allocate \$40,000 across 14 applications and reserve the remaining \$5,000 for Council's 2020-21 Quick Response Grant Program; and
- A minimum of two Councillors to be included on all future Community Grant assessment panels.

A summary of the 2020-21 Community Grants Program applicants and recommended funding allocation is included in the attachments.

### **STRATEGIC IMPLICATIONS**

Council's Community Grants Program aligns with the following strategies adopted by Council:

1. Edward River Council Community Strategic Plan 2030
  - a. Outcome one, three and five.
2. Edward River Council Economic Development Strategy 2018 – 2021
  - a. Strategic theme two, three and four.

### **COMMUNITY STRATEGIC PLAN**

All recommended projects align with Council's Community Strategic Plan and will assist Council to deliver the following outcomes:

- Outcome 1.3: Our community is safe, happy and healthy, both physically and mentally.
- Outcome 3.3: We plan for the future to accommodate and facilitate sustainable growth and development.
- Outcome 5.2: We collaborate and pursue partnerships that achieve great outcomes for our community.

### **FINANCIAL IMPLICATIONS**

\$45,000 has been allocated for the 2020-21 Community Grants Program in Council's operational budget.

\$40,000 to be allocated across 14 applications and remaining \$5,000 to be reserved for Council's 2020-21 Quick Response Grant Program.

### **LEGISLATIVE IMPLICATIONS**

Funding agreements will be signed by both parties clearly outlining the obligations of both Council and the grant recipient.

Each grant recipient must ensure their individual projects is compliant with any legislative requirements.

### **ATTACHMENTS**

1. **2020-21 Community Grants Program - Recommended Funding Allocation**



**2020-21 COMMUNITY GRANTS PROGRAM**

Following the assessment of each 2020-21 Community Grants application and the discussion at Council's workshop on Thursday 3 September 2020, 14 of the 30 applications are recommended for funding. Two in-kind requests have also been recommended for approval.

Based on this recommendation, \$40,000 of the available \$45,000 has been allocated. With the remaining \$5,000 to be used for Council's 2020-21 Quick Response Grants Program.

**Based on the assessment criteria and the discussion at Council's workshop on Thursday 3 September 2020, the following funding allocation is recommended:**

ECM #	ORGANISATION	PROJECT	AMOUNT SOUGHT	RECCOMENDED FOR FUNDING	COMMENTS
108801	Deniliquin Kolety Landcare Group	Native planting and erosion control at Matthew's Park Lagoon	\$5,000.00	\$5,000.00	Environmental, social and educational community benefits demonstrated. Scored very well in each category.
108879	South West Arts	A Day in the Life of Deniliquin 2021 - Photography Project	\$5,000.00 + in-kind: Venue, projector, LED screen and marketing.	\$5,000.00	Social and economic benefit demonstrated. Scored well across all criteria. Potential to engage 3,000 community members. Proven successful in the past. Approve in-kind requests.
109086	Deniliquin Mental Health Awareness Group	Applied suicide intervention skills training	\$5,000.00	\$2,000.00	Community benefit demonstrated. Scored well across all criteria. Recommended partial funding to cover the cost of the presenter and resources (as per supplied quote).
108820	Parkrun Australia	Establish weekly parkrun events in Deniliquin	\$5,000.00	\$3,000.00	Strong social and economic benefits demonstrated. Scored well in sustainability and partnership criteria. No

					ongoing costs. Free event for community.
108799	U3A Deniliquin	Series of reconnecting workshops for seniors	\$4,950.00	\$2,845.00	Strong social and economic community benefits were demonstrated. Using 100% local workshop presenters. Recommend partial funding to cover the full cost of workshop fees and venue hire, and not fund catering costs, publicity and administration.
108800	Deniliquin High School P&C	Sustainable irrigation development at school farm	\$5,000.00	\$5,000.00	Educational, community and economic benefits demonstrated. Scored well in innovation and partnership criteria and demonstrated a significant contribution from the organisation. Using 100% local contractors.
108829	Mayrunga P&C Association	Construct outdoor kitchen at Mayrunga Public School	\$5,000.00	\$2,500.00	Social, educational, community and economic benefits were demonstrated. Partial funding recommended, with the option of a project extension to allow time to raise additional funds.
109089	Deniliquin Boat Club	Facility upgrades	\$5,000.00	\$2,500.00	Economic and social benefits demonstrated. Partial funding awarded as the organisation failed to acknowledge Council's 2019/20 funding contribution.
108805	Deniliquin Pastoral & Agricultural Society	Upgrade catering facilities	\$5,000.00	\$1,525.00	Partial funding recommended as ERC has already contributed funds towards the catering upgrade through previous grant programs. Scored well in community benefit and partnership criteria.
108387	Navorina Auxiliary	Purchase of Princess Comfort Chair	\$1,850.00	\$1,850.00	Community benefit demonstrated (residents, organisation and family of residents). Application was well detailed.
109093	Deniliquin Menshed	Establish area for making timber	\$280.00	\$280.00	Community benefit demonstrated, and application was responding to a need in

		signs			the community. Scored well in partnership criteria.
108193	Deniliquin Little Athletics Club	Purchase of electronic Starter	\$2,000.00	\$2,000.00	Benefit to local youth. Scored poorly in sustainability, innovation and inclusivity criteria.
108827	Deniliquin Motorcycle Association	Motorcross track improvements (in-kind)	\$0.00 + in-kind: supply sand, labour and machinery up to the value of \$5,000.00	\$5,000 (in-kind)	Community benefit was evident due to members and comp riders. Scored poorly on innovation and inclusivity.
108822	Deniliquin Clay Target Club	Replacement of trap house covers	\$3,000.00	\$1,500	Minimal community benefit demonstrated, only 26 active members. Further information needed to demonstrate innovation and inclusivity criteria.
109085	Deniliquin Sporting Car Club	Install solar cross	\$5,000.00	-	Environmental benefit demonstrated; however, the benefit didn't reach the wider community. Would encourage the club to reapply with more information in 2021/22.
109090	Blighty Public School P&C Committee	Blighty School environmental playspace	\$5,000.00 + in-kind: Material costs	-	Minimal benefit to wider community demonstrated, only to the 19 families that use the facility. Playground located elsewhere in Blighty. Scored poorly in innovation, inclusivity and partnership criteria.
109088	Deniliquin Community Garden	All weather workshop and meeting shelter	\$4,875.00 + in-kind: costs associated with stormwater pit	-	Minimal benefit to the wider community demonstrated, only benefit seems to be to the 20 members. Scored poorly in innovation and inclusivity criteria.
108866	Conargo & District Campdraft Club	Reforming and resurfacing track	\$2,625.00 + in-kind: labour and	-	Scored poorly in sustainability, innovation, inclusivity and partnership criteria. Potential to address this issue

			machinery		through Council's operational budget.
109087	Deniliquin Sports Park	Purchase floor tumbling run and netball padding	\$1,587.00	-	Scored well in partnership as they matched funding by 50%. Scored poorly in community benefit, sustainability, innovation and inclusivity criteria. Potential to raise these funds through user fees and/or fund-raising initiatives.
109094	Deniliquin & District Historical Society	Network storage solution	\$2,049.95	-	Ineligible: outstanding acquittal from 2018/19 funding. No contribution from organisation demonstrated.
108898	Deniliquin Genealogy Society	Updating equipment	\$2,899.85 + in-kind: marketing support	-	Ineligible: no contribution from organisation demonstrated.
108862	Deniliquin Rams Football & Netball Club	Purchase junior equipment	\$3,475.00	-	Scored poorly in sustainability, innovation and inclusivity criteria. Significant funding has been granted to the club in recent years.
109083	Deniliquin Golf Club	Marketing program 'stay and play packages'	\$5,000.00	-	Lacked supporting documentation and detail, which could have been used to increase score. Could potentially address this through Council's Visit Deni marketing activities.
109095	Deniliquin Women's Shed	Mosaic Ball creative workshops	\$5,000.00	-	Ineligible: no contribution from organisation demonstrated. *application received late 17/08 10.30am
109096	Wild Creations & Co.	Wine, bubbles and painting workshops	\$5,000.00	-	Ineligible: small business, doesn't meet grant criteria. *application received late 17/08 10.30am
109092	Deniliquin Stadium	Purchase scoreboard for	\$4,000.00	-	Minimal community benefit demonstrated. Scored poorly on innovation, sustainability and inclusivity

		new playing court			criteria.
109091	Deniliquin Outdoor Pools	Purchase manual vacuum and hoses for outdoor pools	\$3,000.00	-	Minimal community benefit demonstrated. Existing equipment can meet the need, if deemed necessary by Council, it could be purchased through operational budget.
108864	Mayrung Hall Committee	Rejuvenation of existing tennis courts	\$4,500.00	-	Social and community benefit demonstrated and scored well in partnership criteria. Strong support from community members was demonstrated through multiple letters of support.
108798	Deniliquin Local Health Advisory Committee	Promoting and publishing local health "LHAC chats"	\$4,950.00	-	Social, economic and community benefits demonstrated. ERC's Communication Adviser will work with the group to seek economical quotes for publication. Scored well in partnership criteria.
108617	Deniliquin Drovers Rugby Club	Purchase small grandstand	\$5,000.00 + in-kind: DA support	-	Economic and community benefits demonstrated. Contribution from organisation, scored well in partnership criteria. In-kind DA support not recommended.
		<b>TOTAL FUNDING</b>	<b>\$116,041.80</b>	<b>\$40,000.00</b>	

**10.9 MAJOR PROJECTS PROGRAM - SEPTEMBER 2020 PROGRESS REPORT**

**Author:** Nicole Rogers, Executive Assistant

**Authoriser:** Oliver McNulty, Director Infrastructure

**RECOMMENDATION**

That Council note the Major Projects Program from various funding sources - Progress Report for September 2020.

**BACKGROUND**

The Stronger Communities Fund was established by the NSW Government to provide newly merged Councils with funding to spend on priority community initiatives.

Edward River Council received \$10 million in the original funding allocation. An amount of \$1.4 million was allocated to various community groups for projects under the Community Grants Program. The remaining \$8.6 million has been allocated for the Major Project Program. In addition to the original funding allocation a further \$3,390,000 has been received for Round 2. All projects adopted by the Stronger Communities Fund Assessment Panel are as follows:

<b>Project – Stronger Communities Fund (Original)</b>	<b>Grant Amount</b>
Deniliquin Swim Centre Revitalisation	\$880,000
Community Masterplans & Initial Works	\$2,105,000
Deniliquin Regional Sports & Entertainment Stadium Extension	\$540,000
Blighty Community Netball & Tennis Facility	\$550,000
Deniliquin Children’s Centre Extension	\$500,000
Deniliquin Netball Facility Improvement Works	\$320,000
Rural Villages Beautification Project	\$300,000
Beach to Beach Walk Connectivity Improvements	\$300,000
Deniliquin Community Facility Refurbishments	\$165,000
Urban Road Infrastructure Program	\$2,390,000
Deniliquin Airport Heritage Centre Development	\$50,000
Unallocated Funding for New Council	\$500,000
<b>Total</b>	<b>\$8,600,000</b>

<b>Project – Stronger Communities Fund (Round 2)</b>	<b>Grant Amount</b>
Cressy Street CBD	\$1,200,000
Riverfront Enhancement	\$700,000
Waring Gardens Upgrade	\$640,000
Lagoon Walk Road Treatments	\$250,000
Truck Stop	\$400,000
Peppin Heritage / Visitor Centre Upgrade	\$200,000
Deniliquin Ute Muster	\$600,000
<b>Total</b>	<b>\$3,990,000</b>

Edward River Council also has been allocated funding from the Stronger Country Communities Program Round One to a total value of \$1,269,841 these are detailed below. In addition to these a further allocation in Round Two of the Stronger Country Communities program of \$3.3 million has also been approved and is also detailed below.

<b>Project – Stronger Country Communities (Round 1)</b>	<b>Grant Amount</b>
Scott’s Park – A destination Playground	\$676,620
Deniliquin Swim Centre – All Abilities Facilities	\$295,796
Lagoons to River Walk	\$297,425
<b>Total</b>	<b>\$1,269,841</b>

<b>Project – Stronger Country Communities (Round 2)</b>	<b>Grant Amount</b>
The Deniliquin Town Hall	\$1,315,170
Deni Central Streetscape (Napier Street)	\$401,500
Deniliquin Memorial Park	\$786,000
Deniliquin RAMS Facility Upgrades	\$559,000
Deni Lawn Tennis Club	\$198,910
Deni Golf Club	\$111,170
<b>Total</b>	<b>\$3,371,750</b>

The Federal Government released additional funding under the Murray Darling Basin Regional Economic Diversification Funding programme to Council in February 2019 for the following projects:

<b>Murray Darling Basin Regional Economic Diversification Funding</b>	<b>Grant Amount</b>
Deniliquin Industrial Park Road Works	\$350,000
Crossing Café and Peppin Heritage Centre Revitalisation	\$300,000
Rotary Park Earthworks	\$100,000
<b>Total</b>	<b>\$750,000</b>

The Commonwealth has released additional funding through the Department of Infrastructure, Regional Development and Cities ‘Our Region Our River’ Regional Growth Fund, Edward River Council has been allocated funding of \$1,673,080 for the following Projects:

<b>Regional Growth Fund</b>	<b>Grant Amount</b>
Riverfront Revitalisation	\$550,000
CBD Revitalisation	\$1,123,080
<b>Total</b>	<b>\$1,673,080</b>

The Commonwealth has approved funding under the Drought Communities Programme (DCP) Extension. Edward River Council has been allocated \$1,000,000 for the following projects:

<b>Drought Communities Program</b>	<b>Grant Amount</b>
Drought Support Officer	\$100,000
Tourism Marketing Program	\$50,000
CBD Painting	\$100,000
Town Entrance - Crispe Street	\$200,000
Town Entrance - Davidson Street	\$100,000
Road Upgrades - Harfleur and Wyatt Street	\$250,000
Booroorban Lay-By	\$200,000
<b>Total</b>	<b>\$1,000,000</b>

## ORDINARY COUNCIL MEETING AGENDA

Council have approved the application for the Drought Communities Programme Round 2 – Extension for the following seven projects. A Project Manager has been engaged.

<b>Drought Communities Program (Round 2)</b>	<b>Proposed Grant Amount</b>
Visit Deni Tourism Campaign	\$50,000
Rural Villages Business Painting	\$100,000
Waring Gardens Upgrade (toilets and rotunda)	\$200,000
Signage Strategy Implementation	\$140,000
Rotary Park (clubrooms and pitches)	\$200,000
Deniliquin Town Hall	\$210,000
North Tennis Court Redevelopment	\$100,000
<b>Total</b>	<b>\$1,000,000</b>

Council have received additional funding for the Town Hall through the Federal Government's Building Better Regions Fund.

<b>Building Better Regions Fund</b>	<b>Grant Amount</b>
Town Hall	\$630,883
<b>Total</b>	<b>\$630,883</b>

Council have received additional funding through the Stronger Country Communities (Round 3).

<b>Stronger Country Communities (Round 3)</b>	<b>Grant Amount</b>
Town Hall	\$964,500
North Deni Rest Stop	\$300,000
<b>Total</b>	<b>\$1,264,500</b>

Council has received additional funding from NSW Showgrounds Stimulus Program for the Memorial Park Showground.

<b>NSW Showgrounds Stimulus Program – Memorial Park Showground</b>	<b>Grant Amount</b>
Phase 1 – Option A & B (Seating)	\$133,540
Phase 1 – Option B (Fencing)	\$67,650
Phase 1 – Options C (car parking and entrance)	\$111,000
<b>Total</b>	<b>\$312,190</b>

Council have received funding from Infrastructure NSW for the sealing of the remaining unsealed section of Maude Road.

<b>TfNSW, Fixing Country Roads, HVSP, HVSSP,</b>	<b>Grant Amount</b>
Regional Roads REPAIR 20/21	\$245,000
Regional Roads BLOCK Grant 20/21	\$245,000
Regional Roads BLOCK Grant 21/22	\$93,554
Fixing Country Roads	\$1,604,622
HVSSP (federal)	\$729,392
<b>Total</b>	<b>\$2,917,568</b>



## ORDINARY COUNCIL MEETING AGENDA

Council have applied for funding from the Local Roads and Community Infrastructure Program (LRCI). In June 2020 Council resolved (resolution 2020/18) to apply this funding to the following Projects.

