



**Edward
River**
COUNCIL

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

Date: Thursday, 18 April 2019
Time: 9am
Location: Council Chamber 180 Cressy Street
Deniliquin

BUSINESS PAPER

Ordinary Council Meeting

18 April 2019

**Adam McSwain
General Manager**

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Ordinary Council Meeting - 21 March 2019

Extraordinary Council Meeting - 4 April 2019



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

21 March 2019

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIKUIN
ON THURSDAY, 21 MARCH 2019 AT 9AM**

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: Adam McSwain (General Manager), Oliver McNulty (Director Infrastructure), Helen Flisher (Acting Director Corporate Services), Rindayi Matienga (Manager Finance), Julie Rogers (Manager Environmental Services),

GALLERY: 2

ACKNOWLEDGEMENT OF COUNTRY

STATEMENT OF PURPOSE

APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil

2019/03/34 DISCLOSURE OF INTEREST

The following Councillor declared a pecuniary interest:

Cr Hall - 11.17 – Seal Extension Trial

CONFIRMATION OF MINUTE FROM PREVIOUS MEETING

RESOLUTION 2019/03/35

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That the minutes of the Ordinary Council Meeting held on 21 February 2019 be confirmed.

CARRIED

DEPUTATIONS

Nil

CORRESPONDENCE**MINUTES OF THE TIDY TOWNS COMMITTEE****RESOLUTION 2019/03/36**

Moved: Cr Pat Fogarty
Seconded: Cr Nick Metcalfe

That Council receive and note the minutes of the Tidy Towns Committee meeting held 12 February 2019.

CARRIED

PUBLIC FORUM

Mr Richard Walker spoke on behalf of the Sloane Street residents regarding report 11.17 Seal Extension Trial.

REPORTS FROM OFFICERS**11.1 MINUTES - ACCESS COMMITTEE****RESOLUTION 2019/03/37**

Moved: Cr Marg Bull
Seconded: Cr Peta Betts

That Council receive and note the minutes of the Access Committee meeting held on 27 February 2019.

CARRIED

MINUTES - OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP**RESOLUTION 2019/03/38**

Moved: Cr Pat Fogarty
Seconded: Cr Peta Betts

That Council receive and note the minutes of the Open and Public Space Strategic Working Group on 1 March 2019.

CARRIED

MINUTES FROM THE DENILIKUIN AIRPORT EXPANSION STEERING COMMITTEE**RESOLUTION 2019/03/39**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council

1. Note and receive the minutes from the Denilquin Airport Expansion Steering Committee for the following meetings:
 - (a) 22 January 2019
 - (b) 5 March 2019
2. Note and consider in a separate report to the March Council meeting the following resolution from the Denilquin Airport Expansion Steering Committee 5 March 2019 meeting:

The Denilquin Airport Expansion Steering Committee recommend that Council:

1. *Shift the focus to incremental improvement opportunities at the Denilquin Airport. The work undertaken by the Committee has shown that airfreight out of Denilquin is uneconomical at this time.*
2. *Note the importance of the runway to the community and that it supports critical services in the areas of health, medical and fire emergencies.*
3. *Acknowledge the work and investment by Council through this process*
4. *Endorse the McKinna report to be presented to Council*
5. *Note that while the airport was the original focus for this project, the opportunities identified, and work completed lend themselves to a bigger perspective and will provide substantial long-term benefit to Council and the region*

CARRIED

DENILIKUIN AIRPORT PROJECT**RESOLUTION 2019/03/40**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council

1. Note the following recommendation of the Denilquin Airport Expansion Steering Committee from its meeting held 5 March 2019:

The Denilquin Airport Expansion Steering Committee recommend that Council:

- (a) *Shift the focus to incremental improvement opportunities at the Denilquin Airport. The work undertaken by the Committee has shown that airfreight out of Denilquin is uneconomical at this time.*
- (b) *Note the importance of the runway to the community and that it supports critical services in the areas of health, medical and fire emergencies.*
- (c) *Acknowledge the work and investment by Council through this process*
- (d) *Endorse the McKinna report to be presented to Council*
- (e) *Note that while the airport was the original focus for this project, the opportunities*

identified, and work completed lend themselves to a bigger perspective and will provide substantial long-term benefit to Council and the region

2. Receive and note the following confidential reports from Redwater Consulting and McKinna Consulting:
 - (a) Redwater – Airfreight Analysis and Recommendations (Attachment 1)
 - (b) Redwater – Market Review and Opportunity Assessment (Attachment 2)
 - (c) McKinna – Deniliquin airport Expansion Agrifood Assessment (Attachment 3)
3. Approve the following approach for the Deniliquin Airport Project:
 - (a) Support the shift to incremental improvement opportunities at the Deniliquin Airport in line with the “Redwater Market Review and Opportunity Assessment report” (Attachment 2).
 - (d) Request Officers to consider the renewal of existing runways at the Deniliquin Airport in line with Council’s Asset Management Strategy and Plans and if required include the renewal within Council’s Long-Term Financial Plan.
 - (e) Support Officers to continue attempts to attract funding to renew the existing infrastructure at the Deniliquin Airport
 - (f) Update Council’s Advocacy Strategy to reflect clauses 3(a), (b), and (c) of this resolution.
4. Request McKinna Consulting attend a Council Workshop and Community Forum to present their detailed findings and further consider opportunities for the airport and agriculture in the Edward River region.
5. Discontinue the Deniliquin Airport Expansion Steering Committee and thank outgoing committee members for their contribution to the Deniliquin Airport expansion project.

CARRIED

MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS

RESOLUTION 2019/03/41

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That Council note the Mayor, Councillor and General Manager meetings for February 2019.

CARRIED

RESOLUTIONS OF COUNCIL

RESOLUTION 2019/03/42

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

That Council note the information in the Resolutions of Council to 22 February 2019.

CARRIED

11.7 QUARTERLY BUDGET REVIEW STATEMENT FOR THE PERIOD 1 OCTOBER 2018 TO 31 DECEMBER 2018**RESOLUTION 2019/03/43**

Moved: Cr Pat Fogarty
Seconded: Cr Mac Wallace

That Council

1. Receives the December 2018 financial review of the 2018-19 Operational Plan as adopted at the Council meeting on 21 June 2018
2. Approves the budget variations detailed in this report.

CARRIED

INVESTMENT REPORT AS AT 28 FEBRUARY 2019**RESOLUTION 2019/03/44**

Moved: Cr Peter McCrabb
Seconded: Cr Peta Betts

That Council:

1. Note and receive the Report on Investments totaling \$48,811,152 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of February 2019 was \$73,596.
3. Note that accrued interest earned to 28 February 2019 but not yet received was \$321,127.

CARRIED

TOWN PLANNING POLICY 5.10 BONDS AND DEVELOPER CONTRIBUTIONS**RESOLUTION 2019/03/45**

Moved: Cr Norm McAllister
Seconded: Cr Ashley Hall

The motion was deferred and the matter will be taken to the June workshop for further discussion.

CARRIED

ENVIRONMENTAL HEALTH POLICY 7.3 - DISABLED ACCESS AND MOBILITY**RESOLUTION 2019/03/46**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council repeal Environmental Health Policy 7.3 – Disabled Access and Mobility.

CARRIED

**ENVIRONMENTAL HEALTH POLICY 7.4 - NO SMOKING POLICY
(PUBLIC PLACES AND COUNCIL OWNED LAND)****RESOLUTION 2019/03/47**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council repeal the Environmental Health Policy 7.4 No Smoking Policy (Public Places and Council Owned Land).

CARRIED

DRAFT COMPLIANCE AND ENFORCEMENT POLICY**RESOLUTION 2019/03/48**

Moved: Cr Peter McCrabb

Seconded: Cr Marg Bull

That Council exhibit the draft Compliance and Enforcement Policy, attachment two, for a period of 28 days and receive a further report upon completion of the exhibition period.

CARRIED

DOGS IN ISLAND SANCTUARY**RESOLUTION 2019/03/49**

Moved: Cr Norm McAllister

Seconded: Cr Nick Metcalfe

That Council exhibit a proposal to remove the 'no dog' signs at the pedestrian entries to the Island Sanctuary and receive a further report on the outcome of the exhibition.

Signage will be replaced to read "Dogs on Leash"

CARRIED

ROADSIDE GRAZING**RESOLUTION 2019/03/50**

Moved: Cr Norm McAllister

Seconded: Cr Nick Metcalfe

That Council

1. Note the report on roadside grazing; and
2. Grant the concurrence in accordance with section 78 of the Local Land Services Act for the issuing of roadside grazing permits until 18 April 2019.

CARRIED

ENVIRONMENTAL SERVICES REPORT (FEBRUARY 2019)**RESOLUTION 2019/03/51**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council note the Environmental Services report for February 2019.

CARRIED

STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COMMUNITIES PROGRAM - MARCH PROGRESS REPORT**RESOLUTION 2019/03/52**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council note the Stronger Communities Fund- Major Projects Program and the Stronger Country Communities Program- Progress Report for March 2019

CARRIED

Cr Hall left the Chambers at 11.26am

SEAL EXTENSION TRIAL**RESOLUTION 2019/03/53**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council

1. Construct a 4m wide seal on Sloane Street from Blackett Street to the last driveway before the River utilising 50mm of Class 2 gravel material worked with the existing road base material. This new road pavement will be 6m wide.
2. This trial will be monitored and routine maintenance completed across the period of the trial.
3. Note that the date of the four-year trial will commence following the completion of this project.
4. Place signage on Sloane Street identifying that Council are carrying out a low-cost seal trial.

CARRIED

Cr Hall returned to the Chambers at 10.45am

CAPITAL WORKS UPDATE MARCH 2019**RESOLUTION 2019/03/54**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council note this report on the Capital Works update

CARRIED

CAPITAL WORKS PROGRAM AMENDMENT**RESOLUTION 2019/03/55**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council approve;

1. The deferment of the reconstruction of the road and kerb and gutter between Hardinge Street and Macauley Street for future budget consideration
2. The deferment of the reconstruction of Wellington Street between Wood Street and Sloane Street for future budget consideration
3. The reallocation of \$1,009,700 from the Capital Works Program to works required on regional roads
4. Note that the road and kerb and gutter works identified for Poitiers street were completed in 2017/18
5. The reallocation of \$152,000 toward reconstruction of the road and kerb and gutter on Harfleur Street between Macauley Street and Hardinge Street

6. The allocation of \$30,000 towards the reconstruction of kerb and gutter along George Street between Hardinge Street and the IGA driveway
7. Note the additional income of \$400,000 from Fixing Country Roads

CARRIED

Cr McAllister left the Chamber at 11.02am and returned at 11.04am

DENILQUIN WATER TOWER PROJECT - CHANGE TO BRIEF

RESOLUTION 2019/03/56

Moved: Cr Pat Fogarty
Seconded: Cr Mac Wallace

That Council agree to allocate an additional \$3,316 from the Edward River Community Grants Program to the Denilquin Water Tower Project.

CARRIED

REQUEST FOR FINANCIAL ASSISTANCE - SPEAK UP

RESOLUTION 2019/03/57

Moved: Cr Pat Fogarty
Seconded: Cr Nick Metcalfe

That Council

1. Approve the request from Speak Up for a \$2,000 financial contribution
2. IFund the request through Councils 'Quick Response Grants program'

CARRIED

CONFIDENTIAL MATTERS

RESOLUTION 2019/03/58

Moved: Cr Pat Fogarty
Seconded: Cr Marg Bull

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:

Contract C2019/03 - Water Reticulation Air Scouring Program

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

Contract C2019/05 - Charlotte Street Water Mains Refurbishment

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

Purchase Rear Loading Garbage Truck

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

nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Purchase Side Loading Compactor

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

CARRIED

Council moved into confidential matters at 11.15am and members of the gallery left the Chambers.

CONTRACT C2019/03 - WATER RETICULATION AIR SCOURING PROGRAM

RESOLUTION 2019/03/59

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council:

1. Accept the tender submitted by H & S Maintenance Pty Ltd for Contract C2019/03 – Water Reticulation Air Scouring Program for the extended Schedule of Rates tender price of \$81,641.27 + GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2019/03 – Water Reticulation Air Scouring Program; and
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.

CARRIED

CONTRACT C2019/05 - CHARLOTTE STREET WATER MAINS REFURBISHMENT

RESOLUTION 2019/03/60

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

1. Accept the tender submitted by Tapping Solutions Australia Pty Ltd for Contract C2019/05 – Charlotte Street Water Mains Refurbishment for the lump sum tender price of \$254,782.95 + GST;
2. Approve the reallocation of \$80,000 within the Watermain Rehabilitation Capital Works program from the Cressy Street, between Hardinge and Macauley Street, project to the Charlotte Street project;
3. Approve that the Watermain Rehabilitation project along Cressy Street, between Hardinge and Macauley Street, will not proceed as outlined in planned works in operational plan in 2018/19
4. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2019/05 – Charlotte Street Water Mains Refurbishment;
5. 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.

CARRIED

PURCHASE REAR LOADING GARBAGE TRUCK**RESOLUTION 2019/03/61**

Moved: Cr Marg Bull

Seconded: Cr Peta Betts

That Council

1. Accept the tender submitted by Wagga Trucks for the purchase of a Garwood Rear Compactor Body on a Hino 921 Auto truck for \$173,276 and that the optional extras of \$15,282 be included giving a total purchase price of \$188,558 excluding GST
2. Accept the trade in offer of \$36,000 excluding GST from Wagga Trucks.

CARRIED

PURCHASE SIDE LOADING COMPACTOR**RESOLUTION 2019/03/62**

Moved: Cr Peta Betts

Seconded: Cr Marg Bull

That Council

Accept the tender submitted by Blacklocks for the purchase of a Bucher Compactor Body on an Iveco-Acco 4x2 truck for the contract price of \$391,308.02 excluding GST, and that an optional hardwired CCTV cameras with recording capability be included at a price of \$6,589.20 Ex GST giving a total purchase price of \$397,879.22 Ex GST, and that FM 32 be sold by way of public auction.

CARRIED

RESOLUTION 2019/03/63

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council moves out of Closed Council into Open Council.

CARRIED

CLOSE OF MEETING

The Meeting closed at 11.30am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 April 2019.

.....
CHAIRPERSON



**Edward
River**
COUNCIL

MINUTES

Extraordinary Council Meeting

4 April 2019

**MINUTES OF EDWARD RIVER COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIKUIN
ON THURSDAY, 4 APRIL 2019 AT 9AM**

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

IN ATTENDANCE: Adam McSwain (General Manager), Oliver McNulty (Director Infrastructure)
Trish Kirkland (Director Corporate Services), Belinda Perrett (Minutes)

STATEMENT OF PURPOSE

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2019/04/64

Moved: Cr Mac Wallace
Seconded: Cr Norm McAllister

That the apologies received from Councillor Hall and Councillor McCrabb be accepted.

CARRIED

REPORTS FROM OFFICERS

SPONSORSHIP REQUEST - DENILIKUIN BUSINESS CHAMBER BUSINESS AWARDS

RESOLUTION 2019/04/65

Moved: Cr Marg Bull
Seconded: Cr Pat Fogarty

That Council

1. Approve the provision of a 'Gold' level sponsorship, up to \$2,500 ex GST, to the Denilquin Business Chamber, Denilquin Excellence in Business Awards 2019 Gala Dinner
2. That the \$2,500 in funding be charged to the Office of GM Consultancy Budget

CARRIED

CONFIDENTIAL MATTERS**RESOLUTION 2019/04/66**

Moved: Cr Nick Metcalfe

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:

Contract C2019/06 Reconstruction of Crispe Street

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

Contract 2.19.274 - Reconstruction of Napier Street between Cressy Street and Charlotte Street

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

Council moved into Closed Council at 9.03am.

CARRIED

CONTRACT C2019/06 RECONSTRUCTION OF CRISPE STREET**RESOLUTION 2019/04/67**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council:

1. Accept the tender submitted by Riverina Earthworks Pty Ltd for Contract 2019/06 - Reconstruction of Crispe Street for the lump sum tender price of \$844,192.10 + GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2019/06 – Reconstruction of Crispe Street
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.

CARRIED

CONTRACT 2.19.274 - RECONSTRUCTION OF NAPIER STREET BETWEEN CRESSY STREET AND CHARLOTTE STREET**RESOLUTION 2019/04/68**

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That Council:

1. Accept the tender submitted by Excell Gray Bruni Pty Ltd for Contract 2.19.274 – Reconstruction of Napier Street between Cressy Street and George Street for the extended Schedule of Rates tender price of \$1,225,260.00 + GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract 2.19.274 – Reconstruction of Napier Street between Cressy Street and George Street;
3. Approve a total project budget of \$1,510,260 + GST for the Reconstruction of Napier Street between Cressy Street and Charlotte Street;
4. Approve that the Watermain Rehabilitation project along Macauley Street, between Whitelock Street and Cressy Street, will not proceed as outlined in the planned works of the operational plan in 2018/19;
5. Approve the transfer of \$100,000 from the Watermain Rehabilitation program to the Reconstruction of Napier Street between Cressy Street and George Street project;
6. Approve the transfer of \$310,260 from the Stronger Communities Fund program unallocated funds and interest accrued to the Reconstruction of Napier Street between Cressy Street and George Street project; and
7. Approve the closure of Napier Street between Cressy Street and George Street and including the Cressy Street roundabout for the duration of the works as required.

CARRIED

RESOLUTION 2019/04/69

Moved: Cr Marg Bull

Seconded: Cr Mac Wallace

That Council moves out of Closed Council into Open Council at 9.19am

CARRIED

CLOSE OF MEETING

The Meeting closed at 9.20am

The minutes of this meeting were confirmed at the Ordinary Meeting of the Edward River Council held on 18 April 2019.

.....
CHAIRPERSON

6 BUSINESS ARISING FROM MINUTES

7 DEPUTATIONS

Nil

8 CORRESPONDENCE

Nil

9 MAYORAL MINUTES

Nil

10 PUBLIC FORUM

11 REPORTS FROM OFFICERS**11.1 MINUTES OF THE TIDY TOWNS COMMITTEE**

Author: Belinda Perrett, Executive Assistant

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council note the Tidy Town Committee minutes from the April 9, 2019 meeting.

BACKGROUND

The Deniliquin Tidy Towns Committee meets bi-monthly.

Minutes from the last meeting held 9 April 2019 are attached for review.

ATTACHMENTS

1.	Tidy	Towns	Committee	Minutes	9	April	2019
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MEMBERS PRESENT:

Mr Geoff Riley, Mrs Dawn Hetherington, Mrs Mary O. Roberts, Mrs Pam Jarrett, Mrs Judy Bond, Councillor Pat Fogarty

COUNCIL STAFF PRESENT:

Belinda Perrett

CHAIRPERSON OF MEETING:

Mr Geoff Riley chaired the meeting and welcomed members present.

1. APOLOGIES

An apology was tendered for the non-attendance of Mrs Virginia Bult

Moved Mrs Dawn Hetherington
That the apologies be accepted.
Seconded Mrs Pam Jarrett

CARRIED

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING – 12 FEBRUARY 2019

Moved Mrs Dawn Hetherington
That the Minutes of the Tidy Towns Committee meeting held on 12 February 2019 be confirmed as a true and accurate record.
Seconded Mrs Mary O Roberts

CARRIED

3. MATTERS ARISING FROM PREVIOUS MINUTES

- (a) Blake Park. The bridge has been rebuilt and burnt tables removed.
Weekly rubbish collection from this park. There is a problem with continual illegal dumping.
 - (b) Letter of thanks has been sent to Mitre 10.
-

4. CORRESPONDENCE

Outward – Mitre 10 Letter of thanks

5. TIDY TOWNS GARDEN OF THE MONTH AWARDS**April 2019**

Julie & Rodney Spinks – 308 Harfleur Street – Garden of Month
Luke Berry & Brittney Whitbourne – 271 Harfleur Street – Encouragement

June 2019

Heather Crossley, 407 Whitelock Street

6. GENERAL BUSINESS

- (a) Corner Poitiers/Fowler Streets there are three dead trees.

- (b) Civic Place – the Silky Oaks need dead limbs removed.
- (c) 117 Dick Street has a dead tree on the nature strip.
- (d) Willow tree in front of the Rectory needs removing.
- (e) Approach into town – Crispe Street is looking neglected. Cr Fogarty was able to say that the area will hopefully be upgraded soon.
- (f) Town Hall revamp discussion took place.
- (g) The area of End Street between Junction Street and Wellington requires a good sweeping/blowing prior to Easter.
- (h) Coles still has rubbish throughout the car park area, although they have updated the signage.
- (i) One Stop Shop in Davidson Street is looking more and more derelict.
- (j) Beach to Beach Walk – Too many dogs not on leads. The inclusion of a pooh bag dispenser at the McLeans Beach end of the walk may encourage better habits on behalf of owners.
- (k) Memorial Park needs additional No Camping signage and regular patrols to ensure people are not camping there and using the girls' netball facilities.
- (l) National Parks to be asked to improve signage regarding camping.

7. NEXT MEETING

Will be held Tuesday 11 June 2019 at the Deniliquin Library commencing at 4.00pm.

8. CLOSURE OF MEETING – 4.55 pm

11.2 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 4 APRIL 2019

Author: Cian Middleton, Governance and Communications Officer

Authoriser: Trish Kirkland, Director Corporate Services

RECOMMENDATION

That Council:

Receive and note the Minutes of the Audit Risk and Improvement Committee Meeting held on 4 April 2019, contained at Attachment A

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Local Government Amendment (Governance and Planning) Act 2016

- Section 428A – Audit, Risk and Improvement Committee

ATTACHMENTS

1. Minutes of the Audit Risk and Improvement Committee Meeting held on 4 April 2019

11.3 MINUTES OF THE DENILQUIN PROMOTION ADVISORY GROUP AND VISIT DENI BRANDING REFRESH

Author: Michelle Cobb, Manager Tourism & Economic Development

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council:

1. Receive and note the minutes of the Denilquin Promotion Advisory Committee held 3 April 2019, contained at Attachment A.
2. Note and approve the Edward River Promotion Advisory Committee's endorsement of a revised *Visit Deni* tourism campaign brand contained at Attachment B.

BACKGROUND

The Edward River Promotion Advisory Committee meets on a regular basis, the frequency dependent upon activities planned in the Edward River region. Minutes of the previous meeting, held 3 April 2019, are contained at Attachment A.

ISSUE/DISCUSSION

A key item discussed at the 3 April 2019 was the refresh of the *Visit Deni* brand.

In its 2018/19 Budget, Council allocated funds to continue the implementation of the *Visit Deni* promotional campaign. The campaign is overseen by the Denilquin Promotion Advisory Committee ("the Committee"), which comprises local tourism industry stakeholders.

A priority of the *Visit Deni* campaign implementation is the refresh of the campaign brand and logo to ensure consistency and effectiveness in campaign marketing. The current logo (*Denilquin Let's Go!*) was developed for a one-off campaign in 2016 and is inconsistent with the campaign's website address and social media tags (*Visit Deni*), and therefore drives no traffic to these platforms.

In January 2019, a brief for a campaign refresh, including the development of a style guide, was developed and sent to four design companies for quotation. Langdon Lorraine, the company that designed Edward River Council's corporate logo, was the successful respondent and selected by the panel to undertake the campaign refresh.

Langdon Lorraine prepared four individual brand concepts for the Committee's consideration. The brand concepts were presented at the meeting, with Committee members shortlisting two of the four designs and providing feedback to the designers and requesting minor revisions to both shortlisted concepts.

Revised concept designs were circulated to the Committee members following the meeting, with the brand design contained at Attachment B being identified as the preferred brand for implementation.

STRATEGIC IMPLICATIONS

The *Visit Deni* campaign was originally developed by the former Denilquin Council to stimulate increased visitation to Denilquin. Since then, the current Edward River Council has continued to implement the campaign and broadened its strategic focus to encompass the surrounding villages of Blighty, Booroorban, Conargo, Mayrung, Pretty Pine and Wanganella.

A branding refresh including a new Visit Deni logo and style guide were identified in the 2018/19 Visit Deni Tourism Activation Plan and will commence with the development of a new website. The new Visit Deni branding will be used across websites, social media, print advertisements, banners, visitor guides and outdoor advertising.

COMMUNITY STRATEGIC PLAN

- Outcome 2.2 – We develop our key assets to enhance agriculture, boost tourism and support existing business

FINANCIAL IMPLICATIONS

Implementation of the revised *Visit Deni* branch is budgeted for in Council's 2018/19 Budget.

LEGISLATIVE IMPLICATIONS

Nil.

ATTACHMENTS

1. Attachment A - Edward River Promotion Advisory Committee Minutes - 3 April 2019
2. Attachment B - Visit Deni Branding Refresh - Preferred Option



A meeting of the Edward River Promotion Advisory Group was held on Wednesday 3 April at 5.30pm at the Edward River Council Offices, Cressy Street, Deniliquin NSW.

MINUTES

1. Meeting open: 5.34pm
2. Members in attendance: Kerry-Anne Jones, Frank White, Vicky Lowry, Norm Brennan, Michelle Cobb and Erica Singleton.

Edward River Council General Manager Adam McSwain and Edward River Council Communication and Governance Officer Cian Middleton were also in attendance.

3. Apologies: Pam Sutton, Neville Purtill, Mick Summers, Janet Renehan, Sivonne Binks and Anthony Smith.

4. Minutes of the previous meeting (20 February meeting):

- Minutes Moved by Kerry-Anne Jones
- Minutes Seconded by Vicky Lowry

5. Group correspondence between meetings:

- Email 26/02/2019: Distributed minutes from February meeting
- Calendar invitation 26/02/2019: Calendar invitation for May meeting
- Email 26/02/2019: Official Visitor Guide – options for cover change
- Email 27/02/2019: Follow up on Official Visitor Guide – revision of current cover
- Email 28/02/2019: Follow up on Official Visitor Guide – new cover circulated
- Email 04/03/2019: Confirming Emma Hawkins Destination Partnership
- Email 14/03/2019: Promotions Committee Update – update on various projects
- Email 22/03/2019: Mountain Bike Trails – opening event invitation circulated

- Correspondence Moved by Kerry-Anne Jones
- Correspondence Seconded by Norm Brennan

6. Matters arising from the previous meeting:

- Negotiate Emma Hawkins Destination Partnership
 - Discounted rate secured and partnership confirmed.
 - Complete.
- Decline Central West Magazine feature
 - Feature opportunity declined.
 - Complete.
- Investigate the possibility of changing the Official Visitor Guide cover
 - Existing cover was revised by Sivonne Binks.

- 15,000 copies have now been printed and will be delivered this week.
- Complete.

7. General business:

● Moomba Festival Report

- The 2019 Moomba Festival post event report was presented to the committee.
- Committee members were also given a copy of the detailed digital campaign report to review.
- One issue raised was the location of the Visit Deni trade site at the festival, which was moved to make room for another sponsor. Edward River Council and Frank White both provided feedback to the Moomba organisers about this issue.
- The committee were pleased with the results from the 2019 Moomba campaign.
- **ACTION:** Erica Singleton to contact Moomba's media manager, Anthony, to request video footage of competitors skiing in front of the Visit Deni big screen.

● Visit Deni Brand Refresh Options

- Four new Visit Deni branding concepts were presented to the committee for consideration.
- Options two and three were ruled out.
- Options one and four were considered and the committee have requested to see revised versions of both options.
 - Option One:
 - Capital D for Deni
 - Option Four:
 - Capital D for Deni
 - Capital D for Deni and an all lower case visit
- The committee have also requested an expansion of the icon range which will accompany the logo. Icons must be created to represent golf, biking, music and arts, events and the Deni Ute Muster.
- **ACTION:** Erica Singleton to request logo revisions for options one and four.
- **ACTION:** Erica Singleton to request icon range expansion once logo choice has been finalised.

● Mountain Bike Trails Launch

- Committee members were invited to the official Mountain Bike Trail opening on Thursday 11 April.
- **ACTION:** Erica Singleton to send Mountain Bike trail map to Frank White.

● Emma Hawkins Destination Partnership

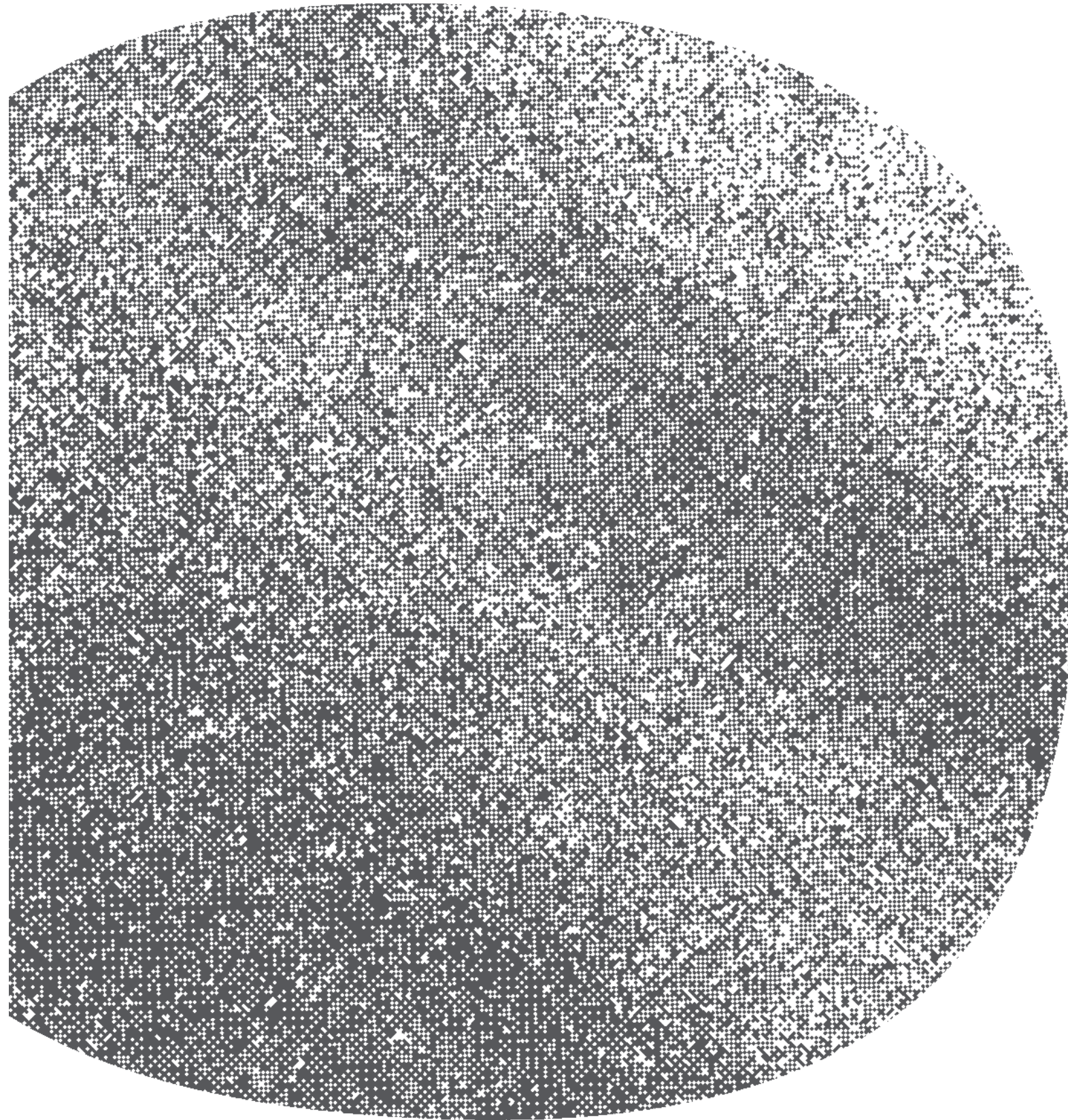
- Emma Hawkins has been confirmed for a two day influencer visit to Deniliquin on Tuesday 16 and Wednesday 17 April.
- Emma has engaged a professional photographer to shoot the content.
- The itinerary is currently sitting with Emma's management for approval and will be finalised shortly.

● Upcoming Media Famil

- The media famil will take place from 2 May – 4 May.
- Media invitations were distributed this week.
- **ACTION:** Erica Singleton to circulate famil attendees and itinerary to the committee once finalised.

- Deni Ute Muster accommodation shortage
 - Vicky Lowry informed the committee that the Deni Ute Muster are experiencing accommodation shortages this year and might have to accommodate sponsors and artists out of town.
 - The shortage is due to the increase in sponsors and some of the artists large travelling groups, along with the closure of a local motel.
 - If committee members are aware of any available accommodation options please let Vicky or her team know.
- Meeting closed: 6.28pm.

8. Next meeting: The next meeting will be held in six weeks' time, 5.30pm Wednesday 15 May 2019 at the Edward River Council offices.



langdonlorraine

Visit Deni

Preferred brand

April 2019

Brand personality

destination

holiday

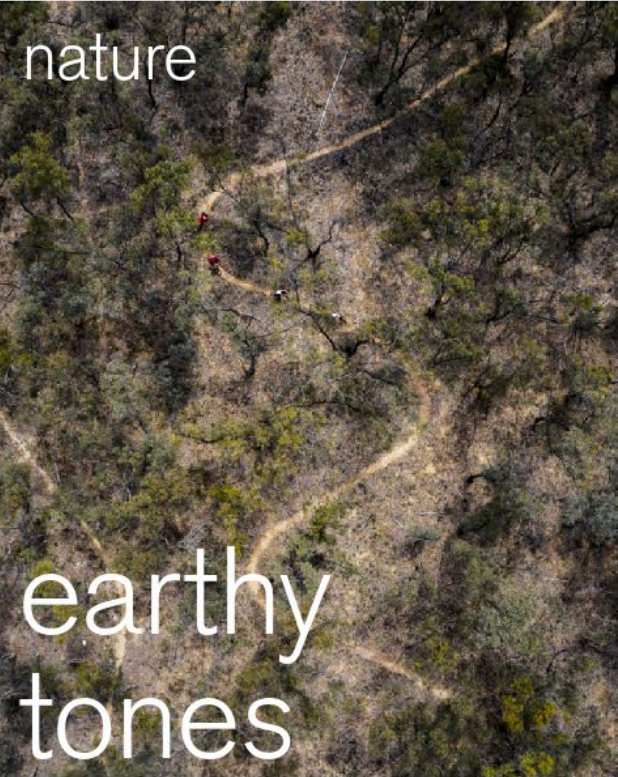


family



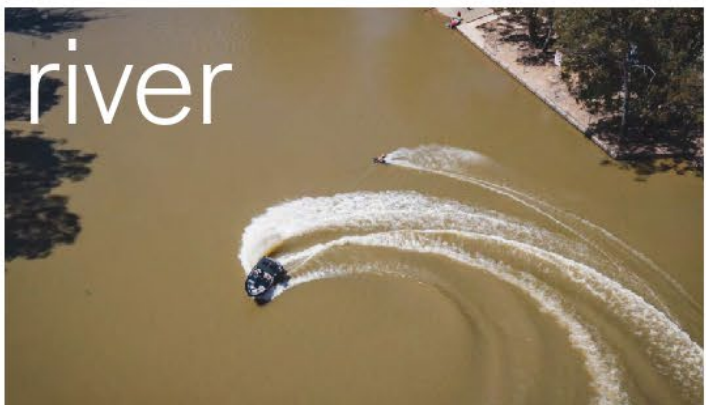
laughter

sun

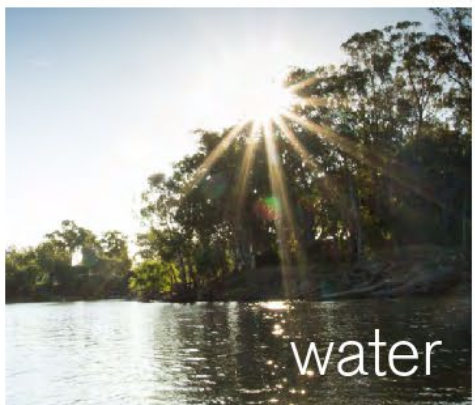


nature

earthy
tones



river



water



big skies

flat plains



disconnecting
+ relaxing



langdonlorraine

Brand rationale

This brand is inspired by the curves of the river,
winding trails and sense of relaxation and flow.

Simple and striking.

Connecting and engaging.





Preferred brand Banner

langdonlorraine



Preferred brand
Banner



langdonlorraine

Preferred brand
Logo

visit
deni

visit
deni

langdonlorraine

Preferred brand
Logo

visit
deni

visit
deni

langdonlorraine

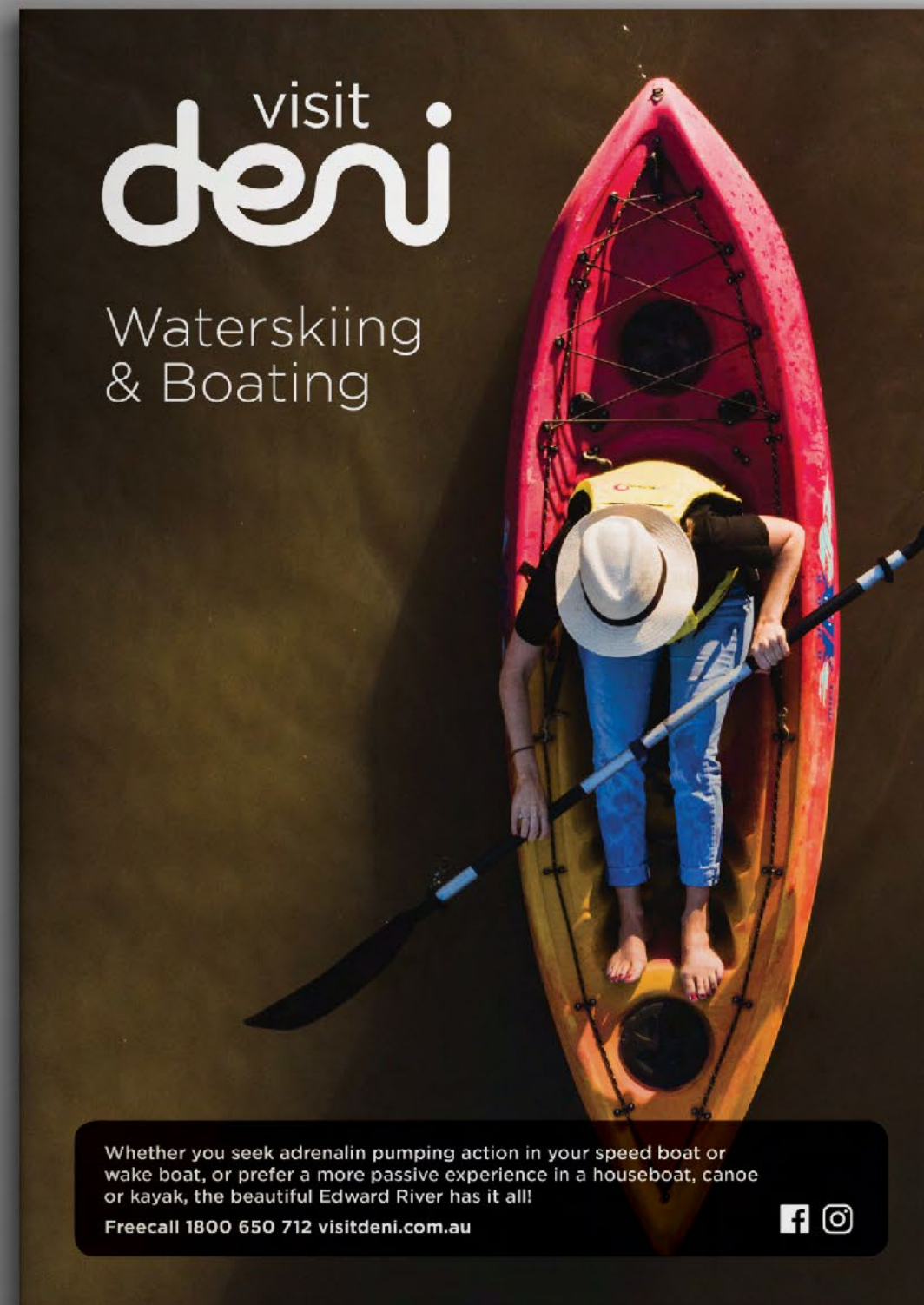
Preferred brand
Colours



langdonlorraine

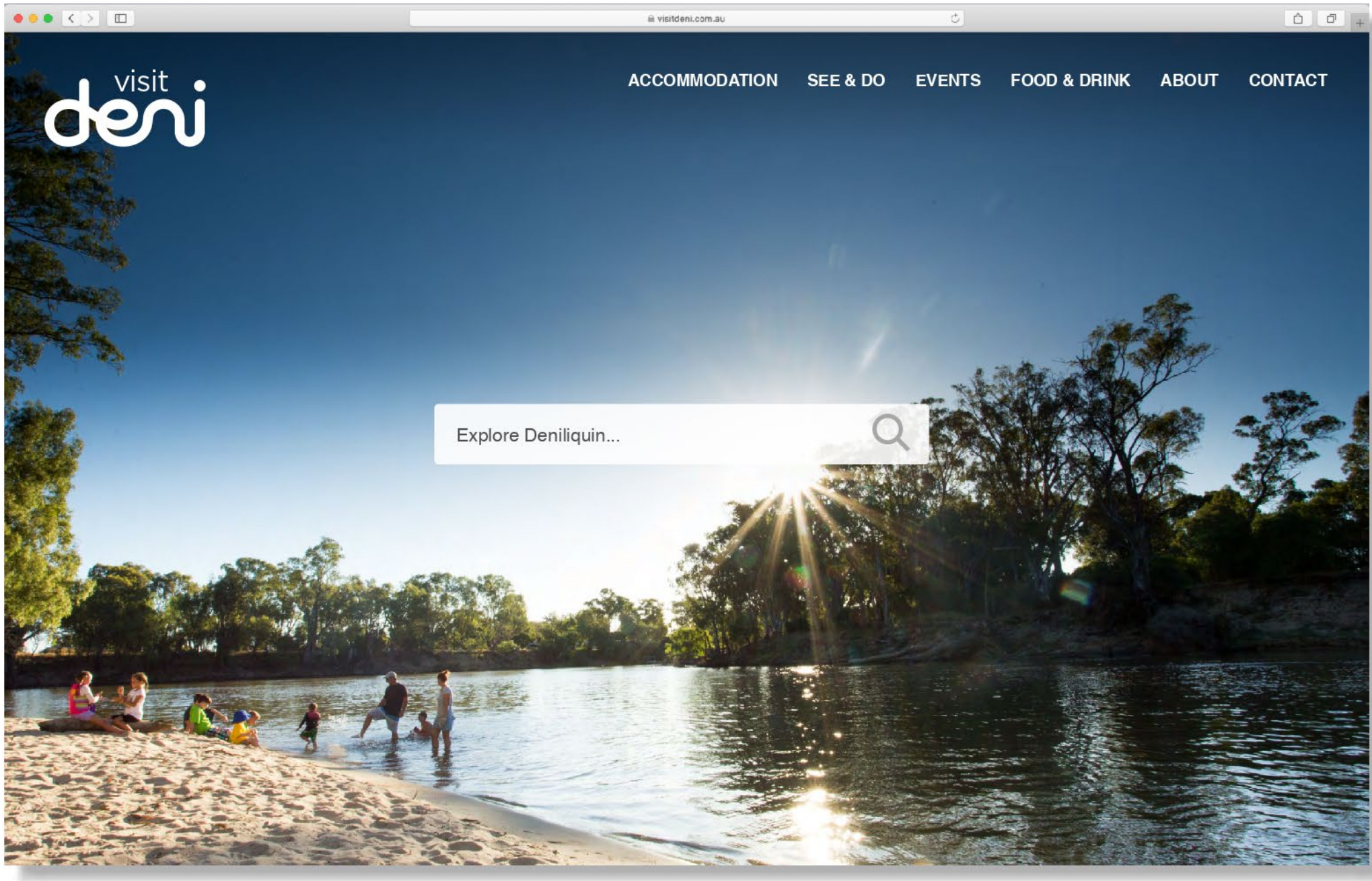
Preferred brand

Brochure cover



langdonlorraine

Preferred brand
Website



langdonlorraine



11.4 DENILIQVIN COMMUNITY GARDEN MEETING

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council receive and note the minutes from the meeting of the Deniliquin Community Gardens held on 7 April 2019.

BACKGROUND

The Deniliquin Community Garden met on 7 April 2019. Attachment 1 is the minutes from the meeting.

ISSUE/DISCUSSION

Nil.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Nil.

ATTACHMENTS

1. Deniliquin Community Garden Minutes for 7 April 2019

MINUTES OF THE MEETING OF THE EDWARD RIVER COUNCIL COMMUNITY GARDENS COMMITTEE HELD AT THE DENILQUIN COMMUNITY GARDENS ON SUNDAY, 7 APRIL 2019

MEMBERS PRESENT:

Janice Harrington, Diane Field (left at approximately 11.30am), Wendy Johnston, Val Kruger, Bill Johnston, Garry Kruger, Leanne Seignior, Suzy Keys

COUNCIL STAFF PRESENT:

Mrs Julie Rogers – Manager Environmental Services

APOLOGIES

Cr Pat Fogarty, Jan Renwick, Marcia Kennedy

CHAIRPERSON OF MEETING:

Julie Rogers chaired the meeting and welcomed members and guests present.
The meeting opened at 10.45am

1. APOLOGIES

Cr Pat Fogarty, Jan Renwick, Marcia Kennedy

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil.

3. GENERAL BUSINESS

Governance Issues

▪ **Committee Review**

Council has notified the Denilquin Community Garden Committee that it is undertaking a strategic review of committee framework and community facility management model. This committee is a s355 committee and will therefore be included in this review which will consider whether the committee is fit-for-purpose and continue to meet basic governance and accounting standards. The committee operates under Council's Code of Conduct and Julie Rogers will see if there is a condensed version of the document that will be more applicable to this type of group.

▪ **10 Commandments of Community Gardening**

Julie Rogers presented a document from the City of Sydney Council called the '10 Commandments of Community Gardening'. The group was given a copy of this and is to be discuss at their Sunday meetings and will be discussed further at the next committee meeting.

▪ **Policy Document and Constitution**

Julie Rogers will review these documents and provide feedback at the next meeting. The group present a table of issues that they have discussed which separates Council issues and garden issues (attached to minutes). Julie Rogers to review with other documentation.

▪ **Nominated Person**

This is page No 1 of the Minutes of the General Meeting of the Edward River Council Community Gardens Committee held on 7 April 2019

MINUTES OF THE GENERAL MEETING OF THE EDWARD RIVER COUNCIL COMMUNITY
GARDENS COMMITTEE HELD 7 APRIL 2019

Julie Rogers requested that the group nominate one person to liaise with Council about the community garden. The group selected Wendy Johnston to undertake this role.

- **Sureway**

Julie Rogers has made contact with Sureway about some of their clients doing work in the gardens and they would need 6 months work for a certain number of hours per week. Julie Rogers advised that she has asked Sureway to advise how many hours would be required but has not received a response. The group discussed whether they would be able to provide a certain amount of work per week and determined that this would be unlikely at this point in time.

Financial Issues

- **Current reserve**

Julie Rogers advised that the group has approximately \$2500 in reserve at the moment and was awaiting the budget to see if any allocation was being made for the group in the 2019/20 budget.

- **Current expenditure**

The group believes that they are committed to Deni Sand and Soil completing some work at the gardens in the 'accessibility area'. Di Field advised that the work is to be value of \$1200 of which, Deni Sand and Soil would donate \$600. The group would need to meet the remaining \$600 of the expenditure. The group discussed whether they need to finalise this work. Julie Rogers to contact Deni Sand and Soil and determine what work has been completed and any outstanding invoices that need to be paid.

Harvey Trotter Engineering has been engaged to construct arches for the walkway to grow wisteria over with steel that has been purchased at North Deni Steel Supplies. Unsure of the current status of this work, if the group wants the work to be completed and the cost of the work. Julie Rogers to follow up with Harvey Trotter Engineering.

- **Cash Held by Group**

The group has approximately \$600 in cash that they are holding from their fundraising efforts. Julie Rogers advised that as a s355 Council committee this money needs to be held by Council in the reserve for the community garden. Wendy Johnston and Julie Rogers will meet to organise the money to be handed to Council.

- **Petty Cash**

Council will allow the group to hold \$100 in petty cash to be used for purchases with a maximum value of \$40. Expenditure of petty cash to be agreed to by the group at the weekly gatherings on Sunday mornings. Julie Rogers gave the group petty cash vouchers that must be completed for each purchase and they must have a receipt attached to them. Petty

This is page No 2 of the Minutes of the General Meeting of the Edward River Council Community Gardens Committee held on 7 April 2019

MINUTES OF THE GENERAL MEETING OF THE EDWARD RIVER COUNCIL COMMUNITY
GARDENS COMMITTEE HELD 7 APRIL 2019

cash must be returned to Council at the end of each month where it will be reconciled and 'topped up' if required.

- **Expenditure (other than petty cash)**

Purchases over \$40 must be discussed by the group at the weekly gatherings on Sunday mornings and then presented to the committee meeting held once a month to be determined. No expenditure is to occur without authorisation from the committee and a purchase order from Council. Prior to issuing a purchase order a quote is to be provided. Council will not honour any expenditure that has not been authorised by Council.

- **Works by Council staff**

Any works requested by the group to be completed by Council are costed back to the community garden reserve. The group needs to be aware of this given their limited funds.

- **Do It In Deni Giftcard**

Marcia Kennedy has given Council the \$250 Do It In Deni giftcard that the gardens won at Christmas for the decorations that they did at the gardens. The giftcard has been marked as belonging to the community garden and is currently being held in the Council safe.

- **Membership fees**

It is noted that there had been a halt to paying membership fees. Julie Rogers to review and advise at the next meeting about payment into the future (whether they happen on the anniversary of joining or all paid at a certain time).

Strategic Directions

- Julie Rogers is investigating funding opportunities to engage a consultant to complete some master planning work for the gardens. This would give the gardens some strategic direction whilst also giving them a basis to apply for grants to complete work in accordance with the masterplan.

Other General Business

- **CSU Accessibility Grant**

The group received a grant in approximately 2013 to undertake accessibility works with the gardens. The group does not have any details of grant, expenditure to date etc as their records were damaged or lost some time ago. Julie Rogers advised that Council believes that the grant has been acquitted and she will investigate further and report to the next committee meeting.

- **Drain Issue** – Julie Rogers to follow up a drain on the site which needs repair and is believed to belong to Council.

This is page No 3 of the Minutes of the General Meeting of the Edward River Council Community Gardens Committee held on 7 April 2019

MINUTES OF THE GENERAL MEETING OF THE EDWARD RIVER COUNCIL COMMUNITY
GARDENS COMMITTEE HELD 7 APRIL 2019

- **Toilets** – Julie Rogers to advise where the sewer is on the site. Toilets is something that needs to be considered as part of the masterplan.
- **Rotunda at Waring Gardens** – group requested if they could have the rotunda over the fountain at Waring Gardens once it is removed. Julie Rogers to follow up.
- **Community Garden Facebook Page** – The garden has a facebook page which only has one administrator. The group has requested a second administrator be set up. Julie Rogers to follow up.

Meeting closed at 12pm.

This is page No 4 of the Minutes of the General Meeting of the Edward River Council
Community Gardens Committee held on 7 April 2019

Responsibilities of the Edward River Council and the Deniliquin Community Gardens (prepared by the Deniliquin Community Gardens for discussion with Council)

Edward River Council	Deniliquin Community Gardens
Provision of water, public liability insurance, rates	To maintain the Deniliquin Community gardens in a condition that the community and council can be proud of
Clarification of our records and provide copies of minutes from previous meetings that the council has overseen	To source our own mulch, compost and grass clippings from businesses and friends of the gardens
Yearly tree inspections by council including removal of fallen limbs	Finances: The community garden aims to be self supporting through memberships, donations for produce, donations of compost, mulch, grass clippings etc. raffles and open days, workshops and funding from appropriate funding bodies
Accept new members and keep an updated list of paid members, which is made available to the other members	To abide by the code of conduct and rules around holding plots and membership plus conduct of meetings and conflict resolution
Provide guidelines around the plot usage in consultation with paid up members – eg. regular attendance and maintenance of plot, working bees, weeding and mulching paths around plot	To maintain and improve container amenities and develop a seasonal maintenance program and allocate jobs to maintain fruit trees, weeds, composting, seed saving, putting out and bringing in bins, watering etc.
Maintain nature strip in Whitelock Street	To use water wise initiatives where possible
Guidance as to structure of governance	To provide a leading example to the community of excellent organic pest management of fruit trees, weeds and vegetables
Maintenance of open space (near Guide hall) as needed, i.e. mowing or spraying	To allow the community to visit on regular open days e.g. Sunday mornings depending on weather and other commitments
Provide official written notification to Life members	To provide a safe and abuse free space for gardeners to flourish and work together in harmony. Abusers and bullies will not be tolerated and will have their membership suspended immediately and denied admittance to the gardens for 12 months. This includes bullying via the internet, phones and in places outside the gardens.
Finances: depending on what structure council chooses for the governance of the community gardens will decide who runs the finances. If a s.355 is chosen, it will be council's responsibility.	Publicity: Garden members will use various methods to promote the community gardens to the wider community. All publicity is to be approved by members or a committee before publication at the time and will include the Pastoral Times, posters, the library newsletter and library books marks, billboards at the gardens, council website, a new Facebook page with shared administration rights, other appropriate community Facebook pages, plus television and radio. Publicity will promote a clean, green community-based food growing and knowledge sharing, caring focus image.
To deny membership to anyone who does not abide by the rules of conduct or who engages in bullying other members inside or outside of the gardens verbally or by phone, internet or in their workplace.	Funding: Funding applications will be decided by members or a committee with the long-term view of low ongoing maintenance and improvement of facilities. Eg. Refurbishment of containers, provision of a winter space, disabled toilets, water tanks and perhaps an undercover pergola.

This is page No 5 of the Minutes of the General Meeting of the Edward River Council Community Gardens Committee held on 7 April 2019

11.5 ROADSIDE GRAZING

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council:

1. Note the report on roadside grazing; and
2. Consider granting concurrence in accordance with section 78 of the Local Land Services Act for the issuing of roadside grazing permits until 16 May 2019.

BACKGROUND

At its meeting on 21 March 2019 Council resolved 'to note the report on roadside grazing and grant concurrence in accordance with section 78 of the Local Land Services Act for the issuing of roadside grazing permits until 18 April 2019'.

This report provides an update on the making of applications for roadside grazing since Council's meeting on 21 March 2019. Attachment 1 is the Roadside Grazing Policy.

ISSUE/DISCUSSION

At the time of writing this report no applications for roadside grazing have been submitted.

STRATEGIC IMPLICATIONS

Council has a policy framework for making decisions about roadside grazing.

COMMUNITY STRATEGIC PLAN

The policy meets target 1 'a great place to live' and target 3 'a valued and enhanced natural environment' of the Community Strategic Plan.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Roadside grazing permits are issued under the Local Land Services Act 2013 with the concurrence of the road authority.

ATTACHMENTS

- | | | |
|-------------|---------|--------|
| 1. Roadside | Grazing | Policy |
|-------------|---------|--------|



POLICY OBJECTIVE

The objective of this policy is to state Council's requirements in relation to the grazing of livestock on roads vested in Council.

SCOPE

This policy applies to the Edward River local government area.

LEGISLATIVE REQUIREMENTS

Roadside grazing permits are issued under Part 6 of the Local Land Services Act by the Local Land Services. Section 78 of the Act states that a permit to graze stock on a public road cannot be issued by the Local Land Services without the concurrences of the local authority in which the road is vested.

POLICY STATEMENT

Council is required to issue concurrence to the issuing of a roadside grazing permits where the road is vested in Council. Council will consider issuing concurrence to the permits where it is over a short period of time over a specific section of road in times of drought or for hazard reduction. Council reserves the right to revoke its concurrence and examples of when this may occur (but not limited to) include roadworks, safety issues, weather conditions (eg rain), stock not being grazed in accordance with the conditions of the concurrence etc

Council will consider the issuing concurrence to the Local Land Services for the issuing of a roadside grazing permit subject to the following conditions:

- Prescribed standard stock warning signs must be erected by the permit holder on the roadside advising road users of the presence of stock on the roads and must be covered or removed when stock is not being grazed on the roadside. Signs must comply with RMS/Council standards with respect to size, location, method of erection, condition and appearance.
- All stock must be supervised at all times whilst being grazed on the roadside;
- Stock can on be grazed on the roadside from sunrise and sunset. They must be removed from the roadside before sunset.
- There will be no roadside grazing on roadside vegetation areas identified as high conservation value in the Deniliquin Roadside Vegetation Management Plan/Conargo Roadside Vegetation Management Plan.
- Permits will be issued for a maximum period of 7 days.
- Any stock that die or are injured must be removed from the public road reserve within 24 hours.
- Council will not be liable for any damage to persons or property due to any incident occurring while the stock are located within the road reserve. The applicant must provide documentary evidence that they hold Public Liability Insurance with a limit of indemnity of not less than \$20 million and must name Council as an interested party.
- The permit holder will accept all risks associated with the grazing of livestock on a public road and make good any damage to roadside infrastructure.
- The maximum length of road approved for grazing shall be that which fronts the applicant's own property or neighbouring properties for which the owner of such neighbouring property has consented to be grazed by the applicant.

ASSOCIATED POLICIES AND PROCEDURES



Roadside Grazing Policy

Council Policy
Environmental Services

Nil.

DEFINITIONS

Nil.

POLICY VERSION CONTROL

Title	Roadside Grazing Policy			
ECM Doc Set ID	52243			
Date Adopted	20 September 2018			
Council Minute No.	2018/223			
Responsible Officer	Manager Environmental Services			
Version Number	Modified By	Modifications Made	Date modified and Approved by Council	Council Minute Number

11.6 DEVELOPMENT APPLICATION 10/19

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, 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 on any resolution relating to a relevant planning application.

RECOMMENDATION/S

That Council:

1. **APPROVE** development application 10/19 for the installation of a mural, on part Lot 7026 DP1023926, 421-439 Poitiers Street, Deniliquin dated 8 March 2019 as shown on plan numbered DA01 Location Plan and DA02 Plan of Mural 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 reason/s:

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

And impose the following conditions on development application 10/19

CONDITIONS OF CONSENT**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 10/19 and the conditions of consent.

Reason: To clarify the extent of the consent.

2 Maintenance

The artwork shall be maintained to the satisfaction of Council.

Reason: To prevent adverse visual impact.

3 Waste

The applicant is to provide an on-site waste bin for waste material generated during construction or waste is to be removed from the site to an EPA approved waste depot on a daily basis.

Reason: To protect public health and the amenity of the area.

BACKGROUND

A development application (DA) was submitted on 8 March 2019 for the installation of a mural on the façade of the disused water tower located on Crown Reserve 88772 being Lot 7026 DP1023926, 421-439 Poictier Street, Deniliquin. The water tower is located on the corner of Whitelock and Russell Streets, Deniliquin. Figure 1 below shows the location of the subject site.

The subject site is part of a larger site housing Scott's Park, Deniliquin Swimming Pool, the community garden and playgroup. Within the footprint of the proposed development there is the disused water tower, a footpath which runs through the site, a decommissioned pump house and existing vegetation.



Figure 1 Location of subject site and water tower

The mural will be located on the south eastern side of the water tower (facing towards Scott's Park and the Deniliquin Swimming Pool) and attachment 1 shows an image of the proposed mural.

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

INTERNAL REFERRALS

Health and Building – No matters identified.

Infrastructure – No matters identified.

STRATEGIC IMPLICATIONS

The project has been identified in the Edward River Open Space Strategy and the Deniliquin Public Space Strategy.

COMMUNITY STRATEIC PLAN

Consideration of this DA is consistent with target 4.1 of the community strategic plan being '*our built environment is managed, maintained and improved*'.

FINANCIAL IMPLICATIONS

Not applicable.

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))

Development Local Environmental Plan 2013 (DLEP 2013)

The land is zoned RE1 under the DLEP 2013 and the proposed development is a mural which is considered to be ancillary to a recreation area. A recreation area is permissible in the zone with development consent.

The proposed development is consistent with the zone objectives as it will enhance the existing recreation areas on the site and is compatible with the surrounding land uses.

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 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))

Not applicable.

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

The following controls apply to development in the RE1 zone.