<b>Local Roads and Community Infrastructure Program (LRCI)</b>	<b>Grant Amount</b>
Community Facilities Refurbishment	\$350,000
Airport Hangar Refurbishment (Belman Hangars)	\$100,000
Urban and Rural Cemetery Upgrades	\$180,000
Memorial Park Amenities Upgrade	\$153,170
Off Leash Dog Park	\$80,000

Council have received funding from the Federal Government for the Deniliquin Aerodrome Upgrade through the Commonwealth Regional Airport Program – Round 1. This funding will be provided over the next two years.

<b>Commonwealth Regional Airport Program – Round 1</b>	<b>Grant Amount</b>
Funding	\$2,500,000
FY 2020/21(Council loan)	\$1,250,000
FY 2021/22 (Council loan)	\$1,250,000
<b>Total</b>	<b>\$5,000,000</b>

Council have received funding from the State Government (TfNSW) under the Fixing Local Roads for the upgrade of sections of Poitiers Street

<b>Fixing Local Roads</b>	<b>Grant Amount</b>
Poitiers Street	\$1,052,055
<b>Total</b>	<b>\$1,052,055</b>

A project summary update report for all programs for August 2020 is attached to this report.

### COMMUNITY STRATEGIC PLAN

This report aligns with outcome 1 – *A great place to live* and outcome 4 – *A region with quality and sustainable infrastructure* of the Community Strategic plan

### FINANCIAL IMPLICATIONS

Projects funded through these programs include costs for the design, documentation, and supervision costs for each project.

### LEGISLATIVE IMPLICATIONS

Council must ensure that these projects are completed within the timeframes set out within the funding agreements.

### ATTACHMENTS

1. Project Summary - September 2020

Stronger Community Grants - Summary Report – September 2020							No
<b>Time, Cost &amp; Quality</b>		Task/Activity – Completed ✓ or Progressing - on Time, Cost and Quality					48
<b>Time, Cost &amp; Quality</b>		Task/Activity – Progressing - requires monitoring and or action to minimise risk of not meeting performance targets					10
<b>Time, Cost &amp; Quality</b>		Task/Activity – Stalled/Stopped - High Risk or will not meet Performance Target.					1
<b>Time, Cost &amp; Quality</b>		Task/Activity- Pending - is currently not commenced					7
						<b>Total</b>	<b>66</b>
Project Phase							
Project Description	Initiation and Communication	Design, Documentation and Approvals	Quotes and Tendering	Delivery and Handover	Code	Comments/Milestones	
STRONGER COMMUNITIES GRANT FUNDING (ORIGINAL)							
Blighty Community Netball and Tennis Facility <b>\$550,000</b>	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> <li>Project complete</li> </ul>	
Unallocated Funds <b>\$500,000</b> plus Interest earned on investment approx. <b>\$800,000</b> (~ total <b>\$1,300,000</b> )	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> <li>\$310,260 allocated towards Napier Street.</li> <li>\$142,000 allocated to Swim Revitalisation Centre</li> <li>\$110,000 allocated to Swim Centre – All Abilities Centre</li> <li>\$3,500 allocated to the Boat Club (Total \$53,500)</li> <li>\$10,000 allocated to South West Music - complete</li> <li>\$395,000 allocated to Regional Sports &amp; Entertainment (Total \$935,000)</li> <li>~\$329,000 (remaining amount) allocated to Town Hall</li> </ul>	
Regional Sports & Entertainment Stadium Extension <b>\$540,000 + \$395,000</b> (Unallocated Funding)	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> <li>Project complete.</li> </ul>	
Children’s Centre Extension <b>\$500,000</b>	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> <li>Project complete.</li> </ul>	
<u>Netball Facility Improvements</u>							
Deniliquin Netball Assoc <b>\$160,000 + \$30,000</b> (Crown Lands Grant)	Complete	Complete	Complete	Pending		<ul style="list-style-type: none"> <li>Contractor for resurfacing has been appointed however is based in Brisbane and may be unable to travel Deniliquin.</li> </ul>	
Deniliquin RAMS <b>\$160,000</b>	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> <li>Project complete</li> </ul>	
<u>Swim Centre Revitalisation-</u>							
<b>\$880,000 + \$142,000</b> (from unallocated funds)	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> <li>Project complete.</li> </ul>	
Rural Villages Beautification <b>\$300,000</b> Blighty, Boorooban, Conargo, Mayrung, Pretty Pine, Wanganella	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> <li>Project complete</li> </ul>	

Community Plans and Initial Works <b>\$2,105,000</b>							<ul style="list-style-type: none"> <li>• Work on East and West Riverfront substantially complete.</li> <li>• Quotes received for combined pontoon and jetty extension to be discussed with User Group. Pontoons contract will be awarded in September and works will progress dependent on Covid-19 restrictions.</li> <li>• Works completed upstream of bridge; stairs will be complete by end of September.</li> </ul>
1) Riverfront Masterplans and Initial Works <b>\$750,000 + \$700,000 +</b> (Stronger Communities Round 2) <b>\$550,000</b> (Regional Growth Fund)	Complete	Complete	Complete	In Progress			
2) Napier Street (CBD) <b>\$750,000 + \$400,000</b> (Stronger Country Communities Round 2) + <b>\$100,000</b> (Council contribution) + <b>\$310,260</b> (unallocated funds)	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Project complete</li> </ul>
3) Water Tower Project <b>\$36,500</b>	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Project complete</li> </ul>
4) Town Hall Revitalisation <b>\$435,000 + \$1,315,170</b> (Stronger Country Communities Round 2) + <b>-\$329,000</b> (Unallocated Funding), <b>+\$630,883</b> (Building Better Regions Fund), <b>\$964,500</b> (Stronger Country Communities Round 3)	Complete	Complete	Complete	In Progress			<ul style="list-style-type: none"> <li>• Anticipate commencement of Town Hall contract by end of September</li> <li>• Contract signed</li> </ul>
5) Memorial Park Masterplan <b>\$50,000</b>	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Project complete</li> </ul>
6) Recreation Strategy <b>\$50,000</b>	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Project complete</li> </ul>
Beach to Beach Walk Connectivity Improvements <b>\$300,000</b>	Complete	Complete	Complete	Complete	✓		
1) McLean's Beach Pathway	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Project complete</li> </ul>
2) Island Sanctuary Lower Bridge	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Project complete</li> </ul>
3) Improved access and bridge works Island Sanctuary	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Project complete</li> </ul>
Community Facilities Refurbishments <b>\$165,000</b>							
1) Scout Hall	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Project complete</li> </ul>
2) Deni Boat Club	Complete	Complete	Complete	Complete	✓		
Urban Road Infrastructure Program- <b>\$2,390,000</b>	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Crispe Street project complete</li> <li>• Victoria Street project complete</li> <li>• Wood Street project complete</li> <li>• Harfleur and Hardinge Street project complete.</li> <li>• Harfleur Street and Napier Street project complete</li> </ul>
Airport Heritage Program <b>\$50,000</b>	Complete	Complete	Complete	Complete	✓		<ul style="list-style-type: none"> <li>• Project complete</li> </ul>
<b>Stronger Community Grant Funding (Original) - Sub-Total \$8,600,000</b>							

STRONGER COMMUNITIES GRANT FUNDING (ROUND 2)						
Cressy Street CBD Redevelopment <b>-\$1,200,000 + \$1,123,080</b> (Regional Growth Fund)	Complete	Complete	Complete	In Progress	Green	<ul style="list-style-type: none"> <li>Mains power complete with request to liven the system in mid-September</li> <li>Majority of QCC staff to recommence work early September</li> </ul>
Riverfront Enhancement <b>\$750,000 + \$550,000</b> (Regional Growth Fund) + <b>\$750,000</b> (Stronger Communities Original)	Complete	Complete	Complete	In Progress	Yellow	<ul style="list-style-type: none"> <li>Work on East and West Riverfront substantially completed</li> <li>Quotes received for combined pontoon and jetty extension to be discussed with User Group. Pontoons contract will be awarded in September and works will progress dependent on Covid-19 restrictions.</li> <li>Works completed upstream of bridge; stairs will be complete by end of September</li> </ul>
Waring Gardens Upgrade <b>\$640,000</b>	Complete	Complete	Complete	In Progress	Red	<ul style="list-style-type: none"> <li>Work on hold due to heritage issue. This issue is being worked through.</li> </ul>
Lagoon Walk Road Treatments <b>\$250,000</b>	Complete	Complete	Complete	Complete	Green with checkmark	<ul style="list-style-type: none"> <li>Project Complete</li> </ul>
Truck Stop Strategic Plan <b>\$10,000</b>	Pending	Pending	Pending	Pending	Grey	<ul style="list-style-type: none"> <li>Discussions with stakeholders to be coordinated</li> </ul>
Civic Plaza <b>\$390,000</b>	Completed	In Progress	In Progress	Pending	Green	<ul style="list-style-type: none"> <li>Negotiations underway with preferred Tenderer. Delayed due to border restrictions.</li> </ul>
Crossing Café and Peppin Heritage Centre Revitalisation <b>\$200,000 + \$300,000</b> (Murray Darling Bain Regional Economic Diversification Program) + <b>\$200,000</b> (Stronger Communities Round 2) + <b>\$100,000</b> (Capital Works) + <b>\$123,000</b>	Complete	Complete	Complete	In Progress	Green	<ul style="list-style-type: none"> <li>Additional minor maintenance works required to the building identified to be completed. 90% complete</li> </ul>
Deniliquin Ute Muster – Café Facility <b>\$600,000</b>	Complete	Complete	Complete	In Progress	Green	<ul style="list-style-type: none"> <li>To be managed fully by the Deni Play on the Plains</li> <li>Milestone 4 complete (Audit complete awaiting payment)</li> </ul>
<b>Stronger Communities Grant Funding (Round 2) – Sub-Total \$3,390,000</b>						

REGIONAL GROWTH FUND						
Riverfront Revitalisation <b>\$550,000 + \$750,000</b> (Stronger Communities Original), + <b>\$700,000</b> (Stronger Communities Round 3)	Complete	Complete	Complete	In Progress	Green	<ul style="list-style-type: none"> <li>Work on East and West Riverfront substantially completed. Pontoons contract will be awarded in August and work will progress dependent on Covid-19 restrictions.</li> </ul>
CBD Revitalisation <b>\$1,123,080 + \$1,200,000</b> (Stronger Communities Fund)	Complete	Complete	Complete	In Progress	Green	<ul style="list-style-type: none"> <li>Works have stopped due to issues relating to border controls and ability to get permits. Minor works to water and power will progress.</li> </ul>
<b>Regional Growth Fund – Sub-Total \$1,673,080</b>						

MURRAY DARLING BASIN REGIONAL ECONOMIC DIVERSIFICATION FUNDING						
Deniliquin Industrial Park Road Works <b>\$350,000</b>	Complete	Complete	Complete	Complete	✓	• Project complete
Crossing Café and Peppin Heritage Centre Revitalisation <b>\$300,000 + \$200,000</b> (Stronger Communities Round 2) + <b>\$100,000</b> (Capital Works) + <b>\$123,000</b>	Complete	Complete	Complete	In Progress		• Additional minor maintenance works required to the building identified to be completed. 90% completeclub
Rotary Park Earthworks <b>\$100,000</b>	Complete	Complete	Complete	Complete	✓	• Project complete
<b>Murray Darling Basin Regional Economic Diversification Funding – Sub-Total \$750,000</b>						

STRONGER COUNTRY COMMUNITIES GRANT FUNDING (ROUND 1)						
Scott's Park – A Destination Program <b>\$676,620</b>	Complete	Complete	Complete	Complete	✓	• Project complete
Swim Centre – All Abilities Centre- <b>\$295,796 + \$110,000</b> (Unallocated Funding)	Complete	Complete	Complete	Complete	✓	• Project complete
Lagoons to River Walk <b>\$297,425</b>	Complete	Complete	Complete	Complete	✓	• Project complete
<b>Stronger Country Communities Grant Funding (Round 1) - Sub-Total \$1,269,841</b>						

STRONGER COUNTRY COMMUNITIES GRANT FUNDING (ROUND 2)						
Deniliquin Town Hall & Arts & Cultural Precinct <b>\$1,315,170 + \$435,000</b> (Stronger Communities Grant Funding Original) + <b>~\$329,000</b> (Unallocated Funding), + <b>\$630,883</b> (Building Better Regions Fund), <b>\$964,500</b> (Stronger Country Communities Round 3)	Complete	In Progress	In Progress	Pending		• Anticipate commencement of Town Hall contract by end of September • Contract signed
Napier Street Redevelopment <b>\$400,000 + \$750,000</b> (Stronger Country Communities Original) + <b>\$100,000</b> (Council contribution) + <b>\$310,260</b> (unallocated funds)	Complete	Complete	Complete	Complete	✓	• Project complete
Memorial Park <b>\$786,000</b>	Complete	In Progress	Pending	Pending		• DA application is not required • Designer has stated engineering design will be complete mid-Sep • Drainage work has commenced.
RAMS Facility <b>\$559,000 + \$130,000</b>	Complete	Complete	Complete	In Progress		• Construction is underway with structural steel works completed and all framing and window due for completion – 65% complete • Playground ordered expected on 29 Sep 20. Installation due to be complete by end of Nov 20
Deniliquin Lawn Tennis <b>\$198,910</b>	Complete	Complete	Complete	In Progress		• Works commencing on Milestone 3 (Milestone 2 payment received)
Deniliquin Golf Club <b>\$111,170</b>	Complete	Complete	Complete	Complete	✓	• Milestone 3 now complete (report submitted awaiting payment to close project)
<b>Stronger Country Communities Grant Funding (Round 2) – Sub-Total \$3,371,750</b>						

STRONGER COUNTRY COMMUNITIES GRANT FUNDING (ROUND 3)						
Town Hall <b>\$964,500, + \$1,315,170</b> (Stronger Country Communities Round 2) <b>+ \$435,000</b> (Stronger Communities Grant Funding Original) <b>+-\$329,000</b> (Unallocated Funding), <b>+\$630,883</b> (Building Better Regions Fund)	Complete	In Progress	In Progress	Pending		<ul style="list-style-type: none"> <li>• Anticipate commencement of Town Hall contract by end of September</li> <li>• Contract signed</li> </ul>
North Deni Rest Stop <b>\$300,000</b>	Pending	Pending	Pending	Pending		PM appointed
<b>Stronger Country Communities Grant Funding (Round 3) – Sub-Total \$1,264,500</b>						

DROUGHT COMMUNITIES PROGRAMME FUNDING (ROUND 1)						
Drought Support Officer and Drought Event Initiatives <b>\$100,000</b>	Complete	Complete	Complete	Complete	✓	• Project complete
Tourism Marketing Program <b>\$50,000</b>	Complete	Complete	Complete	Complete	✓	• Project complete
CBD Painting Program <b>\$100,000</b>	Complete	Complete	Complete	Complete	✓	• Project complete
Town Entrance – Crispe Street <b>\$200,000</b>	Complete	Complete	Complete	Complete	✓	• Project complete
Town Entrance – Davidson Street <b>\$100,000</b>	Complete	Complete	Complete	Complete	✓	• Project complete
Road Upgrades – Harfleur and Wyatt Street <b>\$250,000</b>	Complete	Complete	Complete	Complete	✓	• Project complete
Booroorban Heavy Vehicle Lay-by <b>\$200,000</b>	Complete	Complete	Complete	Complete	✓	• Project complete
<b>Drought Communities Programme Funding (Round 1) – Sub-Total \$1,000,000</b>						

DROUGHT COMMUNITIES PROGRAMME FUNDING (ROUND 2)						
Visit Deni Tourism Campaign <b>\$50,000</b>	Pending	Pending	Pending	Pending		
Rural Villages Business Painting <b>\$100,000</b>	Pending	Pending	Pending	Pending		• Scoping document commenced
Waring Gardens Upgrade <b>\$200,000</b>	Complete	In Progress	In Progress	In Progress		• PM appointed
Signage Strategy Implementation <b>\$140,000</b>	Pending	Pending	Pending	Pending		• Scoping document commenced
Rotary Park (clubrooms and pitches) <b>\$200,000</b>	Completed	In Progress	In Progress	In Progress		• PM appointed
Deniliquin Town Hall – Civic Plaza <b>\$210,000</b>	Completed	Complete	In Progress	In Progress		<ul style="list-style-type: none"> <li>• Anticipate commencement of Civic Plaza contract by end of September</li> <li>• Contract signed</li> </ul>
North Tennis Court Redevelopment <b>\$100,000</b>	Completed	In Progress	In Progress	In Progress		• PM appointed
<b>Drought Communities Programme Funding (Round 2) – Sub-Total \$1,000,000</b>						