Control	Response
6.1 Connections to essential services.	Not applicable to the proposed development as it does not require any essential services.
6.2 Access and car parking	There are no provisions in the DCP for parking for this type of development. There is adequate on street parking. The site has frontage to existing public roads providing vehicular access and there is a footpath through the site providing pedestrian access.
6.3 Landscaping	There is an existing tree adjoining the water tower and there is no current proposal for it to be removed. The site has recently been 'grassed' to improve the visual amenity around the water tower. No additional landscaping is required given the nature of the development and the need for it to be visible and the contribution it will make to the town.
6.4 Building appearance and design	No new buildings are proposed as part of this development.

6.5 Outdoor areas	The development will have a positive impact on the visual amenity of the area as it will provide a focal point for this recreational precinct and will also become a point of interest for tourists.
6.6 Waste and trade waste	Any waste generated by the work will need to be managed and disposed of in an appropriate manner.
6.7 Impacts on surrounding land	The proposed development will not unreasonably impact on surrounding properties by way of pollutants such as noise, vibration, odour, dust, water pollutions etc. Construction will be confined to the site of the water tower and once completed the site will be maintained by Council.

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 initial impacts whilst the surface of the water tower is prepared for painting and during the actual painting of the mural but these are considered to be minimal. Long term the development will be of interests to visitors to Deniliquin and is likely to generate some additional traffic impacts which are within the capability of the existing road network.

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

The site is suitable for the development as it will use the façade of a disused water tower and the mural will reflect the recreational area where it is located which mostly focussed around activities for children.

Submissions (s4.15(d))

No submissions have been received.

The Public Interest (s4.15(e))

The project is in the public interest as it will provide a tourism benefit for the town and reflects the recreational nature of the site on which it is to be located.

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.

CONSULTATION

Not applicable.

ATTACHMENTS

1.	Development	application	10/19	-	Plans
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11.7 DRAFT RURAL RESIDENTIAL STRATEGY

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council place the draft Rural Residential Strategy on exhibition for a period of 28 days and receive a further report detailing the outcome of this exhibition.

BACKGROUND

The draft Rural Residential Strategy (RRS) has been completed and it is proposed to place the document on exhibition for a period of 28 days.

ISSUE/DISCUSSION

The draft RRS has been prepared to provide a framework to guide the development of rural residential land opportunities as well as recommend an appropriate planning policy. This document focusses on land within the former Deniliquin local government area and will guide future decisions for rural residential land release until 2036.

The document considers the local, regional and state planning policy framework, demand and supply, criteria for identifying suitable and unsuitable rural residential land, consultation, implementation and recommendations.

The report identifies three areas for rezoning from RU1 Primary Production to R5 Large Lot Residential with a total area of approximately 186ha and identifies if it should be released in the short or medium term. Any future rezoning of land would be subjected to the preparation of a planning proposal which would require a detailed assessment of issues such as flooding, biodiversity, Aboriginal cultural heritage, bushfire etc.

The report recommends that three areas be rezoned from R5 Large Lot Residential to RU1 Primary Production with a total area of 68ha to offset the proposed rezoning's detailed above. This land is identified as being unsuitable for rural residential development.

Exhibition

Council staff have been meeting with the owners of all land specifically identified in the draft RRS. A verbal update will be provided at the Council meeting. Whilst Council will meet with each of the affected landowners, Council will also send letters to them advising of the exhibition.

It is proposed to exhibit the draft RRS for a period of 28 days and also consult with the relevant State government offices and in particular, the Department of Planning and Environment (who have already provided feedback on the initial draft).

STRATEGIC IMPLICATIONS

The draft RRS will provide a strategic framework for the future release of rural residential land in Deniliquin.

COMMUNITY STRATEGIC PLAN

The preparation of the draft RRS meets the following targets:

- We plan for the future to accommodate and facilitate sustainable growth and development; and
- Our built environment is managed, maintained and improved.

FINANCIAL IMPLICATIONS

This project is being undertaken in line with the 2018/19 operational plan.

LEGISLATIVE IMPLICATIONS

The preparation of the draft RRS considers the legislative framework of the Environmental Planning and Assessment Act.

ATTACHMENTS

1. Draft	Rural	Residential	Strategy
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Edward River Council

DRAFT Deniliquin Rural Residential Land Use Strategy

April 2019

WATER | ENERGY & RESOURCES | ENVIRONMENT | PROPERTY & BUILDINGS | TRANSPORTATION

DRAFT

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- Appendix B – Constraint Layers

1. Introduction

The Deniliquin Rural Residential Land Use Strategy has been prepared to guide decisions on the future development of land for rural residential purposes within Deniliquin, as part of the broader Edward River Council area. This strategy is the result of collaboration between GHD Pty Ltd and Edward River Council.

Deniliquin is the key regional centre within Edward River Council. The centre offers unique riverside lifestyle opportunities alongside excellent health, education, recreation, retail and community facilities. Deniliquin is also the major service centre for nearby villages in Conargo and the northern Murray region, and the surrounding agricultural production and industry sectors.

Given the regional role and lifestyle attributes of Deniliquin, there is significant demand for rural residential living opportunities. In particular demand exists for land within close proximity to the Edward River foreshore, and the services and infrastructure provided by the town centre.

In order to appropriately manage future demand and community expectations around land release, Council has identified the need for an integrated long term plan to manage rural residential land use within Deniliquin.

The strategy was initially prepared for the former Deniliquin Council prior to its merger with Conargo Shire Council to form

Edward River Council on 12 May 2016. The new Edward River local government area (LGA) now encompasses the former Deniliquin and Conargo LGAs. References throughout this strategy are still made to the former Deniliquin and Conargo LGAs given land use and development matters are still guided by three separate Local Environmental Plans. The strategy is however limited to the consideration of supply and demand of rural residential land within the former Deniliquin LGA to ensure any future land identified for development is located in close proximity to existing settlements, services and infrastructure.



(Image source: Visit Deni)

1.1 What is a Strategy?

The Oxford Dictionary (2012) defines a strategy as:

'A plan of action designed to achieve a long-term or overall aim'

In terms of land use planning it is a framework for what Council wishes to achieve in relation to key planning issues and how these might be achieved. This strategy is a plan for a desired future for rural residential land use at Deniliquin on behalf of Edward River Council.

1.2 Purpose of this Strategy

The purpose of this strategy is to provide a land use framework to guide the development of rural residential opportunities as well as recommend an appropriate planning policy. Planning for growth and change requires understanding the capabilities of the land. It also means understanding the factors which shape the characteristics, attitudes and values of communities, and the systems which drive land use development.

Through the *Riverina Murray Regional Plan 2036*, the Department of Planning and Environment (DPE) requires Council to consider various criteria when selecting land for rural residential development. The criteria can best be addressed by a rural residential strategy as undertaken prior to permitting rural residential development through a Local Environmental Plan (LEP).

However, as experienced by many Councils, the community may prefer locations for rural residential development that are remote from settlements and difficult to service; more suitable

for productive agricultural purposes or endowed with environmental assets that could be compromised by subdivision and development. These conflicts with sustainable living, agricultural activity and environmental values need to be minimised. This strategy aims to establish clear priorities and criteria based upon settlement patterns, access to services, the suitability and capability of land and the protection of significant environmental areas.

This strategy also aims to identify drivers for growth. The legitimate and sustainable demand for rural residential development will be identified. This needs to be balanced against the existing supply and the possible future supply of rural residential land.

This strategy also seeks to consider the community's needs and balance these interests against broader policy and regulatory considerations. A good strategy identifies opportunities for new development and will increase the attraction of Deniliquin as a place to live and invest in.

This strategy is intended to provide certainty in rural residential land use decision making and provides leadership to integrate and manage rural residential issues in a collaborative way between Council, state government and the community.

1.3 What is Rural Residential Development?

Rural residential areas are unique from other types of living environments in towns or villages as they are essentially residential development in a rural setting. These areas commonly have larger sized properties and are not associated with agriculture. Some agriculture may take place on the land; however, it is likely to be carried on for 'lifestyle' reasons and is unlikely to provide a significant source of household income. Rural residential development usually does not have Council services - such as stormwater and reticulated water and sewerage infrastructure. Because of its primarily residential function, rural residential development still requires reasonable access to most of the normal services and infrastructure provided in urban settlements such as roads, electricity, telecommunications, schools, healthcare, employment and shops. reasonable access to most of the normal services and infrastructure provided in urban settlements such as roads, electricity, telecommunications, schools, healthcare, employment and shops.



Figure 1-1 Representative Rural Residential Development in Deniliquin (Source: GHD)

1.4 Planning Period

This strategy provides the framework for managing growth, change and development for rural residential land use at Deniliquin to the year 2036 (18 year plan) to align with the planning period of the Riverina Murray Regional Plan. Most of the base data was sourced from the 2011 and 2016 Census where available.

The Wamba Wamba and Perrepa Perrepa Aboriginal people are the original inhabitants and the town is said to take its name from the local Aboriginal leader 'Denilakoon'.

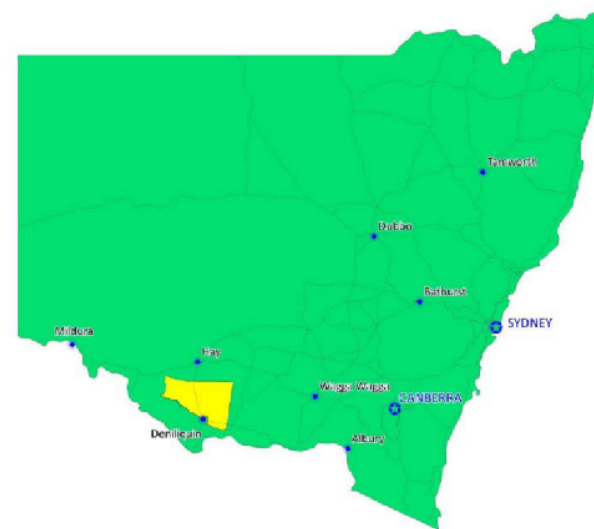


Figure 2-1 Location of Edward River Council in NSW

The region contains both dry-land and irrigated land, providing valuable farming land and has some of the most successful agricultural areas in NSW. Rice has proven to be one of the more lucrative irrigation crops grown locally. The largest rice mill in the southern hemisphere operates at Deniliquin, and is the fourth largest rice mill in the world.

The region was in severe drought or marginal drought between 2000 and 2010 which has had significant impacts on agricultural production. Since this time however the region has bounced back and has experienced positive growth in both industry and population.



Figure 2-2 Location of Former Deniliquin LGA



Figure 2-3 Agricultural land (Source: GHD)



Figure 2-4 Irrigation Channel (Source: GHD)

2.1 Acknowledging External Growth Drivers

The former Deniliquin LGA is a relatively small LGA comprised of a traditional central business district with surrounding residential development and some local industrial areas with a relatively small proportion of agricultural land uses. The Murray River Council and former Conargo LGA's surround the former Deniliquin LGA.

The former Conargo Shire (now part of Edward River LGA) comprises the townships of Conargo, Blighty, Mayrung, Pretty Pine, Wanganella and Boorooban Villages. The villages are located in close proximity to Deniliquin as follows:

- The village of Conargo is the largest town and is located approximately 30 km north east of Deniliquin.
- Blighty is located 29 km east of Deniliquin.
- Mayrung is located 37 km north east of Deniliquin.
- Pretty Pine is located 16 km north west of Deniliquin.
- Wanganella is located 39 km north west of Deniliquin.
- Boorooban is located 75km north of Deniliquin.

Given the close proximity of these villages to Deniliquin, there would be a significant amount of external influence and demand from the former Conargo Shire from people looking to move from small villages closer to essential services available in Deniliquin. This would include farmers wanting to retire on rural residential land in close proximity to Deniliquin. This phenomenon is not new to the region but must be considered as part of the demand drivers for rural residential land in the LGA.

Murray River LGA also contains villages in close proximity to Deniliquin. This Council is also newly formed and comprises the former Murray and Wakool Shire Councils. The closest village is Mathoura which is located 30 km south of Deniliquin. It is likely there will be demand drivers from this village as well as a significant proportion of the northern rural areas of the Murray River LGA given increased affordability, available services and infrastructure and amenity benefits of Deniliquin.

Notwithstanding for the majority of the southern portion of the Murray River LGA is likely to provide the demand for residential dwellings in Moama, 70 km south of Deniliquin. Moama is located on the Murray River, adjacent to the NSW and Victorian border and is the largest centre within the Murray River LGA.

3. Riverina Murray Regional Plan

The Riverina Murray Regional Plan was finalised by DPE in 2017 and outlines the NSW Government's Strategy for the growth and development of the Riverina Murray Region to 2036.

Alongside Edward River Council, the Riverina Murray Region is comprised of the following local government areas: Albury, Berrigan, Bland, Carrathool, Coolamon, Cootamundra-Gundagai, Federation, Greater Hume, Griffith, Hay, Junee, Leeton, Lockhart, Murray River, Murrumbidgee, Narrandera, Snowy Valleys, Temora and Wagga Wagga.

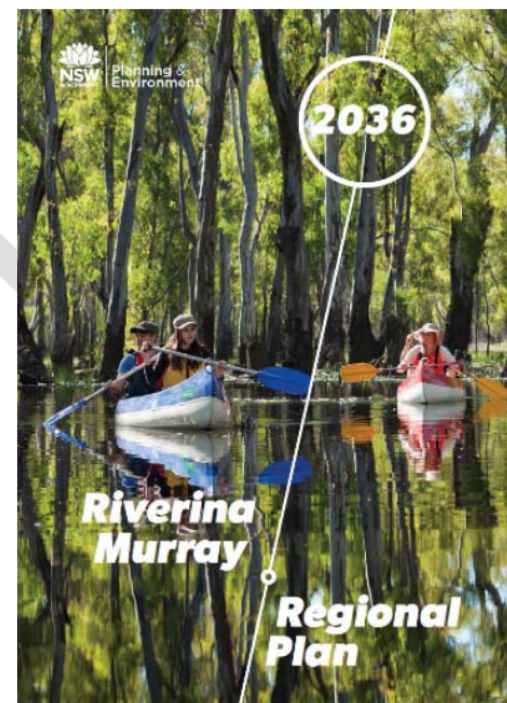
The Regional Plan is an important policy consideration given the Strategy is legally required to be compliant with the vision, land use strategy, goals, directions and actions contained within the Regional Plan.

The Regional Plan sets four key goals for the Riverina Murray Region being:

- A growing and diverse economy
- A healthy environment with pristine waterways
- Efficient transport and infrastructure networks
- Strong, connected and healthy communities

The Regional Plan also sets out the following priorities for the Edward River LGA:

- Develop Deniliquin into a thriving local centre through industry development and job creation to promote population growth.
- Ensure that irrigated land is appropriately zoned and protected from inappropriate development.
- Double the size of the visitor economy through new product development and promotion.
- Improve the council area's liveability and lifestyle opportunities.



3.1 Direction 27 - Manage Rural Residential Development

Within the Regional Plan, specific principles and criteria relating to rural residential development are addressed in **Direction 27 - Manage Rural Residential Development**.

The plan highlights that rural residential housing is a popular lifestyle option within the region. The plan also recognises that rural residential development has the potential to create land use conflicts with productive agricultural and industrial land uses or land with mineral or renewable energy potential. Given these issues, the plan sets out that management of this development type and cumulative impacts will become increasingly important as the regional economy diversifies and as development pressures for rural residential housing increases.

To address the issues, the Direction identifies the need for a consistent planning approach to identify suitable locations for new rural residential development. This is to avoid fragmentation of productive agricultural land, protect high environmental value assets, cultural and heritage assets, or areas with important rural landscape values.

The plan also sets out rural residential development should not increase pressure on infrastructure and services and should be located on land free from natural hazards.

In this regard, the plan identifies the following actions under Direction 27:

Table 3-1 Direction 27 - Manage Rural Residential Development

Action	Detail
27.1	Enable new rural residential development only where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.
27.2	Ensure the design of rural residential areas respects the semi-rural character of the area.
27.3	Locate rural residential areas: <ul style="list-style-type: none"> • Close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure; • To avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and • To avoid areas of high environmental, cultural and heritage significance, important agricultural land or areas affected by natural hazards.
27.4	Manage land use conflict that can result from cumulative impacts of successive rural residential development decisions

Other key actions of the Regional Plan that are relevant considerations for this strategy are:

Table 3-2 Riverina Murray Regional Plan - Other Relevant Actions

1	Direction 1: Protect the region's diverse and production agricultural land
	Action
1.2	Protect important agricultural land identified in the regional agricultural development strategy from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses.
1.3	Minimise biosecurity risks by undertaking risk assessments, taking into account biosecurity plans and applying appropriate buffer areas.
2	Direction 2: Promote and grow the agribusiness sector
	Action
2.3	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflict arising from the encroachment of incompatible land uses.
12	Direction 12: Sustainably manage mineral resources
	Action
12.2	Protect areas of mineral and energy resources potential in the region through local land use strategies and local plans.
12.3	Protect infrastructure that facilitates mining industries from development that could affect current or future extraction.
13	Direction 13: Manage and conserve water resources for the environment
	Action
13.1	Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream and groundwater sources.
13.2	Minimise the impacts of development on fish habitat, aquaculture and waterways (including watercourses, wetlands and riparian lands) and meet the Water Quality and River Flow Objectives.
14	Direction 14: Manage land uses along key river corridors
	Action
14.2	Retain riverfront setback provisions in local plans and limit ribbon development along the Murray River.
14.3	Consider and assess the potential impacts of new development on biodiversity along river corridors, including the Murray and Murrumbidgee Rivers, and manage offsets.

15	Direction 15: Protect and manage the region's many environmental assets
	Action
15.2	Minimise potential impacts arising from development in areas of high environmental value, and consider offsets or other mitigation mechanisms for unavoidable impacts.
16	Direction 16: Increase resilience to natural hazards and climate change
	Action
16.1	Locate developments, including new urban release areas, away from areas of known high biodiversity value, high bushfire and flooding hazards, contaminated land, and designated waterways, to reduce the community's exposure to natural hazards.
16.5	Implement the requirements of the NSW Floodplain Development Manual by updating flood studies and floodplain risk management plans.
16.6	Incorporate the best available hazard information in local plans, consistent with, current flood studies, flood planning levels, modelling and floodplain risk management plans.
19	Direction 19: Support and protect ongoing access to air travel
	Action
19.1	Protect airports from the encroachment of incompatible development, including airports in Wagga Wagga, Albury, Griffith and Narrandera
21	Direction 21: Align and protect utility infrastructure investment
	Action
21.1	Monitor development and ensure that infrastructure is responsive to investment opportunities.
22	Direction 22: Promote the growth of regional cities and local centres
	Action
22.1	Coordinate infrastructure delivery across residential and industrial land in the regional cities.
22.2	Consider the role, function and relationship between regional cities and centres in local land use strategies.
25	Direction 25: Build housing capacity to meet demand
	Action
25.1	Prepare local housing strategies that provide housing choice and affordable housing.
25.3	Align infrastructure planning with land release areas to provide adequate infrastructure.

27	Direction 27: Manage rural residential development
	Action
27.1	Enable new rural residential development where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.
28	Direction 28: Deliver healthy built environments and improved urban design
	Action
28.3	Reflect local built form, heritage and character in new housing developments.
28.4	Incorporate water sensitive urban design in new development.
29	Direction 29: Protect the region's Aboriginal and historic heritage
	Action
29.1	Undertake and implement heritage studies, including regional aboriginal Cultural heritage studies, to inform local land use strategies.
29.2	Consult with Aboriginal people and the broader community to identify the heritage values at the strategic planning stage.

4. Criteria for Rural Residential Land

The main objective of this strategy is to identify **sustainable and liveable** rural residential development areas. The criteria for rural residential land are explained in further detail below:

Sustainable

The Brundtland Report (WCED; *Our common future*. Oxford: Oxford University Press, 1987 p. 43) identified sustainable development as:

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Sustainable development in terms of this strategy is the shared responsibility for the orderly use and development of rural residential land. This strategy aims to incorporate the goal of sustainability to direct positive changes in the environmental, economic and social development of Deniliquin. Rural residential land is an economic resource, an environmental resource and a social resource. There is a need to balance all three of these components in planning for and managing rural residential lands in a sustainable manner so that primary production, the natural environment and land as a place to live are given equal weight in decision-making.

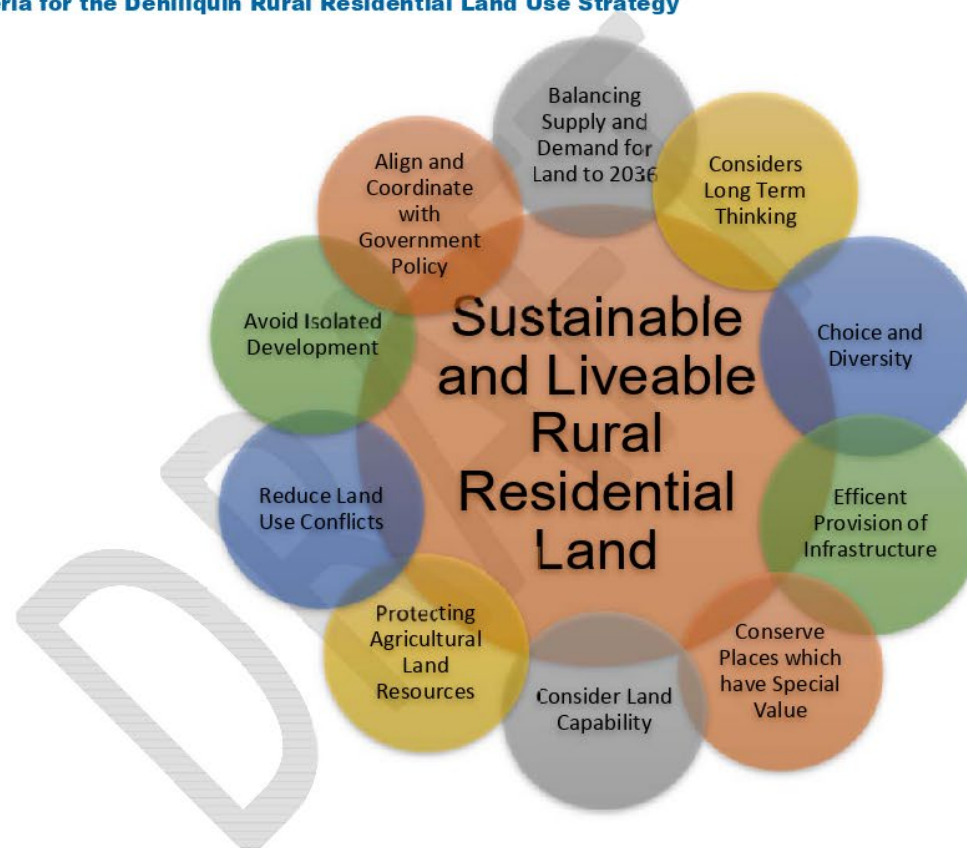
Liveable

The concept of “liveability” is increasingly used to describe a place which supports the attraction of a place through its ability to support the health, social well-being and economic prosperity of communities. Liveability is a key factor in location decision making (State of Australian Cities, 2011).

In terms of rural residential development liveable elements may include access to employment, transport links, health services, schools and shops, as well as, affordability and diversity of choice for housing and lot size. It would also include a healthy natural environment, and access to views and a pleasant outlook. At a broader level it includes, management of population growth and demographic change, social health, and the level of equity, leadership and community participation in decision making. It also includes addressing changes and deterioration in the natural environment.

This strategy has a significant role in making rural residential development liveable and sustainable. The following criteria have been developed for Deniliquin to guide future rural residential land use on the basis of the above and in consideration of the relevant goals, actions and directions of the *Riverina Murray Regional Plan 2036* as set out in Section 3.

Figure 4-1 Criteria for the Deniliquin Rural Residential Land Use Strategy



The criteria demonstrated graphically above will be used in identifying land suitable for sustainable and liveable rural residential development including the following:

Considers long term thinking:

Identify the ability to accommodate forecast housing demand for a minimum future period of 18 years.

Choice and diversity:

Facilitate choice and diversity in location, lot size, form and type of housing to meet the economic, social, health and well-being requirements and preferences of all people.

Efficient provision of infrastructure:

Rationalise rural residential development to avoid locations where access, servicing, safety or impact are unacceptable or too costly.

Conserve places which have special value and consider land capability:

There should be no adverse effect on key natural resource values, including areas of biodiversity significance and other areas that have special value. This requires considering the capability of the land to accommodate rural residential development.

Protecting agricultural land resources:

There should be no adverse effect on high quality agricultural land.

Reduce land use conflicts:

Provide land for rural residential housing which does not result in land use conflicts.

Avoid isolated development:

Provide land that is in close proximity to Deniliquin town centre and encourage development that is adjacent to existing rural residential zones.

Align and coordinate with government policy:

Consider State legislation and align with State policy and practice.

5. Planning Policy

5.1 Role of Government and Private Sector

5.1.1 State Government

At the state and regional level the NSW Government provides the strategic planning basis for infrastructure, housing needs, jobs and the environment. This is through regional strategic planning such as the Riverina Murray Regional Plan, legislative acts and regulations, State Environmental Planning Policies and the establishment of standard land use zones via the standard LEP template utilised across the state.

5.1.2 Local Government

Local Government has a significant role in rural residential lands as they can build on existing strengths of a region through detailed community and planning policy. This can provide opportunities for appropriate growth and recognise the need for local employment in order to sustain settlement populations and ensure their wellbeing (GHD, 2009). In performing this role, Local Government has the ability to:

- Prepare a Community Strategic Plan to identify a strategic vision and plan for their area in consultation with the community.
- Identify future rural residential land through detailed strategic planning and ongoing supply and demand monitoring and analysis.

- Zone land through LEP's to ensure it is protected and available for use and is market ready.
- Facilitate the required infrastructure to ensure land is ready for use.
- Respond to locational requirements such as lot size, etc.

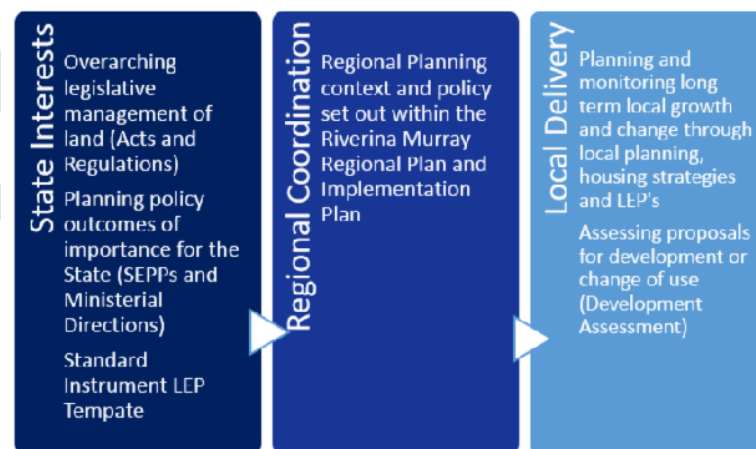


Figure 5-1 Summary of State Interests, Regional Coordination and Local Delivery

Council's capacity to promote development opportunities and diversification of activities can be inhibited by a lack of available and appropriately located land. A scarcity of land available for development could deter investment in local areas, which may stifle economic growth and employment opportunities. Council's planning controls should ensure that land is available for development and is adequately served by infrastructure, and should be responsive to trends. It should provide for different land uses to cater for different needs.

5.1.3 Private Sector

The private sector is involved in the rural residential land market by:

- Purchasing, developing and selling land.
- Developing or upgrading infrastructure.
- Providing advice to land owners, developers, governments and industrialists.
- Property and tenant management.

Industry input includes the sharing of information and providing a business perspective to policy proposals. It also includes public / private partnership approaches to land and infrastructure development, and strategic planning activities (Property Oz, 2007).



5.2 Planning Documents

There is a hierarchy of legislation, statutory planning instruments and policies affecting rural residential development in Deniliquin, including:

- Environmental Planning and Assessment Act, 1979 (EP&A Act)
- Rural Fires Act 1997
- Native Vegetation Act 2003
- Water Management Act 2000
- National Parks and Wildlife Act 1974
- Threatened Species Conservation Act 1995
- Biodiversity Conservation Act 2016
- State Environmental Planning Policies (SEPPs) including
 - *State Environmental Planning Policy (Rural Lands) 2008*
 - *State Environmental Planning Policy (Infrastructure) 2007*
 - *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- Murray Regional Environmental Plan No- 2 - Riverine Land
- Deniliquin Local Environmental Plan 2013
- Deniliquin Local Environmental Plan 1997 (applying to land deferred from the Deniliquin LEP 2013. Not related to the regulation of rural residential land).

- Deniliquin Development Control Plan 2016
- Section 9.1 Ministerial Directions from the Minister of Planning

The strategic planning framework affecting rural residential development in Deniliquin includes:

- Riverina Murray Regional Plan 2036
- Riverina Murray Implementation Plan
- Policy for Sustainable Agriculture in New South Wales (1998)
- Deniliquin Flood Plain Management Study (1984)
- Edward River at Deniliquin Flood Study (2014)

These are described in detail in Appendix A.

5.2.1 Deniliquin Local Environmental Plan 2013

The main document which regulates rural residential development in Deniliquin is the *Deniliquin Local Environmental Plan (LEP) 2013*. The R5 Large Lot Residential zone has been included in the LEP to accommodate rural residential development in the LGA.

The objectives of R5 Large Lot Residential zone under Deniliquin LEP 2013 include the following:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Standard Minimum Lot Size

The minimum lot size in the R5 Large Lot Residential zone under Deniliquin LEP 2013 where on-site disposal of sewage is required is 1 ha. However the LEP has adopted an additional clause (Clause 4.1(4A), whereby certain land can be subdivided down to 5,000 m² if the lots are connected to reticulated sewer.



6. People and Housing

6.1 Edward River Local Government Area (LGA)

In 2016, Edward River Council was proclaimed, following the amalgamation of the former Conargo Shire Council and Deniliquin Council. The Edward River (LGA) is located a short drive from the Murray River approximately 700km south west of Sydney and 300km north of Melbourne. The municipality covers an area of approximately 8,881 square kilometres and includes the regional centre of Deniliquin and the six rural villages of Blighty, Boorooban, Conargo, Mayrung, Pretty Pine and Wanganella.

The following demographic and housing profile of the Edward River (LGA) shown in Table 6-1 provides an analysis of the area's population, housing and employment trends. Demographic and housing trends are a key consideration in determining demand and land suitability for rural residential development within Edward River (LGA).

Table 6-1 Edward River (LGA) Key Characteristics

	2016
Total Area (km ²)	8,881
Population	8,851
Median Age	45
Indigenous Person (%)	4.0
Indigenous Median Age	21
Dwellings	3,850
Occupancy Rate persons per dwelling	2.3
Median household income \$/weekly	1,080
Indigenous Persons Median household income	791
Median rent (\$/weekly)	190
Country of Birth – Australia (%)	82.4



8,851 Persons



Median Age: 45



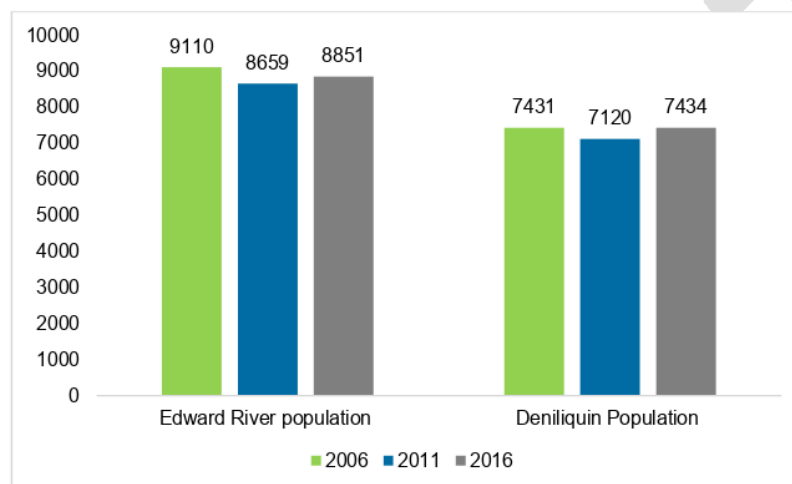
Dwellings: 3,850

Source: Edward River (A) NSW (LGA), ABS Census 2016

6.1.1 Population

ABS Census data indicates that in 2016 Edward River LGA had a total population of 8,851 persons (refer Figure 6-1). Deniliquin is the key regional centre within the LGA and in 2016 had a total population of 7,434 persons, which is approximately 83.9% of the Edward River LGA population.

Figure 6-1 Population snapshot 2006 - 2016



Source: Edward River (A) NSW (LGA) Time Series Profile (2006 – 2016), ABS Census 2016. Deniliquin (A) NSW (LGA) (2006 – 2011) ABS Census 2016. Deniliquin NSW (SA2) (2016), ABS Census 2016.

Growth within Deniliquin can be attributed to the lifestyle, investment and employment opportunities available within the town.

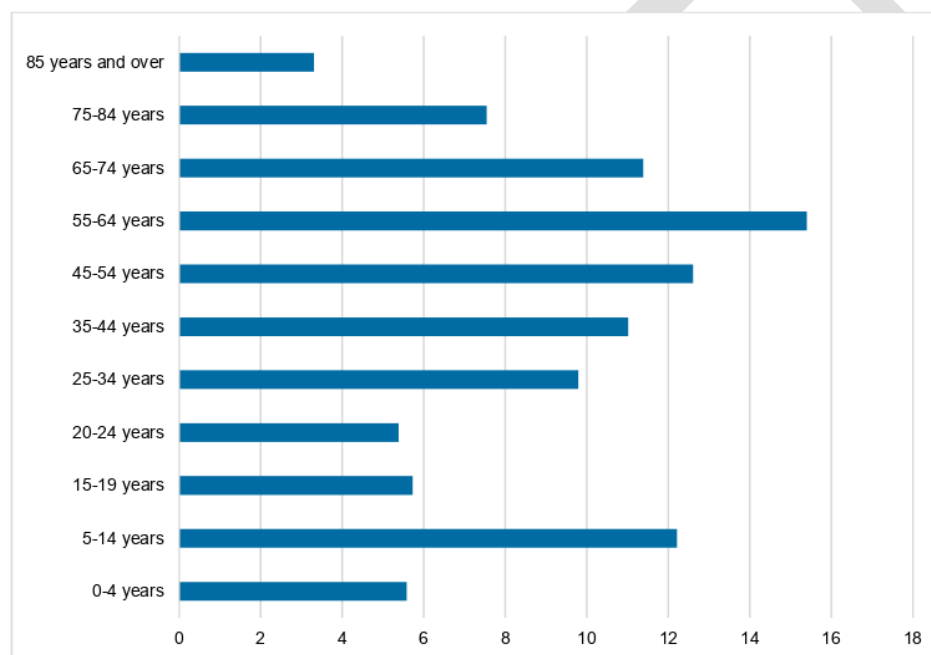
6.1.2 Occupancy rate

The occupancy rate within the Edward River LGA is relatively stable at 2.3 persons per household, which is 0.3 less than the average NSW occupancy rate.

6.1.3 Age distribution

The age distribution of the Edward River LGA is consistent with trends across Australia (refer Figure 6-2). The median age of persons living in the LGA is 45 years which is significantly higher than the median age of people in NSW and Australia being 38. The most notable feature of the Edward River LGA is the large proportion of 5 to 14 year olds, comprising 12.3% of the total population and the lower proportion of persons between the ages of 15 and 24 and persons 85 years and over. The population profile is consistent with national trends in other regional areas being characterised by a loss of the 'working age' cohort combined with an ageing population.

Figure 6-2 Age Profile

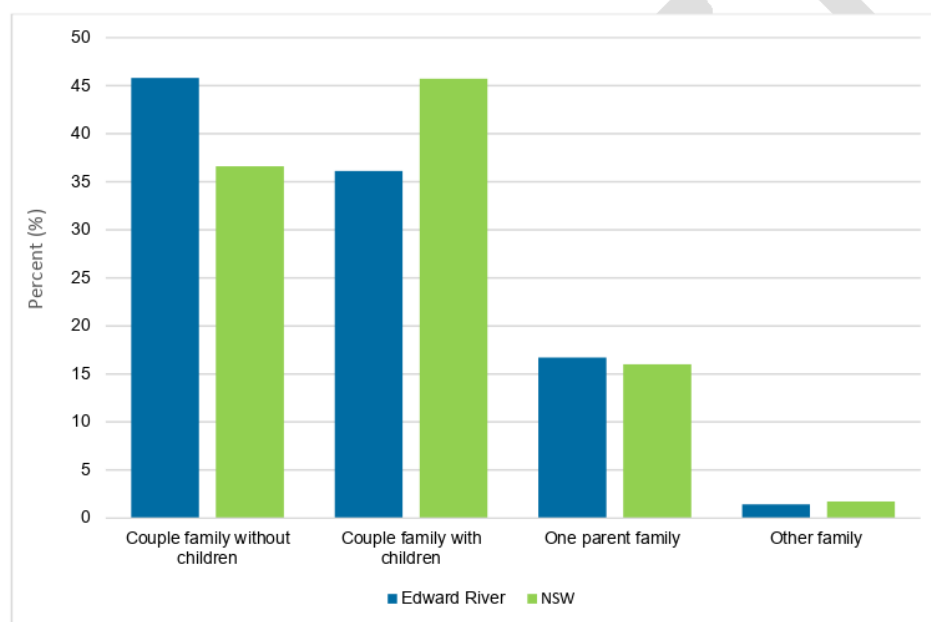


Source: Edward River (A) NSW (LGA), ABS Census 2016.

6.1.4 Family composition

In 2016, the most common type of family composition within the Edward River LGA was couple family without children (refer Figure 6-3.). This type represented 45.8% of all families within the LGA. This is reflective of the ageing population as baby boomers move into the 'empty nester' phase of their lives. The second highest was couple family with children at 36.1% followed by one parent families at 16.7%. Couple family with children and one parent family statistics are significantly higher when compared to NSW figures.

Figure 6-3 Family composition

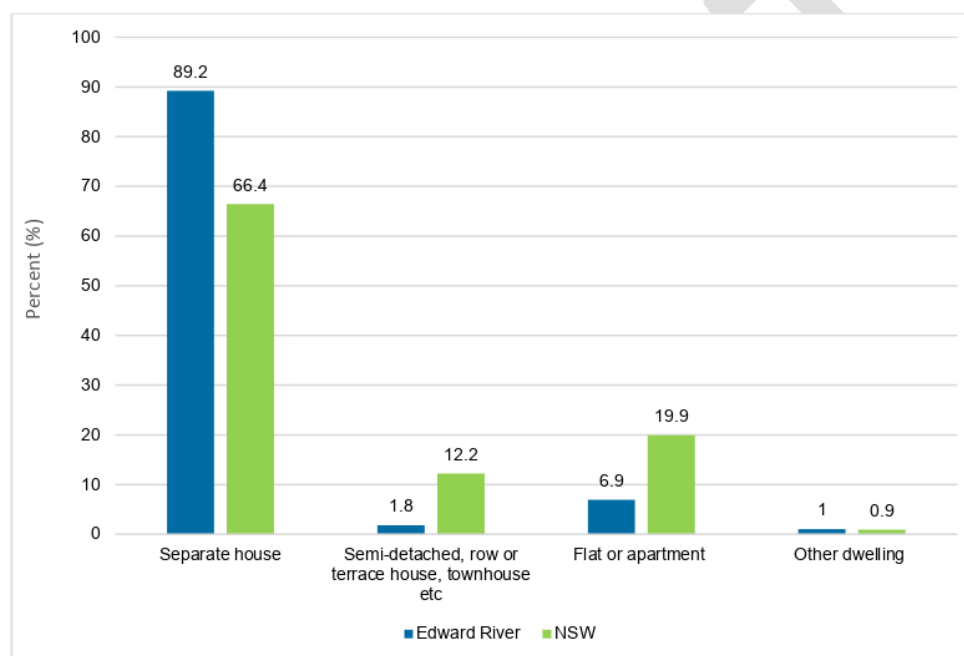


Source: Edward River (A) NSW (LGA), ABS Census 2016.

6.1.5 Housing

Separate houses is the most popular type of housing in the Edward River LGA (refer Figure 6-4) and at the 2016 census the ABS reported 3,850 private dwelling in the Edward River LGA. The number of semi-detached, row or terrace house, townhouse etc. and flat or apartment living options in Edward River are limited when compared to NSW figures.

Figure 6-4 Housing composition



Source: Edward River (A) NSW (LGA), ABS Census 2016.

6.1.6 Employment

In 2016, there were 4,012 persons in the labour force in Edward River LGA, of these persons 57.5% of people were employed full-time, 31.7% were employed part-time and 5.0% were unemployed. The number of persons working full-time in the region is slightly less than the NSW average of 59.2%, however, the number of persons employed part-time and unemployed were noticeably lower than NSW averages indicating that there are employment opportunities within the Edward River LGA, and that a majority of employment opportunities are part-time or casual rather than full-time.

The agriculture, forestry and fishing sector was the largest employer in the Edward River LGA in 2016, employing approximately 633 persons (16.6%) the second highest employer in the LGA was health care and social assistance employing 496 persons (13%) (Edward River (A) NSW LGA General Community Profile, ABS Census 2016). Conargo provides a high proportion of agriculture services including wheat, rice, canola and cereals which employ a large number of persons within the LGA whilst Deniliquin provides a high proportion of health services and retail services to the LGA and surrounding rural villages within northern portion of the adjoining Murray River Council area.

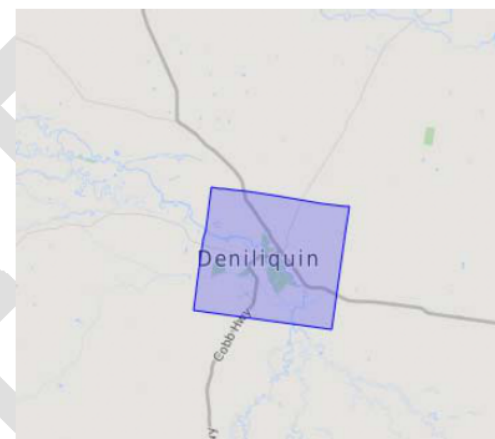
6.2 Former Deniliquin LGA

The statistics in Table 6-2 reflect the findings of ABS Census data from 1976 to 2016 for the former Deniliquin LGA. As previously mentioned, in 2016 Edward River Council was proclaimed, following the amalgamation of the former Conargo Shire Council and Deniliquin Councils.

The 2016 ABS Census data for the previous Deniliquin LGA area is now available at the 'Statistical Area Level 2 (SA2)' level which utilises the former Deniliquin LGA boundary (ABS, 2018) as shown in the image below. Therefore, the data should be an accurate reflection of changes since the 2011 ABS Census for the former Deniliquin LGA. The following statistics reflect the findings of the 2016 Census carried out by the ABS and compares 2011 data to 2016.

Table 6-2 Demographic and Housing Profile 2011- 2016

Former Deniliquin LGA	2011	2016
Total Area (km ²)	143.2	143.2
Population	7,120	7,434
Median Age	44	45
Indigenous Person (%)	3.6	4.6
Indigenous Median Age	17	22
Dwellings	3,361	3,237
Occupancy Rate persons per dwelling	2.2	2.2
Median individual income \$/weekly	479	583
Indigenous Persons Median household income	551	776
Median rent (\$/weekly)	150	195
Country of Birth – Australia (%)	86.8	82.3



Source: Deniliquin NSW (SA2), ABS Census 2016.

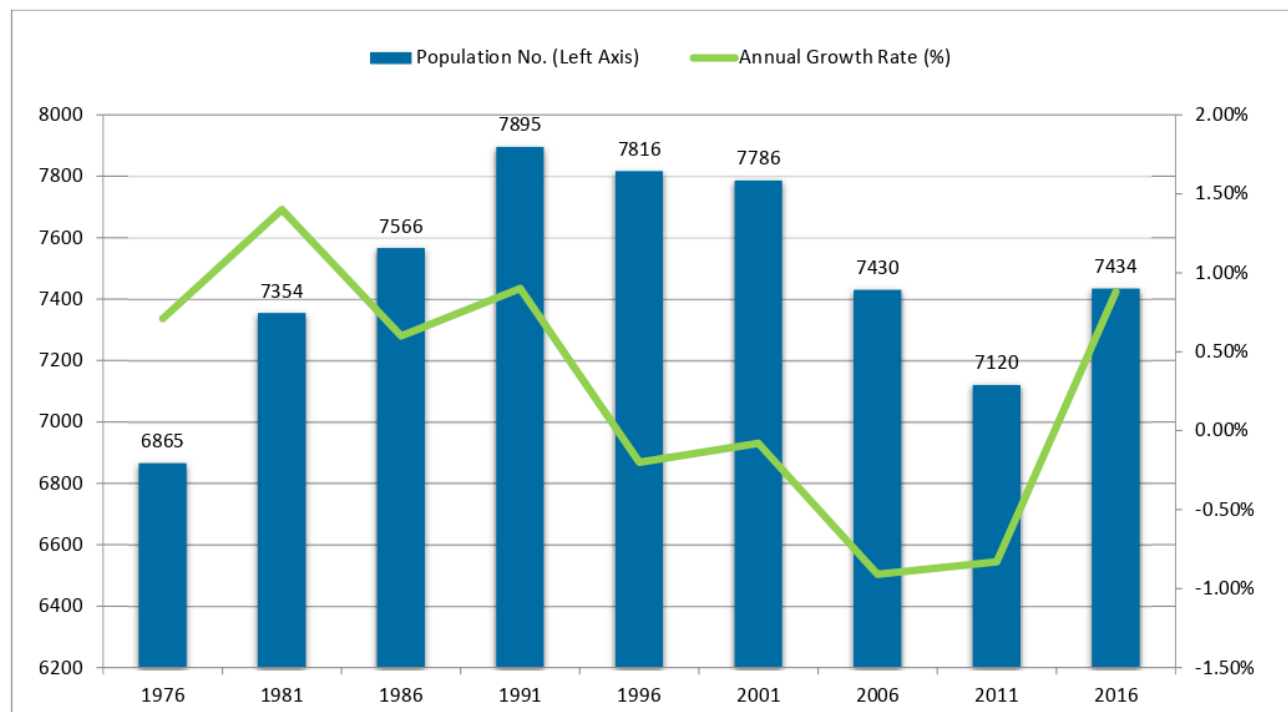
Deniliquin SA2 boundary

6.2.1 Population

Population trends and changes in the former Deniliquin LGA share the characteristics of many other areas outside of the major cities in Australia. These characteristics include an ageing population, lifestyle driven growth coupled with decline in the proportion and number of young adults, changing household structures which mirror changes in the broader Australian population, and growth beyond the fringes of established urban areas into rural landscapes.

ABS 2016 data records show a fluctuating population over time. From 1976 to 1991 the population increased by 15%. It then stayed relatively stable for the period 1991 to 2001. Between 2001 and 2011 the population suffered from a decline of almost 700 persons, which represented almost 9% of the population. This decline which can be attributed to the severe drought affecting agricultural conditions as well as the rice factory closure. Between 2011 and 2016 the decline reversed and population grew by 314 persons or 4.4%.

Overall, during the 40 year period (from 1976 to 2016) the population has benefitted from an increase of 8.2% (or an average of 0.26% growth per annum) (refer Figure 6-5). This growth is despite significant population losses due to drought and adverse economic incidents indicating that Deniliquin has significant lifestyle attractors and opportunity for further population growth when this is supported by positive agricultural, macro and micro economic conditions.

Figure 6-5 Former Deniliquin LGA - Population and Average Annual Growth Rate

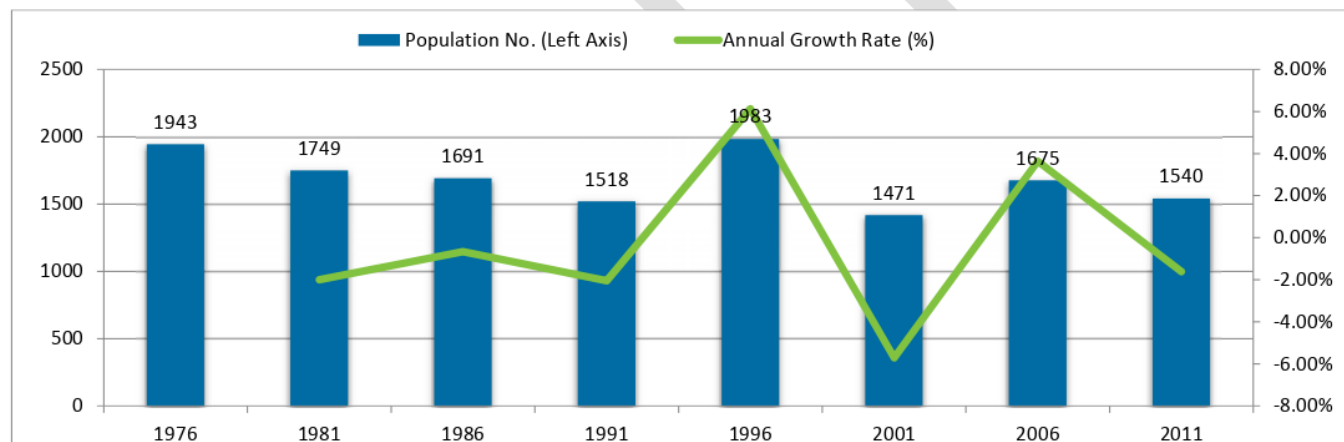
Source: ABS Census 1971- 2016

6.2.2 Surrounding areas

Given the small size and typical land use within the former Deniliquin LGA, there are a significant number of external drivers for rural residential development outside the LGA boundaries. This includes the former Conargo LGA (now part of Edward River) as well as portions of the former Murray LGA. Hence, the population and housing of both the former Conargo LGA and the Murray LGA will be examined for the purposes of this strategy (refer Figure 6-6 and Figure 6-7). Given the Council amalgamations, the data available is limited to ABS Census 2011.

Former Conargo LGA

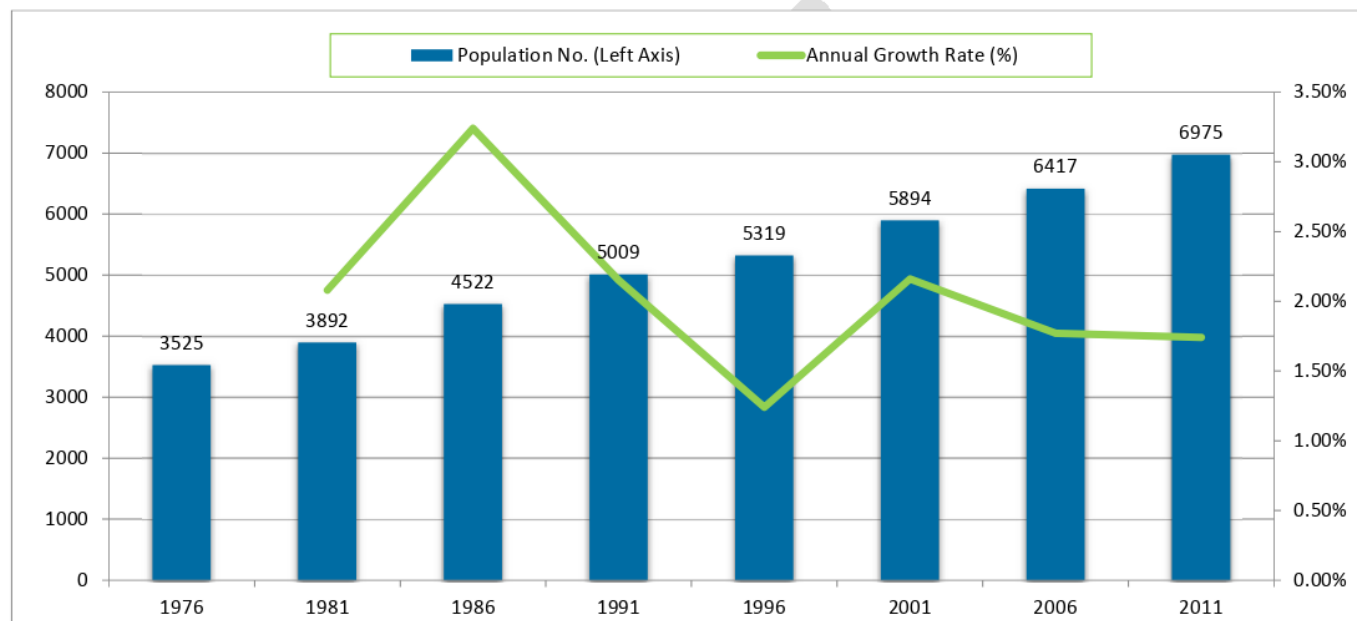
Figure 6-6 Conargo - Population and Average Annual Growth Rate



Source: ABS Census 1976- 2011

The population of the former Conargo LGA fluctuates in a similar way to that of Deniliquin. The population of the former Conargo LGA has been declining slowly since the start of the drought in 2000 (declined by 22% from 1996 to 2011).

However, from 1981 to 1996 (during a non-drought period) the population of the former Conargo LGA increased by 13%. The difference between the different decades shows the dramatic effect agricultural conditions have on the population within these LGA's.

Murray LGA**Figure 6-7 Murray - Population and Average Annual Growth Rate**

Source: Murray (A) NSW Local Government Area (LGA), ABS Census 1976- 2011

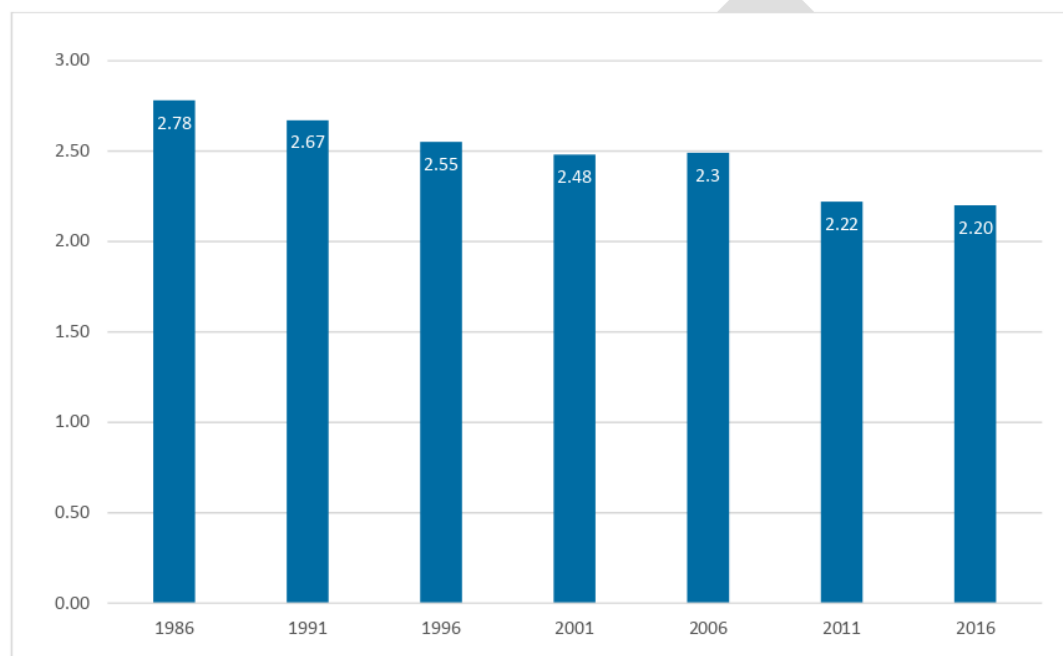
Between 1981 and 1986 the population of the former Murray LGA has been slowly increasing at an annual average growth rate of between 1.2% to 2.0%. The largest population increase was between 1981 and 1986 with the annual average population increase at 3.2%. Even during the drought period the population increased by approximately 2%. The Murray River LGA economy has distinct differences to the former Conargo and Deniliquin economies (now Edward River). The Murray River LGA has a large tourism sector. It also includes Moama which is adjacent to the Victorian town of Echuca. Echuca includes a large commercial centre. Moama is also close to Melbourne (2 hours). It is therefore likely that during the drought, the Murray River LGA was not as susceptible to population decline as it was also reliant on other economic sectors such as tourism and retail / commercial investment.

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6.2.3 Occupancy Rate

The occupancy rate has changed considerably since 1986, reducing in line with state and national trends including lone person households, delayed partnering, divorce and separation, decreases in fertility rate and declines in extended families (refer Figure 6-8).

Figure 6-8 Occupancy Rate, Former Deniliquin LGA 1986 – 2016



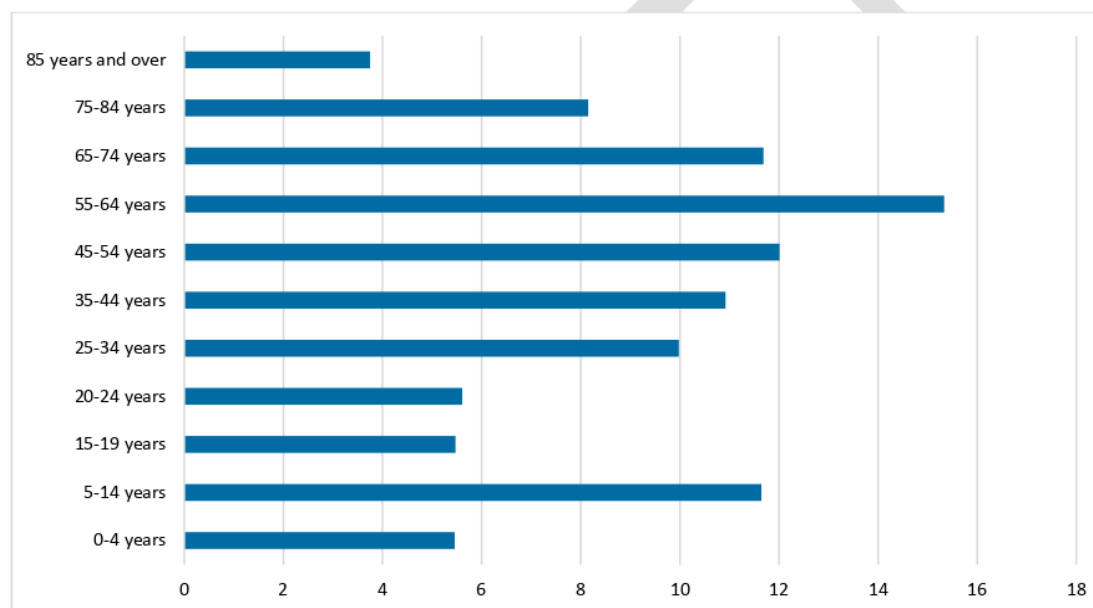
Source: Deniliquin (A) NSW Local Government Area (LGA) (1986 – 2006), Deniliquin (A), NSW Statistical Area Level 2 (SA2), ABS Census (2011 – 2016)

Within Deniliquin the lower occupancy rate is influenced by the high proportion of families without children (for example empty nesters and retirees) and a high proportion of lone person households.

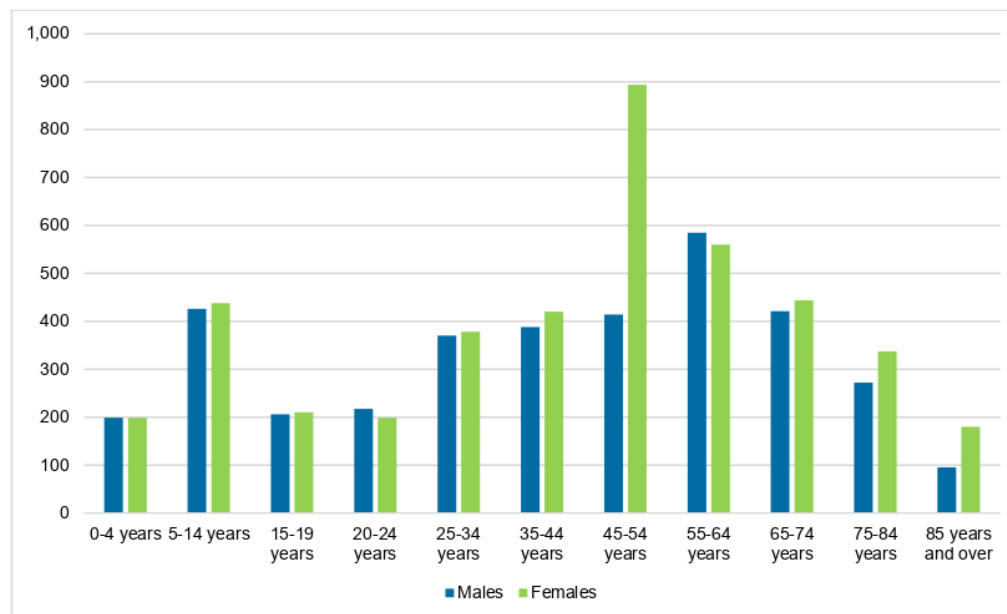
6.2.4 Age Distribution

Consistent with trends across Australia, Deniliquin has an ageing population. The medium age in the former Deniliquin LGA has increased from 41 years old in 2006 to 45 year old in 2016. Figure 6-9 shows that the dominant age group is 55-64 years representing 15.3% of the population. This is followed by the 44-54 age group representing 12%, and 65-74 age group representing 11.68%. Interestingly, the next highest age group is 5-14 years representing 11.64% which is representative the high number of families with children (both singles and couples) in Deniliquin, further discussed in Section 6.2.5.

Figure 6-9 Age (% of total population – 2016) former Deniliquin LGA



Source: ABS Census 2016.

Figure 6-10 Age sex graph former Deniliquin LGA 2016 Census

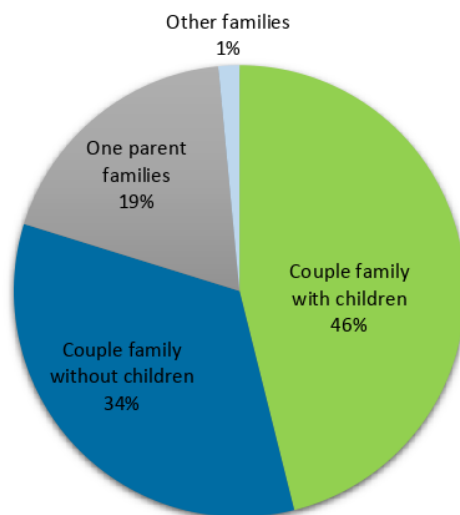
Source: Deniliquin (A), NSW SA2 ABS Census 2016.

The age sex graph in Figure 6-10 highlights some differences between the sexes. The most notable feature is the higher proportion of females than males in the population aged between 45 and 54 years as well as 75 years and over. The difference is most marked among the population aged 85 years and over and is attributable to the longer life expectancies of females. The graph demonstrated the large proportion of 55 to 64 year olds comprising 15% of the total population, and a lower proportion of persons aged 0 to 4 years and 15 to 24 year olds indicating that young people are leaving the area to seek out further education or work opportunities. In NSW in 2016, 14.2% of the population was aged between 25 and 34 year, whilst in Deniliquin only 9.9% of the population were aged between 25 and 34 years.

6.2.5 Family composition

In 2016, the most common type of family composition was 'couple family without children (refer to Figure 6-11).' This type represented 46% of all families within Deniliquin. This is reflective of the ageing population as baby boomers move into the 'empty nester' phase of their lives. The second highest was couple family with children at 34% followed by one parent families at 19%. The figures have changed significantly since 2011 when the dominant family type was couple family without children representing 44.4% of the population, a drop of 10.4% from 2011 to 2016.

Figure 6-11 Family composition



Source: Deniliquin (A), NSW SA2 ABS Census 2016.

6.2.6 Housing

Separate houses remain the most popular type of housing in Deniliquin and at the 2016 Deniliquin SA2 ABS census data reported a total of 3,237 occupied and unoccupied private dwellings in Deniliquin.

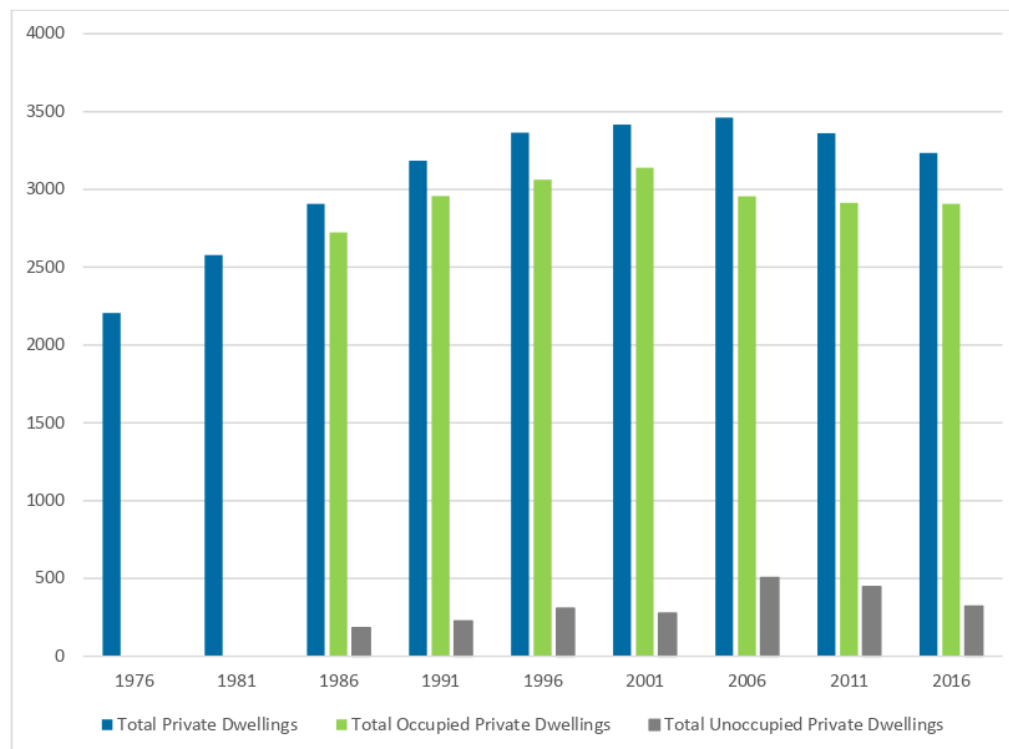
The number of 'semi-detached, row or terrace houses, townhouses etc.' and 'other dwellings' both declined within the 10 year period between 2006 and 2016. Table 6-3 below demonstrates that the number of separate houses between 1996 and 2011 has been slowly decreasing over time with a 5.3% decrease in separate housing between 1996 and 2016 representing a 1.06% decrease over 5 years.

Table 6-3 Occupied Dwelling Characteristics, 1996 to 2016

Dwelling types	1996	2001	2006	2011	2016	% of total Occupied Private dwellings	Change 1996 to 2016 (No.)	% Change - 1996 to 2016
	No.	No.	No.	No.	No.	2016	No.	%
Separate house	2,698	2,567	2,575	2,567	2,555	87.7	-131	-5.3
Semi-detached, row or terrace house, townhouse	134	36	86	161	62	2.1	-72	-53.7
Flat, unit or apartment	360	429	334	128	232	8.0	-128	-35.5
Other dwellings	117	90	68	54	33	1.1	-84	-53.8
Dwelling type not stated	55	13	n/a	4	33	n/a	n/a	n/a

Source: Deniliquin (A), NSW SA2 ABS Census 2016.

At the 2016 Census, there were 2,915 occupied private dwellings in Deniliquin, of which 9.9% were unoccupied. ABS figures suggests that between 2011 and 2016 the number of separate house dwellings decreased from 2,567 to 2,555 whilst the number flat or apartment living options increased, with a corresponding increase in the number of 'lone persons' and 'couple family without children' suggesting that these family compositions are creating demand for smaller housing options within the Deniliquin area.

Figure 6-12 Total Number of Private Dwellings (occupied and unoccupied) from 1976 to 2016

Source: Deniliquin (A), NSW SA2 ABS Census 2016.

During 2011 to 2016 there was a significant decline in the number of semi-detached, row or terrace house, townhouse available representing a 60% decrease over 5 years. Both the number of occupied and unoccupied private dwellings have also declined since 2006 which is evident in Figure 6-12 above.

ABS figures suggest that between 2011 and 2016, the number of 'other dwellings' reported decreased almost half from 54 to 33, with a corresponding increase in the number of 'flat, unit or apartment' dwelling types in 2016, suggesting a change in descriptors in ABS data.

Table 6-4 demonstrates that Deniliquin has had a steady increase in the number of dwellings between 1976 and 2006. According to ABS data since 2011 there has been a decline in the number of dwellings available.

The number of unoccupied private dwellings between 2006 and 2016 has decreased indicating that the availability of housing within the area has decreased, with a corresponding increase in the number of persons moving to the region. Reasons for the reduction of unoccupied dwellings over a 10 year period may be due to a lack of rental properties available or a lack of available housing.

Table 6-4 Increase in Dwelling from 1976 to 2016

Year	Number of Dwellings (occupied and unoccupied)	Average Annual Increase (per census period) (%)	Increase in Number of Dwellings Per Year (per census period)
1976	2,206		
1981	2,577	3.36	74.2
1986	2,906	2.55	65.8
1991	3,183	1.91	55.4
1996	3,364	1.14	36.2
2001	3,415	0.30	10.2
2006	3,461	0.27	9.2
2011	3,361	-0.58	-20.0
2016	3,233	-0.007	-128

6.2.7 Employment

In 2016, there were 3,278 persons employed in the Deniliquin region, of these persons 56.3% were employed full-time, 32.6% were employed part-time and 5.6% were unemployed. The full-time and part-time employment figures for Deniliquin when compared to 2011 employment figures show a slight increase, there has also been a slight increase in the number of unemployed persons within the region with 5.6% of the population being unemployed in 2016 compared to 4.4% in 2011. However, the unemployment rate in Deniliquin remained significantly lower than the NSW and Australian unemployment figures of 6.3% and 6.9% during the same year.

As shown in Table 6-5 the health care and social assistance employment sector remained the largest employer in Deniliquin in 2016, employing approximately 14.3% of the population. Between 2011 and 2016 there has been a decline of persons working within retail and wholesale trade, however there has been an increase in the number of persons employed within the agriculture, forestry and fishing sector, which improved by 15.96%, accommodation and food services which improved by 14.15% and construction, which improved by 11.5%.

Increases in the number of persons working within the agriculture, forestry and fishing sectors could largely be due to the re-opening of the Australian Meat Group (AMG) abattoir in 2015 resulting in a corresponding increases in the number of persons working within primary, secondary and quaternary sectors.

Table 6-5 Employment by Industry, Former Deniliquin LGA

Industry	2001	2006	2011	2016	% of Employed Persons (2016)	Change 2001 to 2016 (No.)	Change 2001 to 2006 (%)
Primary (Resource Based)	406	263	196	226	7.3	-180	-44.3
Agriculture, forestry & fishing	406	252	188	218	7.05	-188	-46.3
Mining	0	11	8	8	0.25	8	-
Secondary (Goods Based)	517	575	568	618	19.9	101	19.5
Manufacturing	263	279	250	276	8.92	13	4.9
Electricity, gas, water & waste services	65	102	92	90	2.9	25	38.4
Construction	189	194	226	252	8.15	63	33.3
Tertiary (Commerce Based)	939	739	634	553	17.8	-386	-41.1
Wholesale trade	171	116	92	76	2.4	-95	-55.5
Retail trade	615	463	396	314	10.1	-301	-48.9

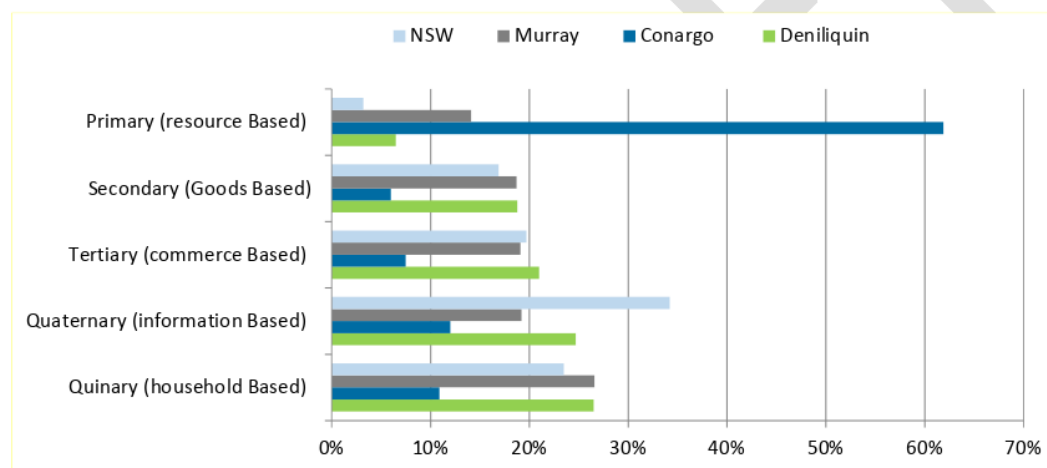
Industry	2001	2006	2011	2016	% of Employed Persons (2016)	Change 2001 to 2016 (No.)	Change 2001 to 2006 (%)
Transport, postal & warehousing	153	160	146	163	5.2	10	6.5
Quaternary (information Based)	1,036	818	746	734	23.7	-302	-29.1
Information media & telecommunications	35	34	29	23	0.74	-12	-34.2
Financial & insurance services	92	85	74	68	2.1	24	-26
Rental, hiring & real estate services	209	41	26	19	0.6	-190	-90.9
Professional, scientific & technical services	-	149	138	141	4.5	-8	-5.3
Administrative & support services	211	59	69	73	2.3	-138	-65.4
Public administration & safety	137	203	198	182	5.8	45	32.8
Education & training	352	247	212	228	7.37	-124	-35.2
Quinary (household Based)	676	750	802	835	27.0	159	23.5
Accommodation & food services	165	241	212	242	7.8	77	46.6
Health care & social assistance	352	366	443	443	14.3	91	25.8
Arts & recreation services	139	20	24	22	0.71	22	-84.1
Other services	20	123	123	128	4.13	108	540%

Source: ABS Census 2016

A comparison of the economic contribution of Deniliquin compared to the surrounding region and NSW is provided in Figure 6-13. As can be seen the primary sector is higher in all LGA's than the state average showing how much the region relies on primary industries for its economy. However, as discussed previously Deniliquin is fairly underrepresented in primary industry due to the size of the former LGA and existing land uses. This is shown in its high secondary, tertiary, quaternary and quinary sectors. Given the small size of the former LGA it is not surprising that industries such as retail trade and public administration are higher than the state average.

Conargo relies almost exclusively on primary industries for its economy as all other sectors are fairly low. Whilst, the Murray LGA has a relevantly high quinary sector, the large number of persons employed in the accommodation and food services reflects the LGA's reliance on tourism.

Figure 6-13 Contribution to the Economy – Employed Persons, Former Deniliquin, Murray, Former Conargo and NSW (2011)



Source ABS 2011.

6.2.8 Development and Property Trends

Table 6-6 below demonstrates the total value of new buildings in Deniliquin has fluctuated significantly over the past 10 years. Values peaked in 2010 and 2015 supported by significant commercial development.

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For residential dwellings, (being all types including residential and rural residential) an average of 13 have been approved between 2006 and 2017, with peaks of 17 in 2006 and 15 in 2007, 2009, 2010 and 2013. The lowest approval years were 2011 with 9 and 2016 with 4. Despite low approvals in 2016, it is noted that a substantial upturn of 13 occurred in the following year.

6.2.9 Building Approvals - ABS

Table 6-6 Building Approvals – Former Deniliquin LGA

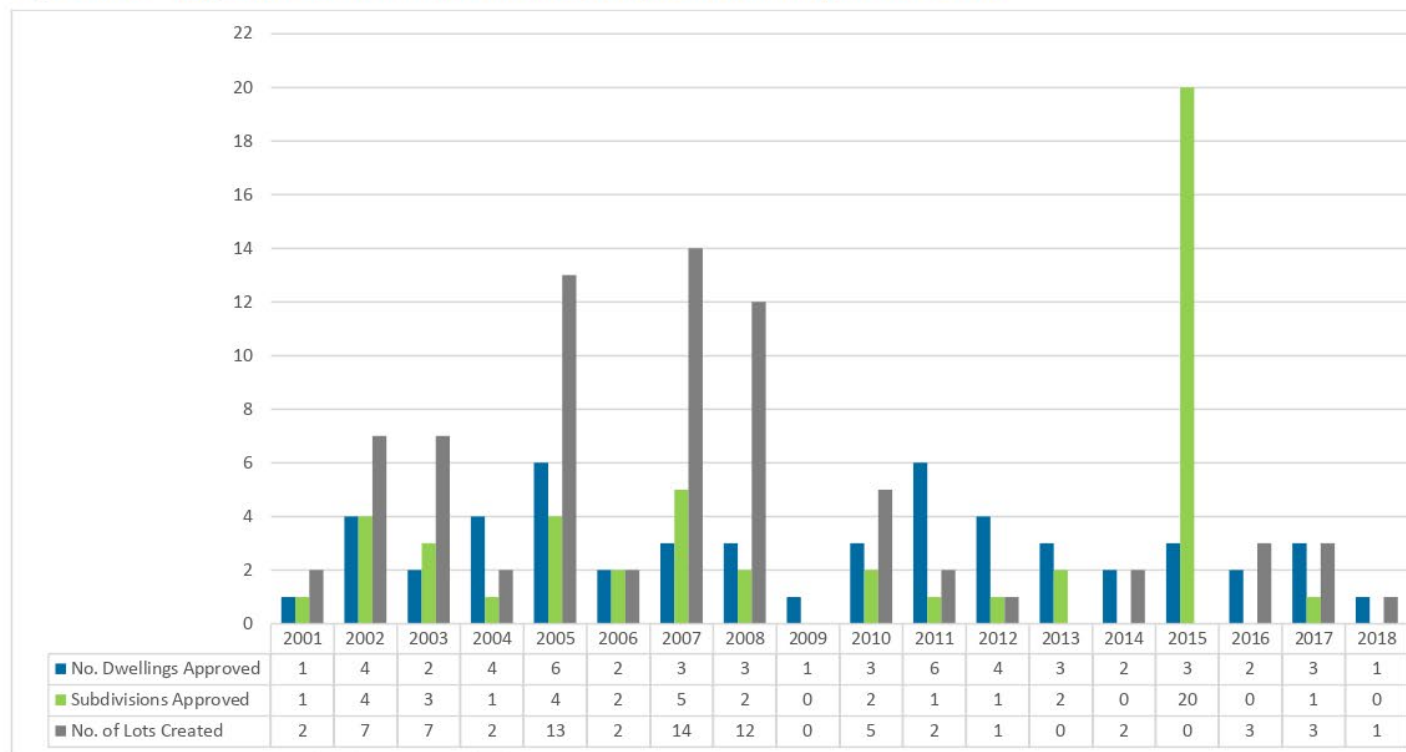
Building Approvals - year ended 30 June		2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Private sector houses	no.	15	15	16	15	15	9	10	15	11	11	4	13
Total dwelling units	no.	17	15	20	15	15	9	11	15	11	11	4	13
Value of private sector houses	\$m	3.2	3.6	2.9	4	4	9	5	5	4	5	4	5
Value of new residential building	\$m	3.5	3.6	3.5	3	3	2	4	5	4	5	5	5
Value of total residential building	\$m	4.9	4.8	4.8	4	4	3	5	5	4	5	5	5
Value of total non-residential building	\$m	0.2	5.1	4.4	3	9	1	4	2	0	17	0	1
Value of total building	\$m	5.1	9.9	9.2	6	14	4	9	7	4	22	5	7

6.2.10 Rural Residential Development Approvals

Data on rural residential dwelling approvals since 2001 is shown in Table 6-7 and Figure 6-14. Over the 16 year period between 2001 and 2017 a total of **53** rural residential dwellings were approved with an annual average of **3.05** dwellings approved per year. In addition, a total of **76** new lots were created averaging **4.4** lots per year.

Table 6-7 Approvals for Rural Residential Development in Deniliquin, 2001 to 2018

Year	No. Dwellings Approved	Subdivisions Approved	No. of Lots Created
2001	1	1	2
2002	4	4	7
2003	2	3	7
2004	4	1	2
2005	6	4	13
2006	2	2	2
2007	3	5	14
2008	3	2	12
2009	1	0	0
2010	3	2	5
2011	6	1	2
2012	4	1	1
2013	3	2	0
2014	2	0	2
2015	3	20	0
2016	2	0	3
2017	3	1	3
2018* (As of 28 August)	1	0	1
Total	53	49	76
Annual Average 2001-2017)	3.05	2.88	4.4

Figure 6-14 Approvals for Rural Residential Development in Deniliquin 2001-2018

7. Department of Planning and Environment Population Projections

7.1 Department of Planning and Environment Population Forecasts

The NSW Department of Planning and Environment (DPE), provides population and household projections to help plan for service and infrastructure delivery for the community. The projections also provide a framework for assessing future needs for residential and commercial land, housing and public utilities. Projections are prepared for each NSW LGA and consist of three projection series the main projection a high and low growth projection series. The main series is used for official projections and the high and low show the impact on the NSW population when the assumed levels of births, deaths and migration are changed.

The latest projection series is dated 2016 and forecast population, households and implied dwelling requirements to 2036. It is noted the 2016 projections take into account findings from the 2011 Census of Population and Housing, final recast Estimated Resident Populations (ERPs) published by the ABS for the period 1991-2011, and the latest data relating to births, deaths and migration. Assumptions are also made about the geographic distribution of future residential development in selected areas (DPE, 2016).

The DPE note that the data has limitations and the projections are not precise predictions of the demographic future given they are based on assumptions around future trends in births, deaths and migration with the data being sourced from 2011 ABS Census data. Whilst the assumptions represent reflect the current outlook regarding these trends, it is quite possible they will not eventuate. Births and migration are influenced by a wide variety of social, economic and political factors, affected by year to year fluctuations and impossible foresee with any degree of precision (DPE 2016).

For example, these limitations are apparent in projections previously released by the Department in 2014 for the former Deniliquin LGA where there was a projected loss of 400 persons between 2011 and 2016. As set out in Section 6.2.1 there was instead a gain of over 300 persons during this period.

Table 7-1 DPE – Edward River population projections – Main series 2011 – 2036

	2011	2016	2021	2026	2031	2036	Total Change	Total % Change
Total population	8,900	8,650	8,400	8,100	7,800	7,450	-1,450	-16.1
Total households	3,850	3,800	3,750	3,650	3,550	3,400	-450	-11.2
Average household size	2.29	2.24	2.21	2.19	2.17	2.14	-0.15	-6.77
Implied dwellings	4,500	4,450	4,400	4,300	4,150	4,050	450	-10.5

Table 7-2 DPE – Projected change population and households 2011 – 2036

	2011-2016	2016-2021	2021-2026	2026-2031	2031-2036
Total population change	-250	-250	-300	-300	-350
Average annual population growth %	-2.81	-2.89	-3.5	-3.7	-4.2
Total household change	50	50	100	100	150
Average annual household growth %	-1.3	-1.3	-2.6	-2.7	-4.2

Table 7-3 DPE – Projected household types 2011 – 2036

	2011	2016	2021	2026	2031	2036
Couple only	1,100	1,150	1,150	1,150	1,100	1,050
Couple with children	950	900	850	800	750	700
Single parent	400	400	400	350	350	300
Other family h/h	50	50	50	50	0	0
Multiple family h/h	50	50	50	50	50	50
Total family h/h	2,500	2,500	2,400	2,350	2,250	2,150
Lone person	1,250	1,250	1,250	1,200	1,200	1,200
Group	100	100	100	100	100	100
Total non-family h/h	1,300	1,350	1,300	1,300	1,300	1,250
Total	3,850	3,800	3,750	3,650	3,550	3,400

Table 7-4 DPE – Projected age groups 2011 – 2036

Age groups	2011	2016	2021	2026	2031	2036	Change (No.)	Change (%)
0-4	600	550	500	500	450	400	-200	-33.3
5-9	550	600	550	500	500	450	-100	-18.1
10-14	650	550	550	500	500	450	-200	-30.7
15-19	600	500	450	450	400	400	-200	-33.3
20-24	400	400	350	300	250	250	-150	-37.5
25-29	350	450	400	350	300	300	-50	-14.2
30-34	400	400	450	400	350	350	-50	-12.5
35-39	550	450	450	450	400	350	-200	-36.3
40-44	550	550	450	450	450	400	-150	-27.2
45-49	600	550	500	450	450	450	-150	-25
50-54	650	600	500	500	450	450	-200	-30.7
55-59	650	650	550	500	500	450	-200	-30.7
60-64	550	650	600	550	500	500	-50	-9
65-69	450	550	600	600	550	500	50	11.1
70-74	450	450	500	550	550	500	50	11.1
75-79	350	400	400	450	500	500	150	42.8
80-84	250	250	300	300	350	400	150	60
85+	250	300	300	350	400	450	200	80

Commentary on predictions

The projections show a 16% decline in population and an 11% decline in households for the Edward River LGA from 2011 to 2036.

The 2016 projections have been produced at a time of considerable population decline due to poor agricultural conditions, followed by the global financial crisis which has further effects on the agricultural sector. The projections have not considered the latest 2016 census data indicating that the rate of population decline within the Edward River Region has significantly slowed and growth has been evident in

Deniliquin between 2011 and 2016. As set out in Section 6.1, the current population as established by the ABS (8,851) is significantly higher than projections for 2016 (8,650) or 2021 (8,400).

The predictions also do not take into account non-demographic factors such as the intent of past land use planning policy that might alter population distribution, infrastructure constraints on growth, potential census undercounts, and overall changes in economic confidence, all of which may influence population trends over time.

Therefore, whilst the DPE predictions are based on the best available data and must therefore be considered valid, the predictions do not take into account non-demographic factors such as an increase in lifestyle, investment and employment opportunities available within Deniliquin. For this reason these population projections have been considered, but not been adopted for the purposes of calculating rural residential demand within this strategy.

7.2 Growth Drivers

In order to consider rural residential demand, there are a number of unique growth opportunities occurring in Deniliquin that not captured by ABS or DPE projections. These opportunities provide additional evidence of future growth potential within Deniliquin, and assist in establishing future demand for development including rural residential housing.

7.2.1 Surrounding Localities Growth Leakage

As demonstrated in section 2.1 the former Deniliquin LGA is a relatively small LGA comprised of a traditional central business district with surrounding urban development and with a relatively small proportion of agricultural and industrial land uses. The Murray and former Conargo LGA's surround Deniliquin. The rural areas and villages of Conargo as well as a significant proportion of the former Murray Shire have a significant influence on the demand for rural residential land. For example many farmers from these regions may retire in Deniliquin on rural residential land close to town and the river in order to get closer to health and other services that are required by an ageing population. This is reinforced by the lack of available rural residential land in these LGA's. This has occurred historically and is likely to continue. This means that the surrounding populations will continue to influence and likely cause strong pressure for rural lifestyle living in Deniliquin.

7.2.2 Agricultural Conditions

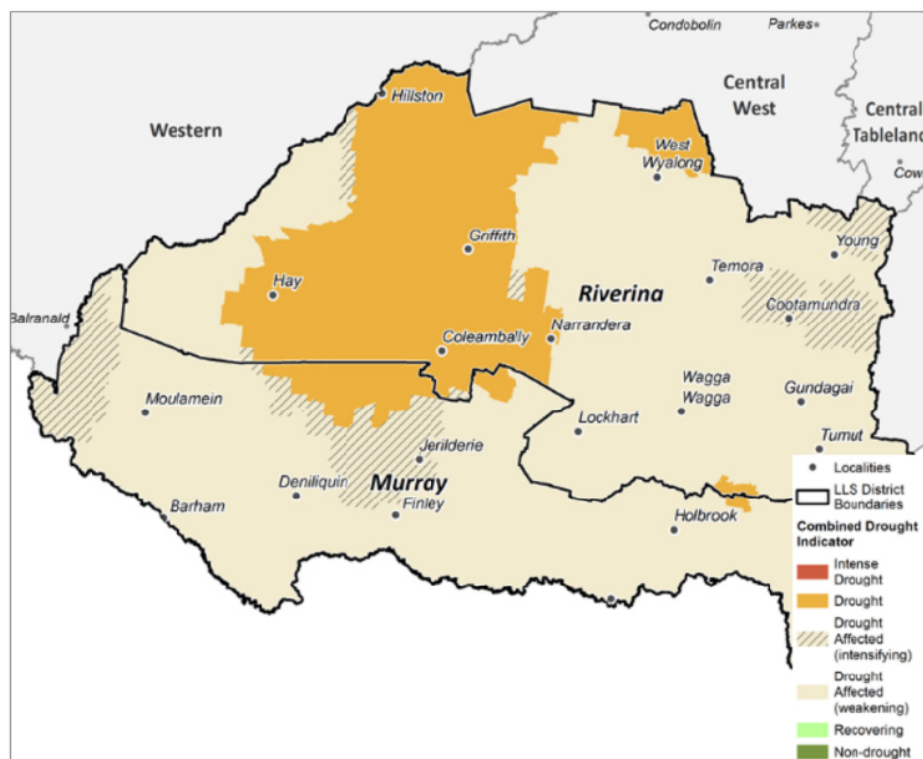
Deniliquin is located within one of Australia's premium agricultural areas and benefits from a well connected export conduit to Melbourne and ports in NSW (DPE 2016).

Through strategies within the *Murray Regional Plan 2036* a key goal of the NSW Government is the growth and diversification of the agricultural economy within the region. This includes supporting agricultural innovation, value-adding and the adoption of advanced technologies to maximise productivity.

Agriculture continues to be a strong sector within the Deniliquin economy and declines in some areas from 2006 to date are reflective of overall state wide trends in the gradual decline of agricultural production in many rural areas and in rural based employment arising from the recent extensive drought conditions across the State. The effect that the drought has had on many rural areas is well documented:

'The most recent drought has been one of the most severe on record, with large parts of southern and eastern Australia experiencing dry conditions since 1996. Moreover, "for the agriculturally important Murray-Darling Basin, October 2007 marked the sixth anniversary of lower than average rainfall totals, with the November 2001 to October 2007 period being its equal driest such six-year period on record" (Bureau of Meteorology [BOM], 2007, p. 1). Households adjust to adverse circumstances in drought-affected areas, with some members of households moving (temporarily or otherwise) towards areas with greater economic opportunity.' (Australian Institute of Family Studies, September 2011)

Figure 7-1 below that in July 2018 drought conditions around Deniliquin continued but were 'weakening'. This indicates agricultural conditions remain tight but are benefitting from intermittent rainfall.

Figure 7-1 NSW DPI Murray Riverina State Seasonal Update July 2018

Source: NSW Department of Primary Industries, July 2018

The report for Australian Institute of Family Studies in 2011, *Migration, labour demand, housing markets and the drought in regional Australia*, researched drought and the migration of population in rural areas. The paper supports the idea that the population affects are only short term and people will generally move back due to family orientation etc as conditions improve or become more favourable. This

has been evident in the recent increase in employment growth within the agriculture, forestry and fishing sector, which improved by 17.8% between 2011 and 2016 as set out in Section 6.2.7.

Through actions identified within the *Riverina Murray Regional Plan 2036*, the NSW Government is also providing support to rural communities to increase resilience to altered rainfall patterns and environmental conditions.

The NSW Government's *NSW Drought Strategy (2015)* assists rural communities that are vulnerable to climate-related economic downturns by improving their business, reducing risks and building resilience to future droughts. The Strategy delivers a more transparent and targeted system of drought support and will assist in increasing community resilience to drought. In addition a NSW Emergency Drought Relief Package was announced in July 2018 providing farmers significant subsidies and waiver of fees, licences and charges, loans and household allowances.

Given recent upward trends in agricultural employment, government measures and small climatic improvements, the current agricultural conditions are not considered to be an impediment to future growth within Deniliquin.

7.2.3 Mineral Resources

Several existing mineral occurrences, tenements, mineral titles and petroleum title applications exist within the region surrounding Deniliquin. If a significant mine goes ahead the population will likely increase depending on the size of the mine.

7.2.4 Deniliquin Airport Precinct

Through the Deniliquin Regional Airport Master Plan, Council is seeking to expand aviation and related uses within the Deniliquin Airport Precinct. The progressive realisation of the masterplan will provide for improved export and air passenger services for the region and positively support economic growth and development within Deniliquin and the broader Edward River LGA.

7.3 Recommended Strategy Population Forecasts

Accurate population projections for Deniliquin are difficult given a small population base and the long term effects of the recent drought. Population forecasting is also complicated by the external influences on economic activity and investment such as the GFC, rates of employment, agricultural commodities pricing, the value of the Australian dollar and water policy and pricing. Another issue in the longer term, is climate change and how it might affect future droughts and floods and the subsequent effects on the population of Deniliquin.

However, assumptions can be made on the characteristics of the future population and how they will change and evolve. Generally and in line with national trends, growth will be driven primarily by a small net gain in inward over outward migration, primarily from other regions surrounding Deniliquin, increased economic activity in the region and by increasing levels of natural growth. Inward migration reflects a

balance of age groups with the majority of people in the middle age (45 – 64 years) and older age (65 plus years). The outward migration being primarily in the younger age groups.

As set out in Section 7.1, projections provided by the DPE are have been considered but not been adopted for the purpose of this strategy given considerable anomalies in reflecting past growth situations in Deniliquin and inconsistencies with the current population of the Edward River LGA. Furthermore, as set out in Section 7.2 there are considerable growth opportunities for Deniliquin and the surrounding region that will drive population growth through investment and economic diversification. Deniliquin will also remain a lifestyle orientated area and continue to attract new residents seeking a high level of amenity as well as community infrastructure and facilities.

A reasonable approach to broad scale forecast estimates would be to consider and apply historic growth trends to establish a forecast population to 2036. The previous 40 year Census period has established an average annual population increase of 0.26%. In forecasting growth to 2036 this figure will be adjusted to 0.36% which is considered a realistic yet aspirational growth rate for Deniliquin and appropriately accounts recent growth trends and future population leakage from surrounding Murray River and Conargo agricultural areas.

Additional Assumptions

- *Rural Residential Population:* It is assumed 30% of the population lives in rural residential dwellings.
- *Agricultural conditions:* Agricultural conditions in Deniliquin, Murray and Conargo will continue to be favourable and supported by diversification, investment, technological advances eon this trend providing employment opportunities, in migration as well as the family multiplier effect.
- *Manufacturing:* The SunRice factory reopening is likely to sustain and contribute to the rise in population over this period. As stated in section 7.2.1, an additional 90 jobs will be reinstated in the factory which is located to the south of Deniliquin.
- *Occupancy rate:* An occupancy rate of 2.19 will be applied as forecast by DPE for 2036.
- *Base population:* Base 2016 population of 7,434 for Deniliquin consistent with ABS Census 2016
- *Future minimum lot sizes:* A 1 hectare minimum subdivision lot size for future rural residential development will be applied to calculate future rural residential dwelling demand.

Table 7-5 Population Projections – Former Deniliquin LGA

Year	Total Population	Rural Residential Population	Occupancy Rate - Rural Residential	Rural Residential Dwellings required
2016	7,434	2,230	2.19	1,018
2021	7,568	2,270	2.19	1,036
2026	7,706	2,311	2.19	1,055
2031	7,845	2,353	2.19	1,074
2036	7,988	2,396	2.19	1,094
Increase from 2016 to 2036	554	166	2.19	76

7.3.1 Forecast Summary

The forecast methodology projects that the population of Deniliquin will increase from 7,434 to 7,988 persons by 2036 which represents an increase of 554. Of this population 166 will reside in rural residential dwellings. Applying the average occupancy rate of 2.19 persons per dwelling the number of additional rural residential dwellings required to service the projected population would be 76.

In light of these projections it is noted that Council has sufficient pipeline of zoned and undeveloped land within the existing R1 General Residential zone in Deniliquin (in excess of 100 hectares) to accommodate the remaining proportion of the population not seeking a rural residential dwelling.



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8. Managing Development and Growth

An important role for this strategy is to provide for and manage growth and development and coordinate the provision of a land supply and infrastructure services that will match present and predictable future needs for rural residential housing.

A supply and demand analysis does this as it aims to provide an understanding of development trends within Deniliquin over an established period.

The following analysis will:

- Establish existing land supply by area.
- Provide quantified supply data.
- Determine future demand using development scenarios and established demand.

8.1 Existing Rural Residential Supply

To determine the current rural residential land supply within Deniliquin, the first step is to assess the level of undeveloped land within existing zoned areas. This has been completed through reviewing aerial photographs and local knowledge and may be subject to some error. This process identified a number of locations where dwellings were present in rural residential zoned areas, where the lot size indicated the potential for further subdivision. Local knowledge suggests that further subdivision is unlikely and these lots are not considered as having the potential to supply further land to the market. Therefore the following is intended as a guide to the supply situation.

Existing rural residential areas currently zoned R5 Large Lot Residential under Deniliquin LEP 2013 are shown in Figure 8-1. There are currently five zoned rural residential areas in Deniliquin under the Deniliquin LEP 2013 covering 947.3ha of developable land (not inclusive of zoned land over roads). The majority of the rural residential land is located directly adjacent to residential areas and provides an appropriate buffer to agricultural lands.

Figure 8-2 illustrates the existing supply of rural residential land within Edward River Council. This strategy is limited to consideration of supply and demand within Deniliquin to ensure rural residential development is appropriately located within close proximity to existing development, services and infrastructure. It is noted that within the former Conargo LGA there is an existing supply of approximately 273 hectares of land within three separate areas being the small villages of Conargo, Pretty Pine and Mulumbah Road. The majority of this land is mostly developed and given the isolated village locations there is unlikely to be additional demand or development interest (LG Valuation Services 2015).

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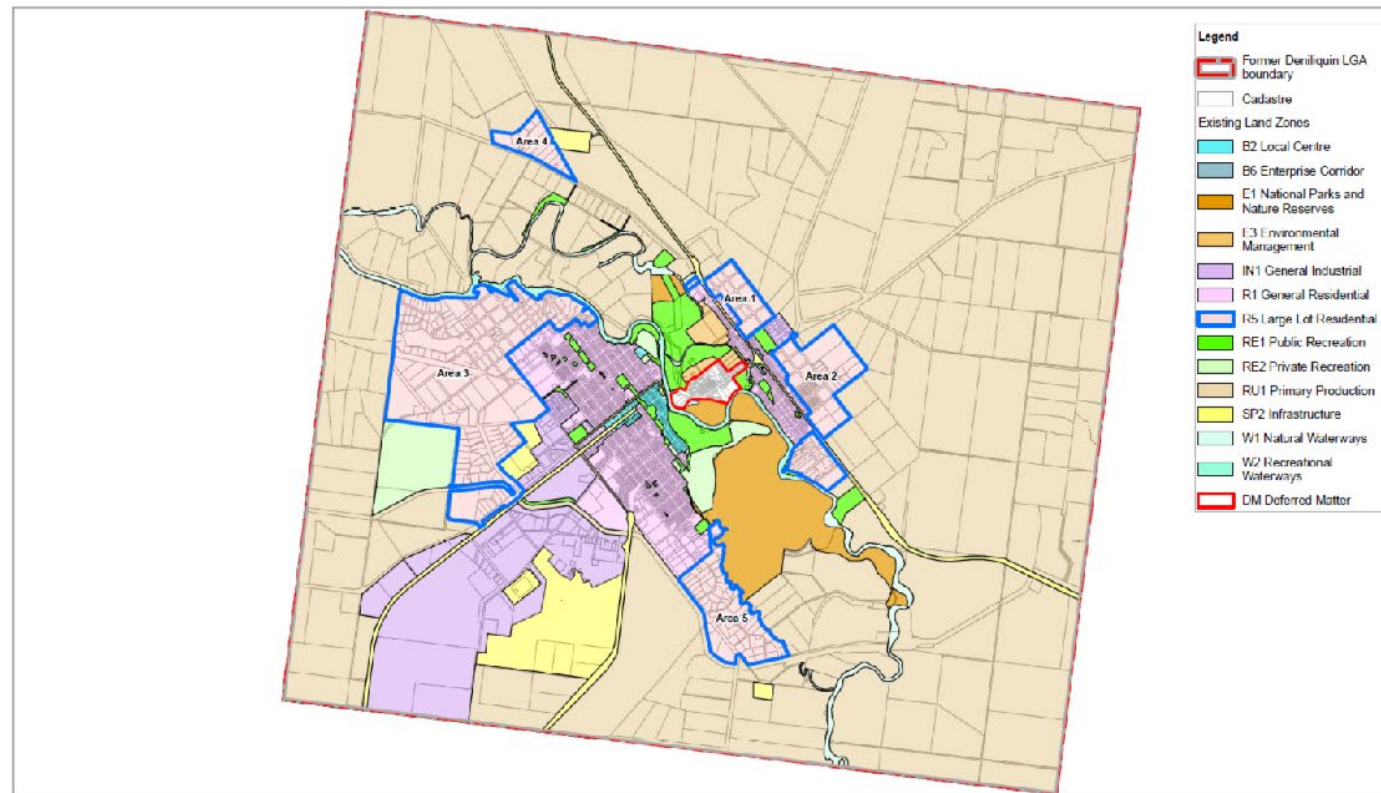
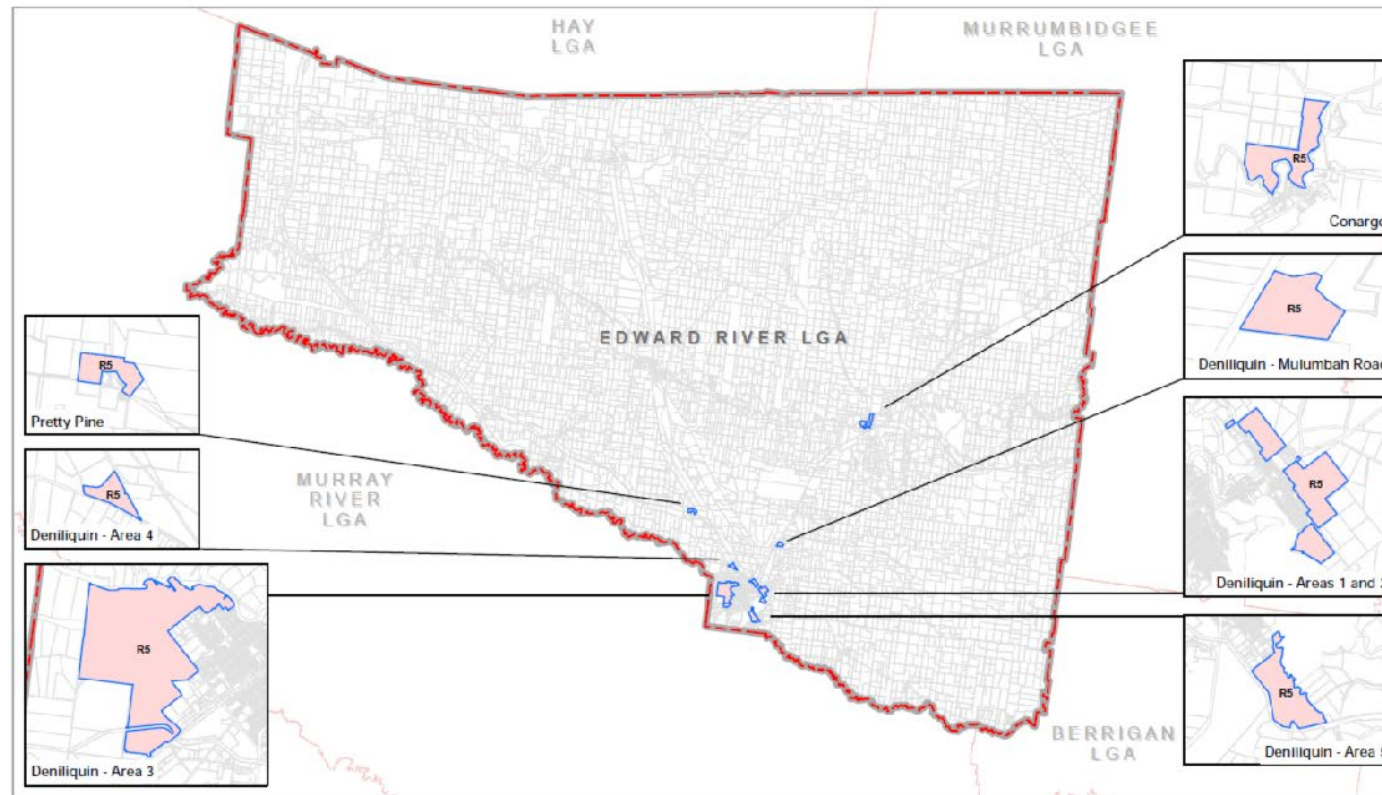
Figure 8-1 Existing Rural Residential Areas Deniliquin

Figure 8-2 Edward River Shire Rural Residential Zoned Land

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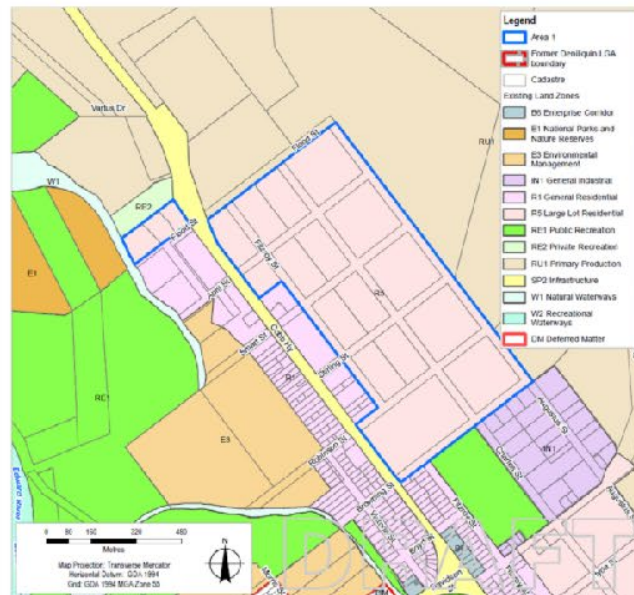
8.1.1 Area 1: Charles Street, North Deniliquin

Area 1 (Figure 8-3) is located to the north east of Deniliquin town centre and the Edward River and covers 48.4 ha. The area is surrounded to the north and northeast by rural land which is mostly cropping or covered in sparse vegetation. The northern boundary is Augustus Street which is adjacent to the Flanagan Channel. To the south east of the site area are industrial land, public open space and Browning Street. Bounding the area to the south west is residential zoned land and the Cobb Highway. In this location, the rural residential zoned land acts as a buffer between urban zoned land zoned and land used for primary production.

Through consultation with Council it has been established that this area is not the most desirable land for rural residential development due to the location being some distance to the town centre and lack of riverfront amenity. There is also anecdotal evidence that the area suffers from some amenity impacts given it is relatively windy.

Approximately 7 hectares of land is mapped with Council's LEP as containing terrestrial biodiversity and a further 18 hectares (approximately) may also be constrained by biodiversity, and has previously been identified by OEH as potentially containing threatened species habitat (Refer Figure 8-4). The lack of current demand and potential biodiversity constraints is reflected in the amount of undeveloped land for this area which is approximately **22.6 ha (46%)**.

For the land that has been developed for rural residential, it is noted that the approximate lot size is 1.8 hectares. This indicates a market preference for larger lots in this area. On this basis the potential future yield from the undeveloped land would be approximately 12 lots, however it is noted this may be significantly reduced should the identified biodiversity matters constrain future subdivision outcomes. The lack of current demand and potential biodiversity constraints is reflected in the amount of undeveloped land for this area which is approximately **22.6 ha (46%)**.

Figure 8-3 Area 1: Charles Street, North Deniliquin**Figure 8-4 Area 1 Land with potential biodiversity**

8.1.2 Area 2: Augustus Street, North Deniliquin

Area 2 Figure 8-5 is located to the east of Deniliquin town centre and the Edward River and covers 165.84 ha. The area is surrounded to the north, northeast and south by rural land which consists of mostly cropping or covered in sparse vegetation. Quarry Street bounded the area to the south. To the west of the area is residential zoned land, the Riverina Highway and Edward River. This land also includes approximately 10ha of land known as the Kyalite stables, (refer Figure 8-6) adjacent to the Riverina Highway. This land was recently rezoned from RU1 Primary Production to R5 Large Lot Residential. The site is expected to yield approximately 7 lots.

The only area that is desirable location is those lots along the river. The remainder of the area (primarily north east of the Riverina Highway) has been determined as not desirable land due to the location; it is not close to the town centre and away from the river and is known to be relatively windy. Furthermore, approximately 48 hectares within this area is either mapped as Terrestrial Biodiversity under the LEP or has been previously identified by OEH as potentially containing threatened habitat for threatened species as shown in Figure 8-7.

Given current lack of demand and potential ecological constraints approximately **37.5 ha (24%)** has not been developed for rural residential purpose

Figure 8-5 Area 2: Augustus Street, North Deniliquin

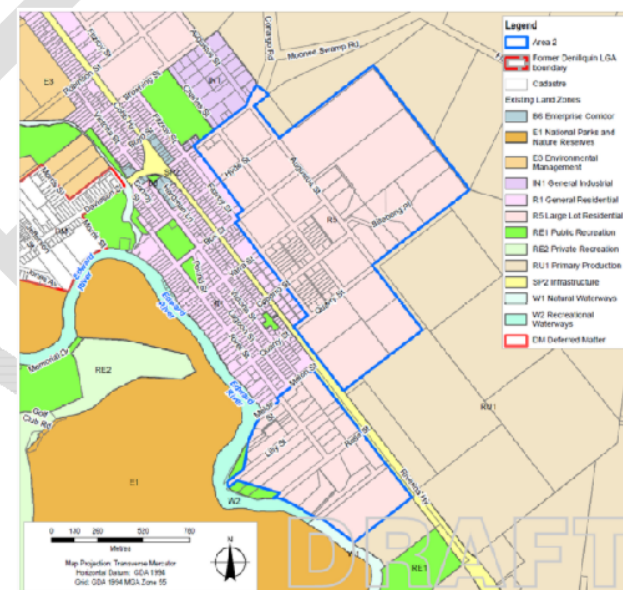
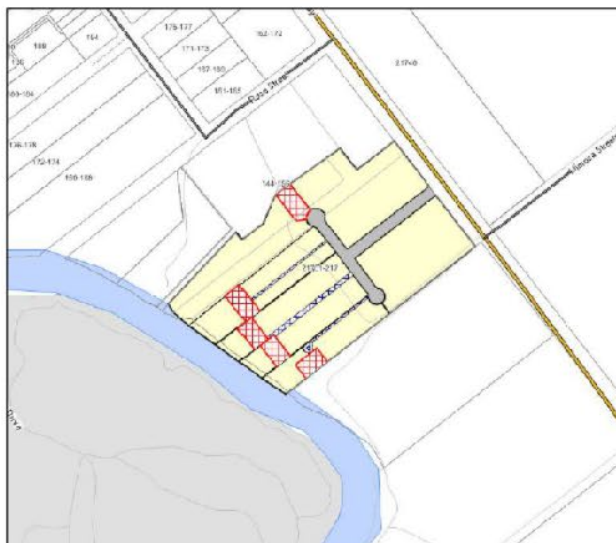


Figure 8-6 Kyalite Stables indicative development
(Source: Deniliquin DCP 2016).



Note: In order to effectively develop the site and minimise additional road access from the Riverina Highway a through road connection from the Kyalite stables land to the site is recommended. This could be achieved by way of an appropriate DCP amendment.

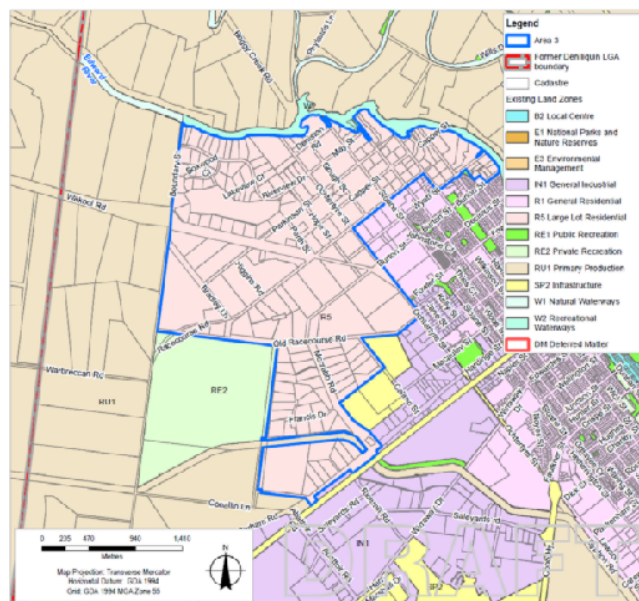
Figure 8-7 Area 2 Land with potential biodiversity constraints



8.1.3 Area 3: Wakool Road, Deniliquin

Area 3 (Figure 8-8) is located to the west and north west of the town centre of Deniliquin. Area 3 is a very large rural residential area covering 541.5 ha. The area is bounded to the north by Edward River, to the west by rural land and consists of mostly cropping and grazing land. To the south, the area is bounded by the racecourse and rural land. To the east the area is bounded by urban land such as industrial land uses, an STP, and more intensive residential land. Wakool Road dissects the area into two.

Figure 8-8 Area 3: Wakool Road, Deniliquin

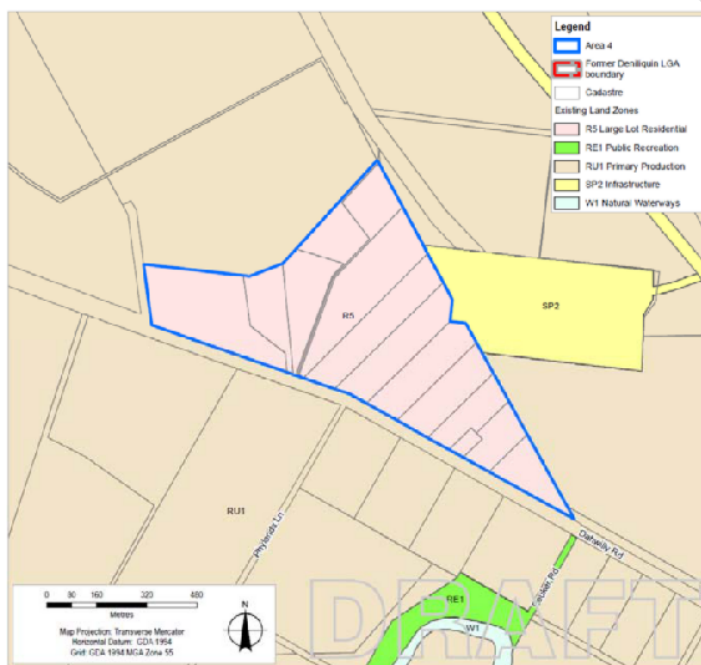


The majority of this area is occupied with dwellings predominantly around the river and the subdivisions close to Barham Road. Vacant land occurs mostly adjacent to the rural areas away from the town and river. There is currently **122.9 ha (22%)** of vacant land in this area, however it is noted that a 12 lot subdivision south of Wakool Road (covering 65ha approx.) was approved in 2015. Discounting this land from the current supply, approximately **57 hectares** remains undeveloped.

8.1.4 Area 4: Dahwilly Road, Deniliquin

Area 4 (Figure 8-9) is located north of Edward River and the town centre. It consists of 13 lots with a total area of 52.4 ha. There is no vacant land. Area 4 is surrounded by rural lands and is approximately 1.5 – 2 km from the Edward River. The area also adjoins a land fill that is still in use.

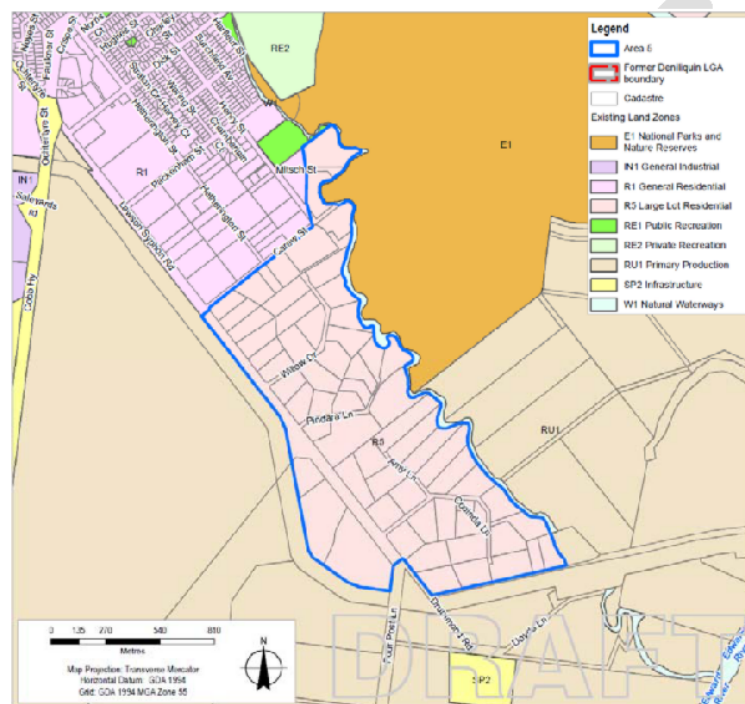
Figure 8-9 Area 4: Dahwilly Road, Deniliquin



8.1.5 Area 5: Lawson Syphon Road, Deniliquin

Area 5 is located to the south east of the town centre and covers an area of 139.2 ha. The area is bounded to the south west by Lawson Syphon Road and rural land. To the north east the area is bounded by Edward River and beyond this is a Regional Park. To the north west the area adjoins residential land uses. This area is highly sought after due to its tree cover, protection from prevailing winds and its proximity to town. No vacant land is available.

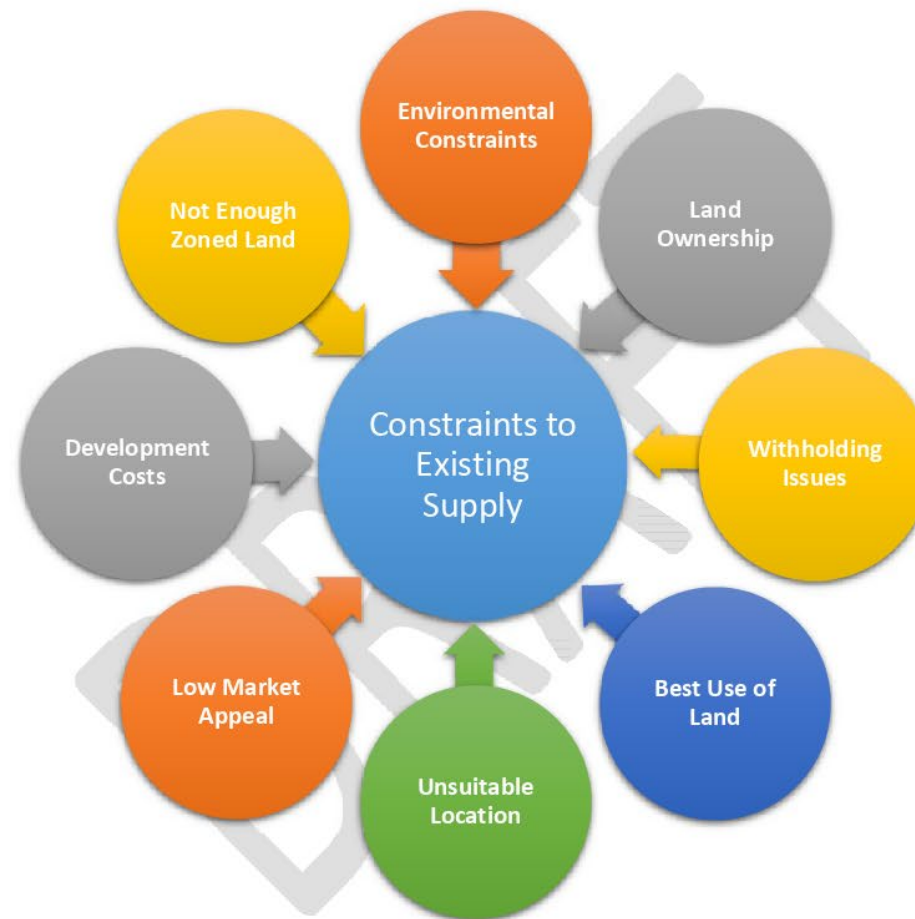
Figure 8-10 Area 5: Lawson Syphon Road, Deniliquin



8.2 Constraints to Existing Supply

The factors that may impact or constrain the supply of rural residential land in Deniliquin include the following. This is demonstrated in the figure below.

- *Environmental Constraints:* Flora and fauna issues within or in proximity to rural residential areas.
- *Land Ownership:* Availability of sites in private ownership will largely depend on economic decisions by landowners, not all of whom choose to either sell or develop their land.
- *Withholding Issues:* There are several types of withholding. In some instances, existing industry or rural uses are holding land for future expansion or buffering.
- *Best Use of Land:* A small amount of land uses occurring in rural residential zones are not rural residential uses because they currently have an alternative more attractive use.
- *Unsuitable Location:* The site may not be in high demand as it is located a significant distance away from the town, or away from significant environmental attributes such as the Edward River.
- *Low Market Appeal:* Rural residential zoned land which has low market appeal due to issues such as topography, poor access, prevailing winds and proximity to land use interface conflicts.
- *Development Costs:* Topography and site limitations such as providing major utilities, services and adequate transport infrastructure may significantly impact on the feasibility of developing some land.
- *Zoning:* Not enough zoned rural residential land on the market to meet the demand.