BUILDING BETTER REGIONS FUND						
Town Hall \$630,883 + \$964,500 (Stronger Country Communities Round 3), + \$1,315,170 (Stronger Country Communities Round 2) + \$435,000 (Stronger Communities Grant Funding Original) +--\$329,000 (Unallocated Funding),	Complete	In Progress	In Progress	Pending		<ul style="list-style-type: none"> <li>• Anticipate commencement of Town Hall contract by end of September</li> <li>• Contract signed</li> </ul>
<b>Building Better Regions Fund – Sub-Total \$630,883</b>						

Local Roads and Community Infrastructure Program Funding						
1) Community Facilities Refurbishment (\$350,000)	Complete	In Progress	In Progress	In Progress		<ul style="list-style-type: none"> <li>• Scoping documents commenced</li> <li>• PM appointed</li> </ul>
2) Deni Visitor Information Centre & V+CS area (\$200,000)	Complete	In Progress	In Progress	In Progress		<ul style="list-style-type: none"> <li>• Scoping documents commenced</li> <li>• PM appointed</li> </ul>
3) Airport Hangar Refurb (\$100,000)	Complete	In Progress	In Progress	In Progress		<ul style="list-style-type: none"> <li>• Scoping documents commenced</li> <li>• PM appointed</li> </ul>
4) Urban & Rural Cemeteries (180,000)	Complete	In Progress	In Progress	In Progress		<ul style="list-style-type: none"> <li>• Scoping documents commenced</li> <li>• PM appointed</li> </ul>
5) Memorial Park Amenities Upgrade (\$153,170)	Pending	Pending	Pending	Pending		<ul style="list-style-type: none"> <li>• Scoping documents commence</li> </ul>
6) Off Leash Dog Park (\$80,000)	Pending	Pending	Pending	Pending		<ul style="list-style-type: none"> <li>• Scoping documents commence</li> </ul>
<b>Sub-Total \$1,063,170</b>						

NSW Showground Stimulus Funding – Memorial park Showground						
Phase 1 Option A Seating (\$133,190)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> <li>• Materials ordered for seating</li> <li>• Extension of time has been requested and granted</li> </ul>
Option B Fencing (\$68,000)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> <li>• Materials ordered for fencing</li> <li>• Extension of time has been requested and granted</li> </ul>
Option C (\$111,000)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> <li>• Construction underway</li> <li>• Due to be complete end of September</li> </ul>
<b>Sub-Total \$312,190</b>						

Infrastructure NSW						
Maude Road reconstruction	Complete	In Progress	Pending	Pending		<ul style="list-style-type: none"> <li>• Scoping document commenced</li> </ul>
<b>Restart NSW - Sub-Total \$3.2M</b>						

Commonwealth Regional Airport Program – Round 1						
Deniliquin Aerodrome Upgrade (loan by ERC to source additional \$2.5m for 50:50) 20/21 - \$1,250,000 21/22 - \$1,250,000	Complete	In Progress	Pending	Pending		<ul style="list-style-type: none"> <li>Scoping document commenced</li> </ul>
<b>Commonwealth Regional Airport Program Fund – Sub-Total \$2,500,000</b>						

Infrastructure NSW						
Fixing Local Roads – Poitiers Street	Pending	Pending	Pending	Pending		<ul style="list-style-type: none"> <li>Designs commenced</li> </ul>
<b>Restart NSW - Sub-Total \$3.2M</b>						

PROJECT SUMMARY NOTES
<p>Summary, most projects are progressing well with only a few highlighted in <b>Red</b> that will require stringent management and action to bring them under control.</p> <p>The projects in <b>Yellow</b> will need attention to detail to ensure that they progress to the agreed Time, Quality &amp; Cost outcomes.</p> <p>Other challenges that face council staff and project delivery is access to quality project managers that will be required to complete all Stronger Community grants by the agreed timelines. Staff are currently in discussion with managers to source the required resources. All costs will be recovered as part of the project delivery costs. Existing council staff and contractors are working extremely well in keeping most projects on Time, Cost and Quality.</p>





**10.10 PLAN OF MANAGEMENT FOR MULTIPLE RESERVES****Author: Mark Dalzell, Manager Engineering Assets****Authoriser: Oliver McNulty, Director Infrastructure****RECOMMENDATION**

That Council adopts the Plan of Management, contained in Attachment 1 to this report, for the following Crown Land reserves:

- (i) Macauley Street reserve.
- (ii) Rotary Park (plantation) reserve.
- (iii) Maude Road Soil Conservation Area reserve.
- (iv) Mayrung Hall reserve.
- (v) Wanganella Common reserve.
- (vi) Wanganella Tennis Courts reserve, and
- (vii) Wanganella Cemetery.

**BACKGROUND**

Council is currently undertaking a project to adopt Plans of Management for all the Crown Land reserves that it manages in accordance with the Crown Lands Management Act.

**ISSUE/DISCUSSION**

The Plan of Management attached to this report includes seven separate reserves. These have been included in the one document as many parts of the document are standard across all Plans of Management for Council with the specific information for each reserve included in the relevant appendix. Specific Plans of Management for each reserve can then be created through inserting the specific information for the relevant reserve back into the main document.

Council staff shall use this method of presenting the Plans of Management for the remaining specific plans as well as the generic Plan of Management.

**MAYRUNG HALL RESERVE**

Information regarding the Mayrung Hall reserve is included in Appendix A of the attached Plan of Management. This includes the hall and associated buildings and land within the reserve area. The Plan of Management references the volunteer community that currently manage the reserve on a day to day basis so this can continue. The Plan also allows for licences, leases and use of the reserve, thus allowing the hall and reserve to be hired out to groups on a commercial basis.

**MAUDE ROAD SOIL CONSERVATION AREA RESERVE**

Information regarding the Maude Road Soil Conservation Area reserve is included in Appendix B of the attached Plan of Management. This is an area along Maude Road, near Council's northern boundary, that has been identified for soil and native vegetation conservation activities.

**WANGANELLA COMMON RESERVE**

Information regarding the Wanganella Common reserve is included in Appendix C of the attached Plan of Management. This covers the common area to the west of Wanganella as well as small section to the south across the creek. The Plan shall allow Council to lease out, or licence, parts of the Common should Council wish to do so. The Common reserve does not include the creek.

It is noted that the cemetery area is not included in the Common reserve.

**MACAULEY STREET RESERVE**

Information regarding the Macauley Street reserve is included in Appendix D of the attached Plan of Management. This area has previously been used for community purposes but no longer contains any assets or fencing to define the reserve from the wider area.

**WANGANELLA TENNIS COURT RESERVE**

Information regarding the Macauley Street reserve is included in Appendix E of the attached Plan of Management. This incorporates the tennis court area as well as shed and water tank. The Plan shall allow Council to lease out, or licence, parts of the reserve should Council wish to do so, thus allowing the facility to be hired out on a commercial basis.

**ROTARY PARK (PLANTATION) RESERVE**

Information regarding the Rotary Park (plantation) reserve is included in Appendix F of the attached Plan of Management. This area is the corridor of trees and bushes located between the Mulwala Canal and the Deniliquin Industrial Park development, formerly part of Rotary Park. This allows the area to be maintained as a buffer between the canal and the Rice Mill and the recreational area on the northern side of the canal.

**WANGANELLA CEMETERY RESERVE**

Information regarding the Wanganella Cemetery reserve is included in Appendix F of the attached Plan of Management.

**STATUS OF PLANS OF MANAGEMENT PROJECT**

Council has adopted and submitted Plans of Management for 18 of the 56 reserves that it manages. It is noted that 19 of the remaining reserves shall be incorporated into the Generic Plan of Management and the other 19 reserves, including the seven reserves incorporated into this report, shall be part of Specific Plans of Management.

It is anticipated that Plans of Management for all reserves shall be adopted by Council by November 2020.

**STRATEGIC IMPLICATIONS**

It is important that Council strategically manages the crown land, for which it is trustee, for the betterment of the community. This includes providing access to the crown land area and supporting responsible development of these areas where required.

**COMMUNITY STRATEGIC PLAN**

This project meets the objectives of *Outcome 1 – A great place to live* in the Community Strategic Plan, including:

- Target 1.3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture.

**FINANCIAL IMPLICATIONS**

Council has received funding from Crown Lands to assist with the preparation of the Plans of Management.

**LEGISLATIVE IMPLICATIONS**

In accordance with requirements of the Crown Lands Management Act, all Plans of Management need to be adopted by 31 June 2021.

**ATTACHMENTS**

1. Crown Land Plans of Management - September 2020



# **PLAN OF MANAGEMENT**

**MAYRUNG HALL  
RESERVE No. 74736**

**MAUDE ROAD SOIL CONSERVATION AREA  
RESERVE No. 88068**

**WANGANELLA COMMON  
RESERVE No. 88408**

**MACAULEY STREET  
RESERVE No. 89286**

**WANGANELLA TENNIS COURTS RESERVE  
RESERVE No. 98151**

**ROTARY PARK PLANTATION  
RESERVE No. 150008**

**WANGANELLA CEMETERY  
RESERVE No. 1001324**



**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

**PLAN OF MANAGEMENT DOCUMENT CONTROL**

Responsible Officer

Reviewed By

Date Adopted

Council Resolution

Review Due Date

Current Version

Version	Description of Amendments	Author	Review	Council Minute No. (If Relevant)
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**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

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- Appendix A** Mayrung Hall Reserve
- Appendix B** Maude Road Soil Conservation Area Reserve
- Appendix C** Wanganella Common Reserve
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- Appendix F** Rotary Park Plantation Reserve
- Appendix G** Wanganella Cemetery Reserve
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**1 KEY INFORMATION**

This Plan of Management has been prepared by Edward River Council (Council) to provide direction regarding the use and management of the following reserves:

- Mayrung Hall Reserve – Reserve No. 74736.
- Maude Road Soil Conservation Area Reserve – Reserve No. 88068.
- Wanganella Common Reserve – Reserve No. 88408.
- Macauley Street Reserve – Reserve No. 89286.
- Wanganella Tennis Courts Reserve – Crown Reserve 98151.
- Rotary Park Plantation Reserve – Reserve No. 150008, and;
- Wanganella Cemetery Reserve – Crown Reserve 1001324.

This Plan of Management is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993* and outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licensing and Permit processes for the land. The plan may be used to determine the allocation of resources and funds.

## 2 INTRODUCTION

### 2.1 Background

Edward River Council was proclaimed on 12 May 2016, following the amalgamation of the former Conargo Shire Council and Deniliquin Council into one strong, cohesive and dynamic organisation. Deniliquin is located approximately 725km south west of Sydney and 285km north east of Melbourne. The Council is situated within the Murray region of New South Wales and close to the Victorian border. It shares borders with Hay Shire to the north, Murrumbidgee Council to the east, Murray River Council to the south-west and Berrigan Council to south-east.

The Council provides services and support to a community of approximately 9,000 permanent residents across a region covering 8,881 square kilometres, including the town of Deniliquin and the six rural villages of Blighty, Boorooban, Conargo, Mayrung, Pretty Pine and Wanganella. A map of the local government area is shown below in **Figure 1**.



**Figure 1** - Edward River Council Local Government Area

Edward River Council is responsible for care and control of many community land parcels. With the introduction of the Crown Land Management Act 2016, Council has been appointed the Crown Land Manager for all Crown reserves within its jurisdiction under the provisions of the *Local Government Act 1993*.



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**2.2 Strategic and Corporate Objectives**

Edward River Council has set out several strategic objectives in the Community Strategic Plan, as shown below in **Figure 2**:



**Figure 2** – Edward River Council’s Strategic Objectives from the Community Strategic Plan

**2.3 Land to Which this Plan Applies**

The land details for each reserve to which this plan applies are shown in the relevant sections of **Appendices A to G**.

**2.4 Land Ownership**

The land ownership details for each reserve to which this plan applies are shown in the relevant sections of **Appendices A to G**.



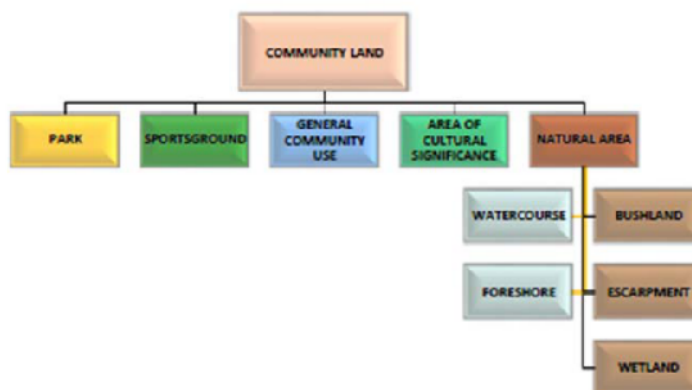


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**2.5 Categorisation of the Reserve**

Under Section 3.23(2) of the Crown Land management Act 2016, Council Crown Land managers must assign to all Crown Land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993.



**Figure 3** – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

Council must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to Crown land where the Crown land is subject to multiple reservations and/or dedications.

The degree to which the reserve purpose relates to the assigned category of the land is important for ongoing management of the land. This is because Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with it.

Both the Aboriginal Land Rights Act and the Native Title Act recognise the intent of the original reserve purpose of the land so that complying activities can be considered lawful or validated, particularly under Section J of the *Native Title Act 1993*.

The specific land categories for each reserve to which this plan applies are shown in the relevant sections of **Appendices A to G**.

Activities of the land will reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government and Crown Lands legislation. This includes assessment of that activity under the *Native Title Act 1996* and registered claims under the *Aboriginal Land Rights Act 1983*.

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Use of the land for any activity is subject to the application and approval. Assessment will consider compliance with the objectives and relationship to that impact on the public purpose for the which the land was set aside. Other uses that do not comply with this Plan of Management or zoning of the land under Council's Local Environmental Plan will not be considered.

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**3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES****3.1 Local Government Act 1993 and Local Government (General) Regulations 2005**

Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public. Clause 101(2) of the *Local Government General Regulation 2005* requires Council to have regard to the guidelines for categorisation of community land set out in Clauses 102 to 111 of that regulation.

This Plan of Management has been prepared in accordance with the *Local Government Act 1993* using the land categories approved by the Minister administering the *Crown Land Management Act 2016*. The minimum requirements for a Plan of Management are set out under section 36(3) of the *Local Government Act 1993*.

A Plan of Management must identify

- the category of the land
- the objective and performance targets of the plan with respect to the land
- the means by which Council proposes to assess its performance with respect to the plan's objectives and performance targets

These conditions may require the approval of Council for the carrying out of any specified activity on the land.

Section 36 (3A) specifies that for Plans of Management that are specific to one area of land, must also describe

- the condition of the land as at the adoption of the plan
  - the buildings on the land as at adoption, and
  - the use of the buildings and the land as at adoption
- Additionally, the Plan must also state the purposes for which the land will be allowed to be used and the scale and intensity of that use.

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

**3.2 Crown Land Management Act 2016**

Division 3.6 of the *Crown Lands Management Act 2016* deals with the requirements that Council must meet in relation to Plans of Management and other Plans.

Section 3.23(6) of the *Crown Land Management Act 2016* requires Council to adopt a Plan of Management for any Crown reserve for which it is appointed Crown Land Manager, and that is classified as community land under the *Local Government Act 1993*.

**3.3 Native Title Act 1993 (Federal)**

All activities on the land must address the issue of native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.



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### 3.4 *Aboriginal Land Rights Act 1983*

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Almost all activities and public works carried out on the land will affect native title and require validation of the future act procedures in Division 3 of the *Native Title Act* by Council's Native Title Manager.

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Council's to claim 'claimable' Crown land.

Generally, the *Aboriginal Land Rights Act* is directed at allowing Council's to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council is mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land and that it ensures that Crown land under its control is always lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licence or any public works, Council is expected to search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered, the activity must be postponed until the claim is resolved.

Strategies which allow Council to validly carry out a project or activity under the *Native Title Act* may not deal with project risks arising in relation to the *Aboriginal Land Rights Act*.

### 3.5 *Threatened Species Conservation Act 1995*

Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

### 3.6 *Environmental Planning and Assessment Act 1979*

The specific land use zoning for each reserve to which this plan applies are shown in the relevant sections of **Appendices A to G**.

### 3.7 *Council Plans, Strategies, Policies and Procedures*

This Plan of Management is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the Plan of Management.

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**3.8 Legislation and Statutory Control**

This Plan of Management does not overrule existing legislation that also applies to the management of community land.

Other legislation and policies to be considered in the management process include, but are not limited to:

- *Public Works Act 1912* (as amended);
- *Local Land Services Act 2013*;
- *Biodiversity Conservation Act 2016*;
- *Water Management Act 2000*;
- *Clean Waters Act 1970*;
- *Companion Animals Act 1998*;
- *Rural Fires Act 1997*;
- *Rural Fires and Environmental Assessment Legislation Amendment Act 2002*;
- *Noxious Weeds Act 1993*;
- *Pesticides Act 1999*;
- *State Environmental Planning Policies*;
- *Deniliquin Local Environmental Plan 2013*;
- *Conargo Local Environmental Plan 2013*;
- *Deniliquin Development Control Plans 2016*;
- *Guidelines supporting development control plans*; and
- *Council plans, strategies, policies, procedures and guidelines, generally, as amended.*

**3.9 Reclassification of Reserves**

From time to time certain parcels of Community land may be identified as surplus to the existing and future needs of the community. Section 3.21 of the *Crown Land Management Act 2016* outlines provisions of Management of dedicated or reserved Crown land within meaning of the *Local Government Act 1993*. Section 3.21 (2) advises that a Council manager is authorised to manage its dedicated or reserved Crown land as if it were community land or operational land but only as permitted or required by Division 3.4 of the *Crown Land Management Act 2016*.

**3.10 Review of this Plan**

The use and management of the listed reserves is regulated by this Plan of Management. Whilst the guidelines and principles outlined in the Plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review of this Plan of Management will take place within five (5) years of adoption of this plan.

**3.11 Community Consultation**

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.



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All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the *Crown Lands Act 2016* as owner of the land.

Council is required to submit the draft Plan of Management to NSW Department of Industry, as representative of the owner of the land under section 39 of the *Local Government Act*. As shown below in **Figure 4** - Flowchart for Consultation and Approval of an Initial Plan of Management, this process occurs prior to public exhibition and community consultation of the Plan of Management. Section 3.23(7)(d) of the CLM Act states that, if the draft first Plan of Management alters the initial categories assigned, the council must obtain the Minister's consent if the re- categorisation would require an addition to the purposes for which the land is dedicated or reserved. The Minister cannot give consent under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

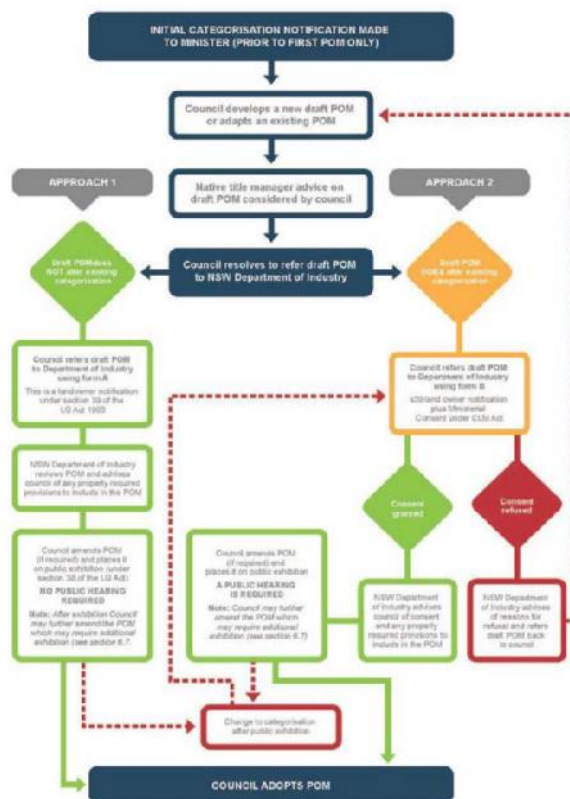


Figure 4 – Flowchart for Consultation and Approval of an Initial Plan of Management

If after public consultation there is no change to categorisation and no additional purpose needs to be added to the reserve, no additional ministerial consent is required, and Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.

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If there is a proposed change to the categorisation of the land following public consultation the Plan of Management must again be referred to the Minister Administering the Crown Lands Act 2016 and the process outlined in Approach 2 of the Flowchart for Consultation and Approval of an Initial Plan of Management is followed. A change of Categorisation will require a public hearing under Section 40A of the *Local Government Act 1993*.



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### 4 CULTURALLY SIGNIFICANT LAND

#### 4.1 *Aboriginal Significance*

Deniliquin is in the country of the Wamba Wamba Perrepa Perrepa nation and members of the community are closely connected to the town and surrounding lands. The Wamba Wamba and Perrepa Perrepa people of this region developed a way of life over many generations which was in harmony with the land and its natural rhythms. They developed a sophisticated farming system based on the indigenous vegetation communities which supported large family groups. In Deniliquin a comparatively high number of people identified themselves as Aboriginal and / or Torres Strait Islanders (4.6%) compared to the average for NSW (2.9%).

Both the Deniliquin Local Environmental Plan 2013 and Conargo Local Environmental Plan 2013 describes places of Aboriginal Heritage significance as an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

In addition, an Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Information regarding the aboriginal significance of each reserve to which this plan applies are shown in the relevant sections of **Appendices A to G**.

#### 4.2 *Non-indigenous Significance*

Information regarding the non-aboriginal significance of each reserve to which this plan applies are shown in the relevant sections of **Appendices A to G**.



## 5 DEVELOPMENT AND USE

### 5.1 Overview

One of the primary responsibilities of Local Government is to provide an acceptable level of service for public assets to its community within budgetary constraints. Council's ongoing commitment to the development and maintenance of these areas depend on financial resources and forward planning. The implementation of actions identified in this Plan of Management are consistent with Edward River Council's corporate objectives as detailed in the following strategic documents:

- Edward River Council 2030 Community Strategic Plan - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Community-Strategic-Plan>
- Edward River Council Combined Delivery Program 2018-21 and Operational Plan 2019-20 - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Delivery-Program-and-Operational-Plan>
- Edward River Council Resource Strategy - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Resourcing-Strategy>
- Edward River Open Space Strategy - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Public Space Strategy – <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Masterplan - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>

### 5.2 Community Strategic Plan

The Edward River 2030 Community Strategic Plan is the highest-level plan that Council prepares in accordance with the Integrated Planning and Reporting Framework. The purpose of the Community Strategic Plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals. In doing this, the planning process considers the issues and pressures that may impact the community and the level of resources that will realistically be available to achieve its aspirations. At an operational level, the Community Strategic Plan is implemented through Council's Four Yearly Delivery Program and annual Operational Plans, which outline the activities and actions that are the responsibility of Council in achieving our shared vision. The relationship between these planning documents is shown below in **Figure 5**.



**Figure 5 – Integrated Planning and Reporting Framework**

In 2030, our community wants the Edward River region wants to achieve several strategic objectives which each council managed crown reserves will fit within:

1. A great place to live
2. A prosperous and vibrant economy
3. A valued and enhanced natural environment
4. A region with quality and sustainable infrastructure
5. A community working together to achieve its potential

The relevant outcomes from the Community Strategic Plan for the reserves to which this plan applies are shown in the relevant sections of **Appendices A to G**.

### **5.3 Open Space and Public Space Strategies**

In addition to the Community Strategic Plan, the Edward River Open Space Strategy was developed as a forward-looking plan that provides direction to the provision and management of open space across the local government area. Open space, for the purposes of the Edward River Open Space Strategy, is defined as the range of public and private spaces that provide landscape and/or urban design features and are generally for rest, relaxation, recreation and sport activity, and for the preservation of the environment.



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For the Edward River Open Space Strategy, areas such as recreation and formal parkland, conservation reserves, linkages, sporting reserves (public and private), public land set aside for specific recreation or sport purposes of a specialised nature and amenity parklands are relevant. This Strategy examines Edward River councils current and future demand for open space areas; improvements to existing parks and walkways, while being cognisant of Council's vision to have a high-quality open space system.

The Deniliquin Public Space Strategy focusses specifically on open and public spaces in Deniliquin and was developed in response to community requests to improve the appearance of the town, particularly the main Central Business District (CBD) streets, the town entries and the riverfront. The Deniliquin Masterplan was developed in response to the Deniliquin Public Space Strategy and provide an integrated masterplan, through a series of detailed landscape plans to allow project implementation and construction ready documentation for high priority elements.

Several objectives have been identified for the project including:

- Provide a structural change to the physical appearance of Deniliquin with a focus on the CBD, Riverfront, Lagoon networks and town entrances
- Improve the liveability, functionality and access to the CBD, Riverfront and Lagoon networks
- Consider both short term and long-term actions, along with ongoing Council asset management and servicing requirements – Consider ongoing ability to fund and implement works
- Consider the impacts of planning issues
- Maximise the Riverfront and its proximity, accessibility and links with the CBD
- Consider the needs of all stakeholders with focus on creating new private sector development opportunities where appropriate and supporting existing business

### **5.4 Condition of the Land and Structures on Adoption of the Plan of Management**

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan.

Information regarding the structures located at each of the reserves to which this plan applies are shown in the relevant sections of **Appendices A to G**.

### **5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management**

Information regarding the use of the land for each of the reserves to which this plan applies are shown in the relevant sections of **Appendices A to G**.

### **5.6 Permitted Use Strategic Objectives**

Information regarding the permitted use strategy objectives for each reserve to which this plan applies are shown in the relevant sections of **Appendices A to G**.



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As previously noted, the classification of Wanganella Tennis Courts is General Community Use with the intended purpose(s) of Public Recreation. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

### 5.7 Further Development

The priority for the reserve at present is to scope out ways to improve the reserve in line with the purposes for the reserve and relevant legislation such as the *Local Government Act 1993*, *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983* and the *Native Title Act 1993*.

A comprehensive site development plan and a landscape management plan is recommended for larger projects to ensure a strategic approach to development.

### 5.8 Leases, Licences and other Estates

Leases, licences and other estates formalise the use of community land by groups such as sporting clubs and non-profit organisations, or by commercial organisations and individuals providing facilities and services for public use. Activities should be compatible with the zoning and reservation purpose of the land and provide benefits and services for facilities to the users of the land.

Occupation of the land other than by lease or licence or other estate or for a permitted purpose listed in the *Local Government Regulations 2005* is prohibited.

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the Native Title Act 1993 and should include advice that the land is not subject to a claim under the Aboriginal Land Rights Act 1983. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.

This Plan of Management expressly authorises the issue of leases, licences and other estates over Wanganella Tennis Courts, provided that:

- the purpose is consistent with the core objectives for the category of the land;
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993*;
- the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*;
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

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Areas held under lease, licence or regular occupancy shall be maintained by the user. The user will be responsible for maintenance and outgoings as defined in the lease or licence or agreement for use.

**5.9 Native Title Assessment**

The *Crown Land Management Act 2016* – Section 8.7 (1) (d) requires that Council, as Crown Land Manager, obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in **Section 5.8**.

A copy of the Native Title Assessment for this reserve is included in **Appendix H**.



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### 6 PLAN OF MANAGEMENT - OBJECTIVES AND ACTIONS

#### 6.1 *Plan of Management Objectives*

The general objectives of this Plan of Management are shown below in **Table 1**.

**Table 1** – Plan of Management Objectives

	Plan of Management Objectives
1.	To ensure that relevant legislation is complied with in relation to the land.
2.	To inform Council staff and the community of the way the land will be managed.
3.	To implement specific policies, guidelines and works identified in the plan of management.
4.	To progressively improve the values of the land and to minimize the long-term cost of maintenance to the Council
5.	To make provisions for appropriate leases, licences and agreements in respect to the land.
6.	To identify and recognise existing uses and improvements on the land.
7.	To set in place and administrative structure to ensure the achievement of land management objectives.
8.	To ensure that the management of the land is not likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.



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## 6.2 Action Plan

The Plan of Management specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of achievement of the objectives of the plan is to be undertaken. A summary of indicators and targets for major objectives is outlined in the **Table 2** below.

**Table 2 – Indictors and Targets for Plan of Management Objectives**

<b>OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND</b>	<b>MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS</b>	<b>MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS</b>
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.
To progressively improve the values of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed, and minimal maintenance of the improvements is required.

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<b>OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND</b>	<b>MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS</b>	<b>MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS</b>
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local <i>Government Act 1993</i> and the <i>Crown Land Management Act 2016</i> . Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.
To identify and recognise existing uses and improvements on the land.	Physical inspection.	The Plan is exhibited and adopted by Council.
To provide a reference and data bank in relation to information relevant to present and future management of the land.	Physical inspection and file research.	The Plan is exhibited and adopted by Council.
To set in place an administrative structure to ensure the achievement of land management objectives.	Ensure that all sections of Council are aware of the contents of the Plan.	All future works are carried out in accordance with the Plan.
To identify the major management issues applying to the land.	Consultation and staff discussions.	The Plan is exhibited and adopted by Council.
To simplify the process of management as far as possible.	Preparation of the Plan in accordance with the Act.	The Plan is exhibited and adopted by Council.



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**7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND****7.1 Management Authority**

For the purposes of this plan, the management authority for the reserve is Edward River Council, in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Where Council's responsibilities have been delegated, the provisions of this management plan continue to apply.

**7.2 Management Issues**

The management of the land must consider the reserve purpose(s) of the land and the purpose for which the land is classified and categorized.

**7.3 Staff Resources**

Council shall provide adequate staff resources for the management of the land in accordance with this Plan of Management. Staff shall have appropriate qualifications and/or experience.

**7.4 Environmental Assessment of Activities**

The environmental impact of activities carried out on the land will be assessed having regard to the requirements under the Environmental Planning and Assessment Act.

**7.5 Role of Other Authorities**

Other government authorities may have responsibilities or involvement in the management of the land or of immediately adjacent land. This will be considered and, where appropriate, consultation will take place with relevant authorities.

**7.6 Activities Carried Out by Other Authorities**

Where activities are carried out on the land by other authorities, Council will make the authorities aware of the provisions of this Plan of Management and will seek to ensure that any activities are compatible with the objectives and guidelines of this Plan of Management, and in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

**7.7 Principles for the Development of Adjoining Land**

Council's development control practices recognise and endeavor to minimize the impacts upon adjoining land parcels. Council will consider the impacts of activities carried out on the reserve on adjoining land.

**7.8 Community Involvement in Management**

Where appropriate, Council will undertake community consultation subsequent to the making of this Plan of Management and may give community groups a role in management.



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### **7.9 Contract and Volunteer Labour**

In managing the land Council may use contract and volunteer labour but shall ensure that supervisors and staff have appropriate qualifications and/or experience and are made aware of the requirements of this plan.

### **7.10 Existing Assets**

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. Council may make arrangement for community groups and users to undertake maintenance for specific facilities on Council's behalf.

### **7.11 Public Liability Insurance**

All users of the land, including lease and licence holders, must have public liability insurance coverage, incorporating the following:

- At least \$20M coverage for any one instance; and
- Edward River Council named in the policy as an interested party.

A copy of the cover note for the insurance is to be provided to Council prior to use of the reserve. Where the use of the reserve is for longer than one year, as may be the case for leases and licences, up to date copies of the cover note shall be provided.

### **7.12 Commercial Activities**

Commercial activities may be carried out on the land, provided that the activity is ancillary to the purpose of the land or for a purpose authorised under this Plan of Management. Any commercial activity is subject to prior Council consent.

### **7.13 Emergencies**

This Plan of Management authorises necessary activities to be carried out during declared emergencies as may be decided by the General Manager or delegate. Following carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

### **7.14 Land Proposed for Future Development**

Land proposed in any of Council's plans for future development for a specific purpose may be utilized for other purposes on an interim basis until required for that purpose.

### **7.15 Undeveloped Land**

Land to which this Plan of Management applies that is undeveloped and unused for the purpose of the land may upon assessment, be used for any activity that does not prevent or inhibit future use for the purpose of the land, including tree planting and mowing.