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8.2.1 Analysis of Land Available for Development

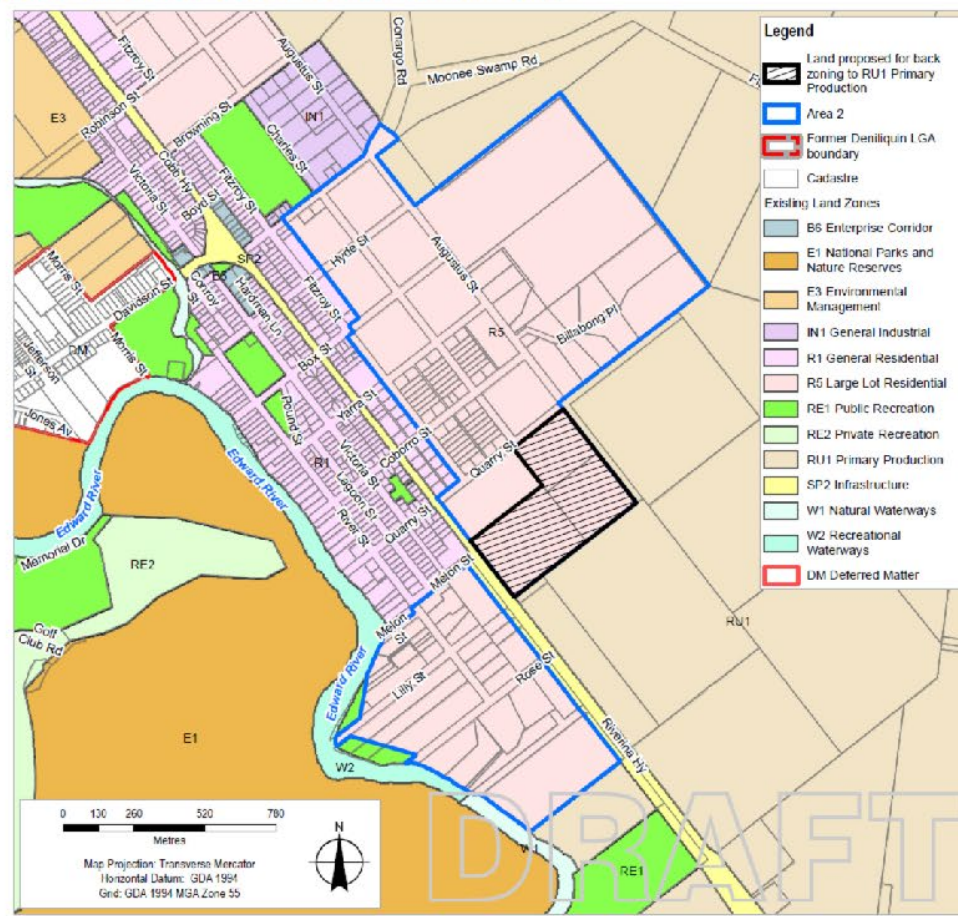
Some areas in Deniliquin which have been zoned in the past for rural residential development do not meet the expectations of prospective purchasers or have constraints to development such as biodiversity. In Deniliquin the perceived development capacity based on zoned land does not reflect actual capacity. Each area which has vacant zoned land is examined below.

Area 1 - Charles Street, North Deniliquin and Area 2 - Augustus Street, North Deniliquin:

Area 1 currently has 22.6 ha vacant land and Area 2 has 47.5 ha of vacant land (inclusive of the recently rezoned Kyalite stables site). There is limited immediate demand within this area for sites not adjoining the river due to several reasons including:

- *Unsuitable location* – perceived to be a significant distance from town centre (across the other side of the river).
- *Low market appeal* – the majority of these lots are not located near the water, generally water front lots in Deniliquin are the only rural residential lots that have a significant amount of market appeal. This area has limited vegetation, is aesthetically in poor condition and many sites are significantly exposed to wind.
- *Biodiversity*: There may be constraints to development for land identified as containing potential biodiversity constraints (mapped as terrestrial biodiversity pursuant to the LEP or may be potential habitat for threatened species). Whilst this does not necessarily discount development opportunity it creates additional requirements and costs for obtaining for approvals, which may deter landowners or future developer purchases.

For the above reasons the land identified in Figure 8-11 below, north of Lilly Street is considered unsuitable for rural residential development and it is recommended that consideration be applied to the reversion of the land to the RU1 Primary Production zone. This land consists of approximately 16.6 hectares. The land is located at the interface of the RU1 and R5 zones and the majority is mapped as containing Terrestrial Biodiversity pursuant to the Deniliquin LEP 2013. The amount of land recommended for rezoning has been restricted to these lots only so not to cause unnecessary land use conflict by locating proposed agricultural land adjacent to existing R1 General Residential zoned land adjacent to the Riverina Highway.

Figure 8-11 Area 1 and Area 2 recommended for backzoning

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Area 3 - Wakool Road, Deniliquin

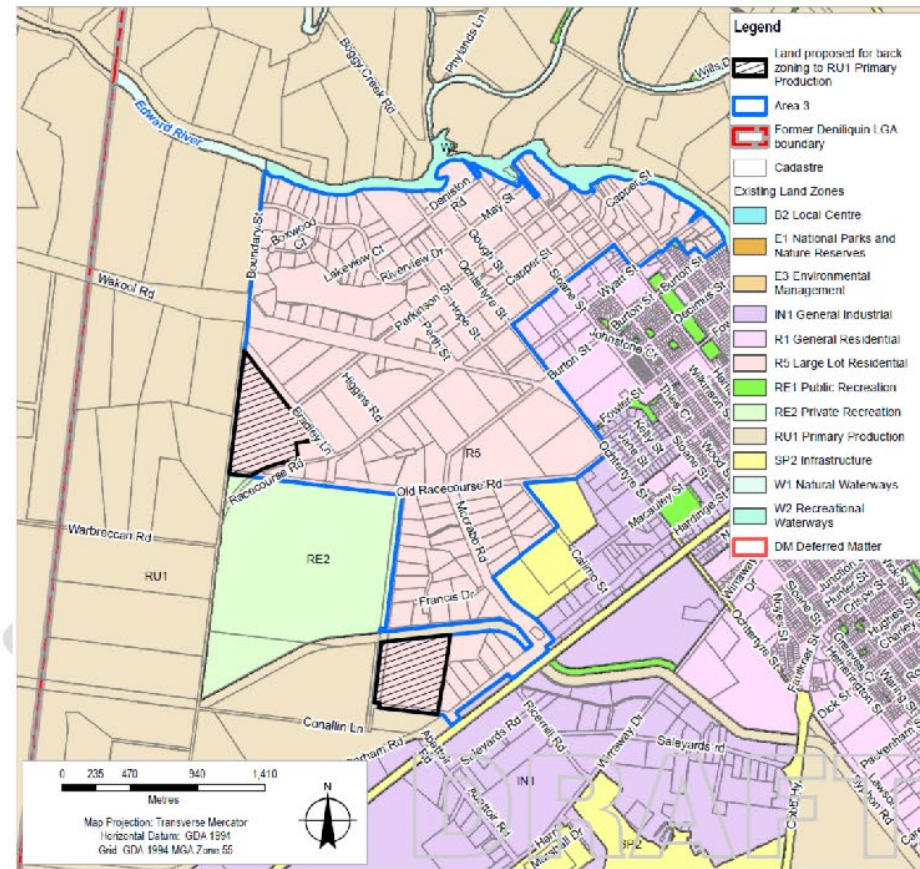
The majority of this area is developed. However there are still 57 hectares of vacant land in this area (without development approval for rural residential development). The vacant land occurs mostly adjacent to farming areas away from the town and river. There is limited immediate demand for this area for several reasons including:

- *Best use of land:* Land along Conallin Lane (approximately 24 hectares) is currently used for primary production as part of a larger landholding. Given this land forms part of the western boundary to the existing R5 zone and adjacent to existing rural lands it is recommended that this land be rezoned to RU1 Primary Production.
- *Low market appeal* – Wakool Road, Old Racecourse Road and Bradley Lane all have vacant rural residential lots but these are less appealing to rural residential buyers due to the distance away from the river, lack of vegetation, the lack of views and proximity to more traditional agricultural land and as such there is limited market interest to develop these lots. Given these reasons, one undeveloped lot at Old Racecourse Road adjoining Bradley Lane (28ha approx.), forming the western boundary to the existing R5 zone and adjacent to existing rural lands it is recommended that this land be rezoned to RU1 Primary Production.
- *Withholding Issues* - in this area there is evidence of withholding issues from the current owners.

Along the north west section of this area are six vacant lots, five of which all have a lot size of 1 ha and one with a lot size of 4 ha. These lots are located in an area which is in high demand – close to the river and close to town. These lots will not be discounted.

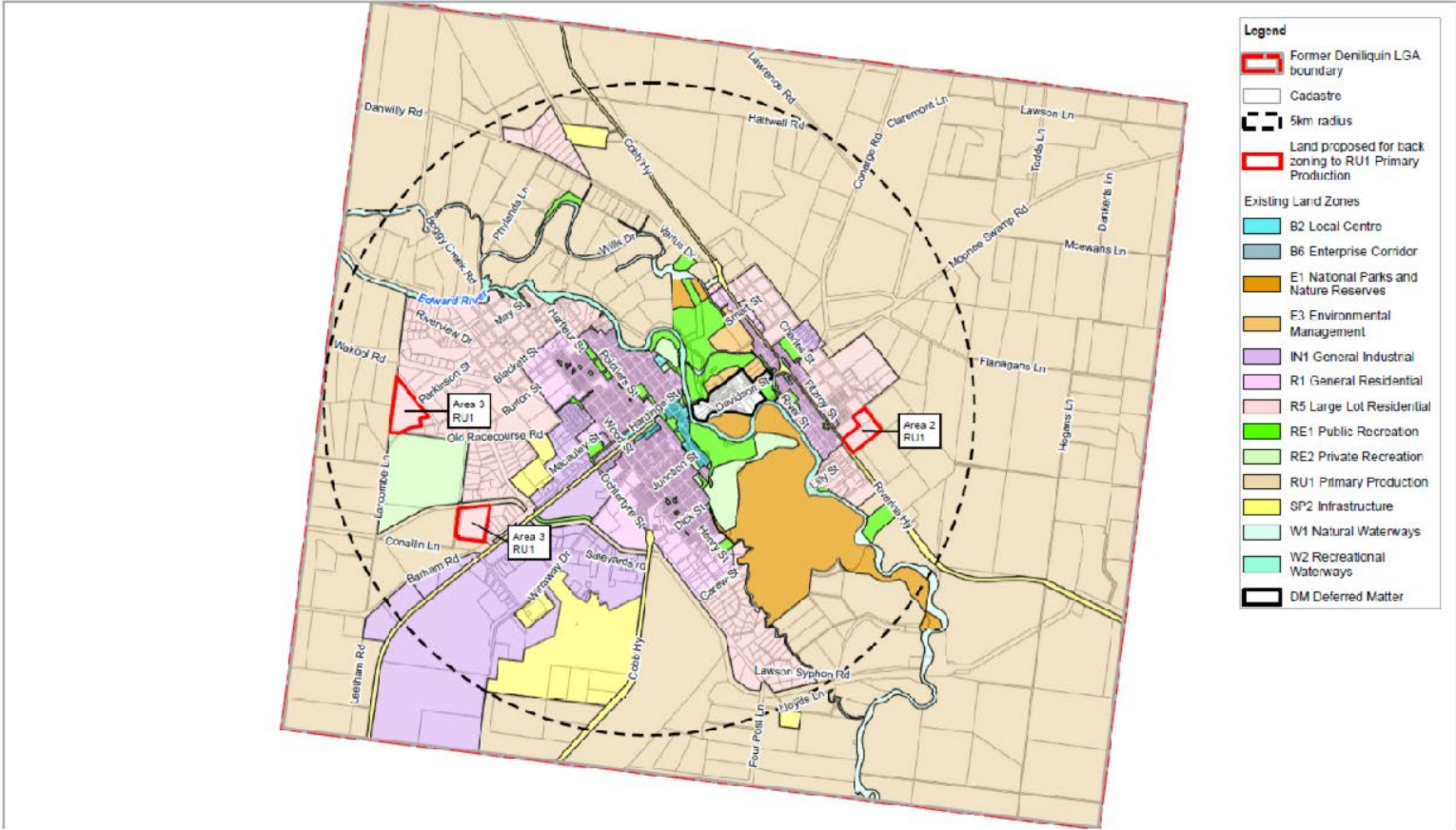
The location of the land proposed to be rezoned (52 hectares approximately) to RU1 Primary Production is shown in Figure 8-12.

Figure 8-13 identifies all areas proposed to be backzoned in the former Deniliquin LGA.

Figure 8-12 Land in Area 3 recommend for backzoning

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Figure 8-13 Summary of Proposed Backzonings



8.3 Supply Analysis

Table 8-1 identifies the five existing areas zoned for rural residential purposes under Deniliquin LEP 2013 covering a total of 947.3 ha. Of this, 830.2 ha or 87% has been developed and is being used for rural residential purposes.

There is 20 ha of vacant land that is in a location in high demand within Area 2 (Kyalite stables site) and Area 3 (Wakool Road north) which have capacity for an additional 17 dwellings, subject to consideration of environmental constraints including flooding. Remaining vacant land in Area 1 (22ha) has limited immediate appeal and should it be subdivided is likely to be for lots with a minimum of 2 hectares or greater given market preference in this area, and potential biodiversity issues. For these reasons, an estimated yield of 6 - 8 lots is considered appropriate. Given this land forms a buffer to urban zoned land it is not recommended for rezoning to a rural zone at this time. As recommended in Section 8.2.1, 16 hectares of land within Area 2 and 52 hectares in Area 3 are considered as located on the edge of the R5/RU1 zone, away from urban zoned land and considered unsuitable for rural residential development. Land in Area 2 may also have potential biodiversity and flooding constraints. For this land an agricultural zoning is considered a more appropriate outcome.

There is a remaining 16 hectares of undeveloped land within Area 2 not recommended for rezoning. Given market preference for larger lots as well as potential biodiversity and flooding constraints the anticipated reduction in development yield for this remaining land is considered to be reduced by up to 60% with around 6 - 7 potential lots considered reasonable. On this basis, it is estimated that the current immediate supply of rural residential land in Deniliquin is around **20 - 23 lots**.

Table 8-1 Current Deniliquin Rural Residential Supply

Area	Address	Locality	Total Zoned Rural Residential Land	Developed Land	Vacant Land	Vacant Land recommended for zone change
			ha	ha	ha	ha
1	Charles Street	North Deniliquin	48.4	25.8	22.6	0
2	Augustus Street	North Deniliquin	165.8	128.3	37.5	16
3	Wakool Road	Deniliquin	541.5	484.5	57	52
4	Dahwilly Road	Deniliquin	52.4	52.4	0	0
5	Lawson Syphon Road	Deniliquin	139.2	139.2	0	0
Total Rural Residential Land			947.3	830.2	117.1	68
Immediate supply (vacant land - proposed backzonings)						53

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8.4 Demand Analysis

Population growth is the principal driver of rural residential demand. However, demand can also be driven by housing market factors such as price and lifestyle preference.

To project demand for rural residential land up to 2036, several methods can be used including:

- Dwellings approvals
- Lot Approvals
- Land Demand per Capita

These methods are examined in detail below. However, there is also evidence from past sales and discussion with Council officers that potential purchasers of rural residential allotments are greatly influenced by location, and that generally speaking, demand is area specific. For example, demand for lots directly along the Edward River is high and lots that are isolated generally stay vacant. The location of supply has implications regarding the ability to satisfy the demand for rural residential land.

8.4.1 Dwelling Approvals Method

One approach to defining the demand for rural residential land and associated dwellings is to assess past approvals over a period of say five or ten years and project this demand forward over a given time frame to give an estimate of future demand. This methodology is based on one for residential development outlined in the State Government's publication, Urban Settlement Strategies – Guidelines for the North Coast (DUAP, 2000).

It is known that the average number of rural residential dwellings approved by Council over the last 16 years (2001 to 2017) is 3.05 dwelling houses per year (refer to Table 6-7). Projecting this as a constant demand until the year 2036 (18 years), Council will need to give approval to about 54.9 (55) rural residential dwellings. No allowance has been made for rural dual occupancy, as demand is not likely to be significant.

Deniliquin LEP 2013 prescribes a minimum lot size for rural residential development of 5000 m² for lots with offsite disposal of sewage and 1 ha for sites with on-site disposal of sewage in the R5 Large Lot Residential zone. For the purpose of this strategy, a 1 ha minimum lot size will be utilised as it is likely the majority of the new sites will not have access to reticulated sewer. Generally to accommodate roads and services, an additional 20% of land area is also needed.

Based on these densities the area of land required for rural residential development would be **66 ha**.

8.4.2 Lot Approvals Method

Another approach to defining the demand for rural residential land (and therefore rural residential dwellings) is to assess the past demand for rural residential land over a period of say ten years and project this demand forward over a given time frame to give an estimate of future demand. This methodology is based on one for residential development outlined in the State Government's publication, Urban Settlement Strategies – Guidelines for the North Coast (DUAP, 2000).

Through previous development applications (from 2001 to 2017) it is known that the production of rural residential land (number of additional lots approved in the R5 Large Lot Residential Zone only) in Deniliquin is 4.5 lots per year.

Projecting this as a constant demand until the year 2036 (18 years) then Council will need to release 81 rural residential lots in order to satisfy the current level of demand from the market. The Deniliquin LEP 2013 prescribes a minimum lot size for rural residential development of 1 ha for sites with on-site disposal of sewage in the R5 Large Lot Residential zone. Generally to accommodate roads and services an additional 20% of land area is also needed. On this basis, this provides a guide to the likely density of rural residential dwellings in the future. Based on these densities the area of land required would be **97.2ha**.

8.4.3 Land Per Capita Methodology

The per capita methodology makes only a few assumptions

- Population projections adopted in section 7.3.
- Assumes that a constant rate of household size to 2036.
- Each household requires a separate lot.

The forecast methodology projects that the population of Deniliquin will increase from 7,434 to 7,988 persons by 2036 which represents an increase of 554 persons. Of this population 166 (or 30% of the population) will reside in rural residential dwellings. Applying the average projected occupancy rate of 2.19 persons per dwelling, the number of additional rural residential dwellings required to service the projected population would be **76**.

The Deniliquin LEP 2013 prescribes a minimum lot size for rural residential development of 1 ha for sites with no offsite disposal of sewage in the R5 Large Lot Residential zone. This provides a guide to the likely density of rural residential dwellings in the future. Generally to accommodate roads and services an additional 20% of land area is also needed. Based on these densities and assumptions, the area of land required would be **91.2 hectares**.

Table 8-2 Summary of Rural Residential Demand Options

Demand Method	Dwellings or Lots Required Per Year (No.)	Dwelling or Lots Required till 2036 (No.)	Rural Residential Land Required at one dwelling per 1 ha Density (ha)
Dwelling Approvals	3.05	55	66
Lot Approvals	4.5	81	97.2
Per Capita	4.2	76	91.2

8.4.4 A Preferred Approach to Estimating Demand

Table 8-2 summarises the range of demand methodologies options considered within this strategy ranging from 66 - 91.2 hectares of land to achieve between 55 and 76 rural residential dwellings to 2036. These options indicate that Deniliquin should have between 66 ha and 98 ha of rural residential land to satisfy the potential demand for rural residential development between now and 2036.

This equates to an average of 70 dwellings or 4 per year. On this basis, in order to establish a balanced approach to demand, **85** hectares of unconstrained land would be required to meet the projected demand.

8.5 Balancing Supply and Demand

In preparing a strategy to look at rural residential areas over a long period of time there is normally a need to look at a range of time periods (short, medium and long) in order to assess how supply will diminish over time based on demand assumptions.

A typical time frame might be:

- 0-10 years (short term)
- 10-20 years (medium term)
- 20 years plus (long term)

A rural residential balance sheet allows Council to estimate how the supply of rural residential land will be used up over time and this allows Council the opportunity to take action at the appropriate time to assure long term supply of land to the market. As stated previously there is currently 753.6 ha of rural residential land of which 53 hectares is identified available for immediate supply. Given market preference and potential land based constraints, a minimum yield of approximately 20 lots is expected.

A rural residential balance sheet for Deniliquin allows Council to estimate how this supply will be used up over time on the basis of the three demand options and preferred approach, and how much more lots will need to be zoned over the next 20 years to meet projected demand.

8.5.1 Dwelling Approvals

Based on the dwelling approvals demand analysis, 3.05 lots is the assumed annual demand over the life of the strategy.

Table 8-3 Dwelling Approvals - Rural Residential Balance Sheet

Time Frame	Rural Residential land stock at start of period (lots)	Estimate of Demand over period (lots)	Rural Residential land stock at end of period (lots)	Estimate of years of supply remaining at end of period
2018-2021	20	9.15	10.85	<1 year
2021-2026	10.85	15.25	-4.4	0
2026-2031	-4.4	15.25	-19.65	0
2031-2036	-19.65	15.25	-34.9	0

The rural residential balance sheet utilising the lot approvals demand analysis indicates that Council will run out of sufficient supply after 2021. By 2036 this analysis estimates that Deniliquin will be in deficit of **35 lots**.

8.5.2 Lot Approvals

Based on the lot approvals demand analysis 4.5 lots is the assumed annual demand over the life of the strategy.

Table 8-4 Lot Approvals - Rural Residential Balance Sheet

Time Frame	Rural Residential land stock at start of period (lots)	Estimate of Demand over period (lots)	Rural Residential land stock at end of period (lots)	Estimate of years of supply remaining at end of period
2018-2021	20	13.5	6.5	>1 years
2021-2026	6.5	22.5	-16	0
2026-2031	-16	22.5	-38.5	0
2031-2036	-38.5	22.5	-61	0

The rural residential balance sheet utilising the lot approvals demand analysis indicates that Council will run out of sufficient supply after 2022. By 2036 this analysis estimates that Deniliquin will be in deficit of **61 lots**.

8.5.3 Per Capita

Based on the per capita demand analysis 4.2 lots is the assumed annual demand over the life of the strategy.

Table 8-5 Per Capita Rural Residential Balance Sheet

Time Frame	Rural Residential land stock at start of period (lots)	Estimate of Demand over period (lots)	Rural Residential land stock at end of period (lots)	Estimate of years of supply remaining at end of period
2018-2021	20	12.6	7.4	<1 year
2021-2026	7.4	16.8	-9.4	0
2026-2031	-9.4	16.8	-26.2	0
2031-2036	-26.2	16.8	-43	0

The rural residential balance sheet utilising the per capita demand analysis indicates that Council will run out of sufficient supply after 2021. By 2036 this analysis estimates that Deniliquin will be in a deficit of **43 lots**.

Table 8-6 Preferred approach Rural Residential Balance Sheet

Based on the preferred approach of an annual demand of 4 lots per year over the life of the strategy.

Time Frame	Rural Residential land stock at start of period (lots)	Estimate of Demand over period (lots)	Rural Residential land stock at end of period (lots)	Estimate of years of supply remaining at end of period
2018-2021	20	12	8	<1 year
2021-2026	8	20	-12	0
2026-2031	-12	20	-32	0
2031-2036	-32	20	-52	0

The rural residential balance sheet utilising preferred approach indicates that Council will run out of sufficient supply after 2021. By 2036 this analysis estimates that Deniliquin will be in a deficit of **52 lots**.

8.6 Supply Deficiency and Strategy Implications

This strategy forecasts relatively low but steady population growth across the former Deniliquin LGA in all three population scenarios although conversely there has been peaks in land subdivision and dwelling housing construction which doesn't clearly correlate with the population growth. It is therefore clear that population growth is not the only driver of demand for new dwellings. In some locations within the former Deniliquin LGA, demand is also driven by the construction of second homes or holiday homes particularly by residents of adjoining LGA's. Across the region another key driver of demand for new dwellings is demographic change. As an ageing population, the region shows strong evidence of decreasing household size that may not yet be apparent in the census data. Other demographic changes may also be evident, such as the breakdown of traditional family structures.

Projecting the potential dwelling forecasts against the supply of residential land is therefore difficult and three potential scenarios proposed within this strategy are relevant based upon different population growth scenarios, projected demographic change and projection of building trends. The preferred approach considers each scenario and has been formed on the basis of an average of the three scenarios which is considered a balanced and realistic approach to projecting rural residential dwelling demand.

Based on assumptions around the existing land supply, future lot sizes and recommended backzonings, Deniliquin does not have sufficient appropriately located rural residential land to last the life of this strategy. The balance sheets indicate that by 2036 there will be a deficit of between 35 and 61 lots. The preferred approach indicates a supply deficit of 52 lots.

Council should have a goal of maintaining a 'rolling supply' of approximately 25 years supply of land to ensure there is no restriction on supply to meet population demand as well as market demand for second or holiday homes. New rural residential areas in desirable locations should be considered and it is recommended that green field sites be in more than one location that can support a variety of lot sizes will stimulate development and the delivery of rural residential sites to the market. Underlying all of the above scenarios is the assumption that Council will need to proceed soon as the supply is likely to run out in the short term.



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9. Constraints Analysis

9.1 Objectives of a Constraints Analysis

A development constraints analysis provides a general picture of the suitability of land for rural residential development at a broad scale. The resulting mapped and numeric data can be used to guide land use planning and decision-making.

9.2 Methodology

The methodology aims to identify and evaluate a range of constraints, which will impact upon the ability of the former Deniliquin LGA to accommodate further rural residential development. The identification of a sound methodology will also enable the community and landowners to better understand the process of planning, site selection and development. Ultimately, the application of a sound methodology will help the development industry to invest in and develop appropriate sites within Deniliquin that best serve the needs of the local community and economy.

The methodology for determining appropriate land use focuses on those features of Deniliquin's landscape that pose limitations to development. These constraints will strongly influence the preparation of a 'land constraints map'. Natural features primarily define the environmental limitations. The land constraints map is a composite map containing a number of overlays. These overlays include existing land uses, environmental protection areas, bushfire hazard areas, flood prone land, steep land and prime agricultural land. The integration of the overlays enables the user to recognise areas of varying suitability for different land uses.

Some of the constraints listed below are a prohibition to future development. Other constraints merely require further investigation or mitigation measures that may influence the location, type and density of development. Some constraints such as economic and social limitations don't always lend themselves to being mapped in the same way as natural features. However, once Council has determined areas of low environmental limitations at a broad scale, this information can subsequently be used by investors to target areas for further investigation as part of their risk assessment and decision making process. Rural residential lands have a range of economic and social requirements which include the location of the site, its size, price, commercial attractiveness, accessibility and the availability of infrastructure and services.

In determining land suitable for rural residential development the following table ranks the constraints which may limit further development. This identifies which constraints are limiting and highlights the constraints that may be overcome through mitigation measures and management.

The constraints ranking system includes the following:

Rank	Key	Explanation
1.	Most suitable	Most suitable for development (relatively unconstrained).
2.	Marginally suitable	Suitable for development with some controls only minor constraints present.
3.	Moderately Constrained	Moderately constrained area may be only slightly suitable for development – may require further investigation and / or specific engineering solution or exclusion of certain areas.
4.	Highly Constrained	Limited or no development – will require further assessment.
5.	Highly Unsuitable	Not suitable for development.

9.2.1 Multi-Criteria Analysis

Multi-Criteria Analysis requires consideration of the relative importance of each criterion compared to other criteria. A paired comparison method was selected for weighting of criteria. This approach required each criterion to be compared to each of the other criteria to determine which of the two (paired) criteria is considered more important, and by how much. By considering the number of times any particular criteria is rated as more important than any other, and the levels of importance, the criteria can then be ranked as a set in terms of importance. For this project, only environmental criteria were compared to each other. Weightings were normalised so that they are between 1 and 100 for each criteria.

9.2.2 GIS Analysis

Once evaluation criteria and weightings were undertaken, a GIS modelling and analysis technique was used to overlay geographic data for each of the evaluation criteria.

The steps involved in the GIS analysis to identify areas that are overall more or less suitable for the rural residential development are described below:

- Datasets were sourced from the former Deniliquin Council and were imported into an ESRI geodatabase.
- The data applied for each evaluation criterion were compiled and analysed according to the performance ratings on a series of grids across the study area. In general, the grids were in the order of 5 m x 5 m cells, however in some cases the grid size was varied to ensure the data will be properly represented.

-
- The weightings were applied to each criterion and the overall score for each evaluation criterion in each grid calculated. The GIS model then compiled scores across all the evaluation criteria for each grid and identified areas that are more or less suitable for rural residential development. The weighted overlays were added together and multiplied by a specified weighting. As a result, an overall sensitivity map was produced. The lower the score, the more attractive the site for development.
 - The Multi-Criteria Analysis was performed using ESRI's ArcGIS.

9.2.3 Limitations

While the constraints analysis technique is a powerful tool for screening broad study areas, it must be noted that there are a number of limitations including:

- Inability to represent all of the critical aspects that determine suitability for development in a geographic format.
- Accuracy and currency of some data.
- Absence of data for some locations (e.g. Threatened Species data not available).

Each of the following constraints have been mapped and are illustrated in Appendix B.



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Table 9-1 Constraints

Constraint	Reason for Unsuitability	Ranking
Settlement		
Existing or Proposed Residential and Urban Areas	Land that is zoned or proposed to be zoned for residential or urban purposes. This land is serviced (or capable of being serviced) and is required for development at higher densities than rural residential.	5
Environment		
Riparian Areas and Buffer	The sustainability and maintenance of minor waterways (rivers, creeks and drainage lines) within the Deniliquin is paramount in ensuring the ongoing environmental functioning of the estuary and in protecting water quality. Riparian controls are needed to provide channel stability to creeks, drainage lines and waterways essential in maintaining the basic health of the catchment. Riparian habitat in Deniliquin is important to the maintenance of fish populations and communities (including aquatic invertebrate) and has the highest priority for being conserved and protected from potential adverse impacts associated with development. As a buffer from development is encouraged in the Murray REP, this strategy has adopted this buffer.	5
State Forests	Land that is located adjacent to or within 400 m of an existing forestry operation or land owned by Forests NSW. It would not be in the public interest to jeopardize the current or future operation of the local forest industry by creating land use conflicts with rural residents.	5
E1 National Parks	National Parks (Zone E1) areas are not available for development regardless of physical characteristics.	5
E3 Environmental Management zones	The Deniliquin LEP 2013 includes E3 Environmental Management Zone. The objectives of the E3 Environmental Management Zone are to: <ul style="list-style-type: none"> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a limited range of development that does not have an adverse effect on those values. Even though within this zone development such as dwellings and neighbourhood shops are permissible, new rural residential development is unlikely to be appropriate.	4
Flood	Deniliquin has experienced irregular flooding over the past 150 years, resulting from high flows in the Edwards River. Major floods occurred in 1870, 1917, 1956 and 1975, inundating large sections of the town and the surrounding area. A levee system has been built in stages in the past 50 years to protect the town from flooding, the most recent stage of which was completed in 2012. Land within the floodway is the most constrained, however flood liable land presents a general constraint to development as it has implications with regard to the provision and cost implications applying to hydraulic infrastructure, roads and services installed within floodplains.	4

Constraint	Reason for Unsuitability	Ranking
Biodiversity	<p>Land that is located within an area of high biodiversity conservation value or an area identified by the state government as an environmentally sensitive area, unless there are extenuating circumstances to justify its development. NSW Office of Environment and Heritage (OEH) have mapped areas of high biodiversity value in western New South Wales. High biodiversity value for this study is area is predicted high conservation value for fauna and flora, and includes large areas of vegetated lands and important vegetation remnants.</p> <p>While the high biodiversity consists mainly of vegetation types of high regional status it is known to be inaccurate at site level. This unreliability means it cannot be given a high ranking.</p>	2
Bushfire	<p>Land that is affected by high bushfire hazard and cannot meet the requirements of 'Planning for Bushfire Protection'. The Rural Fires Act 1997 requires the identification of bushfire-prone land areas based on bushfire hazard mapping and the provision of Asset Protection Zones (APZ's) (NSW Rural Fire Service 2006).</p> <p>Council currently has a Bushfire Plan which has been used for this process as they are the most accurate maps. Council categorises bushfire prone land into Vegetation Category 1 and buffer. Vegetation Category 1 is bushfire prone land is that land within (or within 100 m) of a high bushfire hazard area.</p> <p>Bushfire hazard can be a major development constraint given the likelihood for extreme fire events periodically. The slope of the land, aspect and the vegetation types present, determines the level of bushfire hazard. Opportunities exist to manage the interface between new development and surrounding vegetation, including perimeter roads, fuel reduction and building design. More detailed site based assessment of bushfire hazard needs to be undertaken in conjunction with future development to ensure that development is located and designed having regard to the degree of bushfire hazard. Where adequate fire protection measures cannot be established, development should be prohibited.</p> <p>For this reason Vegetation Category 1 will be ranked as 3 and the buffer will be ranked as 2.</p>	Vegetation Category one- 3 Buffer- 2
Infrastructure Constraints		
Extractive industries and Buffer	<p>Land that is located adjacent to or within 1 km of an existing extractive industry operation. There are currently three small quarries in Deniliquin according to land use data and air photos.</p> <p>It would not be in the public interest to jeopardise the current or future operation of local extractive industries that supply important resources to support local infrastructure projects. Deniliquin has extractive industry sites that should be protected from encroachment by incompatible urban land uses until the resource has been exhausted.</p> <p>Extractive industries should be protected from encroachment by incompatible land uses until the resource has been exhausted as identified in a Section 117 Direction a suitable buffer for each site and these should be regarded as unsuitable for urban development. A buffer area around the extractive industry identifies an area which will be affected by quarrying activities such as noise, dust and visual intrusion. It can also prevent the sterilisation of a future resource from the pressures of land use conflicts.</p>	5

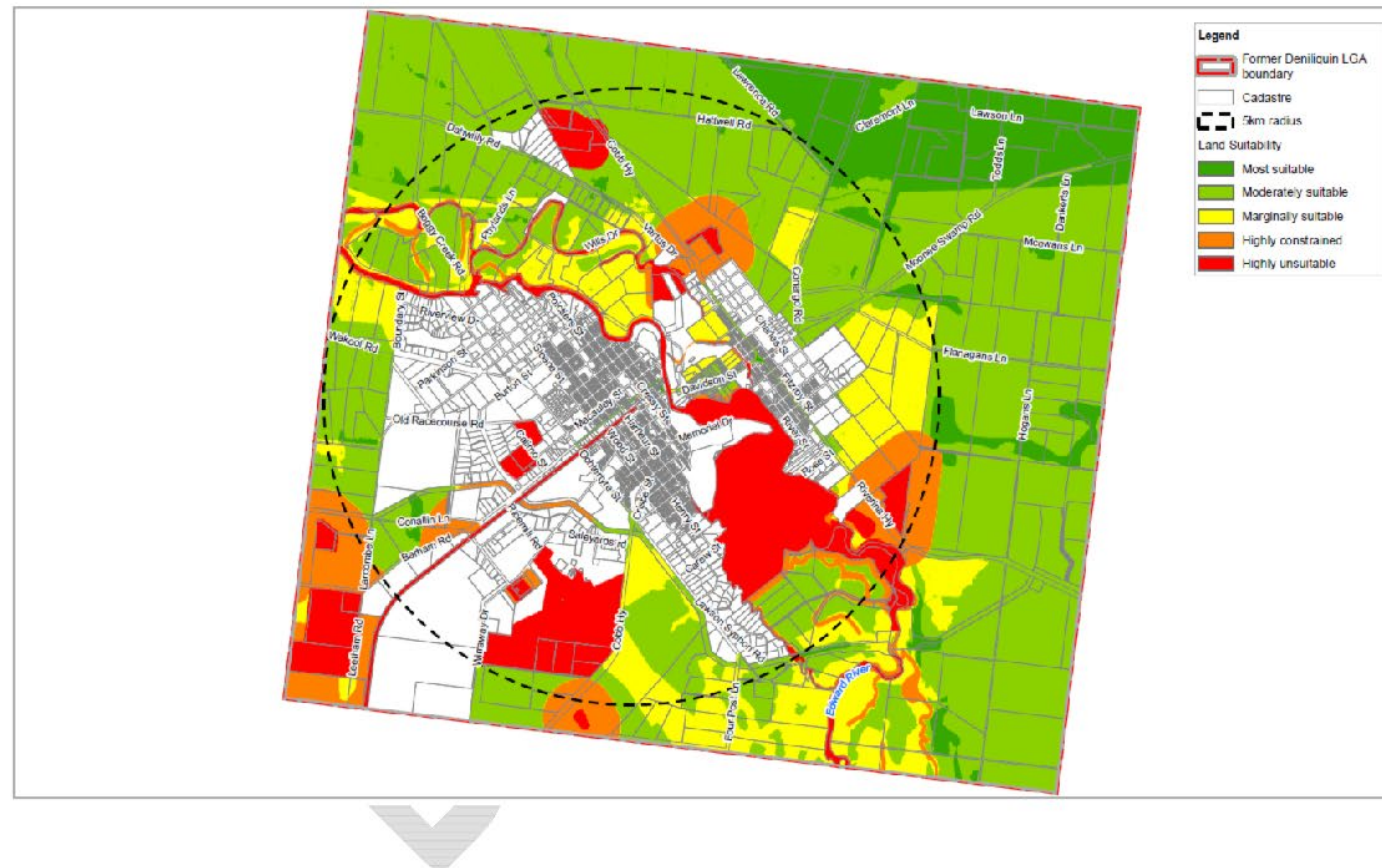
Constraint	Reason for Unsuitability	Ranking
Sewage Treatment Plants	Sewage treatment plant and land within 400 m of a sewage treatment plant. STP's provide sewerage to the Deniliquin communities. Land in proximity to an STP is often affected by odour problems. Living and Working in Rural Areas (NSW DPI 2007) recommends a 400 buffer around STP's from urban or rural residential development.	STP- 5 Buffer area- 4
Waste facility	Waste facility and land within 300m of a waste facility This land is often affected by odour problems. Living and Working in Rural Areas (NSW DPI 2007) recommends a 300 buffer around waste facilities to separate them from urban or rural residential development.	Waste facility and buffer area- 5
Aerodrome	Land in the vicinity of a local aerodrome where it may <ul style="list-style-type: none"> Impede the operations and potential growth of the airport. Exceed the obstacle height limitation. Be affected by noise that exceeds an ANEF of 25dB(A).An airport is considered as critical infrastructure that will support future employment growth. It would not be in the public interest to jeopardise the current operation and future growth potential of local aerodromes. These areas are to be considered a hard constraint which creates prohibitions to development.	5
Intensive livestock industry	Land that is located in or within 500 m of an intensive livestock industry Intensive industries traditionally have noise, odour and traffic issues that cause land use conflict with rural residential development. It is for this reason it would not be appropriate to place rural residential dwellings in proximity to intensive livestock uses.	5
Rural industry	Land that is located in or within 500 m of an existing or approved rural industry (feed mill, seed cleaners, cotton gin, etc.). It would not be appropriate to place rural residential dwellings in areas that will be affected by rural industrial uses currently or in the long term.	5
Road frontage	Land located with frontage to a road of poor quality or accessed by a flood affected causeway. New rural residential development should be located on roads that are properly formed and regularly maintained. It should not be located on roads that require significant upgrading or that involve flood affected causeways that cut residents off in regular rainfall events.	2
Physical Constraints		
Good agricultural land	Land that is located within the land capability classes 1, 2 or 3. In 2008 the State Government adopted a position that good agricultural land (classes 1,2 and 3) should not be regarded as being available for urban or rural residential. This was then subsequently supported in the SEPP (Rural Lands). The objective of excluding Land Classes 1, 2 and 3 are to ensure that the best agricultural land will be available for current and future generations to grow food and fibre). It would therefore not be appropriate to place rural residential dwellings on good quality agricultural land (class 1,2,3) unless no reasonable alternative exists.	Class one land – 5 Class two and three land – 3 Flood Irrigated Land - 3

Constraint	Reason for Unsuitability	Ranking
Average agricultural land	Land that is located within land capability classes 4, 5 or 6. These lands are not regarded as being the best agricultural land, although they are often used for grazing purposes. They are not typically affected by steepness or extensive rock outcrops and are not excessively waterlogged. They are typically suited for rural residential purposes from a land capability perspective.	Class four, five and six - 1
Steep and swamp lands	Land that is located within the land capability 7 or 8. Generally land capability classes 7 or 8 are located on steep or swampy land Steep lands are areas susceptible to soil creep, landslip and rock falls due to steep slope profiles in stratified formations and proximity of land to cliff areas and alluvial deposits. The risks associated with development in these areas are often higher than normal rural residential should also not be located on steep land or land that is swampy (class 7 or 8).	Class seven and eight land - 3
Slope	Slope is a significant factor influencing soil erosion, drainage and bushfire hazard. Protected lands are listed under the <i>Native Vegetation Conservation Act 1997</i> and represent land that generally has a slope greater than 18 degrees from the horizontal; and land situated in, or within 20 metres of the bed or bank of any specified river or lake or land that is in the opinion of the Minister, environmentally sensitive or effected or liable to be effected by soil erosion. Slopes greater than 15 degrees are likely to have geological constraints and are susceptible to mass movement and high to very high erosion hazard. Within rural residential precincts slopes greater than 15 degrees present a high bush fire danger for dwellings, footings require a great deal of cut and fill, it can cause installation and management problems for sewerage and water systems. Access is also difficult and they present a greater erosion hazard. In areas with these grades development is more difficult (NSW Rural Fire Service: 2006). Therefore, lands with a slope over 15 degrees have a low probability of being suitable for further development. Slope between 10 degrees and 15 degrees present a high bush fire danger for dwellings, footings require a great deal of cut and fill, access is difficult and they present a greater erosion hazard. In areas with these grades development is more difficult. However, with specific engineering solutions rural residential development is possible. Relatively flat grades (less than 10 degrees) significantly reduce costs associated with the installation of infrastructure to service proposed development.	Over 15° - 5 10° to 15° - 3 Less than 10° - 1
Social		
Non Indigenous heritage	<p>In 1977, the NSW Heritage Act legislated that councils must identify, protect and manage heritage through local planning regulations. The two levels of statutory listing are:</p> <ul style="list-style-type: none"> the State Heritage Register the heritage schedule in Deniliquin LEP 2013 <p>Under Clause 5.10 of the Deniliquin LEP 2013 the objectives of Heritage Conservation are:</p> <ul style="list-style-type: none"> to conserve the environmental heritage of Deniliquin to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views to conserve archaeological sites 	5

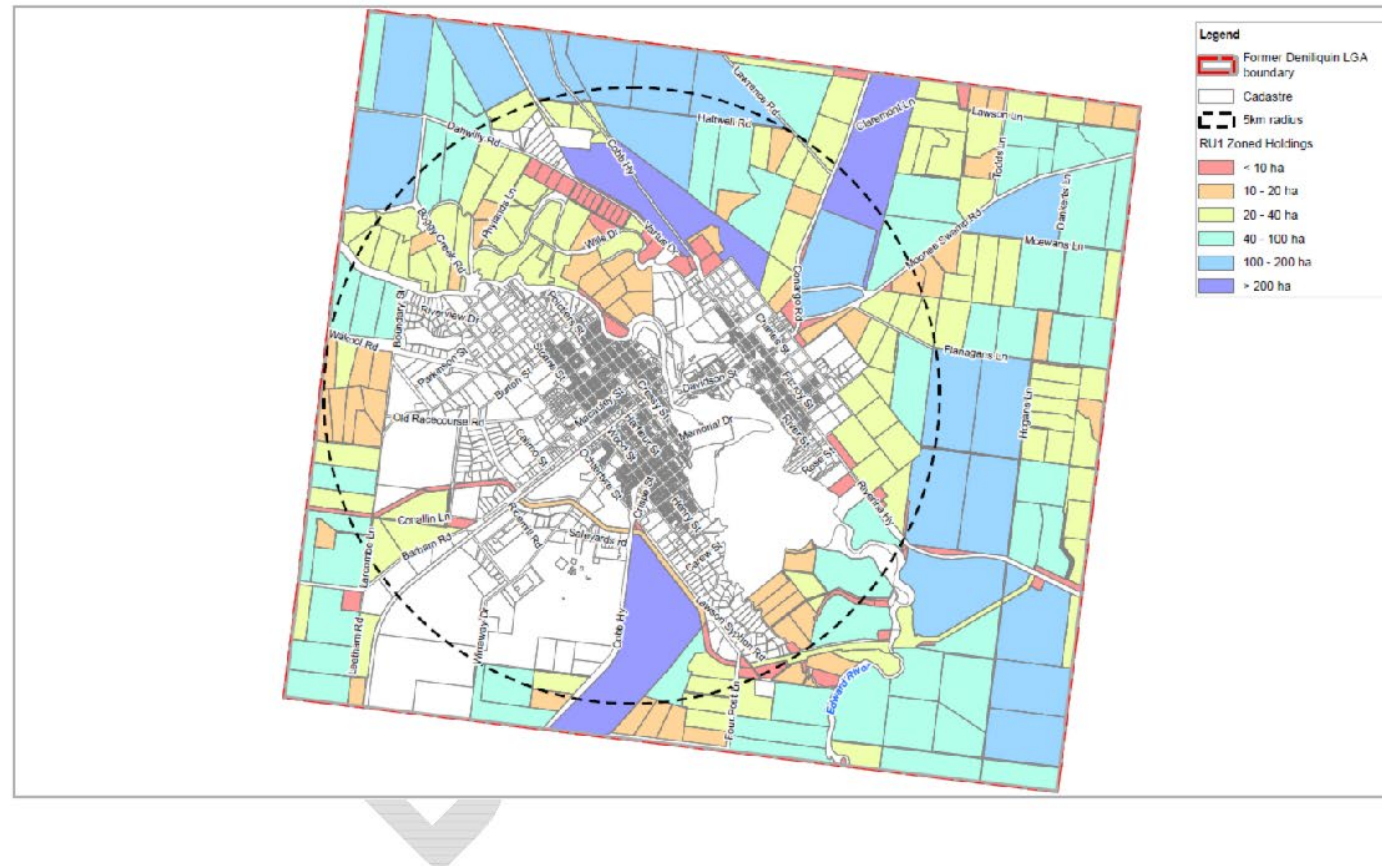
Constraint	Reason for Unsuitability	Ranking
	<ul style="list-style-type: none">to conserve Aboriginal objects and Aboriginal places of heritage significance <p>The majority of Deniliquin heritage items and heritage conservation areas were identified in previous heritage studies. These are items of significant value and therefore will be ranked 5. No buffer has been allowed for. Should a site be located in what would otherwise be a proposed rural residential area then a site specific buffer will have to be considered.</p>	

9.3 Constraints Mapping

The above rankings have been used to compile a constraints map for the Deniliquin Rural Residential Strategy. In addition to this a lot size analysis has been undertaken. These lot size maps give an indication of the history of land fragmentation in these areas and are provided for discussion purposes.

Figure 9-1 Land Suitability Analysis

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Figure 9-2 Holding Size Analysis

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10. Proposed Rural Residential Areas

Land is a limited resource. Any land development should take place in a sustainable, integrated and co-ordinated way. It has been determined in the preceding sections that the existing residential supply is not sufficient to accommodate demand. To meet the outcomes for this strategy Council needs to provide a land release that delivers an equilibrium between land supply and demand. Therefore, Council should identify between 50 ha and 177 ha in the short to medium term.

The reasons and criteria for proposed rural residential areas is discussed below.

10.1 Understanding the Market

Understanding the rural residential market and the attractors for residential demand is critical in proposing further rural residential development areas.

Key lifestyle attractors provided for rural residential development are based around amenity values especially in close proximity to Edward River with access to services and population. The demand for lifestyle opportunities provided with rural residential development is also high when there is the ability to live within a reasonable commute to the town centre. Other key attractors for these areas are the lower land values in Deniliquin while still being proximate to towns which may offer employment.

10.2 Agricultural Economy

Preventing ad-hoc rural residential development is critical when considering the long term opportunities for ongoing agricultural expansion across Deniliquin. This strategy does recognise the strength of demand for rural residential development and the legitimacy of this land use as a part of the residential opportunities of the LGA. However, this land use should occur where the benefits to potential residents can be maximised, and where the risks to farming minimised.

Rural residential development may or may not include some agricultural activity but the primary land use is residential. As such, residents of these areas expect residential amenity and services. The objective of the Section 9.1 Direction - Rural Land is to manage the provision of sustainable rural residential development so that it supports sustainable housing and settlements and does not compromise agricultural land uses. Therefore, areas within Deniliquin that are no longer suited to agricultural use will take priority over areas that are currently being used or are suitable for agricultural land use.

Notwithstanding, some of the land along the Edward River which may have agricultural value, is also considered to have significant aesthetic value that may outweigh the agricultural value. The surrounding development also limits expansion opportunities and restricts operating conditions due to amenity complaints.

10.3 Selection Criteria

Given the sustainability and liveability criteria presented in Chapter 4 and the principles developed throughout the document these will guide consideration of all future rural residential development in terms of the selection of areas for such development.

These include the following in order of preference (Priority 1 being the most critical in identification of future rural residential land and Priority 10 being the least critical).

Priority 1	Land identified as 'most suitable' (ranked 1) in the land suitability map.
Priority 2	Areas which have high amenity such as close to Edward River without compromising environmental values.
Priority 3	Land Identified as 'marginally suitable' (ranked 2) in the land suitability map.
Priority 4	Areas that are in a close proximity to Deniliquin town centre (defined by an approximate 5km radius) and/or adjacent to an existing rural residential area in order to avoid isolated development.
Priority 5	Land along the Edward River which may have agricultural value, are also considered to have significant aesthetic value that may outweigh the agricultural value should be considered. The surrounding development also limits expansion opportunities and restricts operating conditions due to amenity complaints.
Priority 6	Include areas where there is no adverse effect on key natural resource values, including areas of biodiversity significance and other areas that have special value.
Priority 7	Include areas which do not unreasonable or unnecessary produce land use conflicts.
Priority 8	Avoid locations where access, servicing, safety or impacts are unacceptable.
Priority 9	The area is freehold land and is an appropriate size, orientation and configuration for rural residential development.
Priority 10	Identify a choice and diversity in location to meet the economic social, health and well-being requirements and preferences of all people.

10.4 Candidate Areas

There are a number of areas, subject to further investigation and consultation that may be suitable for rezoning to accommodate future rural residential development. The location of the proposed candidate areas is provided in

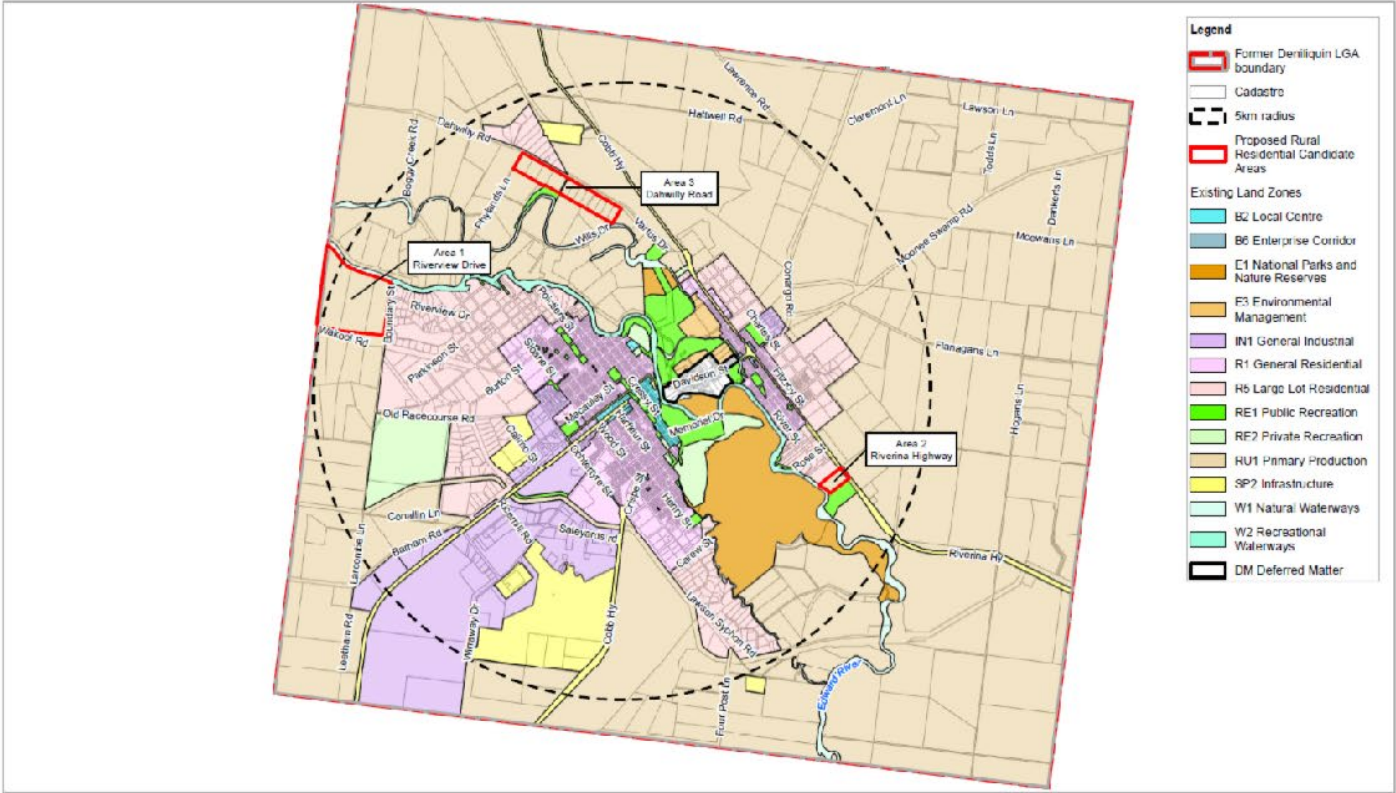
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Figure 10-1. In identifying candidate areas consideration has been given to:

- The land suitability analysis provided in this report
- The sustainability and liveability criteria presented in Chapter 4
- Selection criteria priorities presented above
- Views and considerations of key stakeholders including the community, land holders, development industry, government agencies and Council
- Existing patterns of rural residential development
- History of subdivision and development of all forms of rural residential lots
- Assessment of suitable land which meets minimum requirements



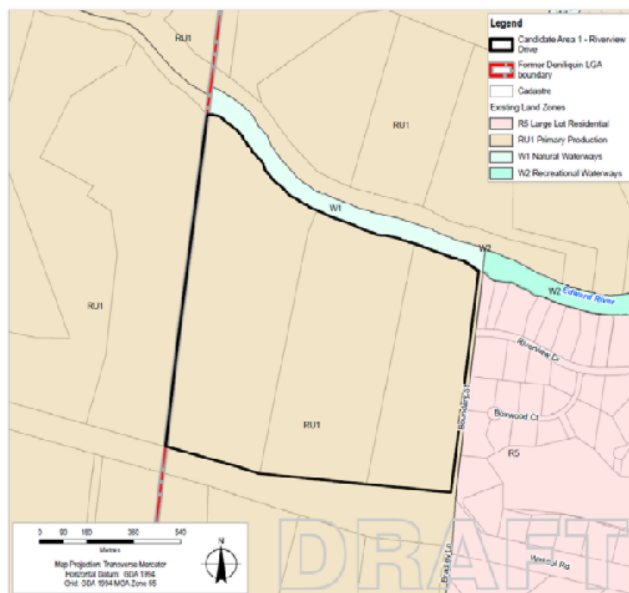
Figure 10-1 Proposed Rural Residential Areas



10.4.1 Candidate Area 1 – Riverview Drive

Gross Potential Area (ha): 114.62 ha (approximately)

Figure 10-2 Candidate Area 1 –Current Zoning



Candidate Area 1 is located to the west and north west of the town centre of Deniliquin.

The land is located adjacent to the Edward River which has the greatest demand for rural residential development.

The area is bounded to the north by Edward River, to the west by rural land within the Murray Shire which consists of mostly

cropping and grazing. To the south the area is bounded by Wakool Road and further rural land. To the east is existing rural residential zoned land. The site would represent a logical extension of a highly desirable rural residential area.

The land has evidence of prior rice farming, however expressions of interest for rural residential development have been previously received for some of the land.

The land suitability analysis has identified the majority of this area as 'moderately suitable' for rural residential development

In analysing site constraints, the key constraints are related to flooding and ecology. It is however considered that these matters could be suitably understood and managed within further detailed technical studies undertaken as part of a planning proposal and managed by future development controls. The constraints are likely to limit potential development yields, particularly for land adjacent to the river.

In terms of policy constraints, the land capability mapping identifies the site is within a flood irrigated area, and the site has been used for rice growing. However, priority 5 establishes that land along the Edward River which may have agricultural value, are also considered to have significant aesthetic value that may outweigh the agricultural value. The surrounding development also limits expansion opportunities and restricts operating conditions due to amenity complaints.

Further analysis against constraint and locational requirements for Candidate Area 1 includes the following.

- Currently zoned as RU1 Primary Production under the Deniliquin LEP 2013.

- Is in close proximity to the Deniliquin town centre and forms a logical extension to an existing rural residential area (via the extension of Riverview Drive).
 - Is not constrained by infrastructure such as STP's or rural industrial conflicts. The Deniliquin land fill area is the closest constraint which is over 1 km away from the sites.
 - The WMA flood study reported the eastern portion of the site as being flood prone with high hazard and associated flood depth (up to 3 metres).
 - The site is flat.
 - The site is cleared as it is used for agriculture.
 - There are no listed heritage items on the lots however one has a significant homestead which could be retained following future subdivision.
- The suggested approach to Candidate Area 1 would need to consider the following.
- An appropriate setback from the river will need to be considered as part of any assessment of this development as a result of flood hazard, associated flood depth and riparian and biodiversity issues. Detailed development controls identifying setbacks or location of building platforms are recommended.
 - Future dwellings in this area will require sufficient freeboard above the flood hazard.
 - Ensure flood free access to newly created lots and safe evacuation routes for pedestrians.
 - Given the size of this area it is also suggested the lots are staged over the long term.
 - Ensure significant riverside biodiversity is retained or appropriately offset.
 - Ensure development contributes to the amenity of this area.
 - Aboriginal cultural heritage.

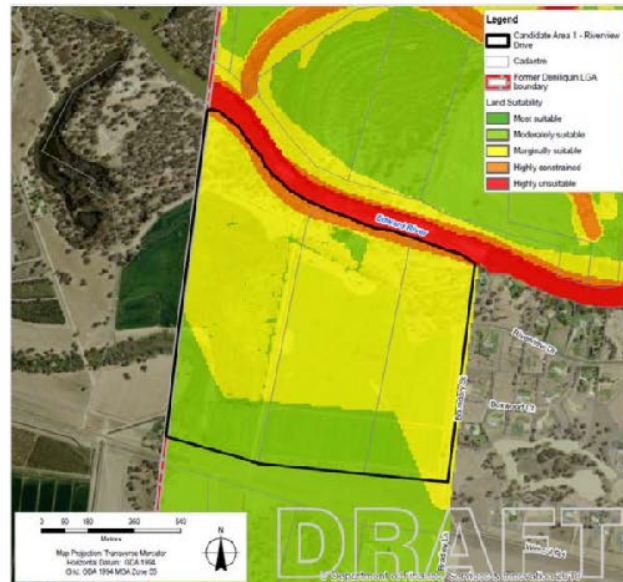
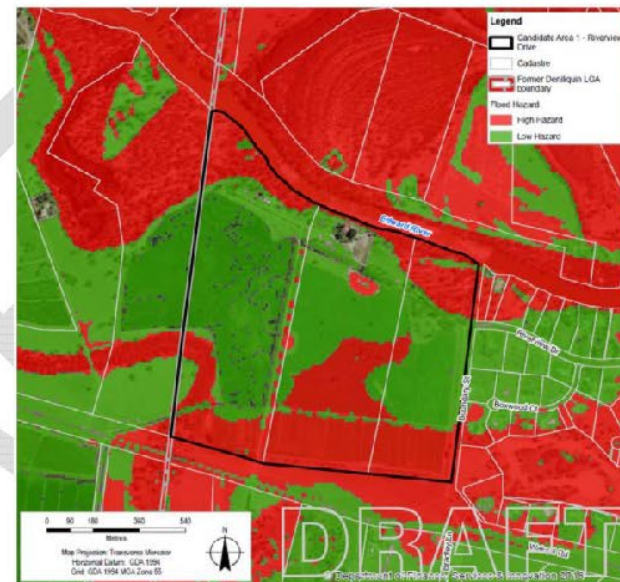
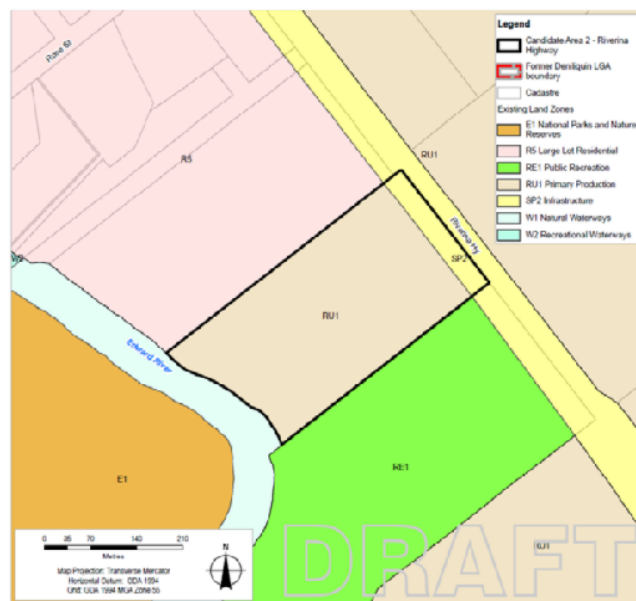
Figure 10-3 Candidate Area 1 – Suitability**Figure 10-4 Candidate Area 1 Flood Hazard**

Figure 10-5 Candidate Area 1 – Flood Depth

10.4.2 Candidate Area 2 – Riverina Highway

Gross Potential Area (ha): 8.31 ha (approximately)

Figure 10-6 Candidate Area 2 – Current Zoning

The site is located to the south east of Deniliquin town centre and immediately east of the Edward River on the Riverina Highway. A local riverside park is located to the south of the site.