### **7.16 Information Monitoring and Research**

Monitoring and collection of information relating to the land to which the Plan of Management applies are important to enable good management. Where a demonstrated need has been identified, an educational programme shall be developed to encourage use appropriate to the purpose to all or part of the land to which this Plan of Management applies.



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Management arrangements shall be implemented to regularly monitor the use of the land, environmental conditions and facilities. Surveys of visitation and/or satisfaction with the facilities may be undertaken to facilitate the management and use of the land.

### **7.17 Buildings and Amenities**

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983* and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with. Buildings and amenities are to be maintained in a safe condition for users and the public.

### **7.18 Infrastructure**

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*, and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with.

### **7.19 General Maintenance**

General maintenance will match the level and type of use and wherever possible users will be encouraged to help. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may decide for community groups to undertake maintenance for specific facilities on Council's behalf.

### **7.20 Development Activities**

Development activities shall be undertaken in a way that minimizes the area, degree and duration of disturbance, and areas are to be restored to the greatest extent practicable.

### **7.21 Pollution Control**

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

### **7.22 Public Safety**

Reasonable measures will be taken by Council to ensure and maintain the public safety of persons using the land.

### **7.23 Neighbours**

Council shall endeavour to be a good neighbor and as far as possible shall consult with adjoining owners in respect of management and other activities which may affect them.

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**7.24 Trees, Vegetation and Landscape**

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land. Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's Tree Management Policy.

**7.25 Weed Control**

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions that encourage weeds.

Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Control measures which are acceptable include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where Council is satisfied that there will be no adverse residual effects and no adverse effect on human health.

## APPENDIX A

### SPECIFIC INFORMATION FOR RESERVE 74736

### MAYRUNG HALL RESERVE

#### APPENDIX A – MAYRUNG HALL RESERVE

#### A2 INTRODUCTION

##### *A2.3 Land to Which this Plan Applies*

The land to which this plan applies is Crown Reserve 74736 and is contained in Lot 1 DP 319084, Lots 166, 207 DP 756305 Parish Narrama, County Townsend. The reserve is located on the Mayrung Rd, east of Deniliquin. The land contains a total of 33,000 m<sup>2</sup>. The reserve for Mayrung Hall was gazette on 15 February 1952 and was set aside for the purpose of Public Recreation. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure A1**.



**Figure A1** – Aerial Photograph of Mayrung Hall (Reserve No. 74736)



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### A2.4 Land Ownership

Mayrung Hall is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

### A2.5 Categorisation of the Reserve

In the case of Mayrung Hall, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of Public Recreation.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purpose of the of the land and its usage.

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

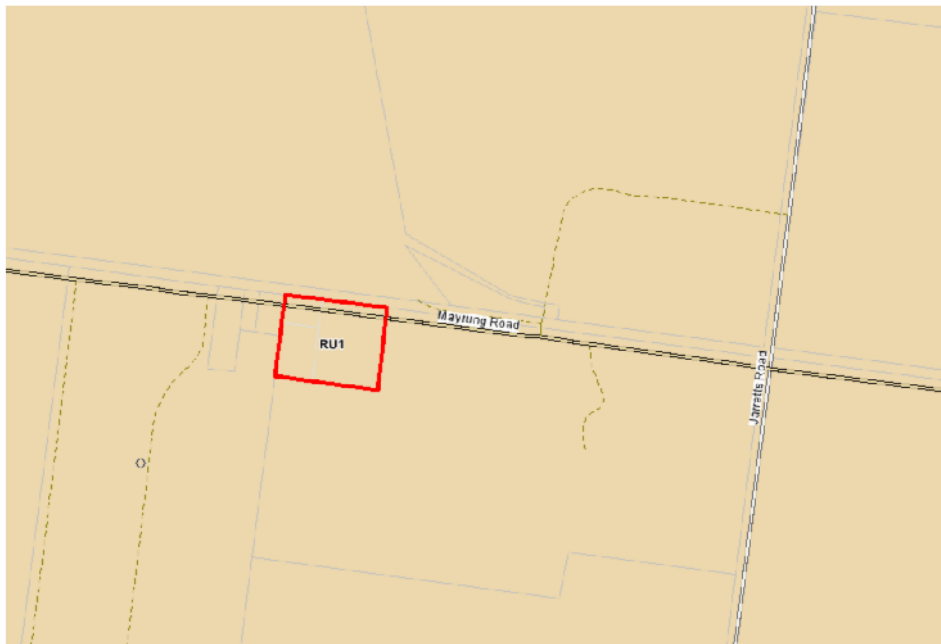
- (a) in relation to Public Recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

## A3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

### A3.6 Environmental Planning and Assessment Act 1979

The land is zoned as follows under the Conargo Local Environmental Plan 2013 (LEP):

- RU 1 Primary Production



**Figure A2** – Land Use Zones for Reserve No. 74736

The objectives of the land use zones are noted below in **Table A1**.



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**Table A1** – Objectives of Land Use Zones for Reserve No. 74736

Land Use Zone	Objectives
RU 1 – Primary Production	<ul style="list-style-type: none"> <li>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>• To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>• To minimise the fragmentation and alienation of resource lands.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To allow the development of non-agricultural land uses that are compatible with the character of the zone.</li> <li>• To encourage tourist and visitor accommodation that does not have an adverse impact on agricultural activities.</li> <li>• To allow for the development of non-agricultural land uses that are compatible with the character of the zone.</li> <li>• To permit small-scale rural tourism uses associated with primary production and environmental conservation that have minimal impact on primary production and the scenic amenity of the area.</li> <li>• To provide opportunities for employment-generating development that adds value to local agricultural production and integrates with tourism.</li> </ul>

Details regarding permitted developments in the land use zone is included in the Conargo LEP 2013.

In addition to the Conargo LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.



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- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

**A4 CULTURALLY SIGNIFICANT LAND****A4.1 Aboriginal Significance**

Mayrung Hall is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

**A4.2 Non-indigenous Significance**

The reserve for Mayrung Hall was gazette on 15 February 1952 and was set aside for Public Recreation. The Mayrung Hall is not specifically listed under the Conargo Local Environment Plan 2013 but is represented in the plan under the zonings RU 1 Primary Production

**A5 DEVELOPMENT AND USE****A5.2 Community Strategic Plan - Outcome 1 – A great place to live**

The direction for the Mayrung Hall is captured within Outcome 1 – A great place to live

*We love our strong sense of community, our willingness to help each other out, and the fact that our region provides an ideal environment in which to raise a family. Over the life of Edward River 2030, we want to keep our community safe, active and healthy and make sure that our public and open spaces – such as our sporting grounds, community halls, parks and gardens – provide social value and keep us connected.*

The Mayrung Hall fits directly under Targets 1.2 – Our community is safe, happy and healthy, both physically and mentally, and Target 3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture. The Council's role is to promote healthy lifestyles and effectively manage community assets.



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**A5.4 Condition of the Land and Structures on Adoption of the Plan of Management**

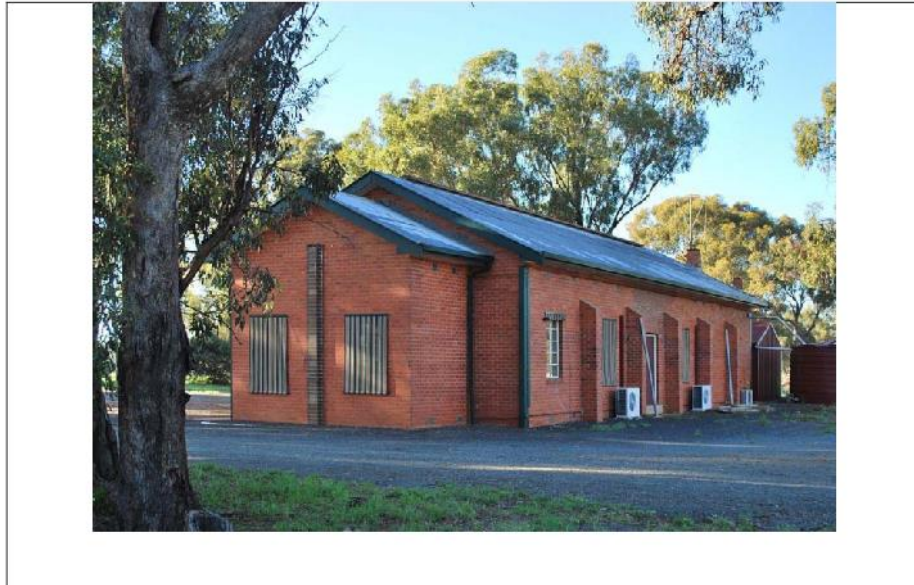
Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Mayrung Hall upon recent inspection is shown below in **Table A2**.

**Table A2** – Condition of Council Assets Located on at Mayrung Hall

ASSET DESCRIPTION	CATEGORY	CONDITION RATING 1 – Good 5 – Unserviceable
Fencing	General Community Use	2
Hall	General Community Use	2
Sewer and water infrastructure	General Community Use	2
Rubbish bins	General Community Use	2
Roads	General Community Use	2

The Mayrung Hall is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure A3**.



**Figure A3** – Photographs of Mayrung Hall.

#### ***A5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management***

Existing use of the reserve includes:

- Public Recreation.

Council is willing to work with existing and potential users to expand the usage of Mayrung Hall and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

It is noted that there currently is a Mayrung Hall committee, comprising of local volunteers, that runs the day to day operations for the Hall and the reserve. The Committee works with Council regarding the Hall.

#### ***A5.6 Permitted Use Strategic Objectives***

As previously noted, the classification of Mayrung Hall is General Community Use with the intended purpose(s) of Public Recreation. Under the Conargo LEP 2013, the different lots are zoned RU 1 – Primary Production. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

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Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

**A7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND*****A7.26 Alcohol***

Alcohol is permitted within the Mayrung Hall at selected events if all the correct licencing procedures are followed and an application to Council is submitted and approved by whichever group.

***A7.27 Companion Animals***

Domestic pets may use the grounds where authorised by signage provided that they are under the control of a responsible person at all times and do not cause loss of amenity to other users of the land.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas. Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

***A7.28 Parking***

Parking is directly available within the Mayrung Hall, however, no signage is dedicated to showing where parking is permitted.

## APPENDIX B

### SPECIFIC INFORMATION FOR RESERVE 88068

### MAUDE ROAD SOIL CONSERVATION RESERVE

#### APPENDIX B – MAUDE ROAD SOIL CONSERVATION RESERVE

#### B2 INTRODUCTION

##### *B2.3 Land to Which this Plan Applies*

The land to which this plan applies is Crown Reserve 88068 and is contained Lot 7004 DP 1025393 Parish of Thalaka, County of Wakool. The reserve is located on the Maude Rd, north of Moulamein. The land contains a total of 666,000 m<sup>2</sup>. The reserve for Maude Road Soil Conservation Area was gazette on 24 December 1970 and was set aside for the purpose of Soil Conservation. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure B1**.



**Figure B1** – Aerial Photograph of Maude Road Soil Conservation Area (Reserve No. 88068)



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### **B2.4 Land Ownership**

Maude Road Soil Conservation Area is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

### **B2.5 Categorisation of the Reserve**

In the case of Maude Road Soil Conservation Area, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of **Soil Conservation**.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purpose of the of the land and its usage.

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (c) in relation to Soil Conservation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (d) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

## **B3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES**

### **B3.6 Environmental Planning and Assessment Act 1979**

The land is zoned as follows under the Conargo Local Environmental Plan 2013 (LEP):

- RU 1 Primary Production



**Figure B2** – Land Use Zones for Reserve No. 88068

The objectives of the land use zones are noted below in **Table B1**.



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**Table B1** – Objectives of Land Use Zones for Reserve No. 88068

Land Use Zone	Objectives
RU 1 – Primary Production	<ul style="list-style-type: none"> <li>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>• To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>• To minimise the fragmentation and alienation of resource lands.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To allow the development of non-agricultural land uses that are compatible with the character of the zone.</li> <li>• To encourage tourist and visitor accommodation that does not have an adverse impact on agricultural activities.</li> <li>• To allow for the development of non-agricultural land uses that are compatible with the character of the zone.</li> <li>• To permit small-scale rural tourism uses associated with primary production and environmental conservation that have minimal impact on primary production and the scenic amenity of the area.</li> <li>• To provide opportunities for employment-generating development that adds value to local agricultural production and integrates with tourism.</li> </ul>

Details regarding permitted developments in the land use zone is included in the Conargo LEP 2013.

In addition to the Conargo LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.





- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

#### **B4 CULTURALLY SIGNIFICANT LAND**

##### ***B4.1 Aboriginal Significance***

Maude Road Soil Conservation Area is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

##### ***B4.2 Non-indigenous Significance***

The reserve for Maude Road Soil Conservation Area was gazette on 24 December 1970 and was set aside for Soil Conservation. The Maude Road Soil Conservation Area is not specifically listed under the Conargo Local Environment Plan 2013 but is represented in the plan under the zonings RU 1 Primary Production.

#### **B5 DEVELOPMENT AND USE**

##### ***B5.2 Community Strategic Plan - Outcome 1 – A great place to live***

The direction for the Maude Road Soil Conservation Area is captured within Outcome 1 – A great place to live

*We love our strong sense of community, our willingness to help each other out, and the fact that our region provides an ideal environment in which to raise a family. Over the life of Edward River 2030, we want to keep our community safe, active and healthy and make sure that our public and open spaces – such as our sporting grounds, community halls, parks and gardens – provide social value and keep us connected.*

The Maude Road Soil Conservation Area fits directly under Targets 1.2 – Our community is safe, happy and healthy, both physically and mentally, and Target 3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture. The Council's role is to promote healthy lifestyles and effectively manage community assets.

**B5.4 Condition of the Land and Structures on Adoption of the Plan of Management**

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Maude Road Soil Conservation Area upon recent inspection is shown below in **Table B2**.

**Table B2** – Condition of Council Assets Located on at Maude Road Soil Conservation Area

ASSET DESCRIPTION	CATEGORY	CONDITION RATING  1 – Good  5 – Unserviceable
Fencing	General Community Use	3

The Maude Road Soil Conservation Area is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure B3**.

**Figure B3** – Photographs of Maude Road Soil Conservation Area.

**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

***B5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management***

Existing use of the reserve includes:

- Soil Conservation.

Council is willing to work with existing and potential users to expand the usage of Maude Road Soil Conservation Area and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

***B5.6 Permitted Use Strategic Objectives***

As previously noted, the classification of Maude Road Soil Conservation Area is General Community Use with the intended purpose(s) of Soil Conservation. Under the Conargo LEP 2013, the different lots are zoned RU 1 – Primary Production. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

**B7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND*****B7.26 Alcohol***

Alcohol is permitted within the Maude Road Soil Conservation Area at selected events if all the correct licencing procedures are followed and an application to Council is submitted and approved by whichever group.

***B7.27 Companion Animals***

Domestic pets may use the grounds where authorised by signage provided that they are under the control of a responsible person at all times and do not cause loss of amenity to other users of the land.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas. Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

***B7.28 Parking***

Parking is directly available within the Maude Road Soil Conservation Area, however, no signage is dedicated to showing where parking is permitted.

## APPENDIX C

### SPECIFIC INFORMATION FOR RESERVE 88408

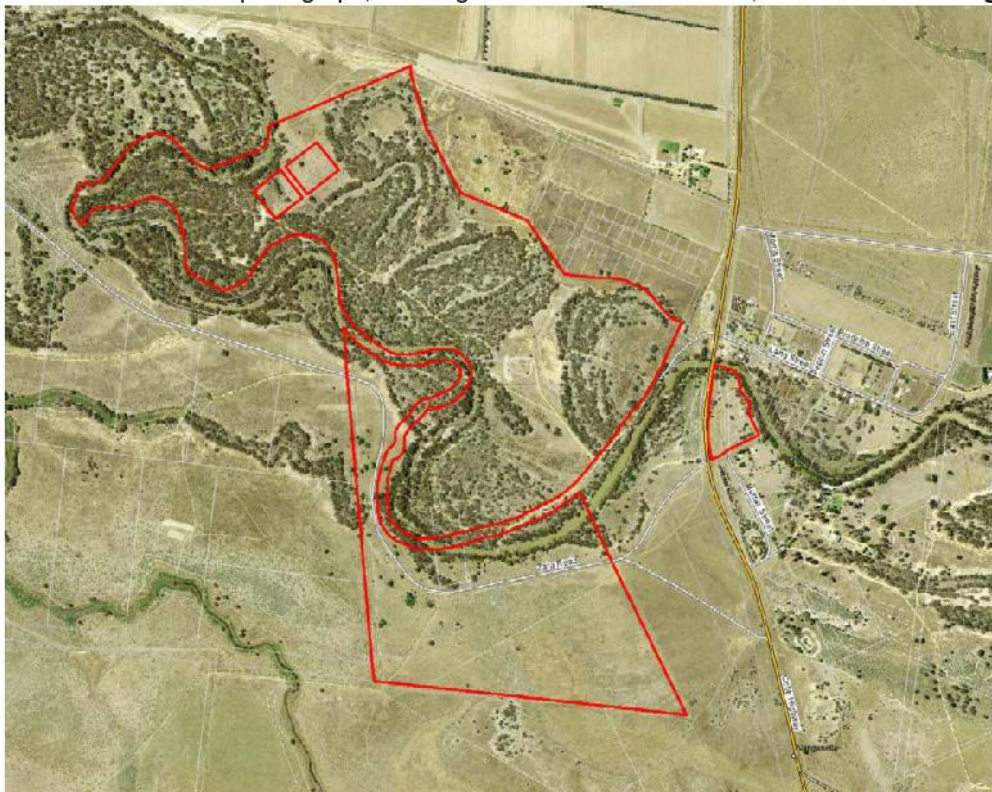
### WANGANELLA COMMON RESERVE

#### APPENDIX C – WANGANELLA COMMON RESERVE

#### C2 INTRODUCTION

##### *C2.3 Land to Which this Plan Applies*

The land to which this plan applies is Crown Reserve 88408 and is contained in Lots 91-92, 116 DP 756336, Lots 1-5 Section 45 DP 759045, Lot 7005 DP 1024202, Lot 7004 DP 1024203, Lot 7015 DP 1053753, Lot 7006 DP 1055647, Lot 7007 DP 1118956, Lot 7300 DP 1126742 Parish Wanganella County Townsend. The reserve is located on the Cobb Highway west of the Wanganella township. The land contains a total of 1,820,000 m<sup>2</sup>. The reserve for Wanganella Common was gazette on 26 November 1971 and was set aside for the purpose of Preservation of Fauna; Public Recreation. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure C1**.



**Figure C1** – Aerial Photograph of Wanganella Common (Reserve No. 88408)



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The Reserve's main purpose of Preservation of Fauna; Public Recreation for the residents of Wanganella.

### **C2.4 Land Ownership**

Wanganella Common 88408 is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

### **C2.5 Categorisation of the Reserve**

In the case of Wanganella Common, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of Preservation of Fauna; Public Recreation.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purpose of the of the land and its usage.

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

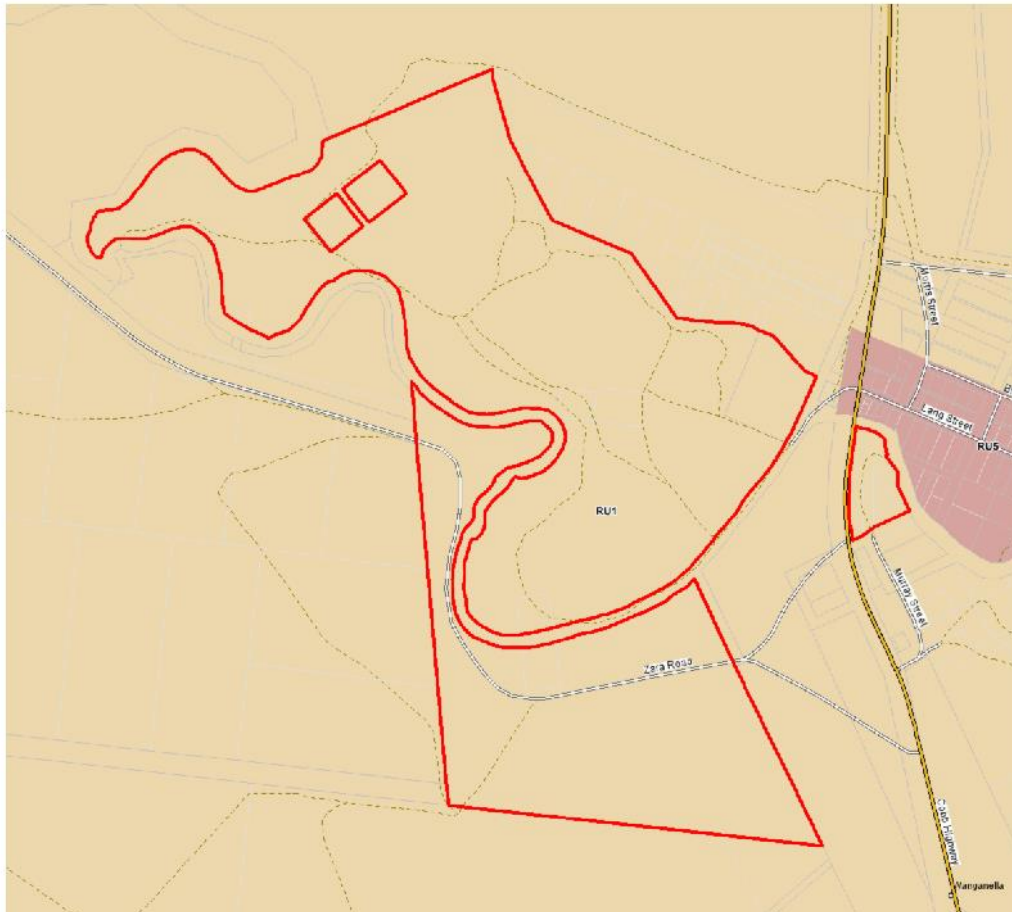
- (e) in relation to Preservation of Fauna; Public Recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (f) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

## **C3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES**

### **C3.6 Environmental Planning and Assessment Act 1979**

The land is zoned as follows under the Conargo Local Environmental Plan 2013 (LEP):

- RU 1 Primary Production



**Figure C2** – Land Use Zones for Reserve No. 88408

The objectives of the land use zones are noted below in **Table C1**.



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**Table C1** – Objectives of Land Use Zones for Reserve No. 88408

Land Use Zone	Objectives
RU 1 – Primary Production	<ul style="list-style-type: none"> <li>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>• To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>• To minimise the fragmentation and alienation of resource lands.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To allow the development of non-agricultural land uses that are compatible with the character of the zone.</li> <li>• To encourage tourist and visitor accommodation that does not have an adverse impact on agricultural activities.</li> <li>• To allow for the development of non-agricultural land uses that are compatible with the character of the zone.</li> <li>• To permit small-scale rural tourism uses associated with primary production and environmental conservation that have minimal impact on primary production and the scenic amenity of the area.</li> <li>• To provide opportunities for employment-generating development that adds value to local agricultural production and integrates with tourism.</li> </ul>

Details regarding permitted developments in the land use zone is included in the Conargo LEP 2013.

In addition to the Conargo LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.



- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

#### **C4 CULTURALLY SIGNIFICANT LAND**

##### ***C4.1 Aboriginal Significance***

Wanganella Common is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

##### ***C4.2 Non-indigenous Significance***

The reserve for Wanganella Common was gazette on 26 November 1971 and was set aside for Preservation of Fauna; Public Recreation. The Wanganella Common is not specifically listed under the Conargo Local Environment Plan 2013 but is represented in the plan under the zonings RU 1 Primary Production.

#### **C5 DEVELOPMENT AND USE**

##### ***C5.2 Outcome 1 – A great place to live***

The direction for the Wanganella Common is captured within Outcome 1 – A great place to live

*We love our strong sense of community, our willingness to help each other out, and the fact that our region provides an ideal environment in which to raise a family. Over the life of Edward River 2030, we want to keep our community safe, active and healthy and make sure that our public and open spaces – such as our sporting grounds, community halls, parks and gardens – provide social value and keep us connected.*

The Wanganella Common fits directly under Targets 1.2 – Our community is safe, happy and healthy, both physically and mentally, and Target 3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture. The Council's role is to promote healthy lifestyles and effectively manage community assets.



**C5.4 Condition of the Land and Structures on Adoption of the Plan of Management**

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Wanganella Common upon recent inspection is shown below in **Table A2**.

**Table C2** – Condition of Council Assets Located on at Wanganella Common

<b>ASSET DESCRIPTION</b>	<b>CATEGORY</b>	<b>CONDITION RATING</b>  1 – Good  5 – Unserviceable
Fencing	General Community Use	3
Rubbish bins	General Community Use	3
Roads	General Community Use	3

The Wanganella Common is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure C3**.

**Figure C3** – Photographs of Wanganella Common.

**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

***C5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management***

Existing use of the reserve includes:

- Preservation of Fauna; Public Recreation.

Council is willing to work with existing and potential users to expand the usage of Wanganella Common and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

***C5.6 Permitted Use Strategic Objectives***

As previously noted, the classification of Wanganella Common is General Community Use with the intended purpose(s) of Preservation of Fauna, Public Recreation. Under the Conargo LEP 2013, the different lots are zoned RU 1 – Primary Production. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

**C7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND*****C7.26 Alcohol***

Alcohol is permitted within the Wanganella Common at selected events if all the correct licencing procedures are followed and an application to Council is submitted and approved by whichever group.

***C7.27 Companion Animals***

Domestic pets may use the grounds where authorised by signage provided that they are under the control of a responsible person at all times and do not cause loss of amenity to other users of the land.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas. Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

***C7.28 Parking***

Parking is directly available within the Wanganella Common, however, no signage is dedicated to showing where parking is permitted.

## APPENDIX D

### SPECIFIC INFORMATION FOR RESERVE 89286

### MACAULEY STREET RESERVE

#### APPENDIX D – MACAULEY STREET RESERVE

#### D2 INTRODUCTION

##### *D2.3 Land to Which this Plan Applies*

The land to which this plan applies is Crown Reserve 89286 and is contained Lot 409 DP 756325 Parish South Deniliquin County Townsend. The reserve is located on the southern side of Deniliquin. The land contains a total of 920 m<sup>2</sup>. The reserve for Macauley St was gazette on 27 September 1974 and was set aside for the purpose of Community Centre. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure D1**.



**Figure D1** – Aerial Photograph of Macauley St (Reserve No. 89286)

**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

**D2.4 Land Ownership**

Macauley Street reserve is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

**D2.5 Categorisation of the Reserve**

In the case of Macauley St, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of Community Centre.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purposes of the of the land and its usage.

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (g) in relation to Plantation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (h) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

**D3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES****D3.6 Environmental Planning and Assessment Act 1979**

The land is zoned as follows under the Deniliquin Local Environmental Plan 2013 (LEP):

- R1 General Residential



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Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

In addition to the Deniliquin LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.
- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

**D4 CULTURALLY SIGNIFICANT LAND*****D4.1 Aboriginal Significance***

Macauley St is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

***D4.2 Non-indigenous Significance***

The reserve for Macauley St was gazette on 27 September 1974 and was set aside for community hall purposes. The Macauley St is not specifically listed under the Deniliquin Local Environment Plan 2013 but is represented in the plan under the zoning R1 General Residential.



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Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

### D5 DEVELOPMENT AND USE

#### D5.2 Community Strategic Plan - Outcome 1 – A great place to live

The direction for the Macauley Street reserve is captured within Outcome 1 – A great place to live

*We love our strong sense of community, our willingness to help each other out, and the fact that our region provides an ideal environment in which to raise a family. Over the life of Edward River 2030, we want to keep our community safe, active and healthy and make sure that our public and open spaces – such as our sporting grounds, community halls, parks and gardens – provide social value and keep us connected.*

The Macauley St fits directly under Targets 1.2 – Our community is safe, happy and healthy, both physically and mentally, and Target 3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture. The Council's role is to promote healthy lifestyles and effectively manage community halls and recreation reserves.

#### D5.4 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Macauley St upon recent inspection is shown below in **Table D2**.

**Table D2** – Condition of Council Assets Located on at Macauley St

ASSET DESCRIPTION	CATEGORY	CONDITION RATING  1 – Good  5 – Unserviceable
Paths	General Community Use	5

The Macauley St is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure D3**.



**Figure D3** – A Photograph of the Macauley St Reserve where the purpose of the land is for a community centre.

#### ***D5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management***

Existing use of the reserve includes:

- Community Centre.

Council is willing to work with existing and potential users to expand the usage of Macauley Street reserve and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

#### ***D5.6 Permitted Use Strategic Objectives***

As previously noted, the classification of Macauley Street reserve is General Community Use with the intended purpose(s) of Community Centre. Under the Deniliquin LEP 2013, the different lots are zoned R1 – Public Recreation. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.



**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

**D7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND*****D7.26 Alcohol***

Alcohol is permitted within the Macauley St at selected events if all the correct licencing procedures are followed and an application to Council is submitted and approved by whichever group.

***D7.27 Companion Animals***

Domestic pets may use the grounds where authorised by signage provided that they are under the control of a responsible person at all times and do not cause loss of amenity to other users of the land.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas. Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

***D7.28 Parking***

Parking is directly available along Macauley Street.

## APPENDIX E

### SPECIFIC INFORMATION FOR RESERVE 98151

### WANGANELLA TENNIS COURTS RESERVE

#### APPENDIX E – WANGANELLA TENNIS COURTS RESERVE

##### E2 INTRODUCTION

##### *E2.3 Land to Which this Plan Applies*

The land to which this plan applies is Crown Reserve 98151 and is contained in Lot 1 DP 722024, Lot 1 Section 10 DP 759045 Parish Wanganella County Townsend. The reserve is located within the Wanganella township east of the Cobb Highway. The land contains a total of 4,500 m<sup>2</sup>. The reserve for Wanganella Tennis Courts was gazette on 2 May 1986 and was set aside for public recreation. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure E1**.



**Figure E1** – Aerial Photograph of Wanganella Tennis Courts (Reserve No. 98151)



## Plan of Management

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

### **E2.4 Land Ownership**

Wanganella Tennis Courts Reserve 98151 is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

### **E2.5 Categorisation of the Reserve**

In the case of Wanganella Tennis Courts, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of **Public Recreation**.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purposes of the of the land and its usage.

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

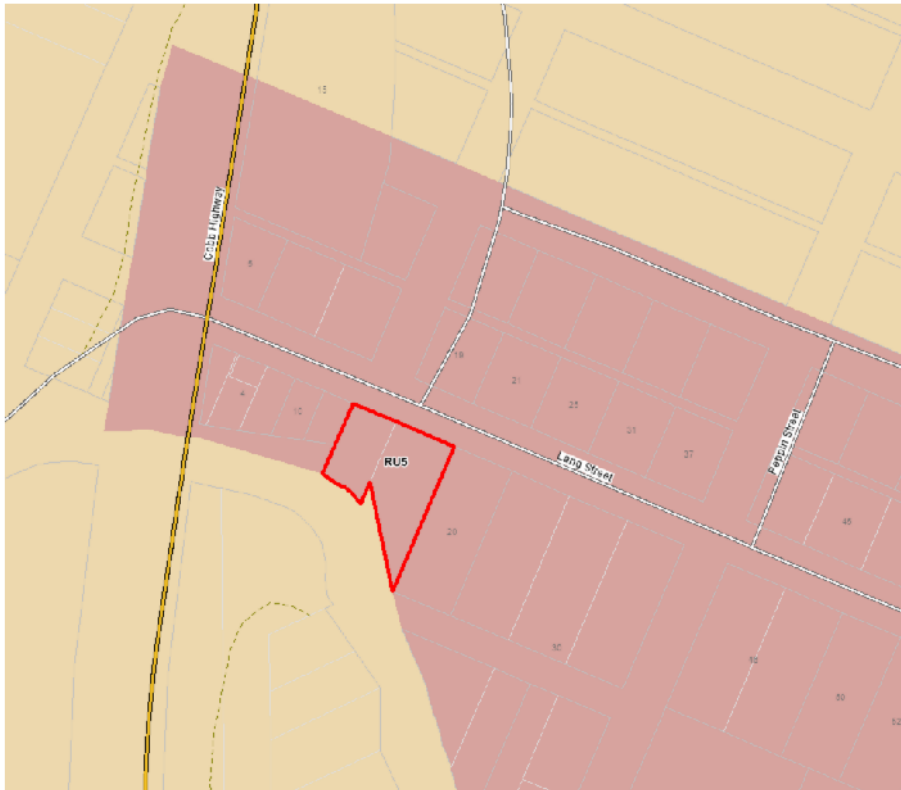
- (i) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (j) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

## **E3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES**

### **E3.6 Environmental Planning and Assessment Act 1979**

The land is zoned as follows under the Conargo Local Environmental Plan 2013 (LEP):

- RU5 Village.