Land to the north of the site, known as the Kyalite Stables was recently rezoned for rural residential development.

The site is surrounded to the east by rural land which consists of mostly cropping. To the west of the site is the Murray Valley Regional Park.

- As shown in the site is considered as partially constrained by the land suitability analysis. The site is partly within the 500m buffer set for an existing piggery which is located to the east. This portion of the land is not suitable for dwelling houses.

The subject site also has the following additional constraints:

- The setback from the river will reduce the developable land available. Biodiversity and riparian land issues will also require consideration.
- The site is flood affected with low and high hazard and associated flood depth (0- 1m)
- The site is bushfire prone as it contains the vegetation category 1 and buffer area.
- Road access will be required to be coordinated with the development of the landholding to the north. Access to any future lots from the Riverina Highway is likely to be discouraged by Roads and Maritime Services.
- Potential for Aboriginal cultural heritage will require consideration.

Notwithstanding the identified constraints, the site is an isolated and small rural zoned lot located within a desirable riverfront location. Given the small size, the site is not suitable for most types of extensive agriculture. Zoning for rural residential development would represent a logical extension the existing rural residential zone in an area of high demand and is therefore recommended.

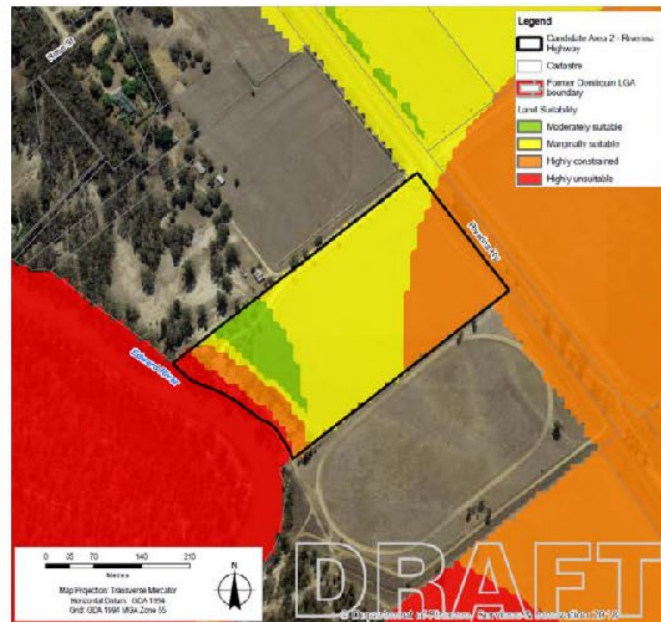
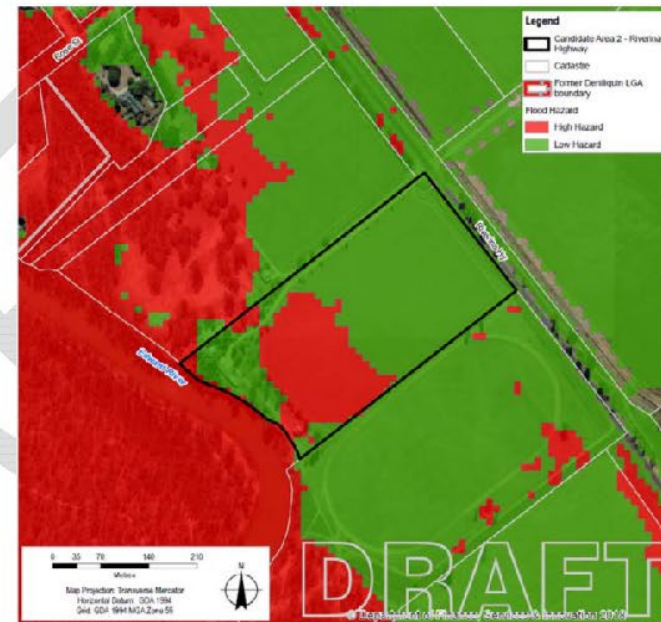
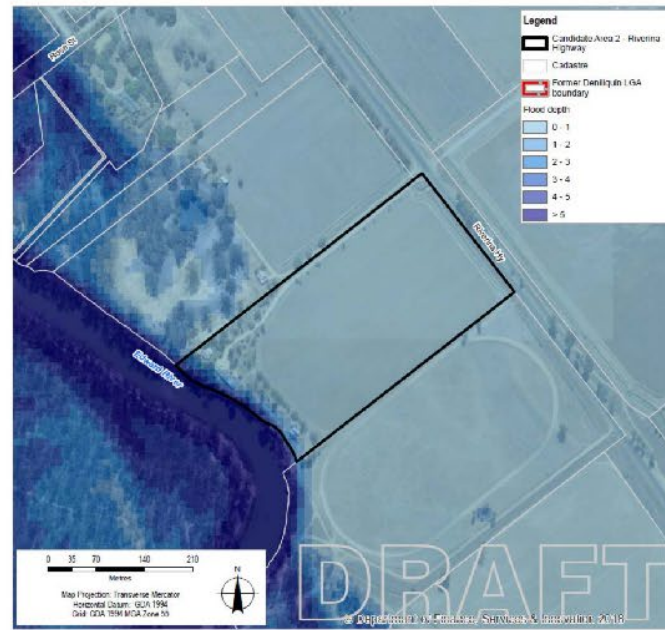
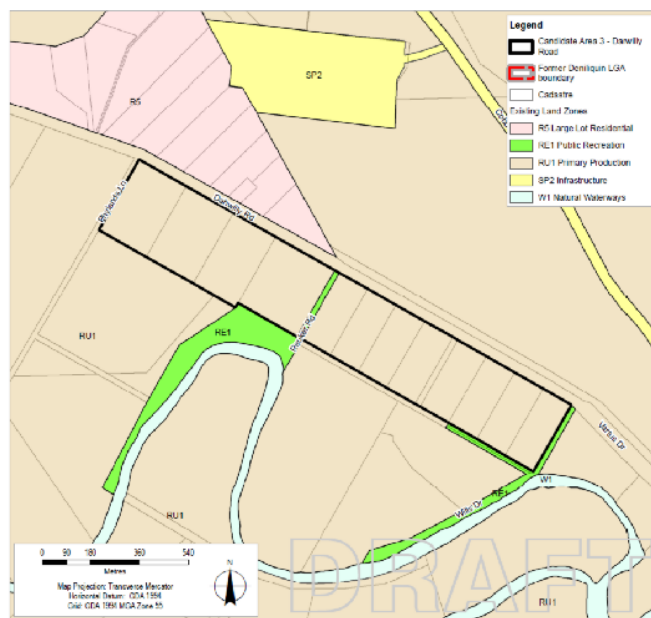
Figure 10-7 Candidate Area 2 - Suitability**Figure 10-8 Candidate Area 2 - Flood Hazard**

Figure 10-9 Candidate Area 2 - Flood Depth

10.4.3 Candidate Area 3 – Dahwilly Road (South).

Gross Potential Area (ha): 64 ha (approximately)

Figure 10-10 Candidate Area 3 – Current Zoning



This site is located on the southern side of Dahwilly Road and is partly adjacent to the existing Dahwilly Road rural residential area. The area contains 12 lots ranging from approximately 3.3 - 6 hectares. The Moulamenin No. 2 irrigation channel intersects part of the majority of the smaller lots. Some lots have an existing dwelling house on the land.

Whilst the land is zoned RU1 Primary Production, the predominate use of the land and existing lot sizes and configuration is consistent with rural residential development.

The land is relatively constraint free and the suitability analysis has identified the land as most, moderately and marginally suitable for rural residential development.

Given each existing exceeds 1 hectare there is some capacity for additional subdivision particularly on the larger parcels adjacent to the existing Dahwilly Road area. Whilst the candidate area is 64 hectares, market preference for larger rural residential lot sizes and constraints arising from the Moulamenin channel is expected to limit additional yield to approximately 10 lots.

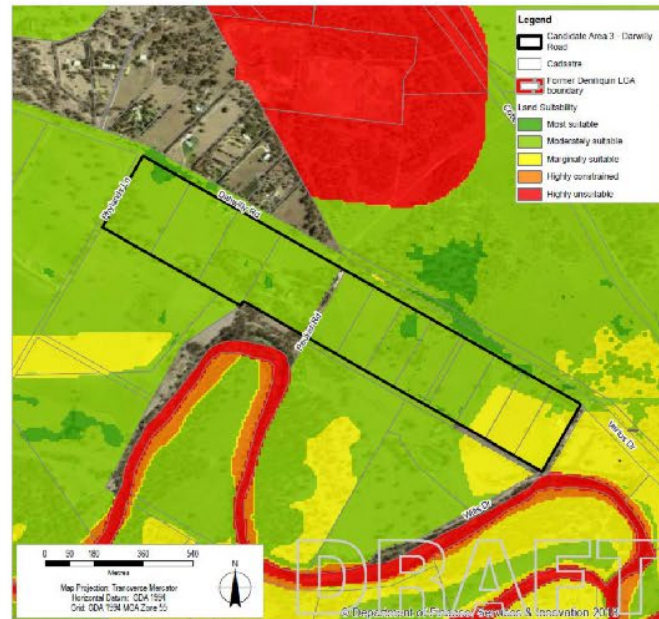
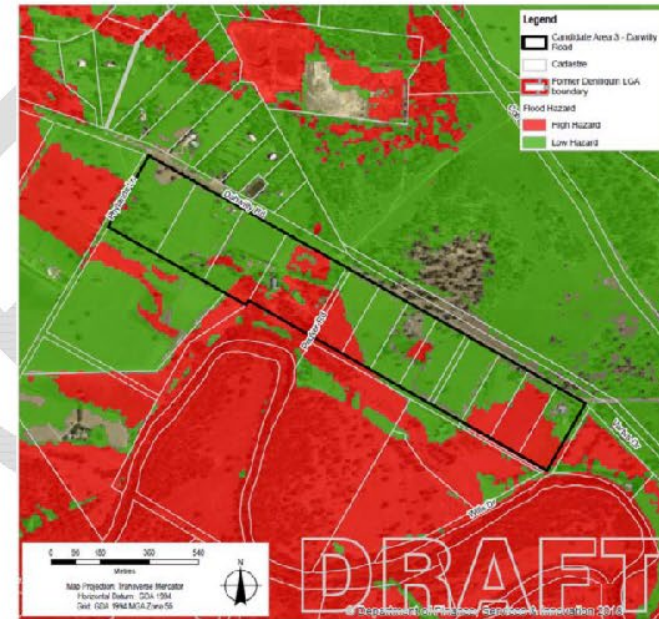
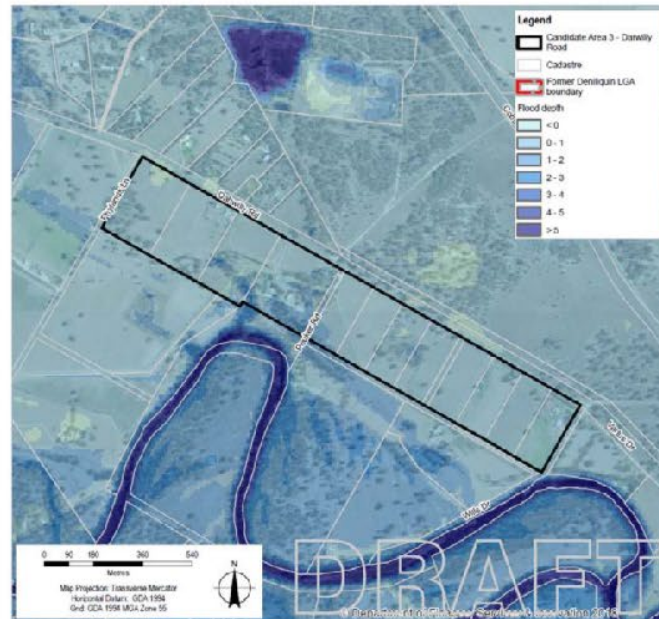
Figure 10-11 Candidate Area 3 – Suitability**Figure 10-12 Candidate Area 3 - Flood Hazard**

Figure 10-13 Candidate Area 3 – Flood Depth

10.5 Summary of Candidate Areas

The following is a summary of the potential rural residential areas presented above.

Table 10-1 Summary of Candidate Area

Candidate Area No.	Location	Gross Size
1	Riverview Road	114.62
2	Riverina Highway	8.31
3	Dahwilly Road (south)	64
Total		186.93 ha

Table 10-2 Summary of Lot potential*

Candidate Area No.	Location	Estimated lot potential
1	Riverview Road	45
2	Riverina Highway	6
3	Dahwilly Road (south)	10
Total		61

*Note: Figures are estimates only. Accurate yields should be reviewed following the outcomes of further technical studies undertaken at the planning proposal stage. Should the potential yields significantly exceed the above figures a further review of should demand be undertaken to ensure land is not oversupplied.



11. Consultation Strategy

Following consideration by Edward River Council, it is intended that the Strategy be placed on public exhibition in late 2018 to allow for community and stakeholder input.

The anticipated consultation activities include:

Community and landowners

- Public notification advertisements in local newspaper
- Notification letters to affected and surrounding property owners
- Update Council's website with exhibition material
- Hard copies of the draft Strategy made available at Council's Offices in Deniliquin and the local library.
- Community information sessions/ stakeholder workshops (if required)

Government agencies/stakeholders

Comments will also be sought from the following relevant government agencies with an interest in rural residential land development in the Edward River local government area

- NSW Department of Planning and Environment
- NSW Rural Fire Service
- NSW Department of Industry - Lands and Water
- NSW Office of Environment and Heritage
- NSW Roads and Maritime Services
- Transport for NSW
- NSW Local Land Services
- Relevant adjoining local government areas
- Riverina Murray Joint Organisation

At the close of the exhibition period, Council will review the matters raised in submissions in from the community, landowners and government agencies and a final draft Strategy, incorporating any changes arising from the consultation period. The final draft strategy will then be considered by Edward River Council for adoption. The adopted Rural Residential Land Use Strategy 2018 will then forwarded to the NSW Department of Planning and Environment for endorsement

12. Land Release Program

12.1 Balancing Supply and Demand for Rural Residential Land Use

This section determines whether there is an adequate supply of rural residential land to meet expected demand over the next 20 years.

As previously outlined in section 8.3 the former Deniliquin LGA has five existing areas zoned for rural residential under Deniliquin LEP 2013 covering a total of 947.3 ha. Of this, 830.2 ha or 87% has been developed and is being used for rural residential purposes.

There is 20 ha of vacant land that is in a location in high demand and within Area 2 (Kyalite stables site) and Area 3 (Wakool Road north) (as stated in section 8.2.1) which have capacity for approximately 17 dwellings. Remaining vacant land in Area 1 (22ha) has limited immediate appeal and should it be subdivided is likely to be for lots with a minimum of 2 hectares or greater given market preference in this area, and potential biodiversity issues. For these reasons, an estimated yield of 6 - 8 lots is considered appropriate.

As recommended in Section 8.2.1, 16 hectares of land within Area 2 and 52 hectares in Area 3 are considered as located on the edge of the R5/RU1 zone, away from urban zoned land and considered unsuitable for rural residential development. Land in Area 2 may also have potential biodiversity constraints. For this land an agricultural zoning is considered more appropriate for this land. There is a remaining 16 hectares of undeveloped land within Area 2 not recommended for rezoning. Given market preference for larger lots as well as potential biodiversity constraints the anticipated reduction in development yield for this remaining land is considered to be reduced by up to 60% with around 6 - 7 potential lots considered reasonable.

The estimated current immediate supply of rural residential land in Deniliquin is therefore around **20 lots**.

There should be a goal of maintaining a "rolling supply" of approximately 25 years supply of land to ensure that there is no restriction on supply, adequate competition between sites and a variety of locations to choose from. It is also noted that larger releases may be required in 5 to 10 years when it is predicted that the existing employment land opportunities may be depleted.

On the demand side, this strategy has shown that there are several views as to what might be required between now and 2036. On average it is considered that the average demand to 2036 will be 70 dwellings or 4 per which would require an average of 85 hectares of unconstrained land. The existing supply of rural residential land proposed for retention would yield at minimum, approximately 20 additional dwellings. Therefore land for approximately 50 rural residential lots should be identified.

Discounting existing rural residential land which is proposed for backzoning the proposed Candidate Areas have the potential to yield 61 lots. Whilst this exceeds the preferred supply approach (resulting in a future potential for 81 lots considering existing supply and areas recommended for

backzoning) it is not inconsistent with demand approach methodologies and provides a suitable level of flexibility and opportunity for rural residential land to be supplied to the market.

12.2 Land Release Program

The purpose of the land release program is to guide the location of future rural residential lands over the life of the strategy. It includes a time frame of short (0-10 years), medium (10-20 years) and long term (20 years plus) to give an idea when this land should be considered for rezoning. These time frames refer to the period in which rezoning should commence if the land is to supply lots to the market at a future date (GHD, 2007).

It is assumed that land takes up to six years to reach the market from commencement of the rezoning process.

Table 12-1 outlines each of the potential rural residential land areas and provides an indication of when the rezoning process will need to be considered if these areas are to supply rural residential land to the market at the appropriate time.

Table 12-1 Land Release Program

Candidate Area No	Locality	Land release timing	Comment
1	Riverview Road	Short Term - Long term	Phased release recommended. Technical studies should commence to establish constraints and recommended phasing
2	Riverina Highway	Medium term	Potentially reliant on development proceeding on Kyalite Stables site. DCP for Kyalite Stable should be amended to include the site and identify potential connecting road.
3	Dahwilly Road (south)	Short term	Release can meet short term demand.

Ideally this strategy should be reviewed every five to seven years to check whether areas were developed as expected and to assess any changes in demand or services and infrastructure. If needed, areas can be brought forward if development exceeds expectation or other areas are withheld from supply. If development falls short of expectation then areas can be deferred to a later time frame. To ensure potential oversupply issues, the proposed backzonings should be considered in tandem with new release sites.

Readers of this strategy are also cautioned that this document has not been prepared for anyone as a basis for investment or other private decision making in relation to land purchases, sales or other land uses. Edward River Council recommends that it not be used by anyone in this way.

13. Implementation and Recommendations

13.1 Candidate Areas

This strategy will help guide development in the former Deniliquin LGA into the future up to at least 2036. This strategy does not itself rezone land for development; however, it identifies broad areas for consideration and sets clear principles and outcomes to guide future development.

The potential growth areas need to be considered in conjunction with the State and local policies and the guiding principles presented in this document.

13.2 Implementation

This Rural Residential Lands Strategy is a framework to achieve good planning, management and development of the Deniliquin rural residential lands. Effective implementation requires cooperation by community stakeholders and coordination of State and local government activities and plans. Implementing the strategy involves coordinating and reviewing a range of plans, infrastructure and services.

The following actions have been developed to guide Edward River Council's decision relating to:

- Non-statutory support for initiatives undertaken by other organisations and individuals.
- The establishment of formal arrangements, agreements and intergovernmental responsibilities for future decision making.

- Liaison with external parties to improve land use planning, development and management.
- Councils' ongoing programs relating to infrastructure and service provision, and the delivery of economic and social services.
- Councils' ongoing program of internal strategic planning.
- Councils' ongoing program of introducing or improving specific policies and guidelines.
- Existing statutory responsibilities, including applications for development and subdivision approval.

Strategy Direction 1
Provide a rolling supply of development-ready rural residential land in Deniliquin for the next 20 years.
<ul style="list-style-type: none"> • Implement a land use monitor for the local government area to accurately identify rural residential land supply and demand issues on a regular basis. • Commence the rezoning process for Candidate Area 3 - Dahwilly Road (south) so this area is market ready for limited further subdivision within the next 3 years. • Commence investigation of Candidate Area 1 – Riverview Road to assess the viability of this site in satisfying the short/ medium term supply of rural residential land • Commence rezoning process for Candidate Area 2 Riverina highway so this area is market ready for subdivision within 5 years.
Strategy Direction 2
Ensure planning policies facilitate, protect and support rural residential development
<ul style="list-style-type: none"> • Facilitate the rezoning process of rural residential lands growth areas in accordance with this strategy. • Protect the rural character of Deniliquin by minimising the visual intrusion of new buildings on the natural landscape, particularly from the Edward River.

Strategy Direction 3
Prevent and manage environmental concerns
<ul style="list-style-type: none"> • Areas already connected to services may be better positioned to accommodate growth. • Land contamination from past land uses has not been addressed in this strategy and candidate areas will need to meet the requirements of SEPP 55 to be rezoned. • Ensure that rural residential land uses are sited and managed so as to ensure that they do not impact detrimentally on the quantity and quality of environmental flows in the Edward River.

13.3 Local Environmental Plan

Rural residential lands identified for short-medium term release should be zoned R5 Large Lot Residential under Deniliquin LEP 2013 and the lands with significant constraints should be protected by an environmental protection zone or other suitable means under the LEP or Development Control Plan.

The LEP should also include the following for rural residential land use.

- Minimum lot size of one hectare. This would be consistent with the current LEP and allow for an appropriate level of flexibility in future subdivision design and development delivery. Additional measures within the LEP may be required to facilitate the protection and conservation of environmentally sensitive or flood constrained land and these may include larger minimum lot sizes or site specific provisions.

It is noted an additional local provision applies to the recently zoned land known as the Kyalite Stables development to address flooding and environmental and scenic amenity matters. The clause is set out as follows:

6.9 Kyalite Stables development on Edward River

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land at Deniliquin known as Kyalite Stables,*
- (b) to avoid significant adverse impacts on flood behaviour and support natural riverine processes, including the migration of the Edward River's channels,*
- (c) to protect and improve the bed and bank stability of the Edward River,*
- (d) to maintain and improve the water quality of the Edward River,*
- (e) to protect the amenity and scenic landscape values of the Edward River,*
- (f) to facilitate limited large lot residential development at Kyalite Stables that is compatible with the land's flood hazard, taking into account site-specific flood studies and flood modelling work.*

(2) This clause applies to certain land at 21701–21703 Riverina Highway, Deniliquin, being Lots 2 and 3, DP 562598 and Lot 1, DP 1121183, known as "Kyalite Stables".

(3) Despite any other provision of this Plan, development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*

(b) takes into account the Edward River at Deniliquin Flood Study 2014 and the Edward River at Deniliquin Floodplain Risk Management Study and Plan 2017, available from the office of the Council, and

(c) takes into account any flood impact assessment or flood modelling work carried out in accordance with the Floodplain Development Manual in relation to land to which this clause applies, available from the office of the Council, and

(d) incorporates appropriate measures to manage risk to life from flood, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and

(f) is not on land in the river front area, and

(g) is likely to cause only minimal visual disturbance to the existing landscape, and

(h) is such that the appearance of the dwelling house from the river front area is compatible with the surrounding area, and

(i) is not likely to cause environmental harm, including (but not limited to) the following:

- (i) pollution or siltation of the Edward River,*
- (ii) any adverse effect on surrounding uses, riverine habitat, wetland areas or flora or fauna habitats,*
- (iii) any adverse effect on drainage patterns.*

(4) Despite any other provision of this Plan, development consent may be granted to development on land to which this clause applies that is in a river front area only for the following purposes:

(a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,

(b) environmental facilities, recreation areas or recreation facilities (outdoor),

- (c) environmental protection works,
- (d) water recreation structures.

(5) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual unless it is otherwise defined in this clause.

(6) In this clause:

Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

River front area means the land shown as “river front area” on the River Front Area Map.

The planning proposal also introduced the model clause 7.3 Flood Planning into the Deniliquin LEP and a flood planning map based on the identified flood planning level for the land. Larger minimum subdivision lot sizes of 1.2 and 2 hectares also apply to part of the site. Further controls to manage development outcomes on the site (including nomination of building envelopes) are set out within the Deniliquin Development Control Plan.

13.4 Development Control Plan

The Deniliquin Development Control Plan 2016 came into effect on 6 May 2016 and applies to all land within the Deniliquin Local Government Area. The general aims of the plan are 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.

Chapter 2 Residential Zones of the DCP applies to development proposed in a residential zone and includes the R5 Large Lot Residential zone.

The key controls applying to R5 land within the DCP are contained within Section 2.2: Residential subdivision. These include:

- Minimum lot width - 25m
- Battleaxe shaped lots may only be permitted where it can be demonstrated that full street frontage for all lots is not achievable due to site constraints.
- A development application for the subdivision of land may only be considered where all allotments are capable of being adequately serviced with electricity supply, water supply, sewerage disposal and telephone.

Note: In accordance with the LEP, allotments in the R5 zone with at least 1 hectare in area do not need connection to a reticulated sewage system. Allotments in the R5 zone with at least 5,000 m² but less than 1 hectare in area require connection to a reticulated sewage system.

It is noted the controls applying to rural residential development are contained within controls for R1 General Residential zoned land. It is recommended that should the Candidate Areas as proposed within this strategy be pursued, consideration be applied to establishing a separate section for rural residential development. This section should include specific character, amenity and environmental objectives and controls to appropriately guide rural residential development.

Within this section, Additional controls recommended for R5 Land could include:

- Effluent disposal reports to accompany any development application demonstrating how water quality objectives are to be met
- Vegetation management plan is to accompany proposals adjacent bushland or within identified wildlife corridors; revegetation is to be imposed by means of a restriction on the title.
- A minimum landscape buffer of 10 m is to be provided along drainage lines.
- Contaminated land assessment is to accompany any application for lands identified as potentially contaminated.

- Dwellings are to be separated by a minimum of 20 m.
- Local access roads are to be provided or extended in accordance with Council's standards; access via access handles/battleaxe arrangements is not permitted.
- A minimum landscape buffer of 10 m is to be provided to screen adjoining dwelling houses.
- A bushfire assessment in accordance with the Rural Fire Service Guidelines is to accompany applications on land mapped as fire prone.
- Riverside lots and dwelling houses are responsive to and enhance scenic landscape values and environmental constraints, ecological and riverine processes.

13.5 Monitoring and Review Recommendations

The Rural Residential Strategy will need to be regularly monitored and subsequently modified from time to time to reflect new issues, changing community priorities and policies requiring different emphasis.

The rate of rural residential development and the underlying population growth and demographic change will however determine how frequently the strategy needs to be reviewed and revised to ensure an adequate supply of rural residential land. This strategy recommends a maximum revision period of 10 years.

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Appendix A – Planning Documents

NSW Legislation

Environmental Planning and Assessment Act, 1979

The Environmental Planning and Assessment Act (EP&A Act) governs development in NSW. One of the objectives of the EP&A Act, among others, is to promote the sharing of the responsibility for environmental planning between the different levels of government in the State. The Rural Residential Lands Strategy (The Strategy) will inform the preparation of the LEP. In preparing new LEPs, Council is required to consider the statutory obligations of the EP&A Act. Section 9.1 of the EP&A Act allows the Minister for Planning to give directions to councils in regards to the preparation of draft LEP's and is therefore considered in preparation of this strategy.

Rural Fires Act 1997

The *Rural Fires Act 1997* (RF Act) aims to, among other things, prevent, mitigate and suppress bush fires in local government areas and the State. To achieve bushfire protection in local government areas, it is necessary to consider at the preparation stage of LEPs and DCPs. This would include provisions to consider bushfire management in land use zoning, setbacks, access and subdivision.

Section 63 of the RF Act provides that it is the duty of public authorities, owners or occupiers of land to prevent the occurrence of bush fires on, and to minimise the danger of the spread of a bush fire on any land vested on or under its control or management. Bushfire constraints would be considered for the supply of additional rural residential land.

Native Vegetation Act 2003

The Native Vegetation Act 2003 was repealed on 25 August 2017, however property vegetation plans (PVPs) approved before the repeal of the Act remain valid and in force and obligations to manage and maintain offset areas continue.

Water Management Act 2000

The objects of the *Water Management Act 2000* (WM Act) are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations. In particular the WM Act aims to:

- Apply the principles of ecologically sustainable development.
- Protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality
- Recognise and foster the significant social and economic benefits to the State that result from the sustainable and efficient use of water
- Recognise the role of the community
- Provide for the orderly, efficient and equitable sharing of water from water sources

- Integrate the management of water sources with the management of other aspects of the environment
- Encourage the sharing of responsibility for the sustainable and efficient use of water between the Government and water users
- Encourage best practice in the management and use of water

Any new rural residential land would need to consider the protection of water sources; the need to obtain water management licences and approvals and the aims of the WM Act as listed above.

The Water Sharing Plan for the Lower Murray Groundwater Source and the Water Sharing Plan for the Lower Murray Shallow Groundwater Source are given legal effect by the Water Management Act 2000. These plans include rules for environmental protection, and managing extractions, licenses and water trading.

The Murray River is also subject to the Murray Darling Basin Plan. Under the basin plan, a Water Resource Plan has to be developed by the NSW Government by the end of June 2019 to replace the water sharing plans.

National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) provides the basis for legal protection and management of National Parks estate and Aboriginal sites and objects in NSW. In developing the strategy it is important to locate rural residential land so that it does not adversely impact on places, objects or sites listed under the NPW Act. Additionally, rural residential development would not be located within or near a national park.

Threatened Species Conservation Act 1995

The *Threatened Species Conservation Act 1995* (TSC Act) lists a number of threatened species, populations or ecological communities to be considered in deciding whether there is likely to be a significant impact on threatened biota, or their habitats. When developing the strategy, rural residential land should be located away from areas that have the potential to impact any species, population or communities listed under the TSC Act.

Fisheries Management Act 1994

The Fisheries Management Act 1994 contains provisions for the identification, conservation and recovery of threatened fish species, aquatic invertebrates and marine vegetation. Threatened species, populations and ecological communities considered by the Fisheries Scientific Committee to be at risk of extinction are listed under schedules in the Act. The Act also identifies key threatening processes and establishes mechanisms by which such processes can be managed, such as recovery and threat abatement plans. The provisions of the Fisheries Management Act 1994 may apply to development within a rural residential zone.

Murray Regional Environmental Plan No 2 – Riverine Land

The Murray REP No 2 identifies the Murray River as an asset of international, national and state significance. Under the REP, works that can affect the distribution of floodwaters (flood control works) require development consent from the local Council.

The REP ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinating planning along the Murray River and the implementation of planning-related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

The REP contains principles that apply when Council prepares a local environmental plan that address access to riverine land, bank disturbance, flooding, land degradation, landscape, river related uses, settlement, water quality and wetlands. Relevantly, the REP requires that the degree to which access to the river and foreshore is affected, the impacts of uncontrolled access, and disturbance to banks and riparian vegetation are to be taken into account. Any development that intensifies the use of riverside land should provide public access to the foreshore and include measures to protect and enhance vegetation.

On land that is subject to flooding, Council is to consider such matters as hazard risks, pollution threat, redistribution of floodwaters, the availability of other suitable land that is not flood-prone, and flood-free access to essential services.

In relation to the expansion of settlements, including for rural residential development, the land should be flood-free, located close to existing services and facilities, and not compromise the potential of prime crop and pasture land to produce food or fibre.

State Environmental Planning Policy (Rural Lands) 2008

SEPP (Rural Lands) 2008 came into effect in mid-2008. It aims to:

- *facilitate the orderly and economic use and development of rural lands for rural and related purposes.*
- *identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State.*
- *implement measures designed to reduce land use conflicts.*
- *identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations.*
- *amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

SEPP (Rural Lands) 2008 generally relates to rural subdivision and development and contains a number of principles that Councils are required to have regard to when preparing LEPs. The Rural Planning Principles include:

- *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.*

-
- *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.*
 - *recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.*
 - *in planning for rural lands, to balance the social, economic and environmental interests of the community.*
 - *the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.*
 - *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.*
 - *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.*
 - *ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The Rural Subdivision Principles are as follows:

- *the minimisation of rural land fragmentation.*
- *the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.*
- *the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands.*
- *the consideration of the natural and physical constraints and opportunities of land.*
- *ensuring that planning for dwelling opportunities takes account of those constraints.*

SEPP (Rural Lands) 2008 also specifies a number of matters that must be considered when a development application for rural subdivisions or rural dwellings is determined. This applies to land in a rural zone, a rural residential zone or an environment protection zone. These matters include:

- *the existing uses and approved uses of land in the vicinity of the development.*
- *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development.*
- *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b).*

- if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) came into effect in 2007 and aims to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency.

The SEPP outlines, among other things, land use zones where particular types of infrastructure are permissible.

Deniliquin LEP 2013

The Deniliquin Local Environmental Plan 2013 is based on the standard LEP instrument order 2006.

Council has adopted Zone R5 (Large Lot Residential) for its rural residential areas and is relevant to the Strategy. The other zones within the LEP 2011 are based on the standard LEP instrument order 2006.

R5 (Large Lot Residential)

The objectives of Zone R5 are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The following developments are permitted without consent in this zone:

- Environmental protection works; Home occupations; Water reticulation systems.

The following developments are permitted with consent in this zone (but is not limited to – refer to land use matrix for more information):

- Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Kiosks; Plant nurseries; Roads; Roadside stalls.

There are additional clauses in the LEP that need to be considered when identifying areas for potential rural residential development. These include the following local and miscellaneous provisions:

- Clause 5.10 Heritage conservation

- Clause 5.11 Bush fire hazard reduction
- Clause 6.2 Flood planning
- Clause 6.3 Terrestrial biodiversity
- Clause 6.4 Riparian Land and Watercourses
- Clause 6.5 Salinity
- Clause 6.6 Airspace operations
- Clause 6.7 Essential services

Minimum Lot Sizes for Subdivision

The Deniliquin Local Environmental Plan (LEP) sets the minimum sizes for allotments in the Deniliquin LGA. The LEP contains a series of 'zones' which outline objectives for preferred development and set minimum lot sizes.

Table A 1 Minimum lot sizes for relevant rural and residential zones

Zone	Minimum Lot Size
RU1 - Primary Production	400 hectare
R5 - Large Lot Residential	1 hectare
R1 – General Residential	400 square metres
R5 - Large Lot Residential	1 hectare or 5,000m ² if connected to a reticulated sewage system

Section 9.1 Directions

Section 9.1 of the EP&A Act provides that any direction of the Minister is to be taken into account in the preparation of a planning proposal. There are a number of Ministerial Directions that would be relevant to rezoning of land for rural residential purposes and are therefore addressed in this strategy. These include:

Employment and Resources

Rural Zones

The objective of the direction is to protect the agricultural production value of rural land. It applies when a planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.

The direction requires the planning authority to:

- *Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- *Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This direction applies to all relevant planning authorities.

This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- *Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials.*
- *Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.*

Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.

It applies when a planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone or that changes the minimum lots size on land within a rural or environment protection zone.

This direction requires the planning proposal to be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.

Environment and Heritage

Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

It applies when a planning authority prepares a planning proposal which must contain provisions that facilitate the conservation of:

- *Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.*

- *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974.*
- *Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

Housing, Infrastructure and Urban Development

Residential Zones

The objectives of this direction are:

- *to encourage a variety and choice of housing types to provide for existing and future housing needs.*
- *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.*
- *to minimise the impact of residential development on the environment and resource lands.*

It applies when a planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

This direction requires the planning proposal to:

- *include provisions that encourage the provision of housing that will:*
 - *broaden the choice of building types and locations available in the housing market*
 - *make more efficient use of existing infrastructure and services*
 - *reduce the consumption of land for housing and associated urban development on the urban fringe*
 - *be of good design.*
- *in relation to land to which this direction applies:*
 - *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the Council, or other appropriate authority, have been made to service it)*
 - *not contain provisions which will reduce the permissible residential density of land.*

Hazard and Risk

Flood Prone Land

The objectives of this direction are:

- *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.*
- *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA. This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Planning for Bushfire Protection

The objectives of this direction are:

- *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas.*
- *to encourage sound management of bush fire prone areas.*

This direction applies to all LGAs in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

Deniliquin Development Control Plan 2016

Deniliquin DCP 2016 applies to the former Deniliquin LGA and generally includes provisions relating to residential and commercial development.

Strategic Framework

The Riverina Murray Regional Plan 2036

The Riverine Murray Regional Plan 2036 provides the NSW Government's strategy for growth and development of the Riverine Murray region of NSW for the next 20 years. The Riverine Murray region has been identified as a leading and highly diversified economy, with growing local job opportunities and sustainable communities. The region is acknowledged as one of Australia's premium agricultural areas leading the way in agricultural innovation and value-adding, and is leveraging advanced and automated technologies to maximise agribusiness diversification.

Edward River within the Riverina Murray region is home to approximately 8,962 persons accounting for 3 per cent of the Riverina Murray region. Despite the LGA's small population, the Edward River LGA supports both dryland and irrigated agriculture, with one of the most extensive high water irrigation areas in NSW. Significant production of rice and winter cereals, and sheep farming, as well as contributions from the service sector meant that the council area contributed an estimated \$387 million to the regions gross regional product in 2013.

The local centre of Deniliquin, provides education and health services to the greater council area, including early childhood to high school services, a TAFE campus and a hospital. Deniliquin's economy is underpinned by diverse irrigated and broad acre cropping and grazing and the operation of numerous merino sheep stations which produce fine wool. The Council area is seeking investment in food production, with opportunities to develop additional value-adding operations to maximise job retention and employment.

The plan described the key objectives for the Edward River region as follows:

- Develop Deniliquin into a thriving local centre through industry development and job creation to promote population growth.
- Ensure that irrigated land is appropriately zoned and protected from inappropriate development.
- Double the size of the visitor economy through new product development and promotion.
- Improve the council area's liveability and lifestyle opportunities.

The plan recognises that as the economy and population profile changes, so too will the demand for skilled workers, particularly in agribusiness and values-added manufacturing, and green technologies and products. Emerging industries such as nuts, aquaculture, tourism aviation and defence freight provide more diverse employment opportunities for social participation.

Within the plan, Deniliquin is identified as a strategic centre within the Edward River LGA for continued growth in the agribusiness sector by improving agribusiness (food production) sectors by improving and developing established and new industrial and commercial areas, delivering reliable telecommunications infrastructure to attract jobs, grow business and deliver e-programs for health and education.

For rural residential development the Plan highlights the importance of a consistent planning approach to identify suitable locations for new rural residential development to avoid fragmentation of productive agricultural land and protect high environmental values assets, cultural and heritage assets, or areas with important rural landscape values. Rural residential development should not increase pressure on infrastructure and services and should be located on land free from natural hazards. In this regard the plan identified the following actions under Direction 27:

Direction 27: Manage rural residential development

27.1 Enable new rural residential development only where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.

27.2 Locate new rural residential areas

- In close proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewerage and waste services and social and community infrastructure.
- To avoid or minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources.
- To avoid areas of high environmental, cultural and heritage significant, important agricultural land or areas affected by natural hazards.

27.3 manage land use conflict that can result from cumulative impacts of successive development decisions.

Policy for Sustainable Agriculture in New South Wales (1998)

The purpose of this Policy is to facilitate a coordinated approach to achieving an ecologically and economically sustainable agricultural sector in New South Wales.

One of the key issues that this Policy identifies is in relation to the integrated management and the need to facilitate consultation and cooperative action between industry, government, local authorities and community groups to enable agriculture to operate in an ecologically sustainable manner while meeting economic and social goals.

The objective of integrated management according to the DPI Policy for Sustainable Agriculture in NSW is:

Agricultural industries, communities and governments working together to achieve positive economic, environmental and social outcomes.

Specific strategies identified in relation to integrated management include:

- *Ensure collaboration in the development, implementation and review of plans, policies and legislation relating to agriculture.*
- *Ensure the equitable and efficient allocation of land and other natural resources between agriculture and other sectors of the community.*
- *Ensure land use planning is undertaken, where appropriate, in association with agriculture to avoid conflict that may jeopardise agriculture's sustainability.*

- *Identify land and farming methods best suited to specific agricultural industries and retain production options for those lands in the future.*
- *Adopt appropriate planning mechanisms to avoid future conflict over land use (e.g. competing demands for land for agricultural, residential and recreational uses).*

Deniliquin Flood Plain Management Study (1984)

The Deniliquin Flood Plain Management Study was adopted by the former Deniliquin Council in February 1984. Rankine & Hill Pty Ltd developed the Study which was at the time based on the States flood prone land policy. The policy recommends both structural and non-structural measures. The structural measures included flood mitigation dams, levees and channel improvements. The non-structural included town planning, flood warning and insurance.

An updated flood study was completed in 2014 for the Deniliquin LGA by WMA consulting.

Edward River at Deniliquin Flood Study (2014)

An updated flood study was completed for the former Deniliquin LGA in November 2014 that was aimed at determining design flood behaviour in the area and assessing the performance of the levee in Deniliquin and identifying flooding issues. Modelling showed that the 1% AEP flood peaks were similar to what was previously estimated but that a 1% AEP flood event would overtop the levee in North Deniliquin at three points. The updated design flood levels produced in this study superseded the previous 1984 assessment.

Assessment against State Environmental Planning Policies

State Environmental Planning Policy	Statement of Consistency
SEPP No. 15 – Rural Land-Sharing Communities	Not applicable.
SEPP No. 19 – Bushland in Urban Areas	Not applicable.
SEPP No 21 – Caravan parks	Caravan parks are a permissible use in Zone R5 Large Lot Residential.
SEPP (Coastal Management) 2018	Not applicable.
SEPP No 30 – Intensive agriculture	Intensive agriculture is a prohibited use in Zone R5 Large Lot Residential.
SEPP No 33 – Hazardous and offensive development	Any hazardous and offensive development in each of the candidate areas would need to be assessed on its planning merits.
SEPP No 36 – Manufactured home estates	Caravan parks are permitted with consent in the R5 zone in the Deniliquin LEP.
SEPP No 44 – Koala habitat protection	Not applicable.
SEPP No 52 – Farm dams and other works in land water management plan areas	There are no provisions in the Deniliquin LEP that contravene this SEPP. As Deniliquin is located within the identified Murray irrigation area this SEPP applies. An assessment of each candidate area potential impacts to the River Murray would be required as part of any planning proposal.
SEPP No 55 – Remediation of land	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP No 60 – Exempt and complying development	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP No 64 – Advertising and signage	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP No 65 – Design quality of residential flat development	Not applicable as flat development is a prohibited use in Zone RU5.
SEPP No 70 – Affordable housing (Revised Scheme)	Not applicable.
SEPP Building Sustainability Index: BASIX 2004	The Deniliquin LEP supports sustainable development and is consistent with this SEPP. Future building in each of the candidate areas could comply with this SEPP.

State Environmental Planning Policy	Statement of Consistency
SEPP Exempt and Complying Development 2008	The exempt and complying tables in the Deniliquin LEP have been carefully developed to be consistent with this SEPP.
SEPP Housing for Seniors and People with a Disability 2004	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP Infrastructure 2007	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP Major Development 2005	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP Mining, Petroleum Production and Extractive Industries 2007	Whilst prohibited in Zone RU5, any proposals for open cut mines or extractive industries would need to be assessed against the provisions of this SEPP.
SEPP Temporary Structures and Places of Public Entertainment 2007	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP Rural Lands 2008	The Strategy has been prepared in accordance with the principles outlined in SEPP Rural Lands.
SEPP Affordable Rental Housing 2009	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP (Educational Establishments and Childcare Facilities) 2017	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017)	There are no provisions in the Deniliquin LEP or recommendations from this Strategy that contravene this SEPP.
SEPP (Coastal Management) 2018	Not applicable.

Assessment against Ministerial Directions

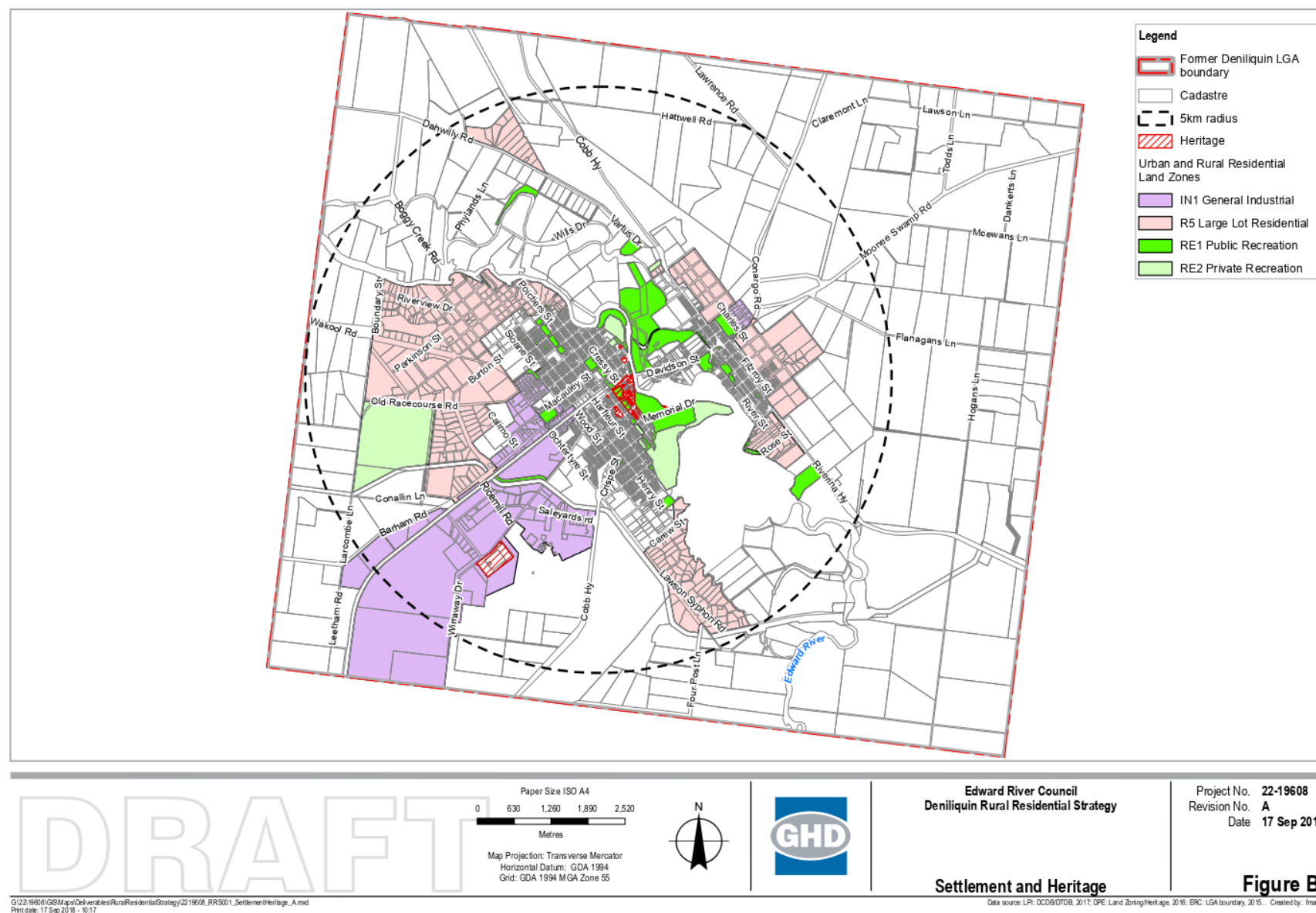
Section 9.1(2) Direction		Relevant to Strategy	Consistent with the Direction	Justification
1. Employment and Resources				
1.1	Business and industrial zones	Not applicable		
1.2	Rural Zones	Yes	No – minor significance	Direction 1.2 allows a draft LEP to be inconsistent where inconsistency is of minor significance. This strategy supports the rezoning of rural land around Deniliquin and throughout the Edward River Region for large lot residential purposes.
1.3	Mining, Petroleum Production and Extractive Industries	Yes	Yes	Direction 1.3 applies as there are mineral resources within the Shire. The candidate areas would not impact upon any mineral resources in the Shire.
1.4	Oyster Aquaculture	Not applicable		
1.5	Rural Lands	Yes	Yes	<p>This Strategy supports the rezoning of rural land throughout the Edward River region in particular Deniliquin for large lot residential purposes. The candidate areas have been assessed against the Rural Planning Principles from SEPP Rural Lands 2008.</p> <p><i>Rural Planning Principles</i></p> <p>(a) Promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.</p> <p>The Deniliquin LEP allows a range of actions to protect sustainable activities in the rural zones of the region. This includes planning controls for intensive agriculture and small holding development in appropriate locations.</p> <p>(b) Recognition of the importance of agriculture and the changing nature of agriculture in the region.</p> <p>The value of agriculture to the Shire and local economies has been recognised in adopting the minimum lot size for the RU1 zone. The Deniliquin LEP promotes flexibility in permitting a wide range of rural land uses that can cater for change and emerging opportunities. This Strategy facilitates large lot residential opportunities on land not considered to be prime crop and pasture land.</p>

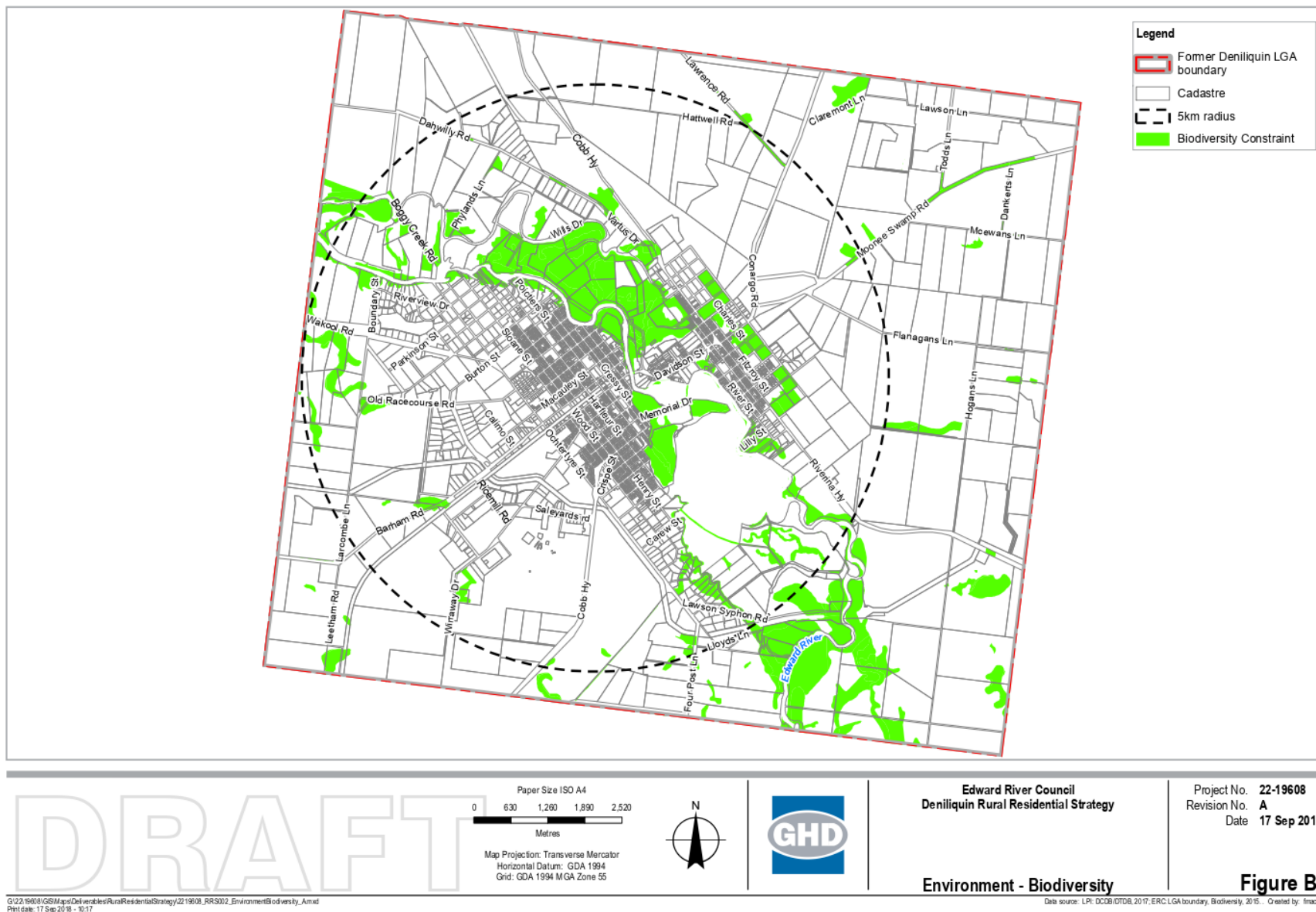
Section 9.1(2) Direction	Relevant to Strategy	Consistent with the Direction	Justification
			<p>(c) Recognition of the significance of rural land uses to the state and rural communities including social and economic benefits.</p> <p>The Deniliquin LEP identifies objectives that make the region distinctive and contribute to its competitive advantage. Rural land has been protected through the application of the RU1 zone and by limiting the encroachment of urban land into adjoining rural lands.</p> <p>(d) Balance the social, economic and environmental interests of the community.</p> <p>The candidate areas would allow for the development of rural residential housing throughout the Edward River region in particular Deniliquin. These areas have been selected based on the detailed suitability and capability criteria outlined in Section 9.2. The provision of this form of housing provides for alternative lifestyle preferences to traditional residential or rural housing options.</p> <p>(e) Identification and protection of natural resources, maintaining biodiversity, protecting native vegetation and water resources and avoiding constrained land.</p> <p>The Strategy has considered potential impacts on natural resources, biodiversity, surface and ground water, on site waste water disposal in the identification of each candidate area.</p> <p>(f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</p> <p>Consideration has been given to the supply and demand for large lot residential land to ensure that realistic stocks are or can be made available to respond to legitimate demand for this land use.</p> <p>(g) Consideration of the impacts on services and infrastructure and appropriate location when providing for rural housing.</p> <p>Consideration has been given to services and infrastructure in the identification of additional land for large lot residential purposes.</p>

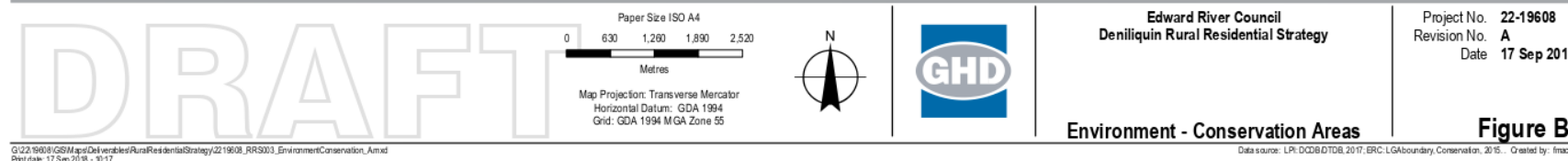
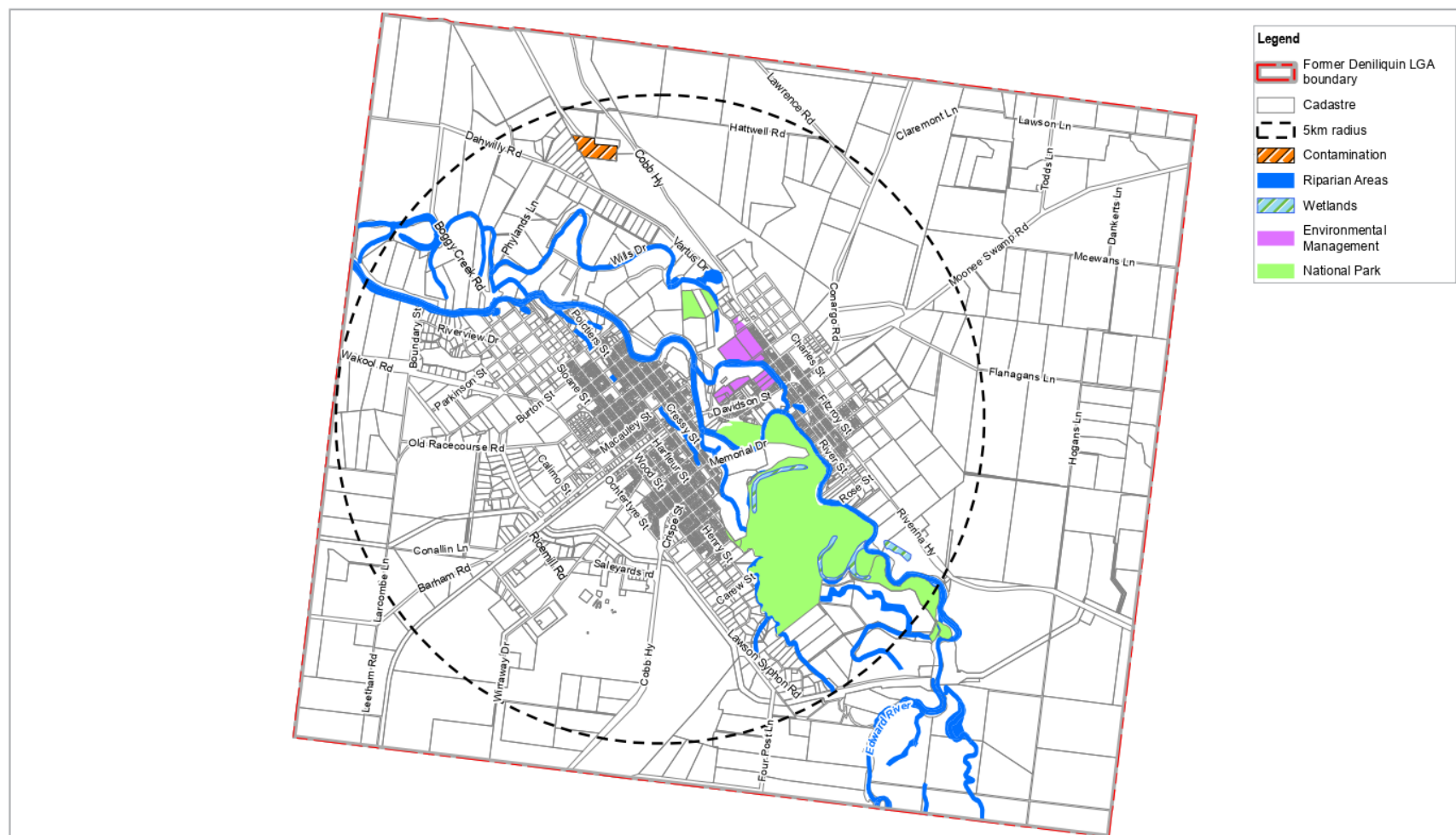
Section 9.1(2) Direction		Relevant to Strategy	Consistent with the Direction	Justification
2. Environment and Heritage				
2.1	Environment Protection Zones	Yes	Yes	The candidate areas have been located outside of the environmental protection zones. Sensitive ecologically land identified during the environmental investigations for each candidate area may require the imposition of an environment protection zones as part of any rezoning.
2.2	Coastal Protection	Not Applicable.		
2.3	Heritage Conservation	Yes	Yes	The candidate areas have been located outside of known heritage areas and artefacts.
2.4	Recreation Vehicle Areas	Not applicable		
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	Yes	Yes	The candidate areas would allow for the development of rural residential housing at Deniliquin. These areas have been selected based on the detailed suitability and capability criteria contained in Appendix E. Deniliquin LEP contains provisions compliant with this direction.
3.2	Caravan Parks and Manufactured Housing Estates	Yes	Yes	Caravan parks are permitted with consent in the R5 zone in the Deniliquin LEP.
3.3	Home Occupations	Yes	Yes	Home occupations are permitted without consent in the R5 zone in the Deniliquin LEP.
3.4	Integrated Land Use and Transport	Not Applicable.		
3.5	Development near Licensed Aerodromes	Yes	Yes	Each candidate areas is adequately separated from licenced aerodromes.
3.6	Shooting Ranges	Not Applicable.		
4. Hazard and Risk				
4.1	Acid Sulfate Soils	Not Applicable.		
4.2	Mine Subsidence and Unstable Land	Yes	Yes	The candidate areas have been located outside of known mine developments and mine subsidence can be developed in such a way to comply with this direction.
4.3	Flood Prone Land	Yes	No	The candidate areas can be developed in such a way to comply with this direction.
4.4	Planning for Bushfire Protection	Yes	Yes	The candidate areas can be developed in such a way to comply with this direction.
5. Regional Planning				

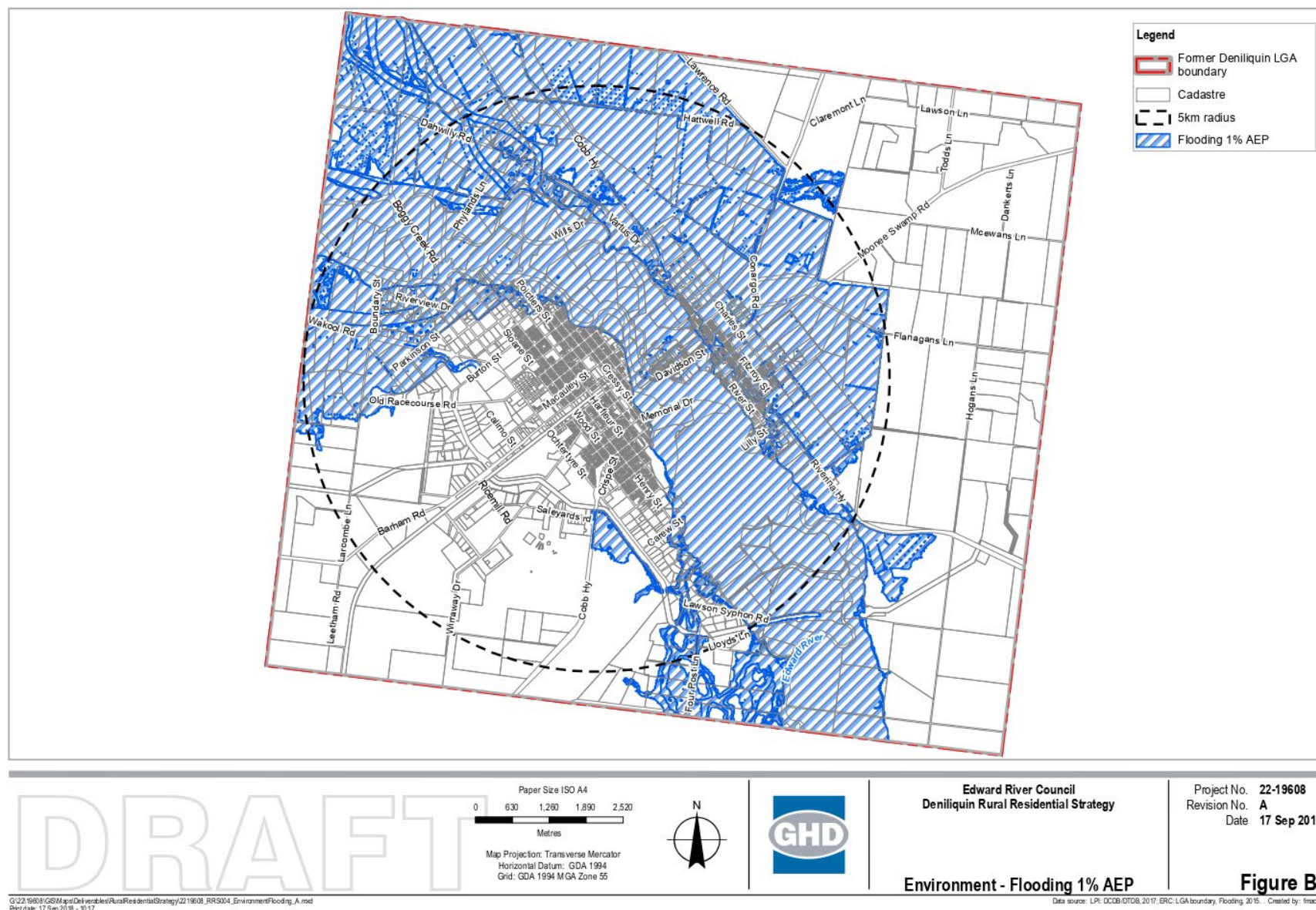
Section 9.1(2) Direction		Relevant to Strategy	Consistent with the Direction	Justification
5.1	Implementation of Regional Strategies	Revoked 17 October 2017		
5.2	Sydney Drinking Water Catchments	Not applicable.		
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.		
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.		
5.8	Second Sydney Airport: Badgery's Creek	Not applicable.		
5.9	North West Rail Link Corridor Strategy	Not applicable.		

Section 9.1(2) Direction		Relevant to Strategy	Consistent with the Direction	Justification
5.10	Implementation of Regional Plans	Yes	Yes	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, direction and actions contained in Regional Plans. The Riverina Murray Regional Plan 2036 applies to the Edward River LGA and specifically Deniliquin. The strategy is consistent with the vision to improve liveability and increase housing choice. The strategy is consistent with Direction 27 – Manage rural residential development, particularly, Action 27.2 – to locate rural residential areas:</p> <p>27.1 Enable new rural residential development only where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.</p> <p>27.2 Locate new rural residential areas:</p> <ul style="list-style-type: none"> • in close proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewerage and waste services and social and community infrastructure; • to avoid or minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and • to avoid areas of high environmental, cultural and heritage significance, important agricultural land or areas affected by natural hazards. <p>27.3 Manage land use conflict that can result from cumulative impacts of successive development decisions.</p> <p>The strategy will form part of and inform Council's future local housing strategy. The Strategy proposes an evidence based, planned and methodological approach to future rural residential development in Deniliquin and has considered and balanced all relevant actions within Direction 27 to identify suitable rural residential sites that will appropriately meet market demands for this type of housing within Deniliquin.</p>
6. Local Planning Making				
6.1	Approval and Referral Requirements	Not applicable.		
6.2	Reserving Land for Public Purposes	Not applicable.		
6.3	Site Specific Provisions	Yes	Yes	The Strategy is considered consistent with this clause as it does not 'amend' a draft Planning instrument but rather identifies land for LEP amendments for specific sites to be prepared in the future.
7. Local Plan making		None applicable		

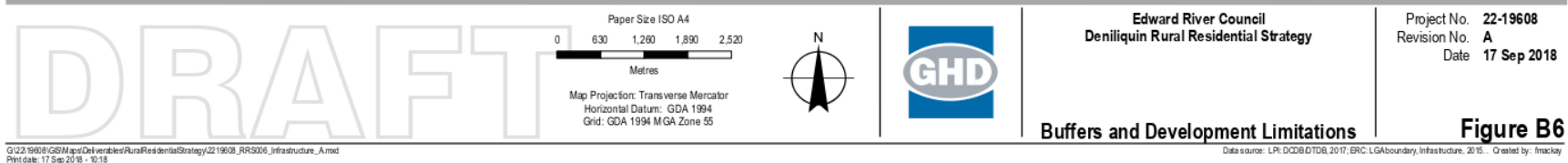
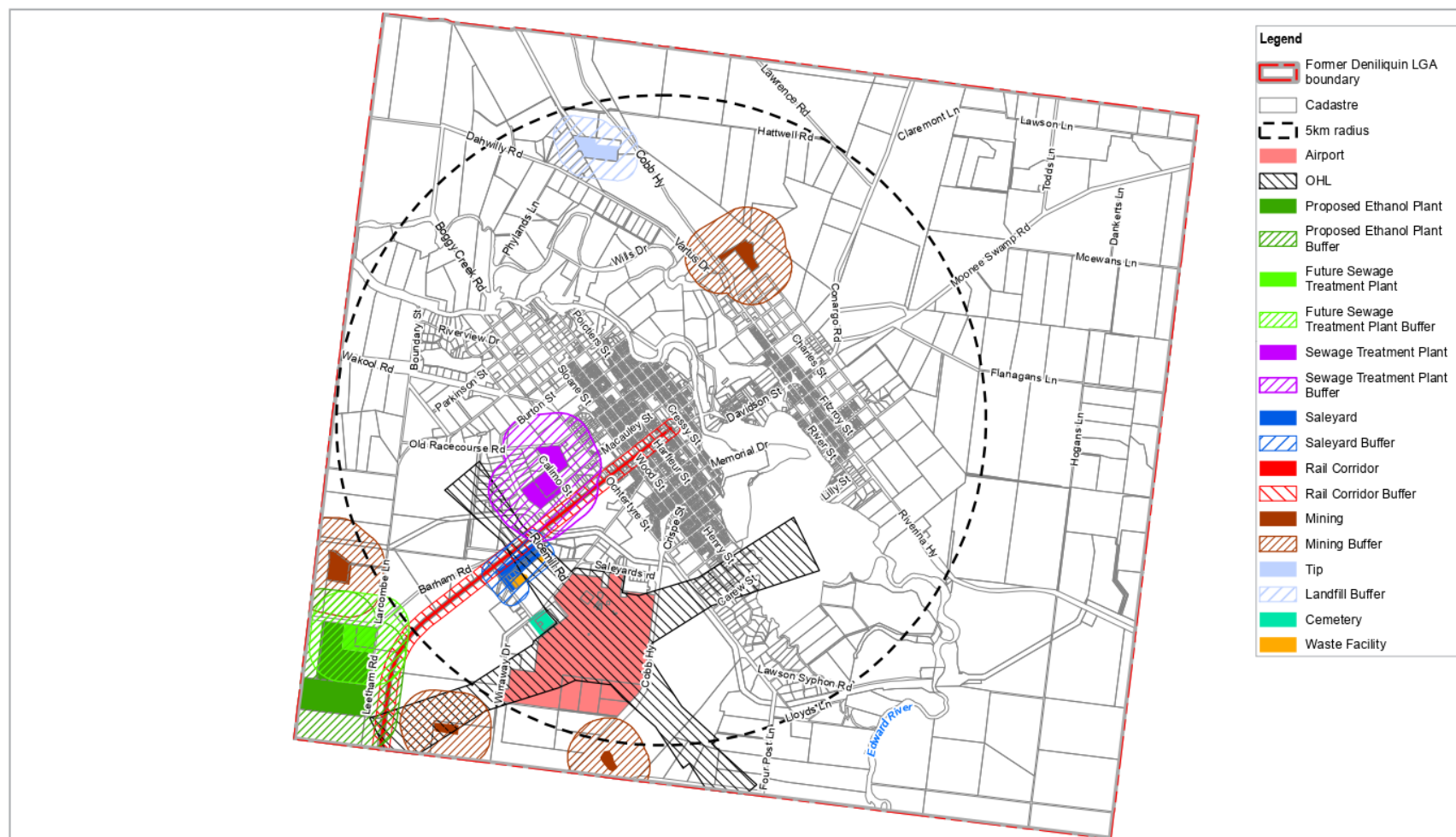


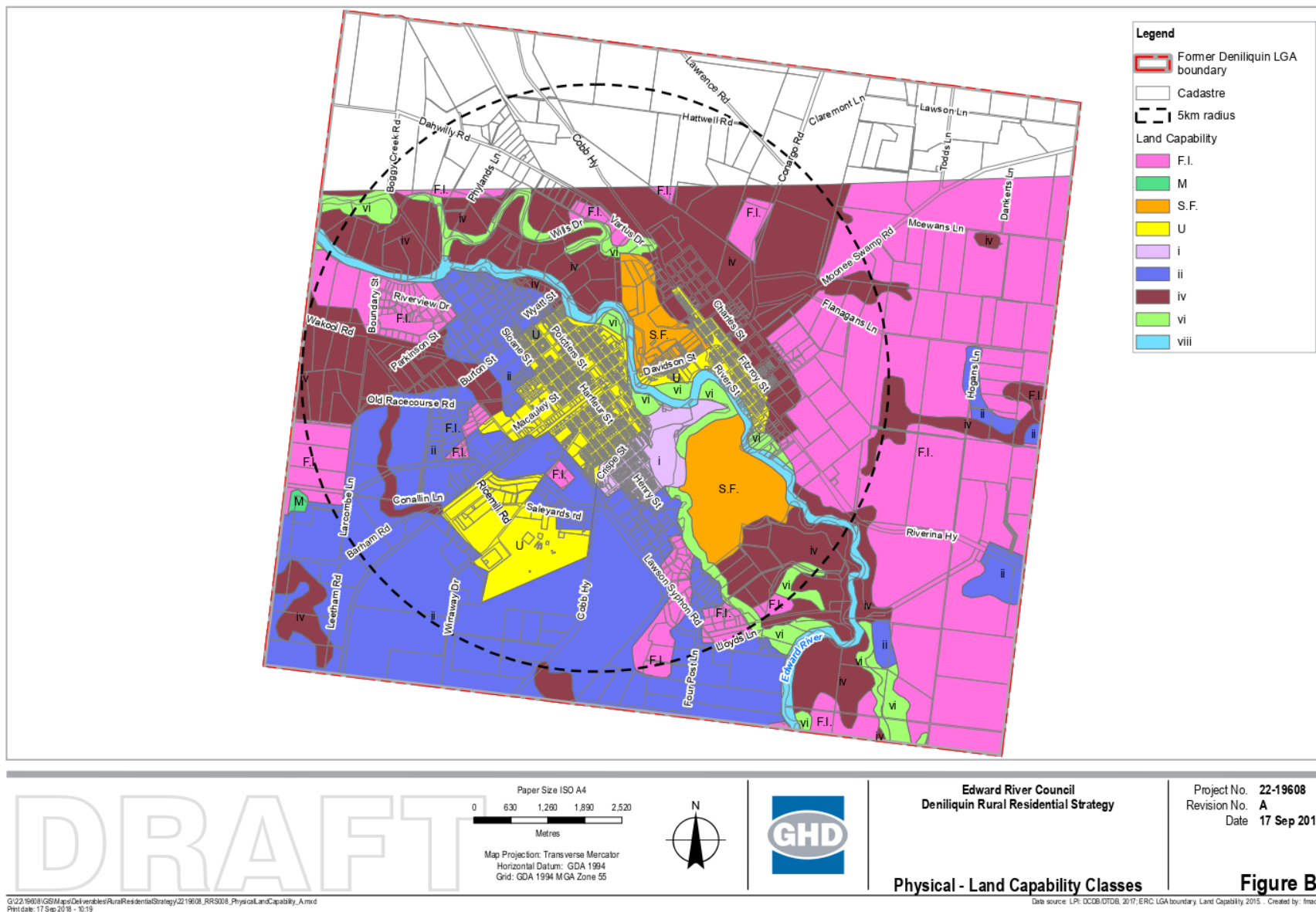


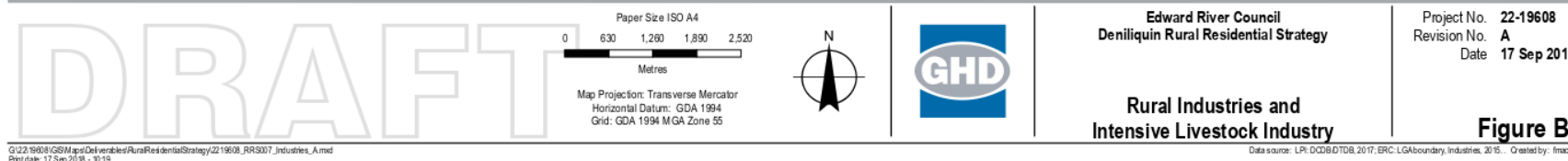
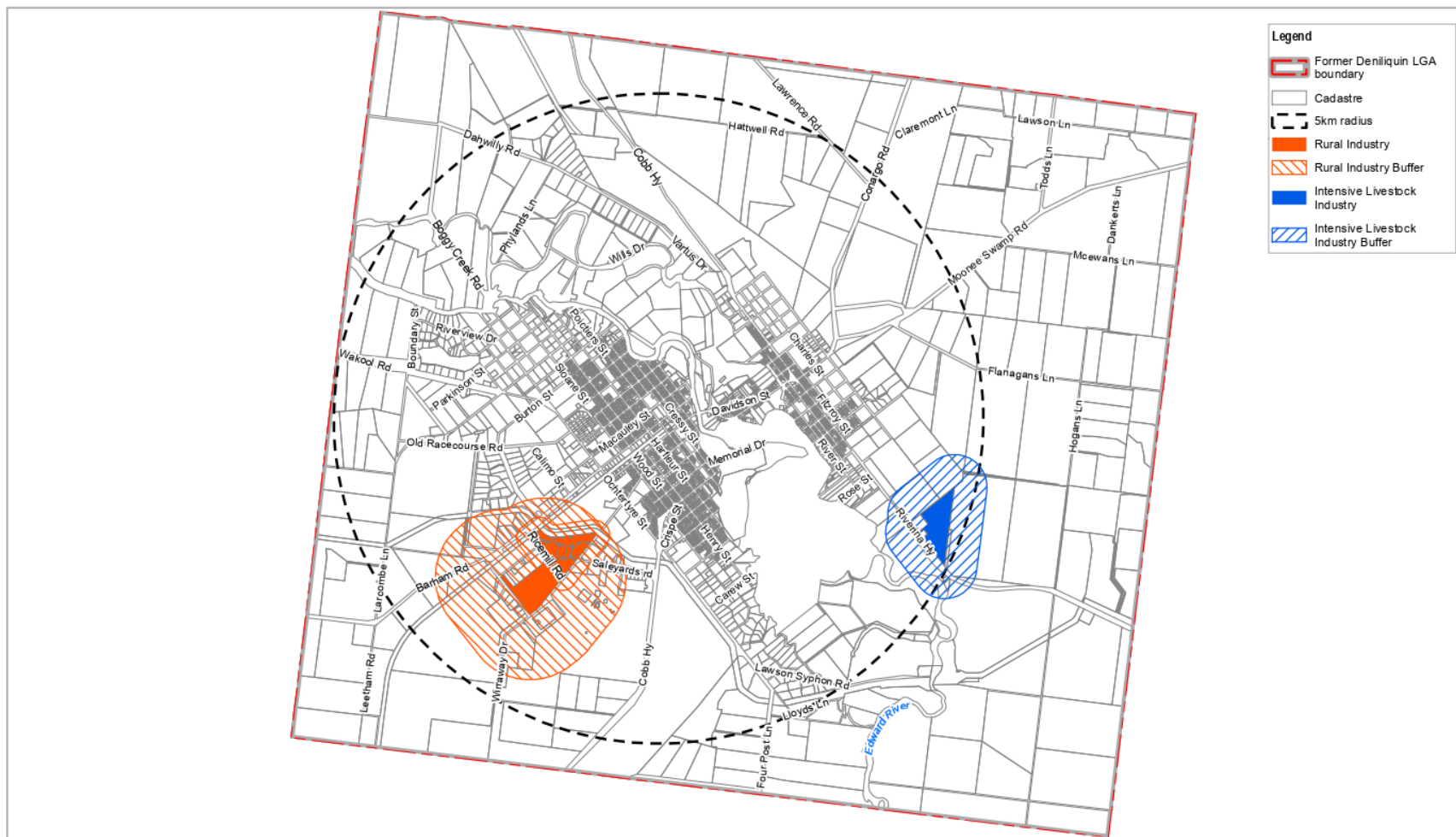


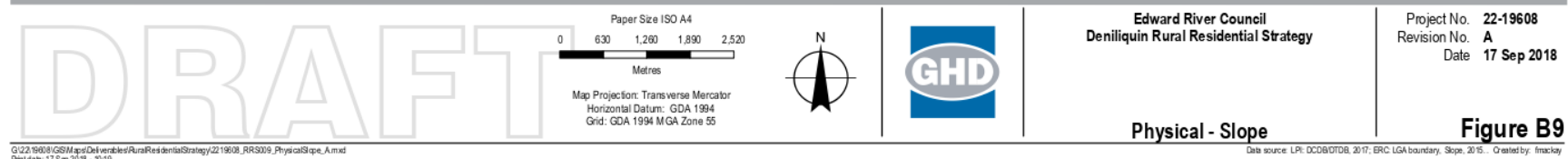














DRAFT

Paper Size ISO A4

0 630 1,260 1,890 2,520

Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

Edward River Council
Deniliquin Rural Residential Strategy

Project No. 22-19608
Revision No. A
Date 17 Sep 2018

Rural Residential Holdings

G:\22\19608\GIS\Maps\Deliverables\RuralResidentialStrategy\22-19608_RR2010_RuralResidential_A.mxd
Print date: 17 Sep 2018 - 10:19

Figure B10

Data source: LPA: DCOB/OTD8, 2017; ERC LGA boundary, Rural Residential Holdings, 2015. Created by: fmsday

Appendix B – Constraint Layers

GHD

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https://projects.ghd.com/oc/newcastle1/deniliquinruralresid/Delivery/Documents/2219608_REP_Deniliquin%20Rural%20Residential%20Strategy%20Review.docx

Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
0	A West	S Lawer		S Lawer		Apr 19

www.ghd.com



11.8 ENVIRONMENTAL SERVICES REPORT (MARCH 2019)

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council note the Environmental Services report for March 2019

BACKGROUND

Attachment 1 is the Environmental Services report for March 2019.

ISSUE/DISCUSSION

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

COMMUNITY STRATEGIC PLAN

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

LEGISLATIVE IMPLICATIONS

Not applicable.

ATTACHMENTS

1.	Environmental	Services	Report	(March	2019)
----	---------------	----------	--------	--------	-------



Current Applications at 31 March 2019					
Application	Property Description	Applicant	Proposal	Date Rec'd	Status
Development Applications/Construction Certificates					
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 & construction shed for the proposed ethanol plant)	10/11/14	Awaiting advice from the applicant
DA 2/17	Lots 11 & 12 DP1018080, 475-477 George Street, Deniliquin 11/01/17	Murray Constructions	Replacement of existing concrete retaining walls including an extension of jetty	11/01/17	Awaiting advice from applicant
DA 28/18	Lot 174 & 210, DP756305, 218 Campbells Road, "Wyoming" Mayrung	CAF Consulting Services Pty Ltd	3,500 head dairy cattle feedlot	07/06/2018	Awaiting advice from applicant re addressing requirements of EPA and OEH
DA 16/15/ A	Lot 5, DP720227 & Lots 8, 22, 30, 31, 33, 34, 35, 36, 61, 72, DP756268, Conargo Road, Deniliquin	FS Falkiner & Sons Pty Ltd	Modification to the existing feedlot approval of 5,000 head of cattle & 15,000 head of sheep (7055 scu) to 5,000 head of cattle & 15,000 head of sheep of up to 8,000 head of cattle with no sheep or varying numbers of cattle & sheep to a maximum of 7,458 scu.	13/07/2018	Awaiting advice from applicant re odour assessment



DA 41/18	Lot 26, DP877116, 81 Boundary Street, Deniliquin	Caitrin Watson	Installation of rural workers dwelling – which allows for 4 bedrooms / ensuites	1/08/2018	Awaiting advice from applicant
DA 64/18	Lot 153, DP756325, 154 Pakenham Street, Deniliquin	Andrew & Kim Barry	7 lot subdivision	16/10/2018	Awaiting advice from applicant
DA 65/18	Lot 403, DP756325, 142-144 Napier Street, Deniliquin	Steve Jaques on behalf of Kurrajong Waratah	30 lot subdivision	16/10/2018	Under assessment
DA 66/18	Lot 62, DP756325, 416-418 Ochertyre Street, Deniliquin	Paul Swinton (Maxi Tankers)	Installation of a service station	22/10/2018	Awaiting advice from applicant
DA 70/18 CC 40/18	Lot 122, DP1111183, 161 Hay Road, Deniliquin	Ian Barnett	Internal alterations and change of use	30/10/2018	Awaiting advice from applicant
DA 71/18 CC 41/18	Lot 2, DP1135369, 265-271 Barham Road, Deniliquin	Jason O'Connor	Shed	1/11/2018	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
DA 80/18 CC 49/18	Lot 7, DP788285, 158 Old Racecourse Road, Deniliquin	Grant Frazer	Shed	19/12/2018	Awaiting advice from applicant
CC 44/18	Lot 1, Section 208, DP758913, 46-58 Edwardes Street, Deniliquin	Tim Nolan	Multi Arts Centre Kitchen Extension	23/11/2018	Awaiting advice from applicant



DA 1844 C	Lot 519, DP820164, Cemetery Road, (Crown Reserve 150007), Deniliquin	Deniliquin Sports Park Incorporated	Modification of DA 1844. Extension to basketball stadium – stage 2	23/01/2019	Awaiting advice from applicant
DA 5/19	Lot 15 DP38670, 521 St Michael Street, Deniliquin	Justin Zanatta	Replacement retaining wall, jetty, gravel path & single mooring	6/02/2019	Awaiting advice from applicant
CC 4/19	Lot 72 DP756319, Riverina Highway, Blighty	Precise Build	Demolition of netball changerooms and erection of new netball / tennis clubroom and 2 light towers	26/02/2019	Under assessment
DA 8/19	Lot 7006 DP1023780, Conargo Road, Conargo	Anthony Charlton	Installation of a camp draft arena, cattleyards & shipping container / office	1/03/2019	Under assessment
DA 9/19	Lot 53 DP756325, 345-357 Ricemill Road, Deniliquin	Sunrice	Installation of a self contained bunded shed to house a self bunded transportable diesel cube	4/03/2019	Under assessment
DA 10/19	Lot 7026 DP1023926, 421-439 Poitiers Street, Deniliquin	Edward River Council	Installation of a mural on the water tower	8/03/2019	Under assessment
DA 1210	Lot 9 DP876938, 217 Lawson Syphon Road, Deniliquin	David & Sharon Kingston	Modification of DA 1210B – 4 lot Community title subdivision, 1 lot being a neighbourhood lot)	14/03/2019	Under assessment
DA 11/19	Lot 2 DP1085680, 71 Fowler Street, Deniliquin	Frank Rolfe	Part change of use to a home industry	15/03/2019	Under assessment
DA 12/19	Lot 334 & 59 DP756325, 418 Sloane Street, Deniliquin	Neil Fitzgerald	Part change of use to include sales & hire at existing business	21/03/2019	Under assessment



DA 13/19 CC 7/19	Lot 5 DP285656, 5/461 Charlotte Street, Deniliquin	Ian Lea	Alterations and additions	20/03/2019	Under assessment
DA 14/19	Lot 473 DP46236, 2-14 Napier Street, Deniliquin	Edward River Council	Alterations and additions including kitchen upgrade, installation of a cool room, staff amenities, extension to rear deck, paving rework, pergola and front desk.	27/03/2019	Under assessment
DA 15/19 CC 8/19	Lot 80 DP756251, 18468 Riverina Highway, Blighty	Ian Singleton	Machinery shed	28/03/2019	Under assessment
Complying Development Certificates					
CDC 2/19	Lot 1 DP542240, 544 Lindifferon Lane, Deniliquin	Justin Hatfield	Swimming pool	25/03/2019	Under assessment
S68 Applications					
S68 2/19	Lot 1 DP1132408, 1 Butler Street, Deniliquin	Adam Rose	Extension to existing cabin	15/02/2019	Under assessment
S68 4/19	Lot 10 DP285618, 140 Billabong Creek Drive, Conargo	Alistair McNamara	Sewer management facility	18/03/2019	Under assessment



Applications Determined March 2019				
Application	Property Description	Applicant	Development	Amount
DA 67/18	Lot 8, DP228729 & Lot 12, DP235080, 13-15 Butler Street, Deniliquin	Frank & Dianne Rinaldi	Demolish existing motel	134,580.00
DA 2/19	Lot 11, Section 76, DP758913, 90-106 Wellington Street, Deniliquin	NSW Department of Education	Installation of an electronic LED freestanding sign to replace the existing school sign	25,000.00
DA 6/19 CC 3/19	Lot 4 DP39103, 516 St Michael Street, Deniliquin	Darryl McKinnon	Alterations and additions	120,000.00
DA 7/19 CC 6/19	Lot 1 DP86923, 81 Wellington Street, Deniliquin	Mark Wilson	Carport	8,000.00
CC 5/19	Lot 11 DP758913, 11 Wargam Road, Boorooban	Edward River Council	Construction of a 2 bay Category 2 fire shed & installation of a water tank and upgrade access track	120,000.00
S68 1/19	Lot 51 DP756511, 7599 Pretty Pine Road, Moulamein	Down to Earth (Vic) Co-operative Society	Operating a camping ground	0.00
S68 3/19	Lot B DP412193, 478 George Street, Deniliquin	Newman Plumbers	Sewer works	0.00

Processing Times for March 2019		
Application Type	Mean Gross Days	Mean Net Days
DA	55	34
Mod (S96) of DA & DA/CC	-	-
CDC	-	-



CC	17	17
S68 Applications	20	20



Value and Number of Applications Determined 2018 and 2019								
Month	DAs 2018	DAs 2019	CDCs 2018	CDCs 2019	S68 2018	S68 2019	Value 2018	Value 2019
January	3	5	0	1	0	0	\$96,900	\$608,750
February	8	3	2	1	3	0	\$753,100	\$397,819
March	3	4	5	0	1	2	\$1,560,188	\$287 580
April	6		4		1		\$522,400	
May	6		2		2		\$119,300	
June	8		3		1		\$1,062,899	
July	6		3		3		\$624 300	
August	6		3		1		\$872 810	
September	5		4		4		\$709,435	
October	5		1		1		\$1,081,700	
November	6		5		1		\$484 138	
December	10		5		3		\$1,745,950	
TOTALS	72	12	37	2	21	2	\$9,633,120	\$1,294,149.00
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	33
Sewerage drainage diagrams	20

Swimming Pool Inspection Program

Month	1 st Inspection	2 nd Inspection	3 rd Inspection
March 2019	3	6	0



Ranger's Report – March 2019			
Companion Animals			
	Cats	Dogs	Other
Animals seized/surrendered	20	5	0
Animals released to owner	0	1	
Animals euthanised	0	0	
Animals rehomed	14	2	
Dogs declared dangerous / menacing	0	0	
Animals still impounded	6	2	
Animals microchipped by Council	0	1	
Animals microchipped by Council (quarterly free chipping week)	4	10	
Animal registered	7	18	
Animal registration notices sent	25	49	
Animal fines	0	0	
Clean Up Notices			
Property clean up notices	0		
Illegal dumping	0		
Parking			
Parking fines	5		
Parking patrols completed	4		
Impoundment (Impounding Act 1993)			
Vehicles	0		
Livestock	0		
Euthanised Wildlife	1 kangaroo		

**Dog Attacks**

Date	Details	Victims	Outcome
25.3.19	Ranger called to Henry Street address after 3 separate incidents had occurred.	1 adult, 3 dogs	Dog attack/s not reported at time of incident. Currently being investigated.

Dog Attacks 2018 and 2019

Month	No. of Incidents		No. of Attacking Dogs		No. of Victims	
	2018	2019	2018	2019	2018	2019
January	2	4	4	4	3	11
February	1	1	1	2	1	1
March	-	1	-	1	-	4
April	2		2		2	
May	2		2		2	
June	5		8		16	
July	4		6		7	
August	1		1		1	
September	1		2		1	
October	4		7		4	
November	4		6		11	



December	2		3		3	
TOTAL	28	6	42	7	51	16

11.9 DEVELOPMENT APPLICATION 18/19

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, 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:

1. Subject to section 4.16(3) of the Environmental Planning and Assessment grant deferred commencement consent to Development Application 18/19 for a four lot subdivision and public road, on Lot 1 DP1235420 (227 Cemetery Road); part Lot 3 DP1235420 being Crown reserve 150007 (193-225 Cemetery Road), and the Cobb Highway road reserve, Deniliquin dated 16 April 2019 as shown on plan numbered DA18/19 Subdivision Layout and Proposed Works and 2957/R01 to R07 Issue B Intersection with Cobb Highway (and plans required to be submitted as part of the satisfaction of the deferred commencement condition) and described in details accompanying the Development Application and subject to the following reasons:
 - (a) The application generally complied with the applicable planning controls and has demonstrated to have satisfactory impact on the environment;
 - (b) The proposal is consistent with the zone and desired future character of the area;
 - (c) The proposal will provide infrastructure for the future industrial development of the land.And impose conditions on DA18/19 as detailed in attachment 2

BACKGROUND

Development application 18/19 (DA 18/19) was received by Council on 16 April 2019 for the following properties:

- Lot 1 DP1235420, 227 Cemetery Road;
- Lot 3 DP1235420 being Crown reserve 150007, 193-225 Cemetery Road; and
- Cobb Highway road reserve.

Figure 1 shows the location of the subject site.

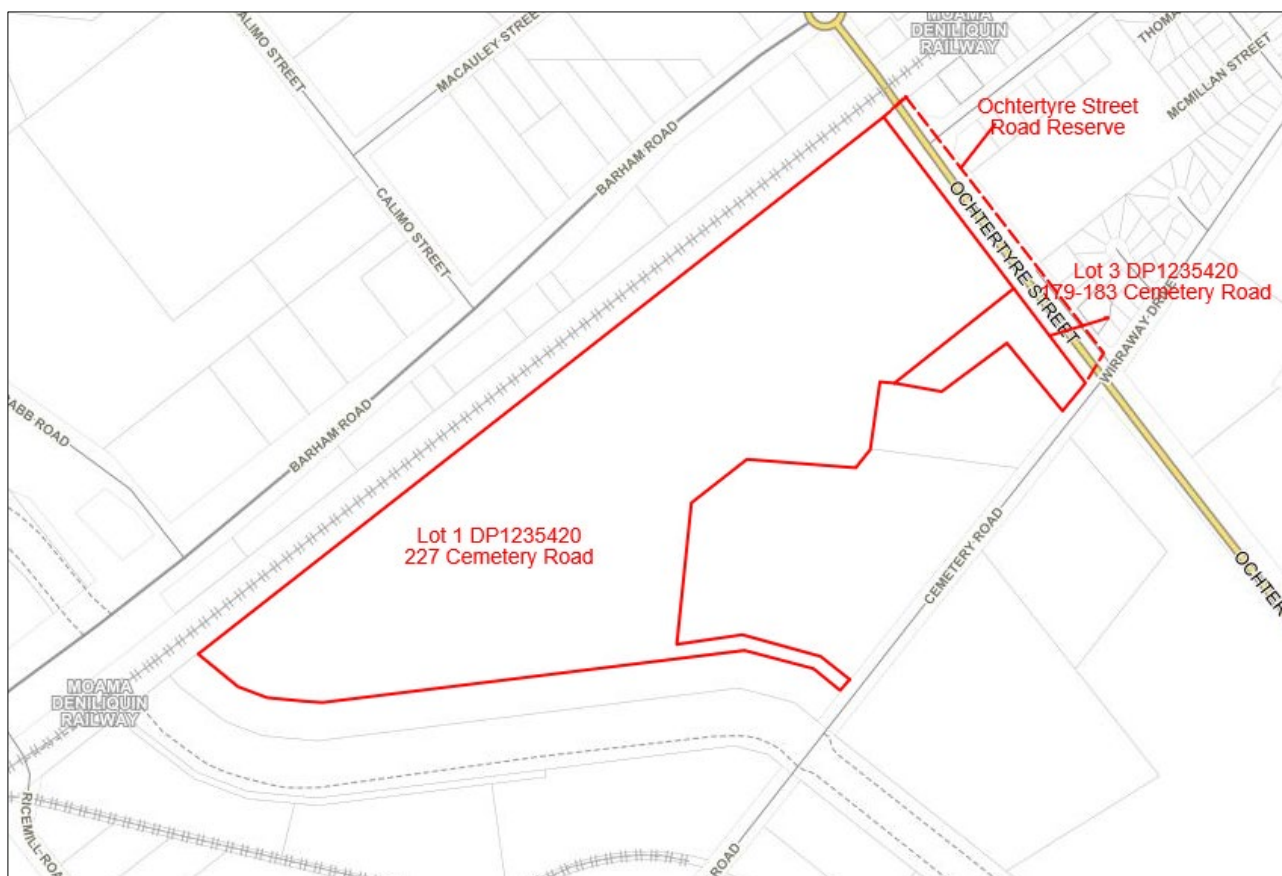


Figure 1 Location of subject site

The DA is for the following development:

- a Subdivision of Lot 1 DP1235420 into four lots consisting of the following:

1.

2. Proposed lot	3. Area	4. Proposed use
5. 1	6. 24.333ha	7. Railway freight terminal
8. 2	9. 1.381ha	10. Detention basin to be dedicated to Council
11. 3	12. 0.396ha	13. Vegetation buffer and access denial strip to be dedicated to Council
14. 4	15. 5.280ha	16. Industrial subdivision
17. Road reserve	18. 0.934ha	19. Road reserve to be dedicated to Council

20.

- b Construction of road intersection between the proposed public road and the Cobb Highway;
 c Construction of a road within the proposed road reserve;
 d Construction of a detention basin and borrow pit;
 e Associated servicing (water, sewer, drainage and access) of the subdivision.

It should be noted that the future uses for proposed lots 1 and 4 are not being considered as part of this DA. The applicant currently has another DA (DA77/18) which includes the proposed railway freight terminal development and the industrial subdivision and the design and construction of the road intersection with the Cobb Highway accounts for the proposed development of proposed lot 1 as a railway freight terminal. The construction of the public road including new access from Cobb Highway will be a protected right turn and left slip turning lane and road widening with a peak estimated 25 A-trailer combination (2 containers) movements per day (dictated by the count of train carriages which can be loaded daily in the future development of the railway freight terminal). Plans of the proposed development are in attachment 1.

ORDINARY COUNCIL MEETING AGENDA

It should be noted that the plans submitted show parts of the proposed development occurring on Lot 5 DP1220715 which is the adjoining 'railway land' owned by VicTrack. These aspects of the development do not form part of this DA and as such cannot be approved in the current format. It is recommended to Council that they approve the DA as a 'deferred commencement' allowing the applicant to submit amended plans for stormwater and engineering relating only to the land to which this application relates.

Site Description

The subject site consists of two lots and the Cobb Highway road reserve with an area of 34ha (excluding the Cobb Highway road reserve) that forms part of this DA. It is surrounded by recreational uses (the sports stadium and sporting fields), the Cobb Highway, industrial development and the railway line (on the Barham Road side of the development), vegetation buffer, Mulwala Canal and the rice mill to the south east. Beyond the subject site there is a mix of residential and industrial uses and the Deniliquin High School agricultural plot.

The subject site has frontage to the Cobb Highway, the railway line and Cemetery Road with water, sewer and drainage being available within the vicinity of the site. It should be noted that a rising main traverses the site and there are existing stormwater lines on site. The site is mainly covered in grasses with some trees and shrubs located across the site.

Figure 2 shows the subject site and surrounding land uses



Figure 2 Subject site and surrounding land uses

INTERNAL REFERRALS

Infrastructure – An assessment of the development has been completed with particular focus on the provision of infrastructure. Conditions of development consent have been proposed.

Health and Building – No issues identified.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

Consideration of this DA is consistent with target 4.1 of the community strategic plan being '*our built environment is managed, maintained and improved*'.

FINANCIAL IMPLICATIONS

Nil.

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 (LEP 2013)

Under the LEP 2013, the subject site is zoned as follows:

Subject Site	Zone
Lot 1 DP1235420, 227 Cemetery Road	IN1 General Industrial
Part Lot 3 DP1235420 being Crown reserve 150007, 193-225 Cemetery Road	IN1 General Industrial
Cobb Highway road reserve	SP2 Infrastructure (Classified Road)

The proposed development is a subdivision with infrastructure works. Clause 2.6 of LEP 2013 states that subdivision is permissible with consent.

The proposed development is considered to be consistent with zone objectives for both the IN1 General Industrial and SP2 Infrastructure zones as it will create lots and infrastructure for a range of industrial uses and into the future will provide employment opportunities.

The following clauses of the LEP 2013 apply to this development.

CI	Provision	Comment
4.1	<p>Minimum subdivision lot size</p> <ul style="list-style-type: none"> Objectives of the clause Proposed lot size must comply with the minimum lot size shown on the Lot Size Map 	<p>The proposed subdivision meets the objectives of the clause as it will provide lot sizes which are practical and efficient to meet their intended (industrial) use.</p> <p>There is no minimum lot size specified under LEP 2013 for subdivision within the IN1 zone. However, the lot size and layout has been assessed and is considered to be suitable for future industrial uses.</p>
6.1	<p>Earthworks</p> <p>Before granting development consent for development involving ancillary earthworks, the consent authority must consider:</p> <ul style="list-style-type: none"> Likely disruption of, or any detrimental effect on, drainage patterns, soil stability in the locality of the development; Effect of the development on the likely future use or redevelopment of the land; Quality of the fill or the soil to be excavated, or both; Effect of the development on the existing and likely 	<p>Earthworks will be required to prepare the site for the proposed development including shaping for stormwater management and road construction.</p> <p>Impacts from the earthworks on amenity for adjoining properties and environmental conditions can be managed via conditions of any consent including dust control, hours of operation, erosion control and source of any fill to be</p>

ORDINARY COUNCIL MEETING AGENDA

	<p>amenity of adjoining properties;</p> <ul style="list-style-type: none"> ▪ Source of any fill material and the destination of any excavated material; ▪ Likelihood of disturbing relics; ▪ Proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area; and ▪ Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>imported onto the property.</p> <p>The likelihood of disturbing relics as a result of the proposed development can be managed via conditions of any consent.</p>
6.6	<p>Airspace Operations</p> <ul style="list-style-type: none"> ▪ If the proposed development will penetrate the Limitation or Operations Surface, Council must not grant development consent unless it has consulted with the relevant Commonwealth body about the application. ▪ Council can grant development consent for the proposed development if the Commonwealth body advises that the development will penetrate the Limitation or Operations Surface but it has no objection to its construction or the development will not penetrate the Limitation or Operations Surface. ▪ Council cannot grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out. 	<p>The DA does not propose any development which will penetrate the Limitation of Operations Surface.</p>
6.7	<p>Essential Services</p> <p>Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required – supply of water, supply of electricity, disposal and management of sewage, stormwater drainage or on site conservation, suitable vehicle access.</p>	<p>Refer to comments below.</p>

Murray Regional Environmental Plan

Council must consider the following planning principles when assessing a DA.

Planning Principle	Response
Access	The proposed development does not impact on access to the river.
Bank disturbance	The proposed development will not disturb the shape of the bank and riparian vegetation.
Flooding	The subject site is not within the flood planning area.
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.

ORDINARY COUNCIL MEETING AGENDA

Settlement	The proposed development does not involve new or expanding settlements such as rural residential subdivision, tourism and recreational development.
Water quality	The proposed development will not impact on riverine land.
Wetlands	Not applicable.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

Roads

Under clause 101 of the Infrastructure SEPP Council must not grant development consent to a proposed development that has a frontage to a classified road unless it has considered the following.

CI	Provision	Comment
101(2)(a)	Where practicable and safe, vehicular access to the land is provided by a road other than the classified road	Access to the proposed subdivision will be via a newly constructed road and intersection off Cobb Highway. This has been supported by RMS (refer to comments below) who have also proposed that any lots with frontage to Cobb Highway should be prevented from obtaining access directly from Cobb Highway and instead use the proposed road.
101(2)(b)	<p>The safety, efficiency and ongoing operation of the classified road will not adversely affected by the development as a result of:</p> <ul style="list-style-type: none">▪ The design of the vehicular access to the land;▪ The emission of smoke or dust from the development; or▪ The nature, volume or frequency of vehicles using the classified road to gain access to the land.	<p>The proposed road off the Cobb Highway will be constructed in accordance with the requirements of RMS (detailed below).</p> <p>The proposed development is likely to generate the emission of smoke and/or dust during the construction of the infrastructure for the subdivision. Conditions of consent can address these issues.</p>
101(2)(c)	The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	The proposed subdivision is not sensitive to traffic noise or vehicle emissions.

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

No draft environmental planning instruments apply to this development.

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

The following provisions of the Deniliquin Development Control Plan 2016 apply to the development.

CI	Provision	Comments
Chapter 1 Introduction		

1.11	Notification of DAs	This DA has not been exhibited in accordance with the provisions of the DCP. However, this proposed subdivision originally formed part of DA77/18 and was placed on exhibition for a period of 14 days. No submissions were received.
Chapter 4 Industrial Zones		
4.1	<p>Infrastructure and Services</p> <p>Development must be connected to town water supply, electricity, telephone, sewage services and stormwater system (or alternative system approved by Council).</p>	Refer to comments below.
4.2	<p>Access and Parking</p> <ul style="list-style-type: none"> ▪ Number of car parking spaces provided shall be in accordance with Chapter 12 Car Parking. ▪ Off street parking is to include a minimum of one space for persons with a disability. One spot is to be provided per 33 spaces or part thereof. ▪ Car parking must be sited in a safe and convenient location for customers and staff. ▪ Stacked car parking will only be permitted for staff parking. ▪ Car parking areas, access driveways and vehicle movement areas are to be constructed of impervious materials. This may include compacted gravel or road base material. ▪ Car parking may be included within the front setback provided the visual appearance from a public road is adequately softened by landscaping. ▪ Legal vehicular access from a public road is required for all development. ▪ The location of new access points must achieve adequate sight lines. ▪ For development site with frontage to an arterial road, access shall be provided from an alternative non classified road where possible. ▪ All vehicles must be able to enter and leave the site in a forward direction. ▪ Information to be provided by the applicant about frequency and types of vehicles that are likely to access the site during the operation of the proposed development. ▪ Adequate area must be provided on site to allow for access and manoeuvrability of all vehicles likely to access the site for the operation of the proposed development. Provision must be made on site for the manoeuvrability of at least a semi trailer truck. ▪ A dedicated area for loading and unloading must be 	<p>Proposed lots 1 and 4 will be accessed for a new public road intersecting with the Cobb Highway. The intersection is subject to the requirements of the Roads and Maritime Service. Beyond the public road it is proposed to construct a private access into proposed lot 1.</p> <p>The construction of the proposed public road will require a construction certificate from Council which will assess construction methods, sight lines etc and will ensure that it the design is consistent with requirements of the Roads and Maritime Services. The design of the intersection with Cobb Highway and the proposed public road accounts for the future use of proposed lots 1 and 4 (as detailed in DA77/18). The vegetation buffer (being proposed lot 3) will provide an area of landscaping but will also be dedicated to Council as an access denial strip. This will prevent proposed lot 4 from having direct access to Cobb Highway and ensure that access to the Cobb Highway will only be via the proposed public road.</p> <p>Issues such as manoeuvrability, on site loading and unloading, parking, types of finishing materials etc will be assessed as part of any future development of proposed lots 1 and 4.</p>

	<p>provided on site. Size of this area must be suitable for the type and size of vehicles that will be utilising the area.</p> <ul style="list-style-type: none"> ▪ A traffic impact study may be required for larger developments. 	
4.3	<p>Building Setbacks</p> <ul style="list-style-type: none"> ▪ Minimum setback from the front boundary is 10m or an average of the setback of the adjoining allotments (whichever is the lesser). ▪ Secondary setbacks for corner allotments will be considered on the merits of the site. ▪ Building setbacks from side and rear boundaries must comply with the relevant provisions of the Building Code of Australia. 	<p>No buildings are proposed as part of this DA and will be assessed when any future DAs are lodged for buildings on the site.</p>
4.4	<p>Landscaping</p> <ul style="list-style-type: none"> ▪ Developments along classified/main roads must provide landscaping along the boundary fronting the road. ▪ Landscaping areas are to be shown on plans submitted with a DA. ▪ Due consideration to be given to plant species utilised in landscaping. Preference for drought tolerant plant species are to be utilised. 	<p>The Roads and Maritime Service are requiring a 10m wide vegetation buffer between proposed lot 4 and the Cobb Highway. Any conditions of consent will require the planting and maintenance of this vegetation buffer and it will be transferred to the ownership of Council as part of the subdivision.</p>
4.5	<p>Building Appearance and Design</p> <ul style="list-style-type: none"> ▪ Main building façade and entry must address the primary street frontage. ▪ Building exteriors must use high quality non reflective materials and finishes. ▪ Proposed new buildings must not present large areas of blank walls to a public roadway. ▪ Design of proposed new buildings, additions or alterations must give due consideration to Crime Prevention Through Environmental Design principles. 	<p>No buildings are proposed as part of this DA and will be assessed when any future DAs are lodged for buildings on the site.</p>
4.6	<p>Outdoor areas</p> <ul style="list-style-type: none"> ▪ Unsightly materials stored on vacant or developed sites within view of a public road must be screened by either landscaping, appropriate fencing or a decorative feature wall. ▪ Outdoor storage and work areas must be suitably surfaced to reduce dust being produced by vehicle movements. 	<p>Not applicable as the DA is proposing a subdivision only.</p>
4.7	<p>Waste and Trade Waste</p> <ul style="list-style-type: none"> ▪ Waste storage are must be provided on site for all development and located where it is convenient for users and waste collection contractors. ▪ Size of waste storage area must be appropriate for 	<p>Not applicable as the DA is proposing a subdivision only.</p>

	<p>the nature and scale of development.</p> <ul style="list-style-type: none"> Waste storage area must be appropriately screened from view of the street by the use of fencing or landscaping. A trade waste agreement must be with Council where liquid waste will be disposed to Council's sewerage system. 	
4.8	<p>Impacts on Surrounding Land</p> <ul style="list-style-type: none"> Proposed development must not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour. Where a proposed development is likely to increase the amount of stormwater runoff from the site, the development must be carried out in accordance with Council's Development Manual. 	<p>Any likely impacts on surrounding land during the construction of infrastructure will be managed via conditions of consent relating to such things as dust mitigation, hours for construction work, soil erosion controls etc.</p> <p>Refer to comments below regarding stormwater management.</p>
4.9	<p>Use of Footpaths and Public Open Space</p> <ul style="list-style-type: none"> Use of public footpaths for seating/display or items will be considered on its merits and in accordance with Council's policy. 	Not applicable.
4.10	<p>Subdivision</p> <ul style="list-style-type: none"> Where lots are proposed to be less than 2000m², the DA must demonstrate that the lot size will be adequate to provide for buildings and the operation of the proposed activity including parking, landscaping, loading and unloading and vehicle movements and the like. New streets and intersections must be designed to accommodate the manoeuvrability of heavy vehicles. The width of a proposed road reserve and the construction standard of a new road must be in accordance with Council requirements including: established and preferred future road hierarchy, vehicular, pedestrian and cyclist safety, expected traffic volume of the new roadway and the nature of the subdivision and surrounding neighbourhood. Drainage management plan must be provided for the subdivision of greenfield industrial land. To detail any methods incorporated into the subdivision design to reduce stormwater rate of flow, improve the quality of stormwater that will enter a waterbody and the re-use of stormwater. Written notification must be provided to Council from telephone and electricity network providers stating that the proposed development will not exceed the capacities of the networks. A DA for the subdivision of industrial land may only be considered where all allotments are capable of being adequately serviced with electricity, water, 	<p>Proposed lots 1 and 4 have an area greater than 2000m² and will have adequate area for parking, landscaping, loading/unloading vehicles and vehicle movements.</p> <p>The proposed intersection with Cobb Highway and public road will be required to be designed to cater for A double trucks.</p> <p>The road reserve will be required to be a minimum of 25m wide and will be required to be designed in accordance with Council's Development Manual and the IDM.</p> <p>The proposed development involves the creation of greenfield industrial land. The assessment of the stormwater issues has been addressed below.</p> <p>The proposed lots are capable of being serviced with electricity, water, sewerage disposal and telephone. Any conditions of consent will require the provision of this infrastructure.</p>

	<p>sewerage disposal and telephone.</p> <ul style="list-style-type: none"> ▪ New industrial lots must be connected to reticulated sewer and water. 	
Chapter 7 Infrastructure Zone		
7.2	Relationship to other environmental planning instruments	Proposed development within the infrastructure zone is generally managed via the SEPP Infrastructure. In this case, the DA has been required to be referred to the Roads and Maritime Service for their consideration. The construction of the intersection to Cobb Highway is considered to be consistent with the form and nature of the zone.
Chapter 14 Airport		
14.1	<p>Height Limit</p> <ul style="list-style-type: none"> ▪ Development within the vicinity of the airport must not exceed the maximum height limits specified on Council's Future Obstacle Limitation Surfaces Plan. ▪ Development not permitted within 60m of the non-directional beacon. ▪ Development within 150m of the non-directional beacon will be referred to the relevant Commonwealth body. 	The DA does not propose any development which will penetrate the Limitation of Operations Surface.
14.2	<p>Noise</p> <ul style="list-style-type: none"> ▪ Development that includes the construction of a building on land in the vicinity of the airport must, to the satisfaction of Council incorporate measures detailed in the Australian Standard 2021-2000 Acoustics-Aircraft noise intrusion – building, siting and construction. 	Not applicable for the proposed subdivision.
14.3	<p>Masterplan</p> <ul style="list-style-type: none"> ▪ Development on land to which the Deniliquin Regional Airport Masterplan applies is to be carried out in accordance with the adopted Masterplan. Where a variation is requested, the DA must demonstrate to the satisfaction of Council that the variation is justified. 	Not applicable. The subject site is not within the masterplan.

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

No planning agreement or draft planning agreement applies to this development.

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

No prescribed matters in the Environmental Planning and Assessment Regulation apply to this development.

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

Context and Setting

The proposed development is located on a relatively flat site and surrounded by land with similar geographic features. The proposed subdivision is considered suitable for the subject site given that the land is zoned for the proposed use, is located abutting transport infrastructure (road and rail) and there is adequate area for any future industrial uses.

The site is adjoining recreational uses (stadium and sporting fields) and the proposed subdivision should minimise impacts during the construction of infrastructure on these uses via conditions being placed on any development consent which addresses issues such as dust, soil erosion management, hours of construction etc.

Access, transport and traffic

The subject site is located abutting the Cobb Highway and access to the site via Cobb Highway has been addressed throughout the report. The design of the intersection and public roads accounts for the future industrial uses of the land.

Public Domain

The proposed subdivision will not impact of the public domain in terms of public recreational opportunities, requirements for public spaces or pedestrian linkages. Access between the development and public areas is addressed by the construction of the new public road intersecting with the Cobb Highway.

Utilities

- Water supply - Water mains are available within the vicinity of the subject site and will be required to be extended to proposed lots 1 and 4. Proposed conditions will address requirements for design and construction.
- Electricity - Electricity is available within the vicinity of the subject site and will be required to be extended to the proposed development. The developer will be required to make adequate arrangements with the electricity supplier.
- Telephone – Telephone is available within the vicinity of the subject site and will be required to be provided for this development. The developer will be required to make adequate arrangements for its provision.
- Disposal and management of sewage - Sewer mains are available within the vicinity of the subject site and will be required to be extended to the proposed development. Proposed conditions will address requirements for design and construction.
- Stormwater drainage – Suitable drainage treatment will be required to be implemented to retard any increased stormwater run-off directly from the development into Council's stormwater system. Allowances in the design will be required to be made for stormwater entering the subject site from the south west and north east.

21.

22. A proposed condition of consent is that the applicant will be required to prepare a stormwater development plan for the whole development in accordance with Council's Development Manual and Australian Rainfall and Runoff. Mitigation works will be required to ensure that the post development run-off from the site is not greater than the pre-development run-off from the site for a storm event up to and including the 1% annual exceedance probability (1%AEP). Part of the stormwater drainage management will include the construction of stormwater detention dams (to be designed for events up to and including the 1%AEP event with a freeboard allowance of 500mm) and installation of a pump (which will both be dedicated to Council) and the construction of open drains. Any culverts installed to allow vehicular across open drains will be required to appropriately sized to manage stormwater runoff.

23.

- Vehicular access – The DA proposes to construct an intersection with the Cobb Highway, required turning lanes on Cobb Highway and undertake road widening to provide access to the site for the proposed development. This is subject to separate advice provided by the

Roads and Maritime Service (refer to comments below) and Council's Infrastructure Directorate.

The DA is also proposing to construct a public road from the Cobb Highway servicing proposed lots 1 and 4. Proposed conditions will address requirements for design and construction. At the 'termination' point for the public road (where it adjoins proposed lot 1) it is proposed to construct a private access road. Council will not be specifying the design and construction requirements for this road.

Heritage

A search of the Aboriginal Heritage Information Management System was completed and no Aboriginal sites have been recorded in or near the above location nor any Aboriginal places have been declared in or near the above location. No heritage listings apply to the subject site.

Other Land Resources

The subject site has not been identified as being productive agricultural land, having valuable deposits of minerals or other extractive resources and the proposed development will not impact on the water supply catchment.

Water

The water needs of the development are within the capabilities of Council's reticulation system. A condition of consent will require the payment of headworks as a result of the creation of the one additional lot.

Refer to comments throughout this report relating to the provision of water and management of stormwater.

Soils

The proposed development will involve earthworks which will be associated with the construction of various infrastructure. The proposed borrow pit on Lot 3 DP1235420 will provide additional soil for the construction of this infrastructure. This will be in addition to the soil which will be excavated to construct the detention basin. Conditions of consent are proposed requiring management of soil erosion and sedimentation. If any fill is required to be imported onto the site from areas off site will require the approval of Council and certification that it is 'clean' fill.

Air and Microclimate

The proposed subdivision has the potential to produce dust particularly during the construction phase. Conditions of consent can be applied to assist in the management of dust.

Flora and Fauna

The development proposes to undertake road access and drainage works along the frontage of the site to the Cobb Highway both within the subject site and the Cobb Highway road reserve. Within this area there is existing indigenous and non-indigenous native trees within a 25m wide strip and a 20m width section of this vegetation will be required to be cleared to allow for the construction of the road intersection and road. Drainage works will also be undertaken within the vicinity of the existing vegetation on the site. Figure 3 shows the location of the vegetation and the proposed road access.



Figure 3 Location of vegetation and proposed road access

The road reserve and subject site have been substantially cleared of all woody vegetation except for some remnant Black Box trees found predominantly on the adjoining sport stadium site. It is proposed to place a condition on the consent requiring the erection of protective fencing between the sports stadium property and the subject site to protect the Black Box trees. The subject site has a history of grazing and has experienced significant soil disturbance which has resulted in a ground layer dominated by perennial and annual introduced opportunistic species. There were no rare or threatened species of flora or fauna observed or inferred across the road reserve or subject site.

An assessment of significance under the Biodiversity Conservation Act 2016 (5 part test) has been completed which has concluded that there will be no significant impacts on any threatened species or community as a consequent of the proposed works, that there will not be any significant impacts on any threatened species or community and the site is not in a declared area of outstanding biodiversity value.

Waste

The proposed subdivision is not expected to generate significant amounts of waste as a result of the construction of infrastructure. Any waste will be required to be taken to an appropriately licensed landfill.

Energy

Not applicable.

Noise and Vibration

The proposed subdivision will create noise and vibration during the construction phase. Conditions of consent are proposed minimise impacts from noise and vibration eg limiting construction hours.

Technological Hazards

No technological hazards have been identified. Risk of land contamination from future use of the proposed lots will be identified and if necessary, notations will be made on Council's potentially contaminating sites register.

A condition of consent proposes that watermain and associated fittings provided to the industrial subdivision will be required to provide adequate fire safety coverage for the development in accordance with the Building Code of Australia. This is to ensure that future development can meet essential fire safety requirements under the Building Code of Australia.

Safety, Security and Crime Prevention

The proposed subdivision does not generate any safety or security concerns.

Social and Economic Impact of the Locality

The proposed subdivision will in the long term (as uses are developed on the lots) by providing lots and infrastructure for a range of industrial uses and into the future will provide employment opportunities.

Site Design and Internal Design

The proposed lots in the subdivision are a suitable size and shape for the proposed development and can be suitably serviced. Future DAs will be required for further development of the proposed lots.

Construction

Conditions of consent can be applied to deal with construction issues such as environmental protection measures, site safety and the requirements for the staging of construction.