**Figure E2** – Land Use Zones for Reserve No. 98151

The objectives of the land use zones are noted below in **Table E1**.

**Table E1** – Objectives of Land Use Zones for Reserve No. 98151

Land Use Zone	Objectives
RU5 – Village	<ul style="list-style-type: none"> <li>• To provide for a range of land uses, services and facilities that are associated with a rural village.</li> <li>• To ensure that land uses are supported by satisfactory arrangements for water supply and effluent disposal.</li> <li>• To enable a range of housing forms and land uses that compliment the character of each village.</li> <li>• To provide for land uses that support the role of the rural village.</li> </ul>

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Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

Details regarding permitted developments in these land use zones is included in the Conargo LEP 2013.

In addition to the Conargo LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.
- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

**E4 CULTURALLY SIGNIFICANT LAND*****E4.1 Aboriginal Significance***

Wanganella Tennis Courts Reserve is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

***E4.2 Non-indigenous Significance***

The reserve for Wanganella Tennis Courts was gazette on 2 May 1986 and was set aside for public recreation. Wanganella Tennis Courts is not specifically listed under the Conargo Local Environment Plan 2013 but is represented in the plan under the zoning RU5 Village.



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## Plan of Management

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

### E5 DEVELOPMENT AND USE

#### E5.2 Outcome 1 – A great place to live

The direction for the Wanganella Tennis Courts is captured within Outcome 1 – A great place to live

*We love our strong sense of community, our willingness to help each other out, and the fact that our region provides an ideal environment in which to raise a family. Over the life of Edward River 2030, we want to keep our community safe, active and healthy and make sure that our public and open spaces – such as our sporting grounds, community halls, parks and gardens – provide social value and keep us connected.*

The Wanganella Tennis Courts fits directly under Targets 1.2 – Our community is safe, happy and healthy, both physically and mentally, and Target 3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture. The Council's role is to promote healthy lifestyles and effectively manage community assets.

#### E5.4 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on J.P. Burchfield Park upon recent inspection is shown below in **Table B2**.

**Table E2** – Condition of Council Assets Located on at Wanganella Tennis Courts Reserve

BUILDING DESCRIPTION	CATEGORY	CONDITION RATING 1 – Good 5 - Unserviceable
Seating	General Community Use	3
Signage	General Community Use	2
Lighting	General Community Use	2
Watering System	General Community Use	3
Sewer infrastructure	General Community Use	2
Drainage outfalls	General Community Use	2
Fencing	General Community Use	3

Photographs of the reserve are shown below in **Figure E3**.



**Figure E3** – Photographs of Wanganella Tennis Courts Reserve.

#### ***E5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management***

Existing use of the reserve includes:

- Tennis and Netball Courts

Council is willing to work with existing and potential users to expand the usage of Wanganella Tennis Courts and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

#### ***E5.6 Permitted Use Strategic Objectives***

As previously noted, the classification of Wanganella Tennis Courts is General Community Use with the intended purpose(s) of Public Recreation. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

**E7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND*****E7.26 Alcohol***

The infrequent sale of alcohol by a sporting committee, club or user group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making application for the use of a passive recreational area, if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

***E7.27 Companion Animals***

Domestic pets may use Wanganella Tennis Courts reserve where authorised by signage if they are always under the control of a responsible person and do not cause loss of amenity to other users of the land.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas. Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

***E7.28 Parking***

Parking is available in designated parking areas on each street. Signage is dedicated to showing where parking is permitted.



## APPENDIX F

### SPECIFIC INFORMATION FOR RESERVE 150008

### ROTARY PARK PLANTATION RESERVE

#### APPENDIX F – ROTARY PARK PLANTATION RESERVE

#### F2 INTRODUCTION

##### *F2.3 Land to Which this Plan Applies*

The land to which this plan applies is Crown Reserve 150008 and is contained Lot 521 DP 820164 Parish South Deniliquin County Townsend. The reserve is located on the southern side of Deniliquin bordering on the Mulwala Canal and Cemetery Rd, merging with the soccer fields which is part of the Deniliquin Sports Park. The land contains a total of 45,400 m<sup>2</sup>. The reserve for Rotary Park was gazette on 19 December 1986 and was set aside for the purpose of Plantation. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure F1**.



**Figure F1** – Aerial Photograph of Rotary Park (Reserve No. 150008)

**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

**F2.4 Land Ownership**

Rotary Park Plantation reserve is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

**F2.5 Categorisation of the Reserve**

In the case of Rotary Park Plantation, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of Plantation.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purposes of the of the land and its usage.

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (k) in relation to Plantation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (l) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

**F3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES****F3.6 Environmental Planning and Assessment Act 1979**

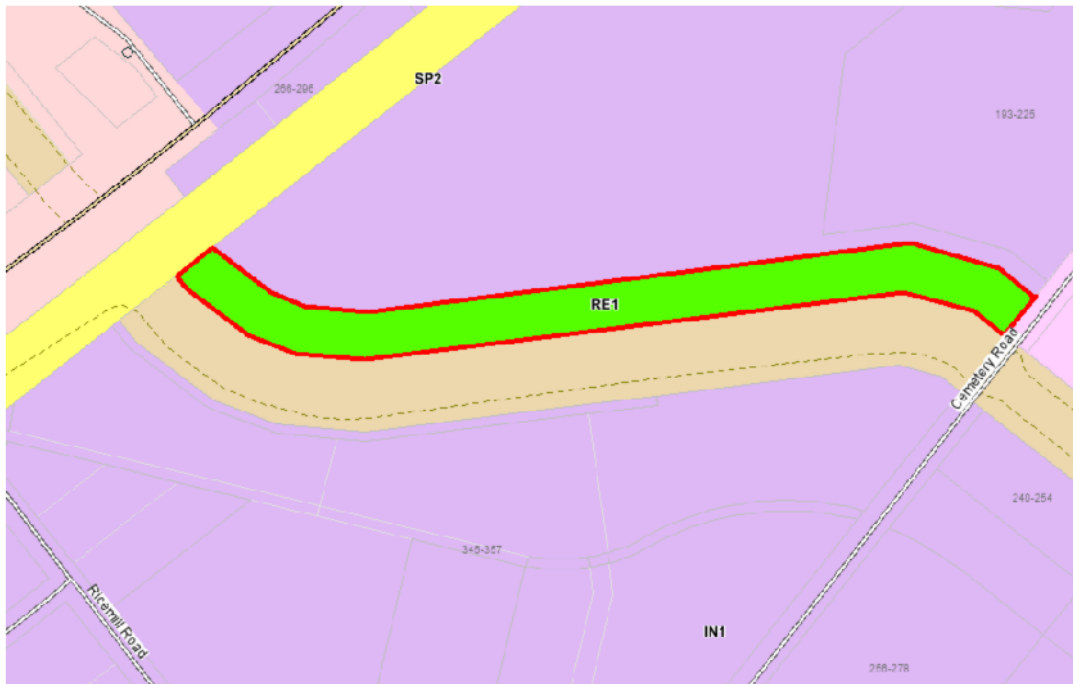
The land is zoned as follows under the Deniliquin Local Environmental Plan 2013 (LEP):

- RE 1 Public Recreation



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Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324



**Figure F2** – Land Use Zones for Reserve No. 150008

The objectives of the land use zones are noted below in **Table F1**.

**Table F1** – Objectives of Land Use Zones for Reserve No. 150008

Land Use Zone	Objectives
RE 1 – Public Recreation	<ul style="list-style-type: none"> <li>• To enable land to be used for public open space or recreational purposes.</li> <li>• To provide a range of recreational settings and activities and compatible land uses.</li> <li>• To protect and enhance the natural environment for recreational purposes.</li> </ul>

Details regarding permitted developments in these land use zones is included in the Deniliquin LEP 2013.

In addition to the Deniliquin LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.

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- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.
- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

**F4 CULTURALLY SIGNIFICANT LAND*****F4.1 Aboriginal Significance***

Rotary Park Plantation is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

***F4.2 Non-indigenous Significance***

The reserve for Rotary Park was gazette on 19 December 1986 and was set aside for Public Recreation and hosts a plantation of native trees. The Rotary Park is not specifically listed under the Deniliquin Local Environment Plan 2013 but is represented in the plan under the zonings RE 1 Public Recreation.



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## Plan of Management

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

### F5 DEVELOPMENT AND USE

#### F5.2 Community Strategic Plan - Outcome 1 – A great place to live

The direction for the Rotary Park Plantation reserve is captured within Outcome 1 – A great place to live

*We love our strong sense of community, our willingness to help each other out, and the fact that our region provides an ideal environment in which to raise a family. Over the life of Edward River 2030, we want to keep our community safe, active and healthy and make sure that our public and open spaces – such as our sporting grounds, community halls, parks and gardens – provide social value and keep us connected.*

The Rotary Park Plantation fits directly under Targets 1.2 – Our community is safe, happy and healthy, both physically and mentally, and Target 3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture. The Council's role is to promote healthy lifestyles and effectively manage community halls and recreation reserves. In relation to the plantation it will be important for Council to perform proper management of landscaping measures, trees and vegetation to provide a high degree of amenity on the land.

#### F5.4 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Rotary Park upon recent inspection is shown below in **Table F2**.

**Table F2** – Condition of Council Assets Located on at Rotary Park

ASSET DESCRIPTION	CATEGORY	CONDITION RATING 1 – Good 5 – Unserviceable
Fencing	General Community Use	3

The Rotary Park is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure F3**.



**Figure F3** – A Photograph of Rotary Park Plantation with a full established treeline.

#### ***F5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management***

Existing use of the reserve includes:

- Plantation.

Council is willing to work with existing and potential users to expand the usage of Rotary Park and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

#### ***F5.6 Permitted Use Strategic Objectives***

As previously noted, the classification of Rotary Park is General Community Use with the intended purpose(s) of Plantation. Under the Deniliquin LEP 2013, the different lots are zoned RE 1 – Public Recreation. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

**F7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND*****F7.26 Alcohol***

Alcohol is permitted within the Rotary Park Plantation reserve at selected events if all the correct licencing procedures are followed and an application to Council is submitted and approved by whichever group.

***F7.27 Companion Animals***

Domestic pets may use the grounds where authorised by signage provided that they are under the control of a responsible person at all times and do not cause loss of amenity to other users of the land.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas. Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

***F7.28 Parking***

Parking is directly available within the Deniliquin Sports Park. Signage is dedicated to showing where parking is permitted.

## APPENDIX G

### SPECIFIC INFORMATION FOR RESERVE 1001324

### WANGANELLA CEMETERY RESERVE

#### APPENDIX G – WANGANELLA CEMETERY RESERVE

##### G2 INTRODUCTION

##### *G2.3 Land to Which this Plan Applies*

The land to which this plan applies is Crown Reserve 1001324 and is contained in Lots 7012-7013 DP 1001151 Parish Wanganella County Townsend. The reserve is located on the western side of the Cobb Highway within the Wanganella Common. The land contains a total of 30,300 m<sup>2</sup>. The reserve for Wanganella Cemetery was gazette on 4 August 1863 and was set aside for the purpose of General Cemetery. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure G1**.



**Figure G1** – Aerial Photograph of Wanganella Cemetery (Reserve No. 1001324)



**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

The Reserve's main purpose of General Cemetery for the residents of Wanganella.

**G2.4 Land Ownership**

Wanganella Cemetery is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

**G2.5 Categorisation of the Reserve**

In the case of Wanganella Cemetery, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of General Cemetery.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purposes of the land and its usage.

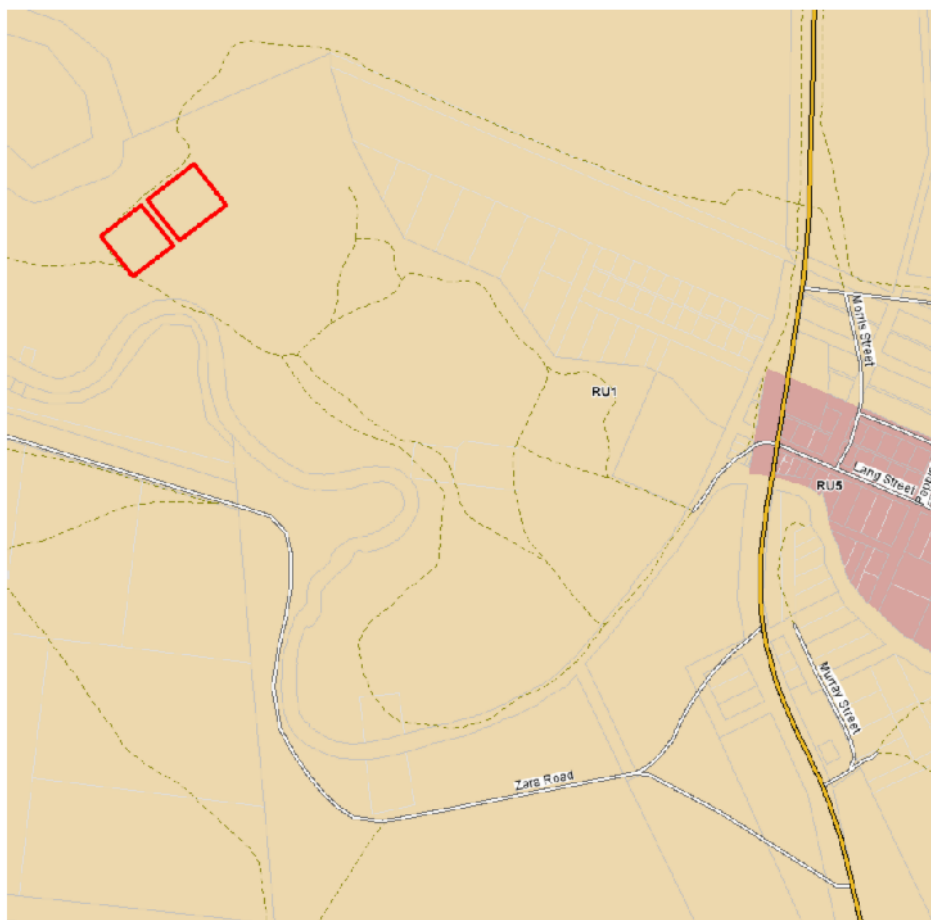
The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (m) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (n) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

**G3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES****G3.6 Environmental Planning and Assessment Act 1979**

The land is zoned as follows under the Conargo Local Environmental Plan 2013 (LEP):

- RU 1 Primary Production



**Figure G2** – Land Use Zones for Reserve No. 1001324

The objectives of the land use zones are noted below in **Table G1**.



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Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

**Table G1** – Objectives of Land Use Zones for Reserve No. 1001324

Land Use Zone	Objectives
RU 1 – Primary Production	<ul style="list-style-type: none"> <li>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>• To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>• To minimise the fragmentation and alienation of resource lands.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To allow the development of non-agricultural land uses that are compatible with the character of the zone.</li> <li>• To encourage tourist and visitor accommodation that does not have an adverse impact on agricultural activities.</li> <li>• To allow for the development of non-agricultural land uses that are compatible with the character of the zone.</li> <li>• To permit small-scale rural tourism uses associated with primary production and environmental conservation that have minimal impact on primary production and the scenic amenity of the area.</li> <li>• To provide opportunities for employment-generating development that adds value to local agricultural production and integrates with tourism.</li> </ul>

Details regarding permitted developments in these land use zones is included in the Conargo LEP 2013.

In addition to the Conargo LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.



- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

## G4 CULTURALLY SIGNIFICANT LAND

### G4.1 Aboriginal Significance

Wanganella Cemetery is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

### G4.2 Non-indigenous Significance

The reserve for Wanganella Cemetery was gazette on 4 August 1863 and was set aside for use as a cemetery. The Wanganella Cemetery has significant cultural value with generational family burials and shows the diversity of Wanganella and district through the different types of burial areas. The Wanganella Cemetery is not specifically listed under the Conargo Local Environment Plan 2013 but is represented in the plan under the zonings RU 1 Primary Production.