Cumulative Impacts

The most significant cumulative impacts are likely to come from the provision infrastructure for stormwater management and access. Stormwater will be required to be designed to ensure that post development flow does not exceed pre development flows. This will be managed via a stormwater development plan.

In terms of access, the roads and modifications to the Cobb Highway will need to be constructed so that they meet the increase in vehicular movements without impeding traffic movements on the Cobb Highway.

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

Does the proposal fit in the locality?

The proposed development will fit with the locality given the existing zoning. Impacts on surrounding landuses eg dust, traffic, visual amenity can be managed via conditions of consent.

Are the site attributes conducive to development?

The location of the site abutting the railway line and Cobb Highway make the site suitable for the proposed subdivision.

Submissions (s4.15(d))

This DA has not been exhibited in accordance with the provisions of the DCP. However, this proposed subdivision originally formed part of DA77/18 and was placed on exhibition for a period of 14 days. No submissions were received.

The Public Interest (s4.15(e))

The proposed subdivision is in the public interest as it will provide additional serviced industrial land in Deniliquin.

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.

CONSULTATION

Roads and Maritime Service – The DA was referred to the RMS in accordance with the Infrastructure SEPP and the following is a summary of the advice received. It should be noted that this advice was provided by the RMS for DA77/18 which originally incorporated this proposed subdivision (which is now DA18/19) therefore some of the comments provided do not relate to the proposed subdivision. Comments have been provided in italics below to clarify where the requirements do not relate to the subdivision.

- Based on the nature of the proposed use and anticipated traffic generation (both volume and types of vehicles) as a minimum the required treatment for the intersection at Ochertyre Street with the proposed public road is a sealed Channelised Right Turn (CHR) and Auxiliary Left Turn – Short (AULs) to cater for largest size vehicle likely to access the site.

- Works to the new road and its intersection with the Cobb Highway should be designed to accommodate road trains given that Cobb Highway is an approved Road Train Route and the likelihood of these types of vehicles wanting to access the subject site.
- The intersection of the new road with the Cobb Highway is to be designed in accordance with the Austroads Guide to Road Design so that any vehicles accessing or leaving this development are not required to cross the centre line of either the new road or the Cobb Highway in order to perform the manoeuvre.
- The intermodal facility is to be designed and managed to ensure that sufficient storage is available within the turn lane on the Cobb Highway and on the proposed new road without the need to queue into the through lanes on the Cobb Highway. *The intermodal facility is not proposed as part of DA18/19 but will be assessed as part of DA77/18. However, given that Council has a DA for the future use of proposed lot 1 the provisions of this requirement will need to be imposed as a condition of any consent for DA18/19.*
- Whilst all of the proposed allotments are to have frontage and therefore vehicular access to the new internal roads some of the proposed allotments will also have frontage to the Cobb Highway. Any pedestrian access to the Cobb Highway will likely promote the parking of vehicles along the frontage of these allotments to the Cobb Highway. As the frontage to the Cobb Highway is not kerb and guttered parking of vehicles along the road reserve will impact on the existing roadside area and edge of seal. Appropriate conditions are to be applied denying vehicular and pedestrian access directly from the Cobb Highway to the proposed allotments. This is consistent with clause 101(2) of the State Environmental Planning Policy (Infrastructure). *Under DA18/19 only proposed lot 4 will have direct access to Cobb Highway. It is proposed to require as a condition of any consent the dedication to Council of an access denial strip.*
- Due to restrictions on access any future development of the proposed allotments for industrial purposes is likely to be oriented towards the new internal road with the rear of the properties facing towards the Cobb Highway. For visual reasons consideration should be given to a requirement for the establishment and maintenance of a landscaped buffer area along the frontage of any proposed allotment to the Cobb Highway. Council should consider this to be located in a separate allotment to the proposed industrial allotments. This allotment should include the existing vegetation and drainage structure which run parallel to the Cobb Highway. *Under DA18/19 only proposed lot 4 will have frontage to the Cobb Highway. It is proposed that a condition of consent will require the establishment of the vegetation buffer for this subdivision. This will be contained within the access denial strip which will be 10m wide.*

In order to address the above issues raised by the Roads and Maritime Service, conditions of development consent have been proposed.

ATTACHMENTS

- | | | | |
|----|---------------------------------|--------------|--------------|
| 1. | DA18/19 Draft Conditions | | |
| 2. | DA | 18/19 | Plans |

**SCHEDULE 1
APPROVED PLANS AND SPECIFICATIONS**

Drawing Number	Title	Author
2957/R01 to R07 Issue B	Intersection with Cobb Highway	CAF Consulting Pty Ltd
DA18/19	Subdivision Layout and Proposed Works	-
-	Assessment of Significance for Proposed Deniliquin Industrial Estate Road Access and Drainage Works	Hamilton Environmental Services
	Deniliquin Industrial Park Traffic Impact Assessment Report (7/2/19)	Traffic Works Pty Ltd

Refer to condition 1(b) regarding the extent of the consent when interpreting the documents listed above.

SCHEDULE 2 CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development, this development consent is issued as a 'deferred commencement' consent under the provisions of section 4.16(3) of the Environmental Planning and Assessment Act as amended. The consent does not operate until the applicant satisfies the Council as to the following matters.

The required information must be submitted within 12 months of the date of issue of this development consent. Under the provisions of clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

Deferred Commencement Condition

Submission of Amended Plans

Amended plans are to be submitted deleting all works proposed on Lot 5 DP1220715 being the 'railway land' known as the Moama/Deniliquin Railway and owned by VicTrack. The following plans are required to be amended (where this requirement applies to them):

Drawing Number	Title	Author
2957/C01 to C08 Issue E	Engineering Plans	CAF Consulting Pty Ltd
2957/R01 to R07 Issue B	Intersection with Cobb Highway	CAF Consulting Pty Ltd
2957/TM01 to TM04 Issue E	Vehicle Turning Movements	CAF Consulting Pty Ltd
2957/SW1 Issue A	Stormwater Catchment Plan	CAF Consulting Pty Ltd

1 GENERAL

a Development in Accordance with Approved 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 18/19 and the conditions of consent.

b Extent of Consent

The terms of this consent do not apply to the following:

- Further subdivision of proposed lot 4;
- Provision of any infrastructure that maybe required for the future use of proposed lot 1, for example, buildings, grain bunkers, railway pad; and
- Any works (eg stormwater infrastructure, railway pad) proposed on Lot 5 DP1220715 being the 'railway land'.

Use of proposed lots 1 and 4 is not to commence until such time as a development consent is obtained authorising their use and the relevant conditions have been satisfied.

c Use of Proposed Lots

Use of proposed lots 1 and 4 is not to commence until such time as a development consent is obtained authorising their use and the relevant conditions have been satisfied.

d No Liability for Flooding

The land may be subject to flooding and the development has been assessed using best available information concerning the likelihood of flooding at the date of determination. If the land is flooded, Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.

e Work as Executed Plans

Works as executed plans are to be submitted **PRIOR TO THE ISSUING OF A SUBDIVISION CERTIFICATE**. The base for the works as executed plans shall be the approved construction drawings with the works as executed information to be shown in red.

The works as executed plans shall include but not be limited to, the following information:

Sewer	Manhole location
	Size, top level and invert levels for all pipes connected to the manhole
	Pipe sizes, material, grades, invert levels and connected manholes
Stormwater	Pit locations, sizes, construction, top level and invert levels for all pipes connected to the pit
	Pipe sizes, material grades, invert levels and connected pits
Water	Location of water connection to property and backflow prevention device
Detention basin/oversized rainwater tank	Location, invert levels, top water level for 1%AEP storm event
	Certification that the works have been carried out in accordance with the consent
Vehicle crossing	Location and dimensions
Roads	Finished levels along centreline and edges at cross section locations as per approved plans
Kerb and Gutter	Finished top of kerb and invert levels at cross sections as per approved plans

Works as executed plans shall be provided to Council utilising the following formats:

- Electronic pdf format signed and certified by a suitably qualified CPEng for all works as executed information; and
- Locations for existing Council infrastructure and infrastructure that Council shall have control of following the development are to be submitted in dwg format with locations to be consistent with the State Survey Grid (MGA Zone 55).

f Hold/Witness Point Schedule

All witness and hold point are to be met otherwise works may be required to be removed and redone. Schedules 3 -7 forming part of this consent are the Hold/Witness Point requirements. Completed witness and hold points schedules are required to be submitted **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**.

g Hours of Operation – Construction Works

The hours of operation for subdivision works on the site shall be limited between 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays without the prior written consent of the Council.

h Public Utilities

Adjustments to the public utilities necessitated by the development shall be completed **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE** and in accordance with the requirements of the relevant authority, all at no cost to Council.

i Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before the commencement of construction works.

j Repair of Damage to Council Infrastructure

PRIOR TO THE ISSUING OF A SUBDIVISION CERTIFICATE any damage to kerb and gutter, road surfaces, infrastructure or landscaping outside of the property boundary that is a result of the proposed work, must be reinstated at total cost to the person having the benefit of the consent and to the satisfaction of Edward River Council.

k Dust Management

The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:

- i. Exposed surfaces and stockpiles are suppressed by regular watering;
- ii. All trucks entering and leaving the site with loads have their loads covered;
- iii. Trucks associated with the development do not track dirt onto the public road network;
- iv. Public roads used by these trucks are kept clean; and
- v. Land stabilisation works are carried out progressively on site to minimise exposed surfaces.

l Traffic Control Plan

A Traffic Control Plan is to be prepared and implemented by a suitably accredited person/s (Prepare a Work Zone Traffic Management Plan or equivalent) in accordance with the RMS Traffic Control at Worksites Manual and current version of AS1742.3. Plans and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**.

m Asbestos

If asbestos waste is discovered on site all work is to stop immediately and Council is to be notified. Any removal and disposal of asbestos waste is to be carried out strictly in accordance with the requirements of the Work Cover Authority.

n Proof of Services

PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE, proof that phone and electricity services are available on each allotment is to be provided to Council.

o Telecommunications

The developer must provide all allotments with telecommunication connection, at their own cost. The developer must consult with the relevant telecommunications carrier and must obtain suitable written correspondence/evidence from this carrier stating that telecommunications services have been provided to each allotment.

Alternatively, written correspondence/evidence that final agreement has been met between the telecommunications carrier and the developer to provide telecommunications services to each allotment must be obtained.

The submitted written correspondence/evidence must be to the satisfaction of Council.

p Fibre-ready facilities

Prior to the issue of the Subdivision Certificate, the developer must provide evidence satisfactory to Council that arrangements have been made for:

- i. The installation of fibre-ready facilities to all individual lots in the subdivision so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The developer must demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- ii. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots in the subdivision demonstrated through an agreement with a carrier.

q Headworks

Payment to Council pursuant to Section 306 of the Water Management Act 2000 and the Council's 'Water and Sewer Demand Assessment Policy', 'Development Servicing Plan for the Deniliquin Sewerage Scheme' and 'Development Servicing Plan for the Deniliquin Water Supply Scheme' of headworks charges. The current contribution rates for the current financial year for this development are as follows:

- i. Water headworks - \$3 528
- ii. Sewer headworks - \$4 383

The headworks charges are those that apply at the date of issue of this consent. Rates are adjusted annually on 1 July. Contributions will only be accepted at the rate applying at the date of payment. Where Council's 'Sewer Pricing Policy' applies, the amount payable will be determined at the date of payment. Council's Infrastructure Directorate should be contacted prior to payment to confirm the contribution amount.

The Council's 'Water and Sewer Demand Assessment Policy', 'Development Servicing Plan for the Deniliquin Sewerage Scheme' and 'Development Servicing Plan for the Deniliquin Water Supply Scheme' can be inspected at Council's Offices, 180 Cressy Street, Deniliquin.

The headworks charges are to be paid **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.**

r Maintenance bond

The developer is required to lodge a maintenance bond with Council **PRIOR TO THE PRACTICAL COMPLETION OF THE ENGINEERING WORKS.** The maintenance bond will be five (5) per cent of the total contract price of the engineering works associated with the subdivision or five hundred (500) dollars whichever is greater. The developer is to submit a copy of the successful quote/s for the works in order for Council to calculate the cost of the maintenance bond. Council has the right to review the submitted quotes if they do not appear to be of a realistic value.

Advisory Note

Maintenance bonds will be held by Council for a period of six (6) months, after which will be refunded to the developer providing no maintenance was required. If maintenance was required within the six (6) month period, the balance of the bond, if any, will be refunded. If maintenance work has been carried out which exceeds the bond amount held, Council will send out a debtor account for the difference in cost to the developer.

To claim a refund of the maintenance bond the developer is required to apply in writing and submit a copy of the maintenance bond receipt as proof of payment.

2 CONSTRUCTION CERTIFICATES/OTHER APPROVALS/PCA APPOINTMENT

a Construction Certificate – Intersection with Cobb Highway

A Construction Certificate is to be obtained **PRIOR TO THE COMMENCEMENT OF WORK** from Council to verify that all work related to the intersection of Cobb Highway and proposed road 1 will be designed and carried out in accordance with Council's Development Manual and the conditions of this approval.

The Construction Certificate is to address the following matters:

- i. Erosion and Sediment Control Plan;
- ii. Traffic Control Plan;
- iii. Construction plans, specifications and supporting information for the intersection and proposed road 1 up to the property boundary;
- iv. Construction plans, specifications and supporting information for drainage works as part of the intersection construction;
- v. Work Authorisation Deed issued by Roads and Maritime Services for works within the Cobb Highway road reserve;

b Construction Certificate – Subdivision and Use of Land

A Construction Certificate is to be obtained from Council **PRIOR TO THE COMMENCEMENT OF WORK** to verify that all subdivision work will be designed and carried out in accordance with Council's Development Manual and the conditions of this approval.

The Construction Certificate is to address the following matters:

- i. Erosion and Sediment Control Plan;
- ii. Traffic Control Plan;
- iii. Stormwater Management Plan
- iv. Construction plans, specifications and supporting information for the construction of Proposed Road 1;
- v. Pavement Design and supporting information for the construction of proposed road 1;
- vi. Construction plans, specifications and supporting information for the construction of kerb and gutter along proposed road 1;
- vii. Road access off Wirraway Drive;
- viii. Property accesses;
- ix. Construction plans, specifications and supporting information for the construction of the detention basin;
- x. Construction plans, specifications and supporting information for the construction of the borrow pit;
- xi. Details regarding on-site disposal of material from excavation works;
- xii. Construction plans, specifications and supporting information for the construction of open drains, culverts and associated drainage structures;
- xiii. Construction plans, specifications and supporting information for the construction of extension of the water supply reticulation system, including connection to Council's existing water supply system; and
- xiv. Construction plans, specifications and supporting information for the construction of the low pressure sewerage system, including connection to Council's existing sewerage system.

c Road Opening Permit

A Road Opening Permit is to be obtained from Council for any works undertaken in the road reserve **PRIOR TO THE COMMENCEMENT OF WORK**.

d Subdivision Certificate

Submission of a Subdivision Certificate application and title plan documents for the endorsement of the General Manager (or delegate) prior to the lodgement with Land and Property Information Services.

e Section 68 Approval required

Prior to the issue of the construction certificate an application for approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be lodged with Council. The approval under Section 68 of the Local Government Act, 1993 is to be obtained prior to any works commencing on site.

f Commencement of Works

Subdivision works the subject of this development consent **MUST NOT** be commenced until:

- i. Construction Certificate for the appropriate subdivision works has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier; and
- ii. The person having the benefit of the development consent has appointed a principal certifying authority for the subdivision works; and
- iii. The principal certifying authority has, no later than 2 days before the subdivision works commences:
 - Notified the consent authority and the council (if the council is not the consent authority) of their appointment, and
 - Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the subdivision works, and
- iv. The person having the benefit of the development consent has given at least 2 days notice to the council of the person's intention to commence the subdivision works.

g Appointment of PCA and Notice of Commencement

The subdivision works the subject of this development consent **MUST** not be commenced until:

- i. detailed plans/specifications of the subdivision works have been endorsed with a construction certificate by:
 - the Council, or
 - an accredited certifier, and
- ii. the person having the benefit of the development consent:
 - has appointed a principal certifying authority, and
 - has notified the Council of the appointment, and
- iii. the person having the benefit of the development consent must lodge a notice of commencement form with Council prior to commencement of work at least two day prior to commencing the subdivision works.

h Signage

A sign must be erected in a prominent position on any site on which any building, subdivision or infrastructure is being carried out **PRIOR TO THE COMMENCEMENT OF WORK:**

- i. Showing the name, address and telephone number of the principal certifying authority for the work, and
- ii. Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out and must be removed when the work has been completed.

3 DEDICATION OF LAND/EASEMENTS/COVENANTS

a Creation of Easement over Existing Infrastructure

The following easements are to be created in favour of Council over existing Council infrastructure and infrastructure that shall be dedicated to Council:

- i. Sewer mains and rising mains - 3m wide minimum;
- ii. Underground stormwater drainage pipes - 3m wide minimum;
- iii. Open drains - 1m minimum outside the edge of the drain

Details are to be submitted **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**.

b Dedication of Land to Council

The following land is to be dedicated to Council:

- i. Road reserve 1 identified on plan 2957/P13 Issue A with a minimum width of 25 metres;
- ii. Access denial strip/vegetation buffer identified on plan 2957/P13 Issue A as the proposed lot 3 vegetation buffer with a minimum width of 10 metres; and
- iii. Drainage detention based identified on plan 2957/P13 Issue A identified as proposed lot 2 retardation basin.

Details are to be submitted **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**.

c Creation of Positive Covenants (non residential low pressure sewer)

A positive covenant for proposed lots 1 and 4 in the subdivision **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE** is to be created stating the following:

- Any buildings erected on the subject land are to be connected to low pressure sewerage system.
- The registered proprietor must enter into a formal and ongoing maintenance agreement with the Deniliquin Council regarding the operation of the system.
- The registered proprietor will be responsible for purchasing and installing a low pressure sewerage system and pay for the power used by the pumping unit.
- Provision has been made for a residential style low pressure sewerage system for this lot. Upon submission of a Development Application for the use of the land, Council will have to undertake an assessment to determine if the system is suitable for the proposed use. Any upgrading of the system required for the proposed use will be at the expense of the land owner.
- Any buildings incorporating a liquid waste disposal system erected on the subject land are to be connected to the low pressure sewerage system, or such other system as required by Council after viewing any development application for the use of the land.
- The pumping unit associated fittings and the pipe from the unit to the sewer main will remain the property of Edward River Council or its successors.

4 INTERSECTION WITH COBB HIGHWAY – ROADS AND MARITIME SERVICES

a Sight Distance Requirement

The intersection of the proposed new road with the Cobb Highway (MR21) is to be constructed and the roadside maintained to provide the required Sight Distance criteria

for a reaction time of 2.5 seconds in accordance with the Austroads Publications as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit.

Compliance with this requirement is to be certified by an appropriately qualified person and submitted to Council **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

b Intersection Treatment Design

As a minimum, the intersection of the new road with the Cobb Highway (MR21) is to be designed and constructed to provide a sealed Channelised Right Turn (CHR) and Auxiliary Left Turn - Short (AUL(s)) treatment on the Cobb Highway in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit and to accommodate the design vehicle which is a road train. The storage capacity within the right turn lane of the CHR shall be maximised but shall provide sufficient storage for one design vehicle and one semi-trailer as a minimum. The travel lanes and turn lanes on the Cobb Highway shall be constructed with a minimum width of 3.5 metres. The design vehicle for the intersection shall be a road train.

Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

Works are to be completed **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.**

c Design Vehicle

The new road and its intersection with Cobb Highway shall be designed, constructed and sealed to accommodate the largest size vehicle likely to access the development and with a minimum width to provide for two way movement. The new road at its intersection with Cobb Highway is to be line marked to delineate the 2 travel lanes.

Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

Works are to be completed **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.**

d Vehicle Movement Paths

The proposed new road and its intersection with the Cobb Highway shall be designed and constructed so that the design vehicle (a road train) entering or exiting the development site is not required to cross to the opposing travel lane of the Cobb Highway or the new road in order to perform the access or egress manoeuvre to/from the new road. Associated directional marking and signage is to be installed and maintained in accordance with Australian Standards.

Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

Works are to be completed **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.**

e Entry Gates off Cobb Highway

Any entry gate to the subject site from the Cobb Highway shall be located at least 40m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.

f No Parking along Cobb Highway

Parking along the road reserve of the Cobb Highway shall be denied **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. Appropriate signposting shall be erected and maintained along the full frontage of the subject site to the Cobb Highway to enforce this restriction.

g No Access off Cobb Highway

Vehicular and pedestrian access directly to the road reserve of the Cobb Highway from any proposed allotment is denied. A covenant is to be created, with the Council empowered to uplift, over proposed lot 4 denying vehicular and pedestrian access directly to the road reserve of the Cobb Highway. Details are to be provided **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**.

h Access to Lot 1

Vehicular access to proposed lot 4 from the proposed new road shall be located at least 50 metres from the road reserve of the Cobb Highway. A covenant to this effect shall be created over proposed lot 4 with the Council empowered to uplift.

i Drainage

Suitable drainage treatment is to be implemented to retard any increased storm water run-off directly from the development site to the road reserve of the Cobb Highway **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. The new road and its intersection with the Cobb Highway is to be designed, constructed and maintained to prevent water from proceeding onto, or ponding within, the carriageway of the highway. If a culvert is to be installed and is to be located within the clear zone of the Cobb Highway for the posted speed zone it is to be constructed with a traversable type headwall.

Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**.

j Construction Management Plan

A construction management plan to address construction activity access and parking is to be prepared. The required treatment for the intersection of the new road and the Cobb Highway and the access roadway for stage 1 shall be constructed prior to the commencement of construction activities for the development site.

The Construction Management Plan and supporting documentation must be submitted to Council **PRIOR TO THE COMMENCEMENT OF WORK**.

k Repairs to Damage Caused during Construction

Any damage or disturbance to the road reserve of the Cobb Highway is to be restored to match surrounding landform in accordance with Council requirements **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. Following the construction of the new intersection all existing driveways or gates to the Cobb Highway from the development site are to be removed.

l Work Authorisation Deed

The Cobb Highway (MR21) is part of the State Road network. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The developer will be required to submit detailed design plans and all relevant additional information including cost estimates and pavement design details for the works, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for assessment and approval by Roads and Maritime Services. The applicant is to contact the Land Use Manager for the South West Region on Ph. 02 6923 6611 for further detail.

Evidence of the Work Authorisation Deed issued by Roads and Maritime Services must be submitted to Council **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

m Approval of the Road Authority

The applicant must apply for and obtain approval under Section 138 of the Roads Act, 1993 from the road authority (Council) and concurrence from Roads and Maritime Services. Any works within the road reserve require a Traffic Control Plan in accordance with the Traffic Control at Work Sites Manual adopted by Roads and Maritime Services.

Evidence of this approval must be submitted to Council **PRIOR TO THE COMMENCEMENT OF WORK.**

n Roads and Maritime Services Concurrence

Any works within the road reserve of the Cobb Highway requires concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.

Evidence of Roads and Maritime Services concurrence must be submitted to Council **PRIOR TO THE COMMENCEMENT OF WORK.**

o Cost of Works

Works associated with the proposed development shall be at no cost to the Roads and Maritime Services.

5 ROAD CONSTRUCTION/ACCESS

a Construction of Public Roads

All roads to be dedicated as public roads are to be designed in accordance with Council's Development Manual and Austroads Guide to Road Design **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.** Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

b Pavement Design for Roads

Details of pavement designs for roads to be dedicated as public roads are to be provided to Council. This includes geotechnical data of the existing ground conditions and pavement designs based on suitable pavement material (including, but not limited to, CBR and Plasticity Index values). Pavement Details and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

c Road Wearing Course

The road wearing course must consist of a prime seal and two coat bitumen seal, unless otherwise noted in these conditions. Seal designs and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

d Intersection of Proposed Road and Private Road

The intersection of the public road and the proposed private road shall be designed to allow for the safe movement of vehicles up to and including 'A-Double' road trains. The wearing surface of the intersection shall consist of asphaltic concrete of a suitable thickness and structural strength to support the turning movements of heavy vehicles within the cul-de-sac bowl. Pavement details and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION**

CERTIFICATE. Work is to be completed **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.**

e Access onto Wirraway Drive

The access onto Wirraway Drive is to be constructed in accordance with Council's Development Manual **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.** Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

f Kerb and Gutter Construction

Concrete kerb and gutter shall be installed along both sides of road reserve 1 identified plan numbered 2957/P13 Issue A in accordance with Council's Development Manual **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.** Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

g Subsoil Drainage

Subsoil drainage is to be installed behind all kerb and gutter and connected to the stormwater drainage system in accordance with Council's Development Manual **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.**

h Access to Properties

All weather access is to be provided to all allotments in accordance with Council's Development Manual **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.** Details and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

i Street Name Signs

A 150mm wide class 1 name blade (street sign for proposed road 1) to Council specification is to be installed **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.** The street name will be determined by the Council.

6 EARTHWORKS AND LAND CLEARING

a Extent of Earthworks

Earthworks are to be wholly contained within the worksite.

b Earthworks for Detention Basin

Earthworks for the detention basin shall be undertaken in accordance with the approved plans **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.** Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

c Earthworks for Borrow Pit

Earthworks for the borrow pit shall be undertaken in accordance with the approved plans **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.** Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

d On-site Disposal of Material

All material from the excavation of the detention basin and borrow pit is to be disposed of on-site or at an approved disposal location. Construction plans, specifications and supporting information showing the location of disposal areas, and the volumes of material to be disposed at these locations, are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE.**

All other waste removed from the site is to be taken to an authorised site for disposal.

e Erosion and Sediment Control Plan

An erosion and sediment control plan is to be prepared, including adequate control measures and maintenance of these measures, in accordance with Council's Development Manual. Plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**.

f Erosion and Sediment Control Works

The measures detailed in the erosion and sediment control plan are to be implemented **PRIOR TO THE COMMENCEMENT OF WORK**. These measures are to be maintained during the construction phase and can only be removed once appropriate stabilisation has been completed.

g Extent of Land Clearing

No plants or trees are to be removed unless the individual trees or area to be cleared have been delineated on the approved plans or detailed in the 'Assessment of Significance for Proposed Deniliquin Industrial Estate Road Access and Drainage Work' (prepared by Hamilton Environmental Services dated 11 January 2019).

h Protection of Existing Vegetation

Protective fencing is to be erected on the south eastern and south western boundaries of Lot 3 DP1235420 being 179-183 Cemetery Road (being the boundary with Lot 519 DP820164, 185-191 Cemetery Road) **PRIOR TO THE COMMENCEMENT OF ANY WORK ON THE SITE** to protect the black box vegetation community identified in the 'Assessment of Significance for Proposed Deniliquin Industrial Estate Road Access and Drainage Work' (prepared by Hamilton Environmental Services dated 11 January 2019) during the construction works. The protective fencing is to remain in place until all works authorised by this consent have been completed and Council has authorised its removal.

i Removal of Spoil

Any spoil deposited on public roads during the cartage of materials from or to the site shall be removed on the same day. The cartage of spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place.

j Filling of land statutory declaration of source of clean fill

PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE provision of a statutory declaration by the applicant stating where the soil used for the filling of the land has been sourced from and that the soil that has been used is clean fill.

k Excavation and Backfilling Safety

All excavations and backfilling associated with the subdivision must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the subdivision works must be properly guarded and protected to prevent them from being dangerous to life or property.

l Filling of Land over Watercourses

No filling of the land over the existing watercourse or drainage easement without Council consent.

7 LANDSCAPING

a Landscape Buffer

A landscaping plan is to be submitted **PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE** detailing the proposed landscaping as follows:

- i. The southern and south eastern boundary of Lot 1 DP1235420 being 227 Cemetery Road and adjoining the boundary of Lot 519 DP820164 being 185-191 Cemetery Road with a minimum width of 2m;
- ii. The boundary between Lot 519 DP820164 being 185-191 Cemetery Road and Lot 3 DP1235420 being 179-183 Cemetery Road with a minimum width of 2m; and
- iii. Proposed lot 3 (being the proposed vegetation buffer) of plan 2957/P13 Issue A being the Staging Plan labelled as Site of Works and Proposed Lot Layout with a minimum width of 10m.

The landscaping plan is to propose landscaping to a standard to provide a visual screen to the allotments and is to propose a planting of a variety of endemic species and growing to a mature height of up to 10 metres.

b Landscaping

Completion of landscaping in accordance with the approved landscaping plan **PRIOR TO ISSUING OF A SUBDIVISION CERTIFICATE** and such landscaping is to be continuously maintained in accordance with the approved plan. Maintenance is the responsibility of the landowner.

c Landscaping Bond

The developer is required to pay a landscaping bond to Council **PRIOR TO ISSUING OF A SUBDIVISION CERTIFICATE**. Council will inspect the site twelve months after the issuing of a subdivision certificate to ensure landscaping has been completed. If the landscaping is not done to a suitable standard Council will not release the landscaping bond.

Advisory Note

To claim reimbursement of the landscaping bond the developer is to request in writing that an inspection be carried out and if landscaping has been completed to a satisfactory standard the bond will be reimbursed.

8 STORMWATER DRAINAGE

a Stormwater Development Plan

A Stormwater Development Plan for the whole development shall be submitted to Council in accordance with Council's Development Manual and Australian Rainfall and Runoff. The plan shall include, but not be limited to:

- i. Drainage works to be undertaken as part of the development works;
- ii. Staging of these works in accordance with the staging plan for the whole development;
- iii. Mitigation works to ensure that the post development run-off from the site is not greater than the pre-development run-off from the site for storm event up to and including 1% AEP; and
- iv. Supporting calculations for the sizing of the drainage works, including any detention basins, culverts and open drains.

This plan is to be submitted to and approved by Council **PRIOR TO THE ISSUING OF THE CONSTRUCTION CERTIFICATE**.

b Allowance for Stormwater Entering the Site

Allowance shall be made in the Stormwater Development Plan for stormwater entering the development site from the south-west (Rice Mill area) and the south east (South School area).

c Open Drains

Open drains, shown as Drains 'A', 'B' and 'C', are to be constructed in accordance with Council's Development Manual and Australian Rainfall and Runoff **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. This shall include, where required, scour protection at drain outlets and adequate freeboard. Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF THE CONSTRUCTION CERTIFICATE**.

d Culverts

Culverts are to be installed where drains cross roads or property accesses and are to be constructed in accordance with Council's Development Manual **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF THE CONSTRUCTION CERTIFICATE**.

e Detention Basin

Detention basins, as specified in the Stormwater Management Plan, are to be constructed in accordance with Council's Development Manual and Australian Rainfall and Runoff **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. Detention basins shall incorporate the following requirements:

- i. Designed for events up to and including a 1% AEP event;
- ii. Freeboard allowance of 500mm;
- iii. Spillway, in the case of events greater than 1% AEP;
- iv. Maximum batter grade of 50% (1V:2H);
- v. Be located 'off-line' from the drain system;
- vi. Incorporate inlet control so that run-off only enters the basin once the pre-development threshold has been reached;
- vii. Scour protection at inlet and outlet of the basins.

Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**.

f Survey Certificate

Provision of a survey certificate **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE** demonstrating that all stormwater works has been completed on land that is the subject of this consent.

9 WATER SUPPLY

a Water Supply Reticulation

All parts of the water supply reticulation system to be dedicated to Council shall be installed in accordance with Council's Development Manual and the Water Services Association of Australia (WSAA) Water Code. Minimum water main size shall be 150mm diameter Class 12 mPVC pipe **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**.

b Installation of Watermains under Existing Roads

Watermains under existing roads shall be installed using trenchless technologies such as horizontal directional drilling. All watermains shall be installed in accordance with the relevant Road Authority's requirements.

c Extension of Watermains to Property Boundaries

The water supply reticulation system is to be extended to the property boundaries of proposed lots 1 and 4 **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. Each watermain at a property boundary is to be terminated with a stop valve and blank end.

d Connection to Existing System

The proposed water supply reticulation system shall be connected to Council's existing water supply network along Cobb Highway **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. Details of the connection to the existing system are to be provided **PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE**.

e Hydrants

Hydrants are to be installed at a maximum spacing of 90m **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**.

f Potable Water Services

Potable water services are to be provided to each allotment within the development **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**.

g Cleaning and Disinfection of Watermains

All watermains installed as part of this development shall be pressure tested, cleaned and disinfected in accordance with Council's Development Manual and WSAA Water Code. Evidence and certification of this testing and cleaning shall be provided to Council **PRIOR TO THE ISSUING OF A SUBDIVISION CERTIFICATE**.

10 SEWER

a Low Pressure Sewer

A low pressure sewer system servicing all allotments and connecting to Council's existing sewerage system is to be installed in accordance with Council's Development Manual and Water Services Association of Australia (WSAA) Pressure Sewer Code **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. Construction plans, specifications and supporting information are to be submitted to Council for approval **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**.

b Connection to Existing System

The low pressure sewer system is to be connected to Council's existing sewerage system at the Basketball Stadium pump station located on Lot 519 DP820164 being 185-191 Cemetery Road **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**. The connection is to be undertaken by Council at the developers cost and be in accordance with Council's Development Manual. Details of the connection to the existing system are to be provided **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**.

c Extension of Low Pressure Sewer System to Property Boundaries

The low pressure sewer system is to be extended to the property boundaries of proposed lots 1 and 4. Each low pressure sewer main is to be terminated with a stop valve and blank end **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**.

d Provision of Boundary Kit

A property boundary kit is to be provided for each allotment **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE**.

REASONS FOR CONDITIONS

The above conditions have been imposed:

- a To ensure compliance with the terms of the Environmental Planning and Assessment Act;
- b To ensure appropriate level of provision of amenities and services occurs within the Council area;
- c To improve the amenity, safety and environmental quality of the locality;
- d Have regard to environmental quality, the circumstances of the case and the public interest; and
- e Having regard to the Deniliquin Development Control Plan 2016;

**SCHEDULE 3
HOLD AND WITNESS POINTS FOR ROAD CONSTRUCTION**

APPLICATION NO: DA18/19

APPLICANT: Deni Industrial Park Pty Ltd

PRINCIPAL CERTIFYING AUTHORITY: TBA

PROCESS	HOLD/WITNESS POINT
Work Authorisation Deed for works within the Cobb Highway road reserve	Hold
Traffic Control Plan	Hold
Erosion and Sediment Control Plan	Hold
Construction Certificate and required insurances	Hold
Notification of Work	Hold
Unsuitable material below fill	Hold
Unsuitable material below sub grade	Hold
Preparation and maintenance of sub grade	Hold
Construction of sub-base pavement	Hold
Compaction testing for sub-base pavement	Witness
Construction of base pavement	Hold
Compaction testing for sub-base pavement	Witness
Preparation of pavement surface prior to sealing	Hold
Seal design	Hold
Spray Sealing	Witness
Asphaltic concrete design	Hold
Asphaltic concrete construction	Witness
Linemarking and signs	Hold

SCHEDULE 4**HOLD AND WITNESS POINTS FOR KERB AND GUTTER CONSTRUCTION****APPLICATION NO:** DA18/19**APPLICANT:** Deni Industrial Park Pty Ltd**PRINCIPAL CERTIFYING AUTHORITY:** TBA

PROCESS	HOLD/WITNESS POINT
Traffic Control Plan	Hold
Erosion and Sediment Control Plan	Hold
Construction Certificate and required insurances	Hold
Notification of Work	Hold
Subsoil drainage	Hold
Unsuitable material below kerb and gutter bedding	Hold
Kerb and gutter bedding	Hold
Kerb and gutter levels	Witness
Concrete test results	Witness
Kerb and gutter construction	Hold
Works as executed plans provided to Council	Hold

SCHEDULE 5**HOLD AND WITNESS POINTS FOR EARTHWORKS CONSTRUCTION****APPLICATION NO:** DA18/19**APPLICANT:** Deni Industrial Park Pty Ltd**PRINCIPAL CERTIFYING AUTHORITY:** TBA

PROCESS	HOLD/WITNESS POINT
Traffic Control Plan	Hold
Erosion and Sediment Control Plan	Hold
Construction Certificate and required insurances	Hold
Notification of Work	Hold
Site preparation and clearing	Hold
Excavation and filling works	Witness
Works as executed plans provided to Council	Hold

SCHEDULE 6
HOLD AND WITNESS POINTS FOR STORMWATER DRAINAGE
CONSTRUCTION

APPLICATION NO: DA18/19

APPLICANT: Deni Industrial Park Pty Ltd

PRINCIPAL CERTIFYING AUTHORITY: TBA

PROCESS	HOLD/WITNESS POINT
Traffic Control Plan	Hold
Erosion and Sediment Control Plan	Hold
Construction Certificate and required insurances	Hold
Notification of Work	Hold
Subsoil drainage	Hold
Culvert and pipe bedding	Witness
Laying culverts and pipes	Witness
Installing headwalls and pits	Hold
Culvert and pipe back fill	Hold
Reinstatement of surface	Hold
Open drain	Hold
Scour protection and outlets	Hold

SCHEDULE 7
HOLD AND WITNESS POINTS FOR WATER AND SEWER CONSTRUCTION

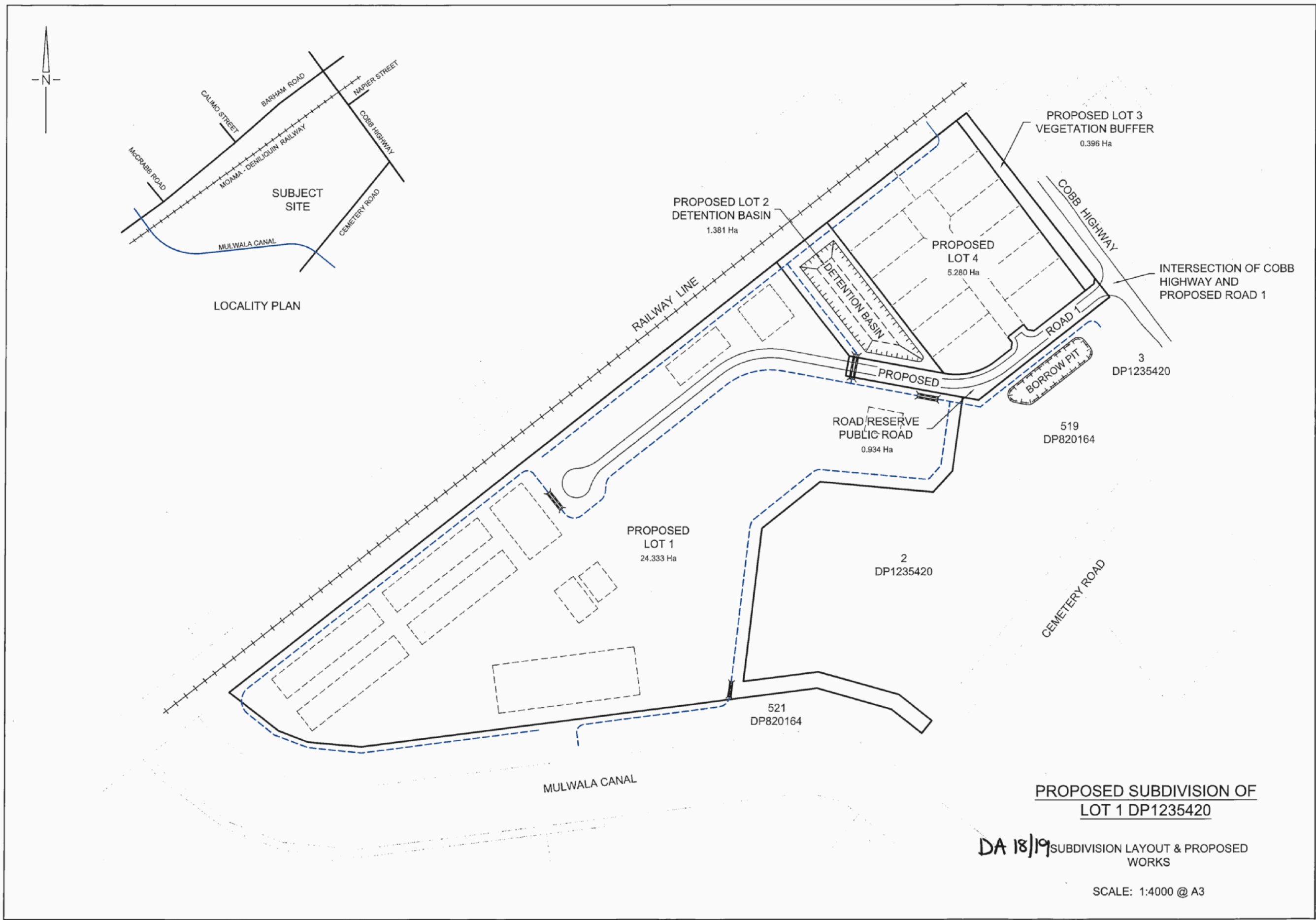
APPLICATION NO: DA18/19

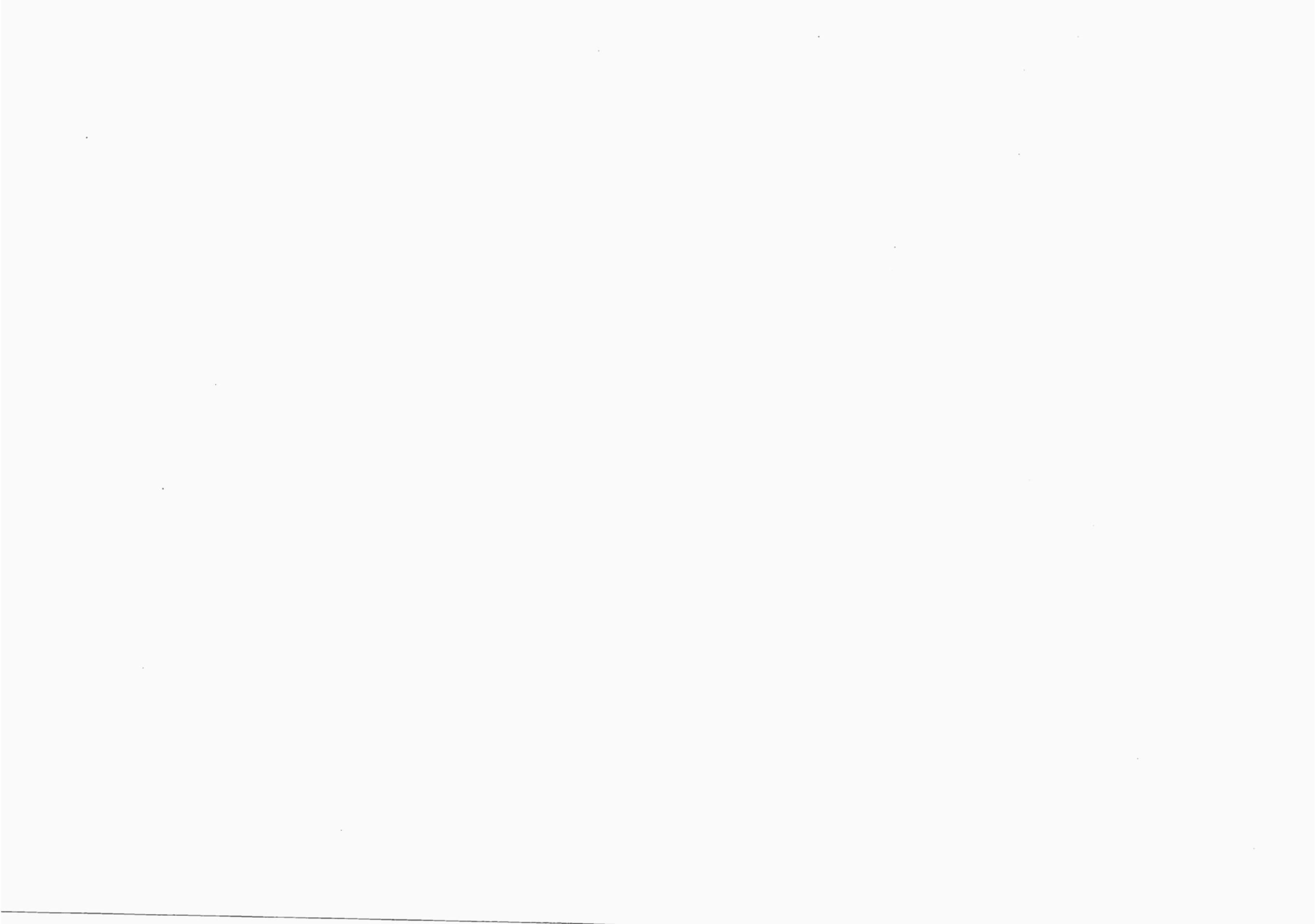
APPLICANT: Deni Industrial Park Pty Ltd

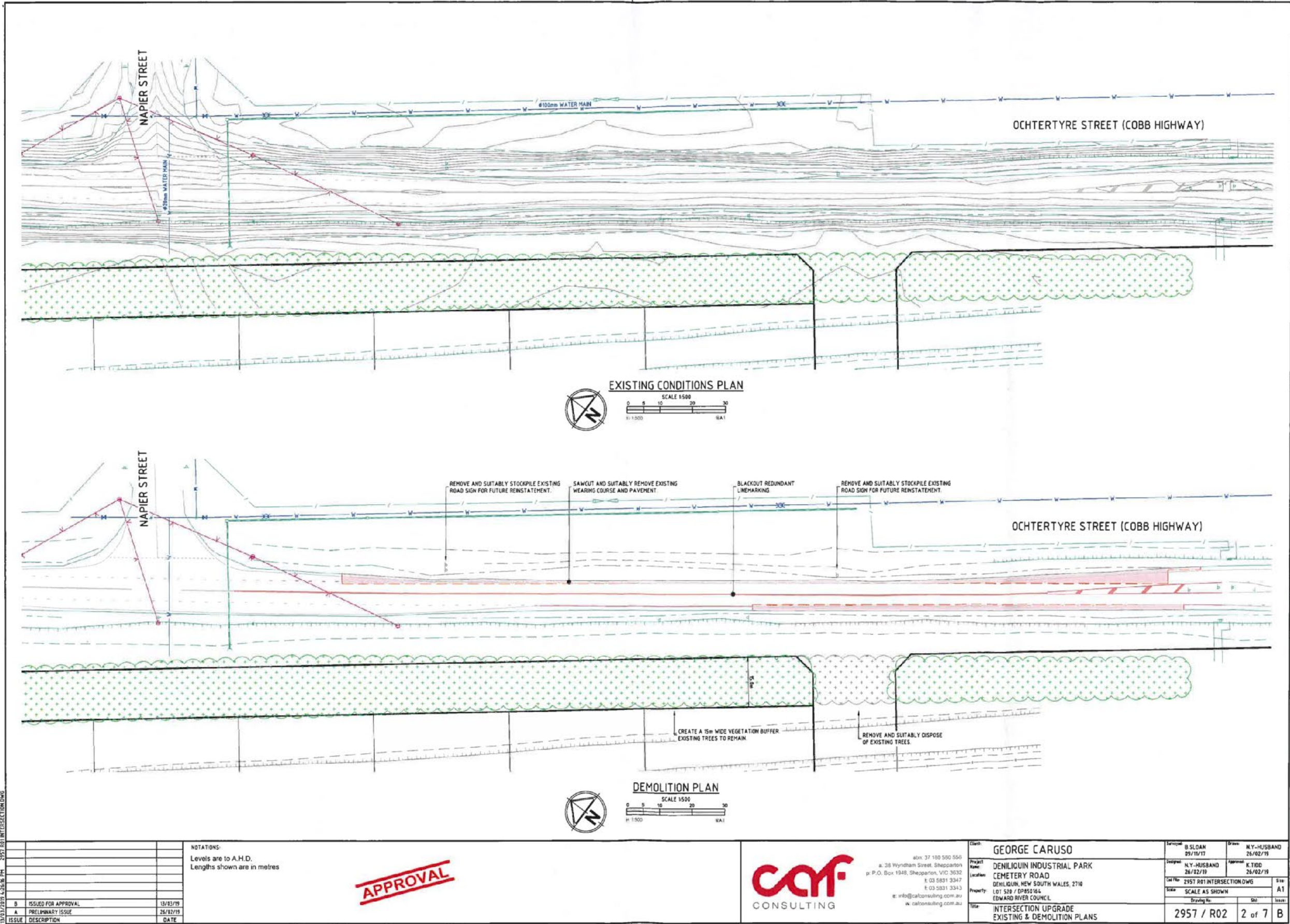
PRINCIPAL CERTIFYING AUTHORITY: TBA

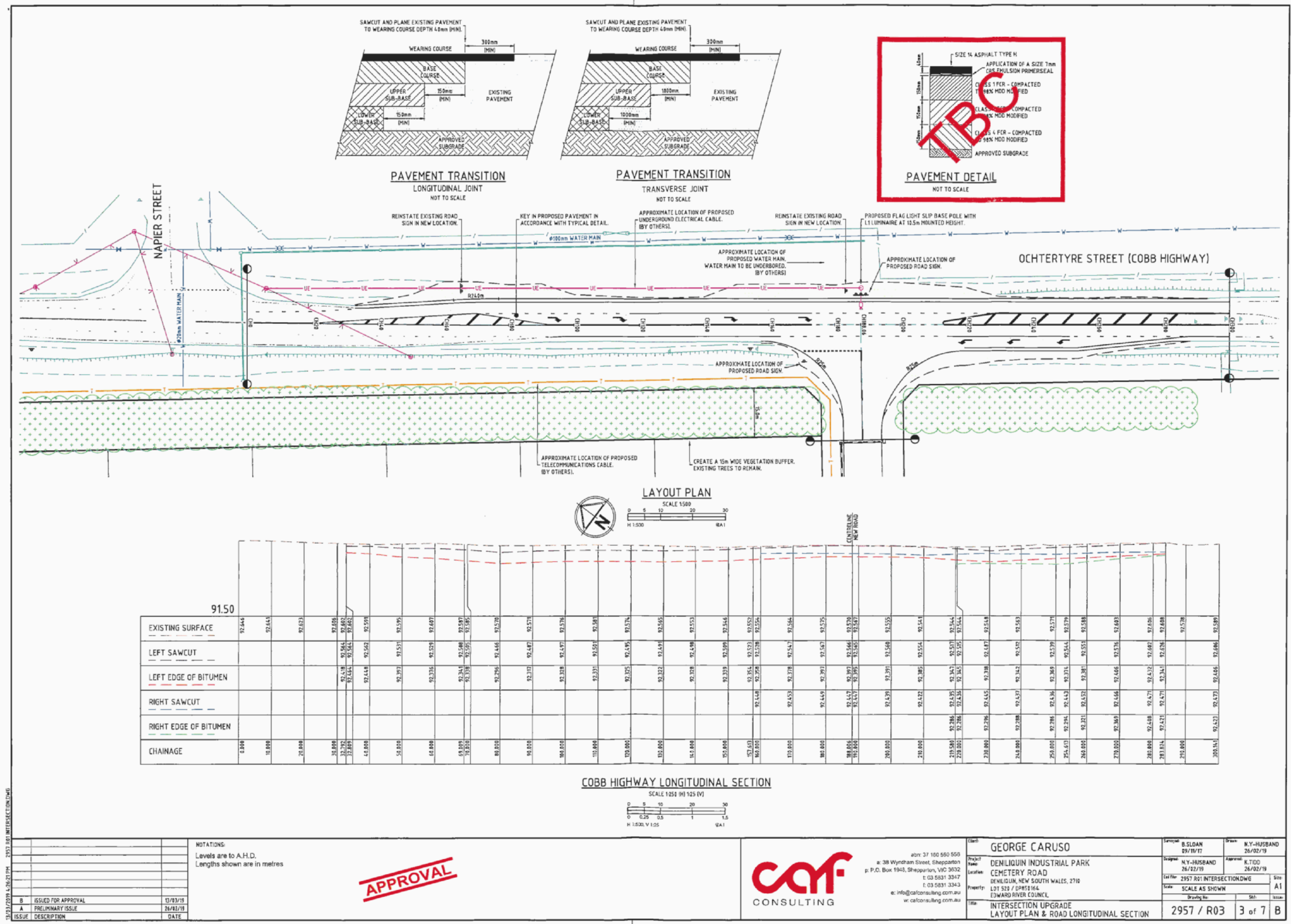
PROCESS	HOLD/WITNESS POINT
Traffic Control Plan	Hold
Erosion and Sediment Control Plan	Hold
Construction Certificate and required insurances	Hold
Notification of Work	Hold
Site preparation and clearing	Hold
Pipeline installation, pressure testing (w&s) and passed prior to backfilling	Hold
In case of sewer, junction details to be provided to Council	Hold
Tracer wire installed, trench backfilled, compacted and any resurfacing completed	Witness
Works as executed plans provided to Council	Hold

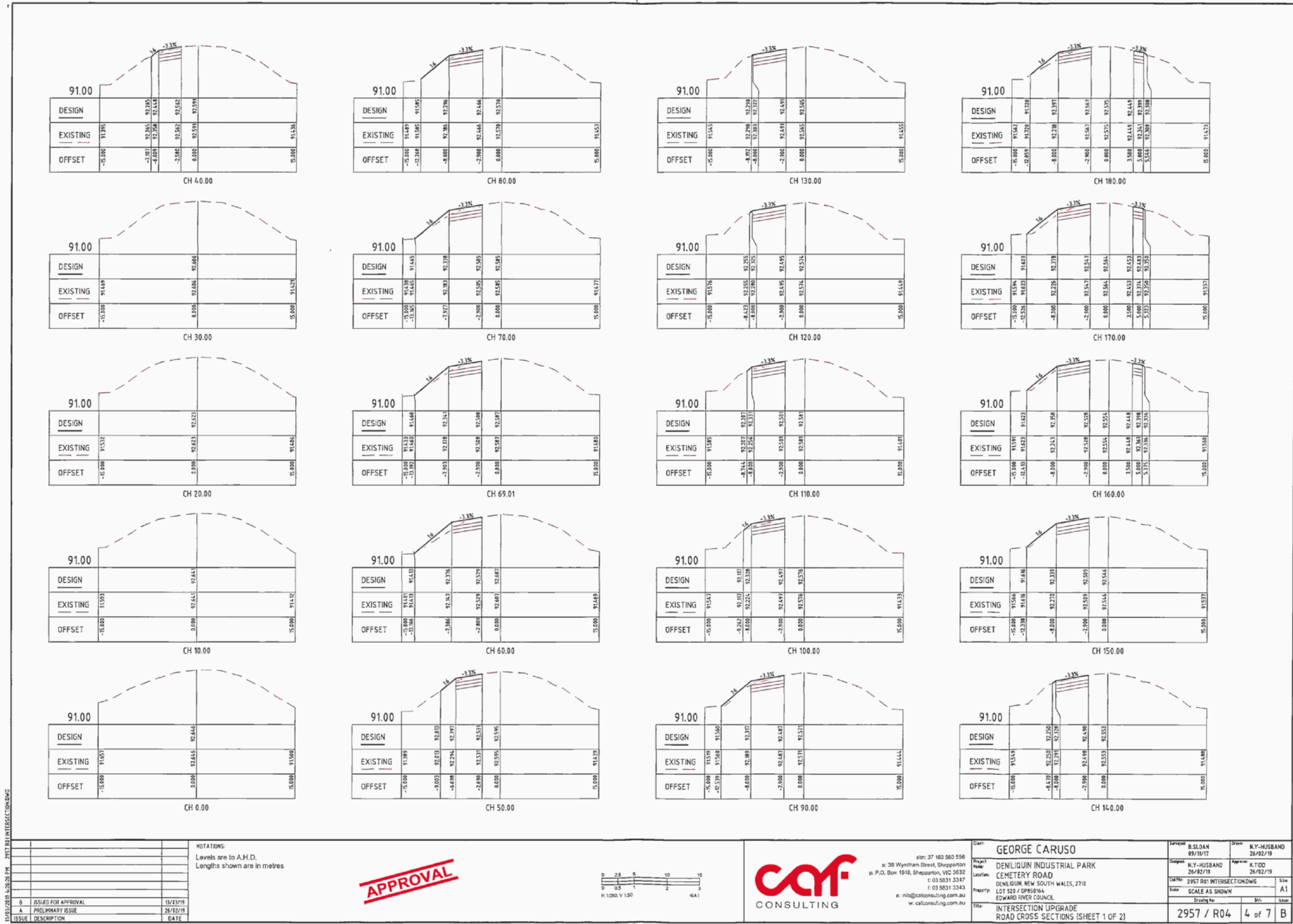
Note: Hold and witness points for pump stations shall be determined as part of the documentation for these facilities.