## G5 DEVELOPMENT AND USE

### G5.2 Outcome 1 – A great place to live

The direction for the Wanganella Cemetery is captured within Outcome 4 – A region with quality and sustainable infrastructure

*As a community well developed built infrastructure is essential to a prosperous and safe region. We want a sustainable built environment that complements our natural environment, and which supports the continued growth of our region, through both retaining existing residents and attracting new residents. We see opportunity for improvement in our road, footpath and drainage networks and by taking a proactive approach to building maintenance.*

The Wanganella Cemetery fits directly under Target 4.1 – Our built environment is managed, maintained and improved. The Council's role is to, where appropriate upgrade existing or provide new infrastructure, and partner with the community to understand service needs and ensure infrastructure is fit for purpose.

**G5.4 Condition of the Land and Structures on Adoption of the Plan of Management**

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Wanganella Cemetery upon recent inspection is shown below in **Table C2**.

**Table G2** – Condition of Council Assets Located on at Wanganella Cemetery

<b>ASSET DESCRIPTION</b>	<b>CATEGORY</b>	<b>CONDITION RATING</b>  1 – Good  5 – Unserviceable
Signage	General Community Use	3
Fencing	General Community Use	3

The Wanganella Cemetery is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure G3**.



Wanganella Cemetery

**Figure G3** – Photographs of Wanganella Cemetery.**G5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management**

Existing use of the reserve includes:

- General Cemetery.

Council is willing to work with the community to expand the usage of Wanganella Cemetery and this Plan of Management provides an operational and strategic framework to effectively take advantage of those opportunities.

**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

***G5.6 Permitted Use Strategic Objectives***

As previously noted, the classification of Wanganella Cemetery is General Community Use with the intended purpose(s) of General Cemetery. Under the Conargo LEP 2013, the reserve is zoned RU 1 – Primary Production. These purposes and categories align with the reserve's past and future use and the values identified in this Plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

**G7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND*****G7.26 Alcohol***

Alcohol is not permitted within the Wanganella Cemetery.

***G7.27 Companion Animals***

Domestic pets are not permitted within the Wanganella Cemetery.

***G7.28 Parking***

Parking is available outside the Wanganella Cemetery within the Wanganella Common reserve..



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## Plan of Management

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

## APPENDIX H

### NATIVE TITLE ASSESSMENT

The Crown Land Management Act 2016 – Section 8.7 (1) (d) requires that Council as Crown Land Manager obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in Section 8.7.

#### 1 The Land to which this report applies

The land to which the Plan of Management applies is shown below in **Table H1**.

**Table H1** – Land to Which this Report Applies

Reserve Number	Reserve Description	Land Description	Reserve Gazettal Date
74736	Mayrung Hall	Lot 1 DP319084  Lot 166 and 277, DP756305	15 February 1952
88068	Maude Road Soil Conservation Area	Lot 7004 DP1025393	24 December 1970
88408	Wanganella Common	Lots 91, 92 and 116, DP756336  Lots 1-5, Section 35 DP759045  Lot 7005 DP1024202  Lot 7004 DP1024203  Lot 7015 DP1053753  Lot 7006 DP1055647  Lot 7007 DP1118956  Lot 7300 DP1126742	26 November 1971
89286	Macauley Street	Lot 409 DP756325	27 September 1974
98151	Wanganella Tennis Courts	Lot 1 DP722024  Lot 1, Section 10, DP759045	2 May 1986
150008	Rotary Park Plantation	Lot 521 DP820164	19 December 1986

**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

Reserve Number	Reserve Description	Land Description	Reserve Gazettal Date
1001324	Wanganella Cemetery	Lots 71012 and 7013 DP1001151	4 August 1863

Edward River Council is the Crown Land Manager of the Land. The management and use of the and is subject to the provisions contained in the Crown Land Management Act 2016.

## 2. Details of activity on Crown Land

This Plan of Management has been prepared by Council and provides direction as to the use and management of the reserves included in the Plan.

The Plan of Management is required in accordance with Section 3.23 of the Crown Lands Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licencing and Permit processes for the land.

The Plan of Management also provides for the granting of easements over the land and the further development of the land, buildings and infrastructure on the land.

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

The Plan of Management is clear that the management of those activities that could be considered a future act must consider the reserve purpose for the land.

Accordingly, the activities authorised under the Plan of Management could be validated under Subdivision J of the Native Title Act 1993.

### 2a. Is the activity a future act?

The Plan of Management provides authorisation for granting of leases, licences and other Estates over the land and the granting of easements and further development of the land, buildings and infrastructure on the land. These activities could be a future act within the meaning of Section 233 of the Native Title Act 1993.

### 2b. If it is, why? if it is not, why not?

The activities authorised under the Plan of Management could be a future act within the meaning of Section 233 of the Native Title Act 1993.





**Edward  
River**  
COUNCIL

## Plan of Management

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

### 3. If the activity is a future act, which of the following subdivisions of the future act regime under the Native Title Act 1993 validate it?

The authorisation of the activities that could be considered a future act within the Plan of Management provides for the activity to be carried out in accordance with the reserve purpose of the land.

The Plan of Management does not provide authorisation for any activity that is not in accordance with the reserve purpose of the land.

Accordingly, the activities could be validated under Subdivision J of the Native Title Act 1993.

### 4. Requirements to notify any representative body.

The Plan of Management provides strict guidelines such that each activity requires a Native Title assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

Notification will be assessed on a case by case basis and parties will be notified when an activity is assessed.

As the Plan of Management authorises activities that could be future acts within the meaning of Section 233 of the Native Title Act 1993. Council will notify NTSCorp and the Deniliquin Aboriginal Land Council prior to adoption of the plan.

Requirement	Section 24JA	Requirement satisfied
The reservation was created on or before 23 December 1996; and	s.24JA(1)(a)	Yes
The reservation was valid; and	s.24JA(1)(b)	Yes
The creation of the reservation was done by the Crown (the Commonwealth or State); and	s.24JA(1)(c)	Yes
The whole or part of any land or waters under the reservation was to be used for a particular purpose; and	s.24JA(1)(d)	Yes
The issue of the licence is done in good faith under or in accordance with the reservation, or	s.24JA(1)(e) (i)	Yes
In the area covered by the reservation, so long as the act's impact on Native Title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had	s.24JA(1)(e) (ii)	Yes

**Plan of Management**

Reserve No.'s 74736, 88068, 88408, 89286, 98151, 150008 and 1001324

**Summary:**

***The Plan of Management authorises activities that could be considered as future acts within the meaning of Section 233 of the Native Title Act 1993.***

***The Plan of Management guidelines provide that those activities are only to be authorised if they are in accordance with the reserve purpose of the land.***

***Those activities that are consistent with the reserve purpose of the land may be validated under Subdivision J if the land was subject to a reservation created prior to 23 December 1996 and the reservation was done by the Crown.***

***Therefore, requirements of S24JA(1) (a)-(e) are met.***

**s.24JA(1)(a)** is satisfied as the relevant land was subject to reservation created before 23 December 1996. Reserve 98151 was reserved from sale or lease for purpose of Public recreation and notified in the Government Gazette of 2 May 1986.

**s.24JA(1)(b)** is satisfied as the Reserve was notified in the Government Gazette of 2 May 1986.

**s.24JA(1)(c)** is satisfied as the reservation was carried out by the Crown under the provision of the Crown Lands Consolidation Act, such reservation has been carried out by a statutory power, exercised by the minister on behalf of the Crown.

**s.24JA(1)(d)** is satisfied as the land was to be used for a specific purpose being a reservation under the Crown Lands Consolidation Act which reserved the land from sale for the purpose of Public Recreation.

**s.24JA(1)(e) (ii)** is satisfied as the adoption of a Plan of Management that authorises activities to be done in accordance with the reservation purpose in the area covered by the reservation, so long as the act's impact on native title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had.

**10.11 FOOTPATH SWEEPING - DENILQUIN CBD****Author:** Oliver McNulty, Director Infrastructure**Authoriser:** Oliver McNulty, Director Infrastructure**RECOMMENDATION**

That Council;

1. approve the commencement of a trial relating to a possible increase in service to provide footpath sweeping in Deniliquin CBD,
2. note that a further report will be presented to Council considering the results from these trials

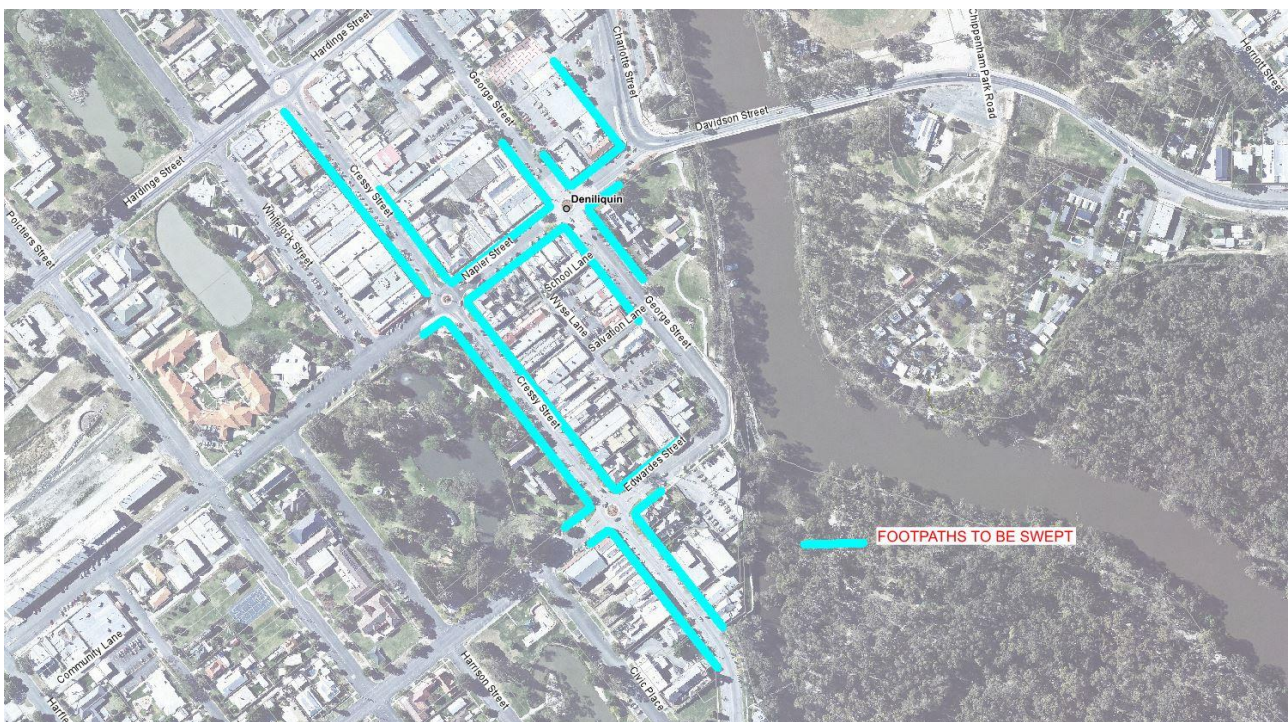
**BACKGROUND**

Napier Street, between George Street and Cressy Street, was redeveloped in line with the Deniliquin CBD Masterplan in 2019. As part of this redevelopment the original concrete and brick footpaths were replaced with asphalt and paving. The community and local traders have raised concerns that, as a result of the new style of footpath, any dirt is more noticeable. There are also bike tyre marks across the new pavers detracting from the appearance of the street. The works currently taking place along Cressy Street will generate similar concerns.

Currently Council does not provide and has not budgeted to provide footpath sweeping services. The street sweeper passes through the CBD and sweeps the kerbs and gutter three times per week. As part of the service the operator brushes any obvious heavy rubbish into the kerb and gutter prior to sweeping it up.

**ISSUE/DISCUSSION**

Officers have investigated some options for discussion and consideration by Council. The map below indicate the areas that Council may consider for an increase in service sweeping footpaths within the CBD.

**Map of the CBD**

Option 1 – Do nothing

This option would maintain the current limited level of service. Currently officers will carry out minimal brushing and blowing of some footpaths whilst they are performing other tasks.

There are no budgeting impacts from this option.

Option 2 – Develop new footpath cleaning services

This service and the plant that would be required to enable the footpaths to be swept are not currently funded. There are two sub-options for Council to consider which are outlined and discussed later in this report.

The costs outlined for each of the service options discussed below have been costed based on the same base assumptions. These assumptions are:

- The sweeping service will be provided to the footpaths outline on the map above;
- The service will be provided twice per week taking an average of two hours each time. An additional hour has been included for set up and mobilisation;
- Costs associated with a ute and truck have been included to enable the operator to travel to the site;
- The purchase cost of the sweeper has been depreciated and charged back to the service over a five-year period. These charges include 20% on-cost allowance to cover maintenance, insurances and fuel costs.

Option 2A - Purchase of a footpath sweeper

Footpath sweepers vary in price from \$30,000 to \$130,000. These are the sweepers with brushes in front commonly seen on the streets of Melbourne or Sydney. The more basic sweepers can be walked along the footpath. They are considerably slower than the ride-on versions.

For this exercise, a mid-range ride-on sweeper at a capital cost of \$80,000 has been considered. These sweepers are easy to use and to manage and are popular in large urban centres. They are hardwearing and would be able to cater for all surface types within Deniliquin.

The brushes will pick up any loose dirt and will improve the appearance of the footpaths. They would struggle to clear off the bike tyre tracks, ingrained dirt and bird droppings.

Ride-on footpath sweepers are traditionally much heavier (1.5T to 3T) as they carry a large volume of water. The wheels are narrow and prone to damaging soft surfaces such as asphalt and paving.

It is estimated that this service option would cost in the region of \$43,000 per year.

Option 2B – Hire of Footpath Sweeper

Discussions have taken place with a local contractor who may be able to provide sweeping services and to determine a hire-out rate if they were to provide this service. They have indicated they could hire-out a sweeper with an operator for approximately \$110 per hour.

Based on the assumptions outlined above, this would cost \$30,000 per year.

Should this be the preferred option, officers would recommend the development of a detailed performance specification and scope of work. This service would be tendered to ensure the best outcome for the community.

Option 2C – Purchase an Industrial Scrubber

Industrial scrubbers vary in price from \$20,000 to \$90,000. For the purpose of this exercise we have based our assumptions on a mid-range priced scrubber (\$50,000).

The advantage a scrubber has over a sweeper is that the ability to clean and lift ingrained dirt is much better.

Scrubbers are not as hardwearing as sweepers and may not be suitable for some of the rougher footpaths on the fringe of the CBD.

The estimated cost for the purchase of a scrubber and the delivery of the service is \$34,000.

### **Next Steps**

Officers recommend that prior to Council deciding on this service, further trials and testing of sweepers and scrubbers be carried out. Trials could be carried out using the two plant types to see the quality of performance on different surfaces. The operation would also be timed to develop more accurate cost estimates.

### **STRATEGIC IMPLICATIONS**

Council is invested in improving the appearance of the Deniliquin CBD. These trials will provide additional information, around the costs associated with a possible increase in service, enabling an informed decision in the future.

### **COMMUNITY STRATEGIC PLAN**

Outcome 1 – a great place to live

### **POLICY/FINANCE**

This service is currently not budgeted.

It is estimated that should Council choose to deliver this service the options discussed would cost in the region of \$30,000 to \$43,000 per year. These figures do not include the initial cost of purchasing the plant item in year one. The estimates do include a recharge of the cost of purchasing the plant over its anticipated five-year life span.

The estimated labour and on-costs for each of the internal delivery options discussed is approximately \$22,000.

More accurate estimates would be provided after the completion of trials and discussions with councils that currently deliver similar services.

### **LEGISLATIVE IMPLICATIONS**

Nil

### **ATTACHMENTS**

Nil

**11 NOTICES OF MOTIONS**

Nil

**12 QUESTIONS WITH NOTICE**

Nil

**13 CONFIDENTIAL MATTERS****RECOMMENDATION**

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

**13.1 Sale and Development of Lots 33,34, 35 and 36 Saleyards Road, Deniliquin**

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

**14      CLOSE OF MEETING**