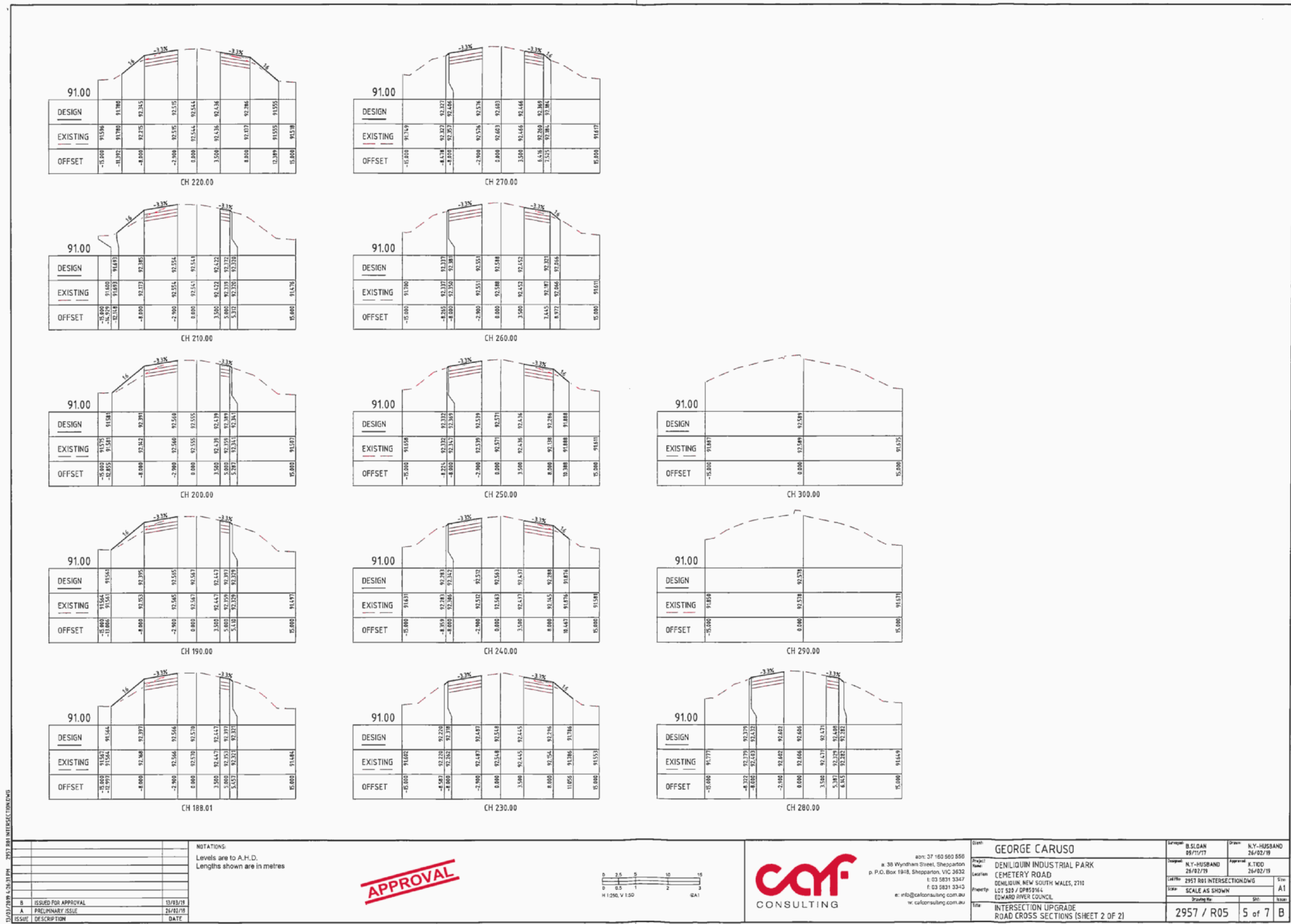


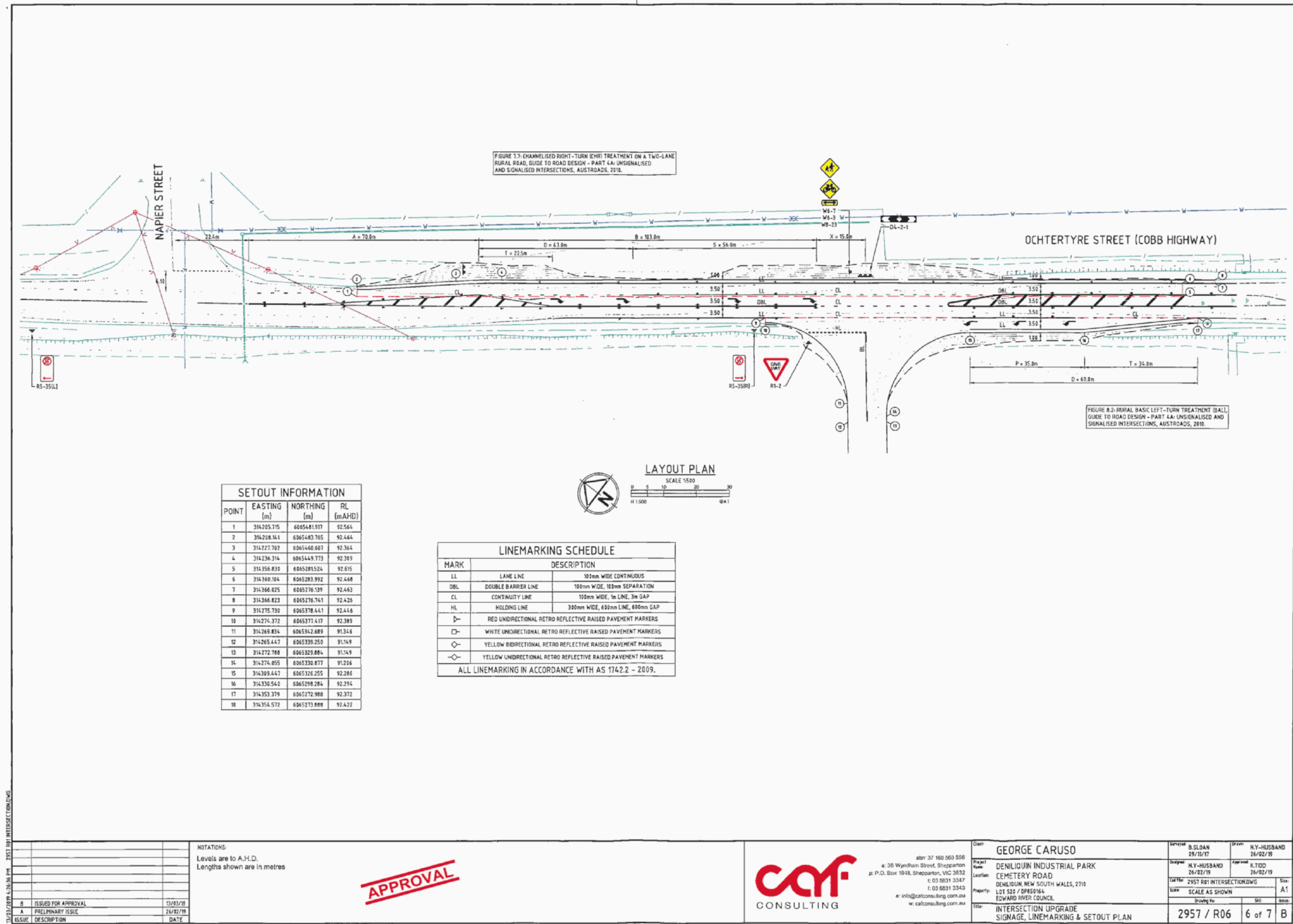


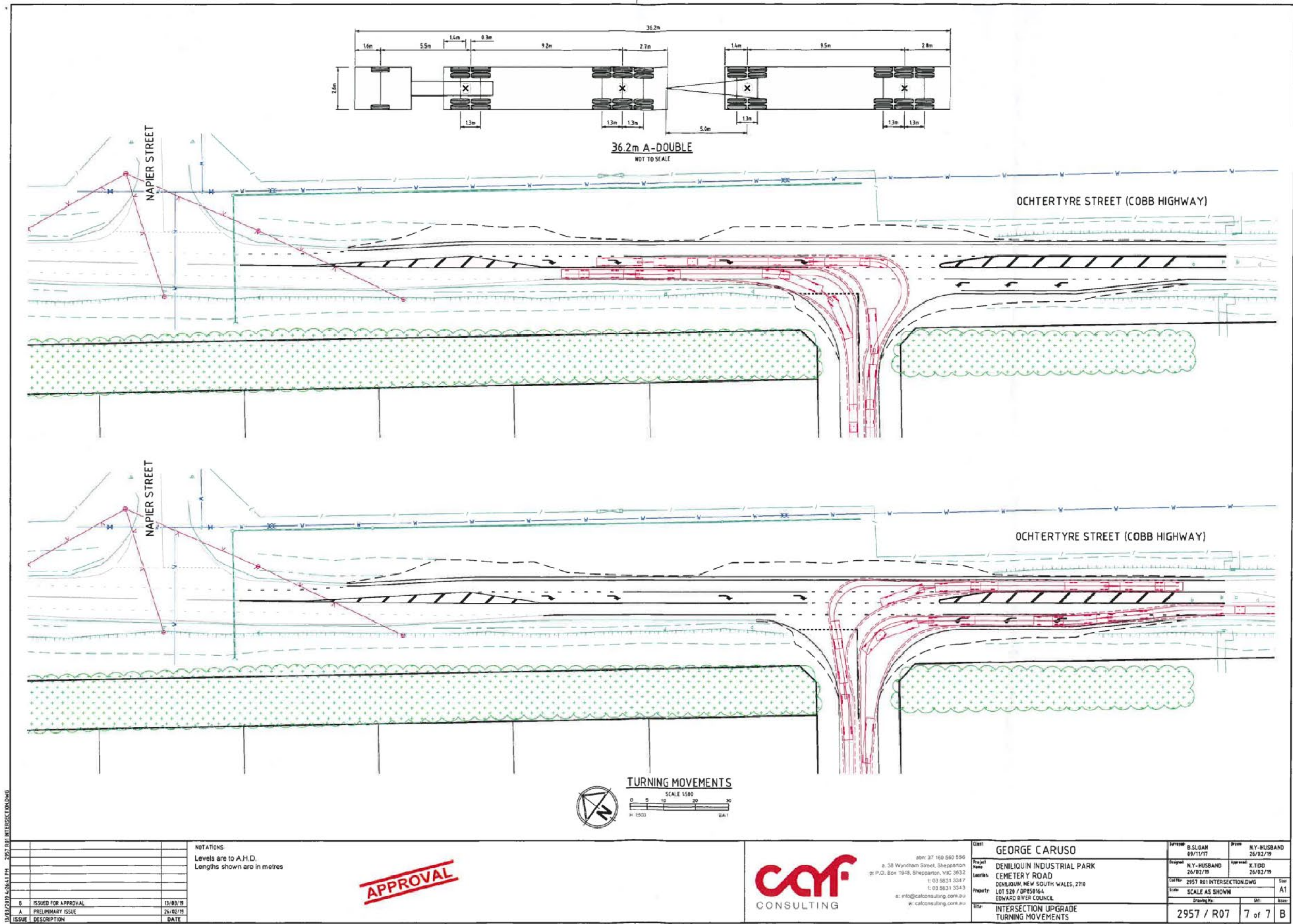




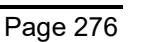


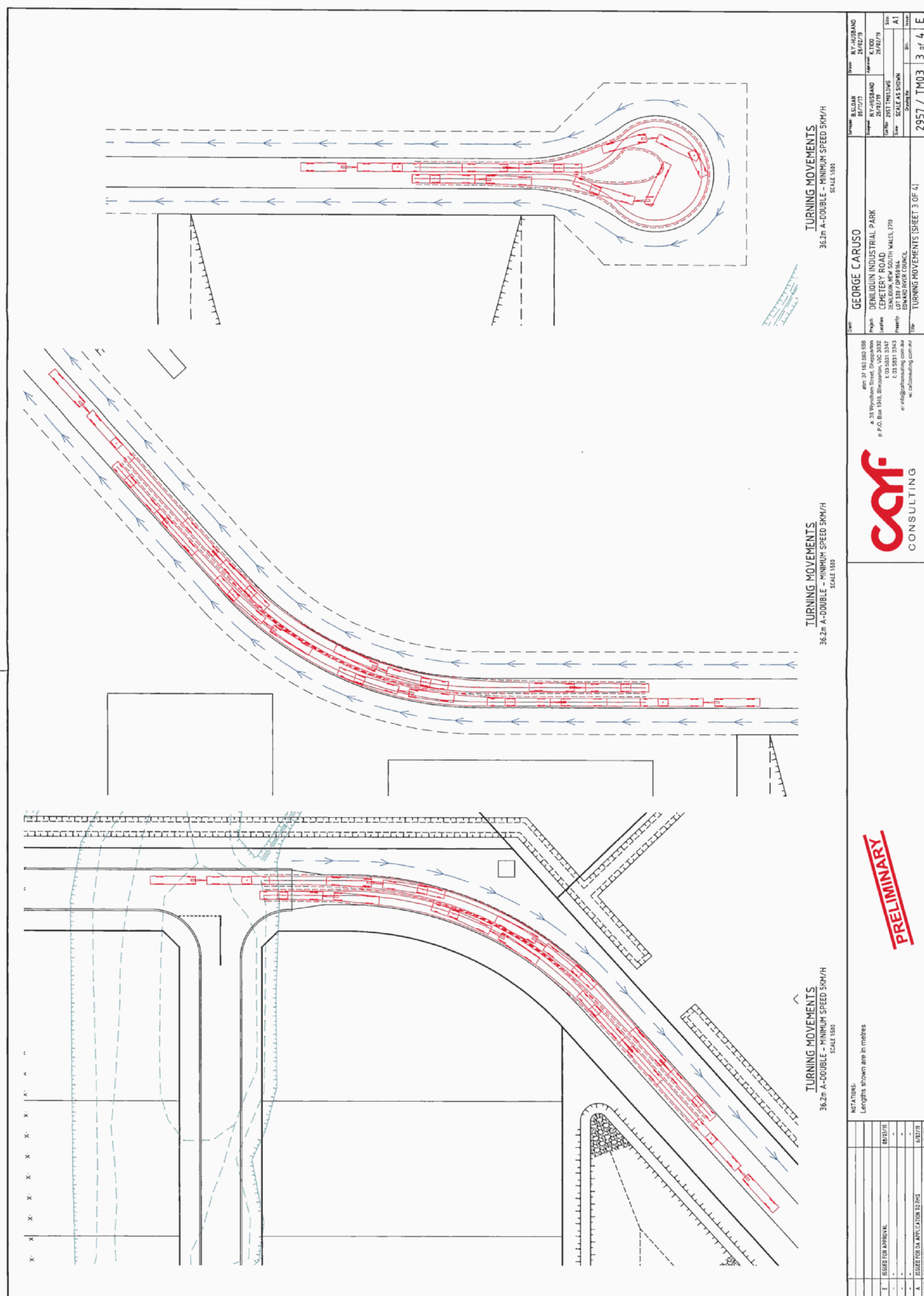












11.10 INVESTMENT REPORT AS AT 31 MARCH 2019**Author:** Rindayi Matienga, Financial Accountant**Authoriser:** Trish Kirkland, Director Corporate Services**RECOMMENDATION**

That Council:

1. Note and receive the Report on Investments totalling \$48,236,609 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of March 2019 was \$76,442.
3. Note that accrued interest earned to 31 March 2019 but not yet received was \$329,367.

BACKGROUND

The purpose of this report is to update Council on the investment of surplus funds and interest earned as required in Regulation No 264 (Part 19) of the Local Government Act 1993.

All investments have been made in accordance with Council's Policy, Section 625 of the Local Government Act 1993, and Regulation No 264.

As at 31 March 2019, Council had a total of \$48,236,609 in invested funds and cash at bank. This balance does not include unrepresented receipts or cheques. Total funds decreased by \$574,543 mainly due to Merger grant funded capital expenditure.

Interest received from investments during the month of March 2019 was \$76,442 consisting of \$17,633 for on-call/ bank accounts and \$58,809 for term deposits. Year to date interest received to 31 March 2019 for Edward River Council is \$794,032. Accrued interest of \$329,367 has been earned to 31 March 2019 but is not yet received as these investments mature in later months. Council's average interest rate is 2.29%, which is 0.52% above the 3-month BBSW rate of 1.77%.

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

ISSUE/DISCUSSION

At 31 March 2019 Council investments had a carrying value of \$48,236,609 as detailed in the attachment.

The cash and investment balance is restricted as follows:

Internal Restrictions	
Infrastructure replacement	\$ 3,112,631
Plant replacement reserve	\$ 1,798,670
Recreation reserves/villages	\$ 1,113,000
Employee entitlements	\$ 692,727
Land Development Fund	\$ 400,000
Airport Development	\$ 291,447
Deposits, retentions and bonds	\$ 229,831
Other internal reserves	\$ 762,235
Total Internal Restrictions	\$ 8,400,541
External Restrictions	
Water supplies fund	\$ 8,489,383
Sewerage services fund	\$ 6,299,401
Tip remediation	\$ 1,300,000
Unexpended Merger funds	\$ 13,034,329
Other unexpended grant funds	\$ 1,056,084
Library fund	\$ 509,071
Other external reserves	\$ 138,234
Total External Restrictions	\$ 30,826,502
Unrestricted Funds	\$ 9,009,565
Total Funds	\$ 48,236,609

The Total Funds above are held between the General, Water and Sewer funds as follows:

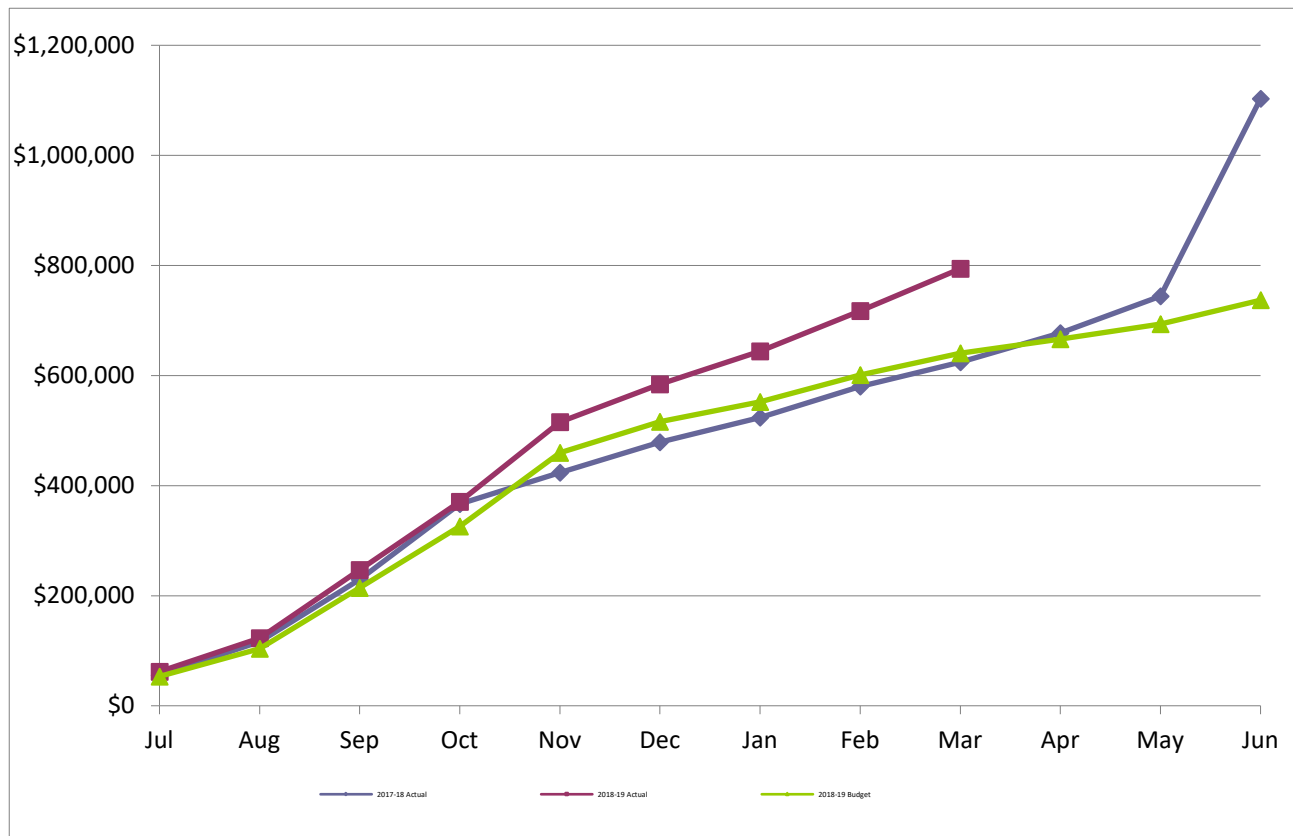
Fund Name	Bank and Investments	Percentage
General	\$ 33,447,825	69.34%
Water	\$ 8,489,383	17.60%
Sewer	\$ 6,299,401	13.06%
Total Funds	\$ 48,236,609	100.00%

Investments matured during March 2019

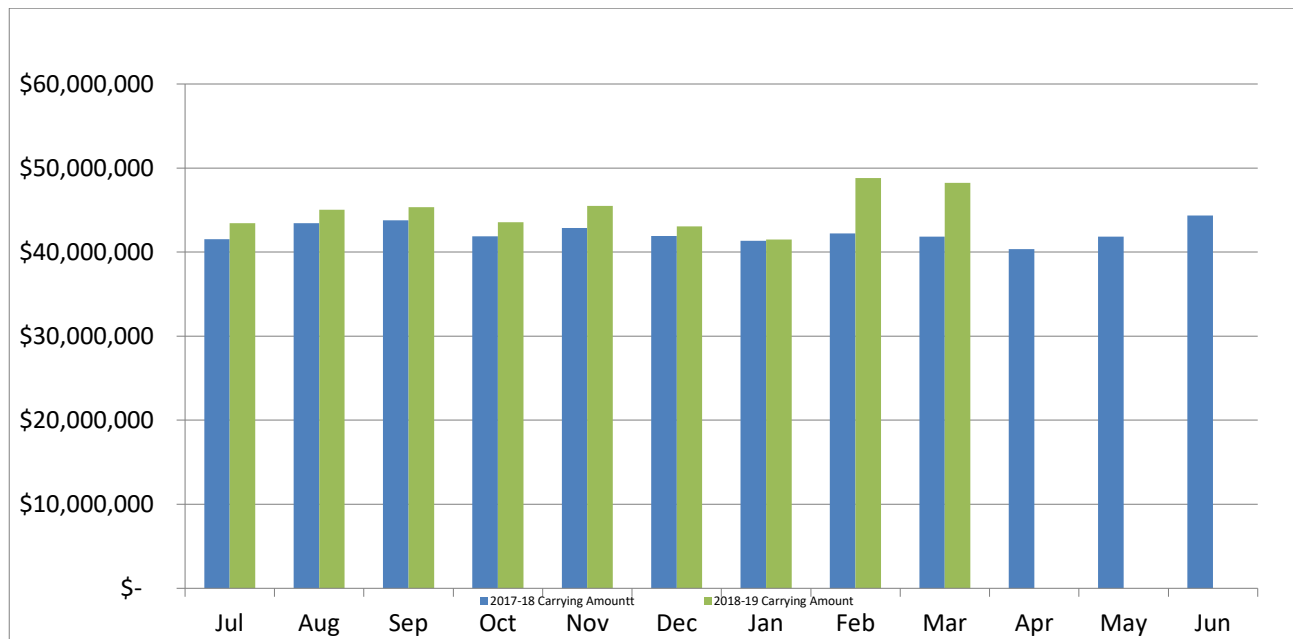
Matured/ Redeemed Investments

Financial Institution	Date Invested	Maturity Date	Days	Interest Rate	Amount	Actual Interest Received	Action Taken
Mar-19							
Bendigo and Adelaide Bank	04-Sep-18	05-Mar-19	182	2.60%	1,000,000	12,964.38	Rolled over for 10 months @ 2.55%
Westpac	10-Jul-18	12-Mar-19	245	2.49%	1,000,000	16,713.70	Rolled over for 3 months @ 2.36%
Bendigo and Adelaide Bank	21-Aug-18	19-Mar-19	210	2.65%	500,000	7,623.29	Replaced by Bank Australia @2.70%
Bendigo and Adelaide Bank	17-Jun-18	19-Mar-19	275	2.83%	1,000,000	21,507.68	Replaced by Bank Australia @2.70%
					3,500,000.00	58,809.05	

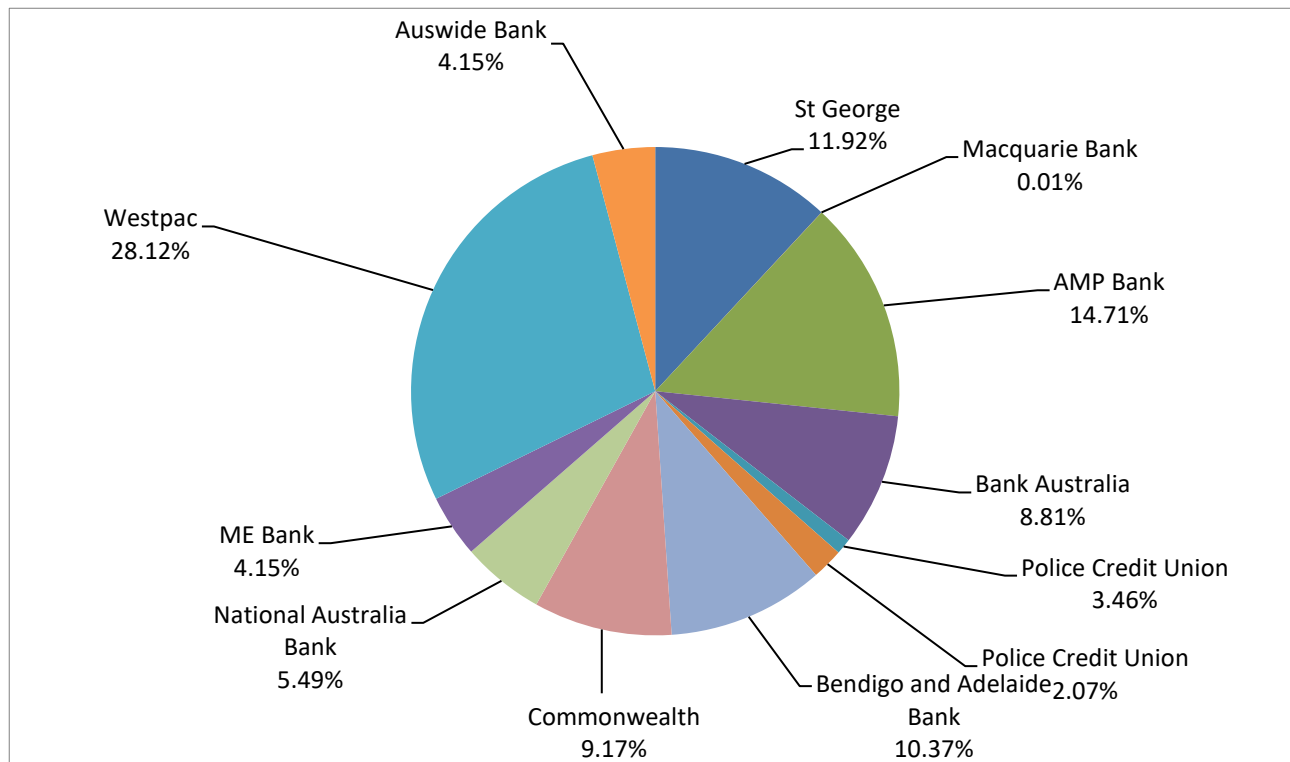
Actual year to date investment revenue earned



Total funds invested



Cash and investments total breakup by institution



Summary for cash at the bank for day to day operations as follows:

Cash Summary

Opening cash book balance	\$ 2,787,426
Plus receipts	\$10,680,557
Less payments	<u>\$10,820,070</u>
Cash book balance as at 31 March 2019	<u>\$ 2,647,912</u>

Statement Summary

Opening statement balance	\$ 3,019,612
Plus receipts	\$ 9,570,277
Less payments	\$ 9,954,722
Bank statement balance as at 31 March 2019	\$ 2,635,167
Plus unpresented receipts	\$ 27,088
Less unpresented payments	<u>\$ 14,343</u>
Reconciliation balance as at 31 March 2019	<u>\$ 2,647,912</u>

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 target 'Our local government is efficient, innovative and financially sustainable'.

FINANCIAL IMPLICATIONS

Investments are managed to maximise returns while ensuring adequate cash flow to meet upcoming commitments.

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

- | | |
|---------------|--|
| 24. 40% | 25. A1+ rated institutions |
| 26. 20% | 27. A1 rated institutions |
| 28. 10% | 29. A2 rated institutions |
| 30. \$250,000 | 31. Unrated authorized deposit taking institutions |

LEGISLATIVE IMPLICATIONS

All investments have been made in accordance with Section 625 of the Local Government Act 1993 and Regulation No. 264.

ATTACHMENTS

1. Investment	Report	Attachment	31	March	2019
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Schedule of Investments									
This Report is at date 31-March-2019									
Financial Institution	Account No.	Rating at End of Month (S&P)	Date Invested	Maturity Date	Days	Rate	Face Value Amount	% of Portfolio	Estimated Interest
On-Call/ CMT Accounts									
Westpac Business Cheque Plus Account	032-870 16-6545	A1+	N/a	N/a	365	0.01%	2,170,102.23	4.50%	Monthly
Westpac Business Cash Reserve	032-870 17-9231	A1+	N/a	N/a	365	0.40%	2,250,000.00	4.66%	Monthly
Westpac 31 Day Notice Account	032-870 23-2696	A1+	N/a	N/a	365	2.45%	2,142,436.46	4.44%	Monthly
Commonwealth Bank General Fund	062-533 000 000 10	A1+	N/a	N/a	365	0.00%	465,065.21	0.96%	Monthly
Commonwealth Bank Business On Line Acc	062-533 101 511 17	A1+	N/a	N/a	365	0.60%	1,957,326.40	4.06%	Monthly
NAB Business Cheque Account	89-575-7273	A1+	N/a	N/a	365	0.00%	149,957.98	0.31%	Monthly
Macquarie Bank - Rates	3005-79778	A1+	N/a	N/a	365	0.00%	5,159.48	0.01%	Monthly
Macquarie Bank - Water	2643-18940	A1+	N/a	N/a	365	0.00%	635.84	0.00%	Monthly
AMP Business Saver Account	939-200 164957532	A1+	N/a	N/a	365	1.80%	95,925.00	0.20%	Monthly
Total On-call/ CMT Accounts							9,236,608.60	19.15%	
Term Deposits									
St George	354032747	A1+	04-Sep-18	04-Apr-19	212	2.45%	1,250,000.00	2.59%	17,787.67
St George	354775348	A1+	02-Oct-18	03-Sep-19	336	2.60%	1,500,000.00	3.11%	35,901.37
St George	356833530	A1+	13-Dec-18	13-Dec-19	365	2.80%	1,000,000.00	2.07%	28,000.00
St George	357022641	A1+	29-Mar-19	29-Oct-19	214	2.57%	1,000,000.00	2.07%	15,067.95
St George	357022624	A1+	29-Mar-19	29-Oct-19	214	2.57%	1,000,000.00	2.07%	15,067.95
Westpac	033-621 357900	A1+	27-Nov-18	27-Aug-19	273	2.55%	1,000,000.00	2.07%	19,072.60
Westpac	032-870 243053	A1+	27-Nov-18	24-Sep-19	301	2.55%	1,000,000.00	2.07%	21,028.77
Westpac	032-870 24-3061	A1+	27-Nov-18	29-Oct-19	336	2.55%	1,000,000.00	2.07%	23,473.97
Westpac	032-870 22-6835	A1+	30-Oct-18	29-Oct-19	364	2.40%	500,000.00	1.04%	11,967.12
Westpac	032-870 22-2287	A1+	16-Oct-18	20-Aug-19	308	2.70%	1,500,000.00	3.11%	34,175.34
Westpac	032-870 22-8830	A1+	12-Mar-19	18-Jun-19	98	2.36%	1,000,000.00	2.07%	6,336.44
Westpac	032-870 23-4616	A1+	27-Nov-18	30-Jul-19	245	2.55%	1,000,000.00	2.07%	17,116.44
National Australia Bank	24-710-0644	A1+	25-Jan-19	23-Dec-19	332	2.69%	500,000.00	1.04%	12,233.97
National Australia Bank	31-162-5542	A1+	08-Aug-18	09-Apr-19	244	2.65%	1,000,000.00	2.07%	17,715.07
National Australia Bank	31-162-5542	A1+	23-Nov-18	26-Jun-19	215	2.66%	1,000,000.00	2.07%	15,668.49
CBA	37543602	A1+	29-Mar-19	29-Sep-19	184	2.30%	1,000,000.00	2.07%	11,594.52
CBA	37543602	A1+	29-Mar-19	29-Sep-19	184	2.30%	1,000,000.00	2.07%	11,594.52
Total A1+ Deposits							17,250,000.00	35.76%	
AMP Bank	085241479-427214	A1	23-Oct-18	23-Jul-19	273	2.75%	1,000,000.00	2.07%	20,568.49
AMP Bank	286870456-429501	A1	28-Aug-18	30-Jul-19	336	2.80%	1,000,000.00	2.07%	25,775.34
AMP Bank	933904831-467929	A1	04-Dec-18	04-Sep-19	274	2.70%	1,000,000.00	2.07%	20,268.49
AMP Bank	TD078224490	A1	26-Feb-19	29-Oct-19	245	2.80%	1,000,000.00	2.07%	18,794.52
AMP Bank	TD825824923	A1	26-Feb-19	26-Nov-19	273	2.80%	1,000,000.00	2.07%	20,942.47
AMP Bank	TD880971502-530304	A1	19-Mar-19	18-Mar-20	365	2.75%	2,000,000.00	4.15%	54,849.32
Total A1 Deposits							7,000,000.00	14.51%	
Bendigo and Adelaide Bank	2112060	A2	05-Mar-19	07-Jan-20	308	2.55%	1,000,000.00	2.07%	21,517.81
Bendigo and Adelaide Bank	105306781	A2	04-Dec-18	06-Nov-19	337	2.73%	1,000,000.00	2.07%	25,205.75
Bendigo and Adelaide Bank	157745894	A2	19-Feb-19	19-Aug-19	181	2.70%	500,000.00	1.04%	6,694.52
Bendigo and Adelaide Bank	157746082/157746124	A2	17-Jun-18	23-Apr-19	310	2.83%	1,000,000.00	2.07%	24,035.62
Bendigo and Adelaide Bank	157746140/157746199	A2	17-Jun-18	21-May-19	338	2.83%	1,000,000.00	2.07%	26,206.58
Bendigo and Adelaide Bank	157746223	A2	17-Jun-18	18-Jun-19	366	2.83%	500,000.00	1.04%	14,188.77
Bank Australia	313-140 138363486	A2	16-Jul-18	18-Jun-19	337	2.85%	1,000,000.00	2.07%	26,313.70
Bank Australia	313-140 138364459	A2	16-Oct-18	16-Apr-19	182	2.80%	750,000.00	1.55%	10,471.23
Bank Australia	313-140 138372386	A2	02-Oct-18	01-Oct-19	364	2.85%	1,000,000.00	2.07%	28,421.92
Bank Australia	133875949	A2	19-Mar-19	19-Dec-19	275	2.70%	1,000,000.00	2.07%	20,342.47
Bank Australia	138375947	A3	19-Mar-19	19-Dec-19	275	2.70%	500,000.00	1.04%	10,171.23
ME Bank (RIM)	11379100	A2	11-Feb-19	21-May-19	96	2.70%	1,000,000.00	2.07%	7,101.37
ME Bank (RIM)	11379100	A2	08-Aug-18	07-May-19	272	2.75%	1,000,000.00	2.07%	20,493.15
Defence Bank Limited	171548852	A2	26-Feb-19	28-Jan-20	336	2.80%	500,000.00	1.04%	12,887.67
Auswide Bank	194420	A2	13-Mar-19	17-Dec-19	279	2.90%	2,000,000.00	4.15%	44,334.25
Total A2 Deposits							13,750,000.00	28.51%	
Police Credit Union	72668	NR	28-Aug-18	28-May-19	273	2.80%	1,000,000.00	2.07%	20,942.47
Total Non Rated Deposits							1,000,000.00	2.07%	
Average Interest Rate						2.29%	48,236,608.60	100.00%	794,329.32

11.11 CORPORATE CARD MANAGEMENT POLICY

Author: Rindayi Matienga, Financial Accountant

Authoriser: Trish Kirkland, Director Corporate Services

RECOMMENDATION

That the Corporate Card Management Policy be adopted.

BACKGROUND

On 20 November 2018, a media release from Minister for Local Government, Gabrielle Upton, was circulated to NSW Councils. Minister Upton announced new measures to ensure that councils are managing credit card expenditure appropriately.

The measures include:

- Requiring every NSW council to have an audit, risk and improvement committee;
- Requesting the NSW Auditor-General to conduct a performance audit into credit card usage at local councils;
- Updating standard employment contracts and guidelines for the appointment of general managers by Councillors to strengthen rules related to credit card usage; and
- Requiring NSW councils to review their fraud prevention controls.

Following this media release, Council conducted a preliminary review of purchase card usage at Edward River Council. The results of this review were presented to Council's Audit, Risk & Improvement Committee on 20th Dec 2018.

ISSUE/DISCUSSION

Council already has a process in place which requires officers to be accountable for all purchases on corporate credit cards. This policy will formalise the process undertaken at council and provides further guidance for staff and improved documentation of the process.

STRATEGIC IMPLICATIONS

This will become an adopted policy of Council.

COMMUNITY STRATEGIC PLAN

5.3 Our local government is efficient, innovative and financially sustainable.

FINANCIAL IMPLICATIONS

There are no additional financial costs associated with the introduction of this policy.

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

1. Corporate	Card	Management	Policy
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POLICY OBJECTIVE

The objective of this Policy is to ensure effective controls and procedures are in place with respect to the use of Corporate Credit Cards issued by Edward River Council (Council) to Council Officials.

SCOPE

The objectives of this Policy are to:

- Ensure transparency in Council's use of Corporate Credit Cards;
- Ensure Council's resources are managed with integrity and diligence;
- Adopt best practice in developing a clear and comprehensive framework on the use of Corporate Credit Cards;
- Ensure accountability of use of Corporate Credit Cards including that use is for legitimate council business only; and
- Improve efficiency in purchasing processes.

LEGISLATIVE REQUIREMENTS

Local Government Act 1993

POLICY STATEMENT

1 Principles

- 1.1 Corporate Credit Cards have been implemented to allow the Council to transact its business in an efficient manner by providing Council Officers with a convenient method to meet costs they incur on Council's behalf.

Corporate Credit Cards should be recognised as a valuable tool for the efficient and effective operation of Council's daily business and not as a benefit assigned to specific individuals. In appropriate circumstances the use of Corporate Credit Cards create savings in staff administration time for transactions such as arranging transport, accommodation, and by eliminating the need for overseas bank drafts for certain purchases.

It will also reduce the number of creditor creations that are required for one-off purchases. Corporate Credit Cards should only be used in situations where it is not reasonably possible or not cost effective to go through the Council's normal procedures for the ordering of and/or payment for goods or services.

It is intended to save time and paperwork in making purchases while still maintaining control of purchase through monthly reconciliation process as well as reducing the need for Council staff to use their own private credit card to conduct Council business.

- 1.2 This Policy applies to all Council Officials that have been issued a Corporate Credit Card.

2 Responsible Officer

2.1 The Manager Finance is the Responsible Officer for this Policy. The role includes:

- Maintaining the Policy;
- Investigating breaches and enforcing compliance; and
- Implementing communications, education and monitoring strategies.

3 Responsibilities

3.1 Issuing of Corporate Credit Cards

The General Manager shall authorise the provision of a Council Corporate Credit Card.

The Finance Team is responsible for maintaining a register of the individual Corporate Credit Cards including their associated limits and expiry dates.

The Commonwealth Bank requires that a “New Cardholder Request” form is completed, and applicants will be provided with this form by the Finance Team (Attachment 5). Instructions to assist you in the completion of this form are provided as Attachment 6 - MasterCard Application Instructions.

Before anyone can become a cardholder, it will be necessary for that person to provide adequate proof of identity to satisfy the Bank’s requirements of at least 100 identification points. The cardholder will need to provide both original and authenticated copies of their ID to one of Council’s verifying officers, namely:

- Director Corporate Services;
- Manager Environmental Services; or
- Manager Finance

Each cardholder will be required to accept the conditions of use accompanying this Policy on receipt of the corporate credit card by acknowledging these policies and procedures (Refer Attachment 1).

3.2 Monthly Limit and Authorisations

Each Corporate Credit Card will have a monthly limit on expenditure. The credit limit of the individual cards is not to be exceeded. The remaining credit limit can be ascertained at any time by contacting the Finance Officer.

Corporate Credit Card expenditure is to be authorised in accordance with Council’s Delegations of Authority.

4 Restrictions

4.1 Under no circumstance is personal expenditure or Cash Advances to be charged against the Corporate Credit Card.

If a card is inadvertently used for personal use the Cardholder should:

Identify if the Supplier is able to reverse the transaction; or

Ensure that repayment is made immediately (or as soon as practicably possible), with a copy of the receipt for reimbursement attached to the statement.

Where a Corporate Credit Card is inadvertently used for personal use, authorising officers must not approve the statement, without a reimbursement receipt being attached.

Corporate credit cards should only be used for purchases of fuel for Council vehicles in an emergency. Staff should use their vehicle's fuel card for normal fuel purchases.

Use of Corporate Credit Cards for purchases over the internet should be restricted to trusted secure sites.

The cardholder will be personally liable for expenditure that cannot be shown to be related to the business of Edward River Council.

Use of a Corporate Credit Card will require the user to abide by Council's purchasing policies including purchasing from Council's preferred suppliers wherever possible. All software purchases must be made through Council's Information Management Team to ensure the software is compatible and is capable of effective support and maintenance.

5 Corporate Credit Card Holder Responsibilities

- 5.1 Corporate Credit Cards are to be used as a normal credit card, with the valid signature required to make any over the counter purchases. Internet and Phone purchases are to be made with the cardholder authority.

No cash advances are available from automatic teller machines or over the counter and BPAY facilities are not available.

The card is for official council business only and may not be used for personal items under any circumstances. The card is not linked to any form of award points and any personal award card or membership should not be used in conjunction with the use of the Corporate Credit Card.

All holders of Corporate Credit Cards must refer to and follow the guidelines that are provided with the cards when they are issued.

It is the card holder's responsibility to ensure the card is used only for approved purchases and that this can be clearly demonstrated.

5.2 Supporting Documentation Required for Obtaining Supplies

The standard credit card slip is not acceptable to the Australian Tax Office (ATO) as sufficient evidence to claim back the input tax credits relating to GST paid.

Additionally, the ATO could hold that 46.5 per cent of the amount paid by credit cards should have been withheld where an ABN is not quoted as Council has not met its obligations under the GST legislation.

Given the above it is therefore necessary that a tax invoice be obtained when purchasing taxable supplies by credit card.

A tax invoice will need to contain the ABN number of the supplier and either the words GST inclusive or provide detail of the amount of GST charged. Regardless of the method adopted the total of the invoice should include the GST component applicable to the transaction.

In certain circumstances the supplier may not be registered for GST. In this case, the invoice must contain the ABN but make no references to the GST. Input credits for the GST will not be claimable on supplies received from those suppliers.

Supporting documentation is required to be obtained for every purchase you make. A Tax Invoice is required for all transactions involving GST, above the \$82.50 threshold. Where GST is not applicable, supporting evidence can be in the form of a receipt or an internet/on-line payment acknowledgement. This documentation is required as part of the reconciliation of the Credit Card statement at the end of each month. If the transaction documentation is for some reason lost or destroyed a statutory declaration must be completed.

If a transaction is completed by telephone or by mail order, the cardholder will need to ensure that an appropriate Tax Invoice is obtained from the supplier and included with the monthly reconciliation. Tax Invoices must contain the following components in order to comply with Taxation Law and allow Council to claim an input tax credit for the GST paid:

- Date of issue;
- Name of creditor;
- The Australian Business Number (ABN) of the creditor;
- The quantity and a brief description of what is being supplied;
- The name Edward River Council (being the recipient);
- The words 'Tax Invoice';
- The GST as a separate component OR the invoice total with a statement that 'Total includes GST'.

All details of the purchase, including Tax Invoices are required to be obtained and retained to support the appropriate allocation of purchases at the end of each month.

6. Payment of Monthly Account

- 6.1 The outstanding balance of each Corporate Credit Card will be automatically debited to Council's bank account at the end of the month.

7 Reconciling Monthly Statements

1. Each cardholder will be issued with a monthly statement listing all their transactions. It is the responsibility of the cardholder to match their supporting documentation / tax invoices to the monthly statement.
NB: Tax Invoices are necessary to enable Council to claim back the GST each month.
2. Monthly statements must be reconciled and returned to the Finance Unit within seven days of receiving the statement.
3. Record next to each transaction:
 - The account number the purchase is to be costed to; and
 - The reason for the purchase.
4. For FBT purposes, expenses relating to the provision of entertainment must provide details of the total number of staff who attended, and the total number of attendees.
5. Sign and date the monthly Corporate Credit Card statement at completion of the reconciliation.
6. The monthly Corporate Credit Card statement, with all invoices attached, should then be authorised by the appropriate person as described in the Monthly Limit and Authorisations section of this Policy.
7. The Corporate Credit Card statement and all attachments are then to be sent to the Finance Officer.
8. After processing, all Corporate Credit Card statements will be filed with the relevant journal.

8 Disputed Transactions

- 8.1 Council is responsible for paying all accounts on the monthly Corporate Credit Card statements and the bank will debit this amount to the Council's bank account at the end of the month.

The cardholder will be personally liable for expenditure that cannot be shown to be related to the business of Edward River Council.

The Finance Team is to be notified of all disputed transactions. The cardholder must complete the "Disputed Transactions" form and include it with the monthly statement.

When a dispute occurs, the cardholder should attempt to correct the situation with the merchant. In many cases a simple telephone call can clear up a problem without any delay. The Finance Team will attempt to resolve the matter and may have to contact the bank for assistance.

The bank can assist with resolving some disputes with merchants, particularly those involving duplicated charges, non-receipt of goods ordered, or credits not processed after refund vouchers have been issued.

9 Terminating or Ceasing Employment

- 9.1 Cards should be returned as soon as no longer required and if leaving the services of Council, should be returned, no later than the last day of employment.

Credit cards will be cancelled upon advice from the People and Customer Services Team that a staff member is no longer an employee of Edward River Council.

10 Reporting Lost or Stolen Cards

- 10.1 If a card is lost or stolen it is the cardholder's responsibility to immediately telephone the Commonwealth bank to report the loss. The Commonwealth Bank can be contacted 24 hours a day, seven days a week on 13 1576.

The Finance Team should be contacted immediately and advised by the next business day and the cardholder should then complete a "Lost or Stolen Cards" form and forward it to the Finance Team. A replacement card will be arranged and issued upon receipt from the bank

11 Replacement Cards

- 11.1 The card is valid for the period shown on the face of the card and the Commonwealth Bank will automatically reissue replacement cards to the Finance Team one month prior to the expiry date. The Finance Team will then update the register details in regard to the replacement card and issue it to the cardholder.

The cardholder will need to complete a "Replacement Cards" form and sign the form on receipt of the new card.

12 Misuse of Cards

- 12.1 If a Corporate Credit Card is misused (i.e. used in a manner otherwise than in accordance with the instructions provided) the cardholder may be liable for disciplinary action. Actions in relation to the misuse of the card include the cancellation of the card, disciplinary action and/or termination of employment.

The Finance Team has the authority to cancel cards for misuse or repeated failure to meet the timetable for completing monthly reconciliations (after a maximum of two reminders) with sign-off by the Director Corporate Services and notification to the relevant Director.

ASSOCIATED POLICIES AND PROCEDURES

- Councillor Expenses and Facilities Policy
- Procurement Policy

DEFINITIONS

“Credit Card Holder” means a person that has a credit card issued to them in their name for Council.

“Director Corporate Services” means the Director of Corporate Services of Council, including their delegate or authorised representative.

“Manager Finance” means the Manager of Finance of Council, including their delegate or authorised representative.

“Card Administrator” means someone identified with the bank as an administrator of our Corporate Card facility.

POLICY VERSION CONTROL

Title	Corporate Credit Card Policy			
ECM Doc Set ID	61532			
Date Adopted				
Council Minute No.				
Responsible Officer	Manager Finance			
Version Number	Modified By	Modifications Made	Date modified and Approved by Council	Council Minute Number

Attachment 1 – Corporate Card Application and Acknowledgement Form

To the Manager Finance/Card Administrator

I, _____
(please print name and position)

Require a Corporate Card for the following reasons:

I acknowledge that I am issued with a Corporate Card for the Edward River Council, and I understand and agree that:

1. I will not use the Corporate Card, nor permit it to be used, for other than authorised purposes.
2. I will not use the Corporate Card unless authorised in writing to do so by the Card Administrator.
3. Misuse of the Corporate Card may result in the card withdrawal. Disciplinary, including legal, action may be taken against me if appropriate.
4. In the event of misuse of the Corporate Card and I am found guilty of an offence, I authorise Council to recoup any loss from my employee entitlements.
5. I am aware of my monthly credit and individual transaction limits.
6. I am required at all times, to ensure the security and safe keeping of the Corporate Card.
7. I accept responsibility for all purchases made on the Corporate Card.
8. If the Corporate Card is stolen, I will immediately contact the issuer, Commonwealth Bank on 13 15 76 and the Manager Finance.
9. I will return the Corporate Card to my supervisor in the event of any leave in-excess of 20 days, my retirement or resignation from Edward River Council, or prior to me assuming duties in another position that does not require the use of a Corporate Card, along with all supporting documentation for outstanding transactions and a completed Corporate Card Termination of Use Advice Form.
10. I agree to attend Corporate Card Use Training before receiving the Corporate Card and comply with all rules associated with the use of the Corporate Card.

I acknowledge that I have read and understood the conditions set out above and within the Corporate Card Policy which govern the use of a Corporate Card in my name.

Signature of Cardholder

Print Name:

Date:

Signature of Director

Print Name:

Date:

Signature of Manager Finance/Card Administrator

Print Name:

Date:

Attachment 2 – Corporate Card Termination of Use Advice

This advice is to be completed and submitted to the Card Administrator prior to, or on the last day of your employment with Edward River Council, or in the event you are re-assigned to another position with Council that does not require the use of a Corporate Card.

The Corporate Card, along with all supporting documentation for any outstanding transactions must be returned with this advice.

Card Details

Cardholder's Name: _____

Position: _____

Business Unit: _____

Corporate Card Number: _____

Surrender Date: _____

Cardholder's Signature: _____

Signature of Supervisor

Position:

Print Name:

Date:

Manager Finance/Card Administrator

The Corporate Card described above has been surrendered, accompanied with supporting documentation for outstanding transactions. The Corporate Card has been cancelled and the Register of Cardholders has been updated.

Signature of Manager Finance/Card Administrator

Print Name:

Date:

Attachment 3 – Corporate Card Replacement Card Form

This advice is to be completed and submitted to the Card Administrator prior to receipt of a replacement Corporate Card, in the case of a lost, stolen or expired card.

Card Details

Cardholder's Name: _____

Position: _____

Business Unit: _____

Previous Corporate Card Number: _____

Surrender Date: _____

New Corporate Card Number: _____

Cardholder's Signature: _____

Signature of Supervisor

Position:

Print Name:

Date:

Manager Finance/Card Administrator

The Corporate Card described above has been surrendered, accompanied with supporting documentation for outstanding transactions. The Corporate Card has been cancelled and the Register of Cardholders has been updated.

Signature of Manager Finance/Card Administrator

Print Name:

Date:

Attachment 4 – Corporate Card Lost/Stolen Card Form

This advice is to be completed and submitted to the Card Administrator within one (1) business day of the card being reported as lost or stolen with the Commonwealth bank on 13 1576.

Card Details

Cardholder's Name: _____

Position: _____

Business Unit: _____

Corporate Card Number: _____

Lost or Stolen: _____

Date Lost/Stolen: _____

Cardholder's Signature: _____

Signature of Supervisor

Position:

Print Name:

Date:

Manager Finance/Card Administrator

The Corporate Card described above has been recorded as lost or stolen, Commonwealth Bank have been advised and the Corporate Card has been cancelled. The Register of Cardholders has been updated.

Signature of Manager Finance/Card Administrator

Print Name:

Date:

Attachment 5 – Corporate Card Disputed Transactions Form

This advice is to be completed and submitted to the Card Administrator regarding any transactions that are under dispute, whether by the bank or the merchant involved.

Card Details

Cardholder's Name: _____

Position: _____

Business Unit: _____

Corporate Card Number: _____

Cardholder's Signature: _____

Date: _____

Transaction Details

Transaction Date/s: _____

Disputed with (Bank/Merchant): _____

Transaction Details: _____

Signature of Supervisor

Position:

Print Name:

Date:

Attachment 6 – Corporate Card Application Instructions

1. The Finance Administration Officer is to complete Section 1 and Sections 5 of the Cardholder Application form as approved by the General Manager.
2. The Cardholder is to complete Section 2 and sign at Section 6.
3. The cardholder is to then present to a verifying officer, with there current 100 points of ID.
4. The verifying officer is to check this ID, take a copy and then sign at Section 8 B.
5. The cardholder is to then provide the completed form with the copy of the ID to the Finance Officer.
6. The Finance Officer will then get 2 authorised signatories to sign this form.
7. The Finance Officer will then email this form to ibgovt.cba.com.au

11.12 COMBINED DELIVERY PROGRAM 2018-2021 AND OPERATIONAL PLAN 2018-2019 PROGRESS REPORT

Author: Cian Middleton, Governance and Communications Officer

Authoriser: Trish Kirkland, Director Corporate Services

RECOMMENDATION

That Council:

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

BACKGROUND

Under the Integrated Planning and Reporting (“IP&R”) Framework, Council is required to report on its progress in implementing its Delivery Program and Operational Plan. This requirement is reflected in section 404(5) of the *Local Government Act 1993* (“the Act”), which stipulates that the General Manager must ensure that regular progress reports are provided to the Council, at intervals of no more than six months, detailing the organisation’s progress with respect to the principal activities detailed in the Delivery Program.

Council’s inaugural 10-year Community Strategic Plan, *Edward River 2030*, was developed throughout 2017 and 2018 and adopted at its Ordinary Meeting held 3 May 2018 [2018/87]. *Edward River 2030* identifies five key strategic outcomes, each of which is supported by three targets. Council’s combined Delivery Program 2018-2021 and Operational Plan 2018-2019 (“the combined Delivery Program and Operational Plan”), which was adopted by Council at its Ordinary Meeting held 21 June 2018 [2018/123], details the three-year principal activities and annual actions that will be undertaken to meet those targets.



ISSUE/DISCUSSION

In 2018-2019, Council has committed to delivering 75 actions focussed on achieving our community’s vision across the five key strategic outcome areas contained in *Edward River 2030*. The progress report contained at Attachment A details Council’s progress in achieving those actions over the nine-month period from 01 July 2018 to 31 March 2019.

Each of the 75 actions contained in the combined Delivery Program and Operational Plan has been allocated to a member of Council’s Leadership Team for completion. In turn, each member of the Leadership Team is responsible for monitoring the actions assigned to their position and providing a progress status.

The report utilises a traffic light system to illustrate the organisation’s progress made over the reporting period. Explanatory commentary has been provided for all actions that have been assigned a status of “Not Started”, “Behind Plan” or “Urgent Action Needed”.

A summary of Council’s progress in implementing its combined Delivery Program and Operational Plan for the nine-month period to 31 March 2019 is set out in Table 1 – Action Status Summary, below:

Table 1 – Action Status Summary			
Symbol	Descriptor	Number of Actions	Percentage %
	Project Complete	10	13.3%
	On/Ahead of Plan	49	65.5%

	Not Started	1	1.3%
	Behind Plan	13	17.3%
	Urgent Action Needed	2	2.6%

Of the 75 actions contained in the combined Delivery Program and Operational Plan, a combined total of 78.8 per cent have been achieved or on plan to being achieved. A further 1.3 per cent were not started during the reporting period and are scheduled to commence in the fourth quarter of the 2018-2019 year. A combined total of 19.9 per cent are either behind plan or require urgent action.

STRATEGIC IMPLICATIONS

The preparation of the combined Delivery Program and Operational Plan Progress Report is a requirement of the IP&R Framework as set out in the Act. The combined Delivery Program and Operational Plan is a subsidiary document of *Edward River 2030* and is the point where the community's goals contained in that document are translated into action.

COMMUNITY STRATEGIC PLAN

- Outcome 5.1 – Our community is informed and engaged
- Outcome 5.3 – Our local government is efficient, innovative and financially sustainable

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Local Government Act 1993

- Section 404 – Delivery program

ATTACHMENTS

1. **Attachment A - Combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Progress Report as at 31 March 2019**



Combined Delivery Program 2018-2021 and
Operational Plan 2018-2019

Progress Report
31 March 2019

Combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Progress Report 31 March 2019

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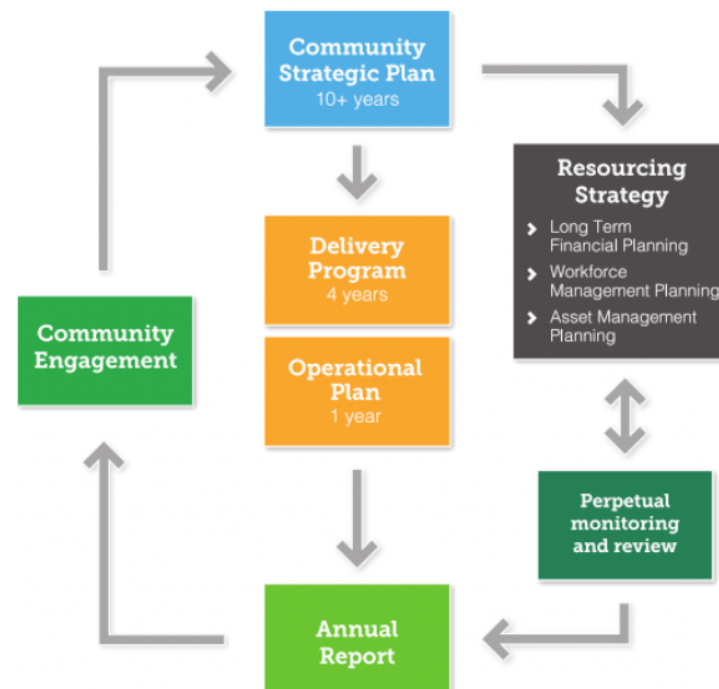
About this Report

All councils in NSW are required to undertake their planning and reporting activities in accordance with the Integrated Planning and Reporting (IP&R) framework set out in the *Local Government Act 1993* (the Act) and Local Government (General) Regulation 2005. The IP&R framework allows councils to draw their various plans together to understand how they interact and to get maximum leverage from their efforts by planning holistically for the future.

Edward River Council (Council) adopted its current suite of IP&R documents in 2018. The Community Strategic Plan, *Edward River 2030*, sits above this suite of interrelated plans and identifies the aspirations of the Edward River community.

The Delivery Program is informed by *Edward River 2030* and identifies the principal activities that Council will undertake over the 2017-2020 term of the Council to deliver on our community's aspirations. All of Council's plans, projects, activities and funding allocations must be directly linked to our Delivery Program. Supporting the Delivery Program is Council's annual Operational Plan, which details the individual projects and activities that will be undertaken each year to achieve the commitments made in the Delivery Program.

Under section 404 of the *Local Government Act 1993*, Council must prepare progress reports with respect to the principal activities detailed in the Delivery Program at least once every six months. This report covers the period from 1 January 2019 to 31 March 2019 inclusive.








Combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Progress Report 31 March 2019

Measuring our Progress

Council's Community Strategic Plan, *Edward River 2030*, identifies five key strategic outcomes, each of which is supported by three targets. Council's combined Delivery Program 2018-2021 and Operational Plan 2018-2019 detail the activities and actions that will be undertaken to meet these targets.

In 2018-19, Council committed to delivering 75 actions focused on achieving our community's vision across these five key strategic outcome areas. Those actions are detailed in our combined Delivery Program and Operational Plan. In this report, our progress in achieving those actions is illustrated by the following coloured symbols:

Symbol	Descriptor
	Project Complete
	On/Ahead of Plan
	Not Started
	Behind Plan
	Urgent Action Needed






Combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Progress Report 31 March 2019

Each of the 75 actions contained in our combined Delivery Program is assigned to a Councillor Officer, who is primarily responsible for achieving the action and who provides a regular progress report using the coloured symbols. The legend used throughout this report is set out below:

Acronym	Council Officer	Incumbent
<i>Office of the General Manager</i>		
GM	General Manager	Mr Adam McSwain
MCED	Manager Community and Economic Development	Ms Michelle Cobb
MES	Manager Environmental Services	Mrs Julie Rogers
<i>Corporate Services</i>		
DCS	Director Corporate Services	Ms Trish Kirkland
MFIN	Manager Finance	Ms Rindayi Matienga
MIM	Manager Information Management	Mr Mark Siena
MPCS	Manager People and Customer Service	Mrs Helen Flisher
<i>Infrastructure</i>		
DIN	Director Infrastructure	Mr Oliver McNulty
MEA	Manager Engineering and Assets	Mr Mark Dalzell
MOP	Manager Operations	Mr Warwick Newell




Combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Progress Report 31 March 2019

Our Performance






Edward River 2030 Strategic Outcome		Progress									
											
		Project Complete		On/Ahead of Plan		Not Started		Behind Plan		Urgent Action Needed	
		No.	%	No.	%	No.	%	No.	%	No.	%
1	A great place to live	1	1.3%	7	9.4%	0	0%	2	2.6%	2	2.6%
2	A prosperous and vibrant economy	1	1.3%	9	12.2%	0	0%	3	4.0%	0	0%
3	A valued and enhanced natural environment	0	0%	11	14.6%	0	0%	5	6.9%	0	0%
4	A region with quality and sustainable infrastructure	1	1.3%	8	10.7%	1	1.3%	1	1.3%	0	0%
5	A community working together to achieve its potential	7	9.4%	14	18.7%	0	0%	2	2.6%	0	0%
Total		10	13.3%	49	65.5%	1	1.3%	13	17.3%	2	2.6%

Combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Progress Report 31 March 2019


Outcome 1 – A great place to live

1.1 Our community has access to essential services				
Delivery Program 2018-21	Operational Plan 2018-19	Responsible Officer	Measure	Status
1.1.1 Communicate and engage with stakeholders to understand community need and undertake advocacy on important issues.	1.1.1.1 Advocate for improved health, medical, education and transport services and infrastructure.	GM	1. Council Advocacy Strategy developed and approved by Council. 2. State Government investment in health, medical, education and/or transport services.	
	1.1.1.2 Develop and implement a Doctor Incentive Policy to assist in the attraction of medical practitioners.	GM	1. Doctor Incentive Policy developed and approved by Council.	
1.2 Our community is safe, happy and healthy, both physically and mentally				
Delivery Program 2018-21	Operational Plan 2018-19	Responsible Officer	Measure	Status
1.2.1 Develop and maintain Council's sporting facilities, pool,	1.2.1.1 Undertake a Sportsground Equity Review to realign service levels and clearly define Council's and user groups' roles.	MES	1. Sportsground Equity Review completed. 2. User Group Agreements reviewed.	


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playgrounds and walking and cycling paths.	1.2.1.2 Deliver projects funded through the Stronger Communities Fund Major Projects Program.	DIN	1. All projects completed and acquitted by 30 June 2019.	
	1.2.1.3 Deliver projects funded through the Stronger Country Communities Program: <ul style="list-style-type: none"> Lagoon to River Walk Signage Project Deniliquin Swim Centre All Abilities Access Upgrade Scott's Park Destination Playground Project. 	DIN	1. All projects completed and acquitted in line with funding agreements.	
1.2.2 Provide community halls and facilities.	1.2.2.1 Support Committees to manage Council halls and facilities.	DCS	1. 355 Committees compliant with legislation.	
	1.2.2.2 Ensure community halls and facilities are fit for purpose and sufficiently maintained.	MOP	1. Community halls and facilities maintained as per condition assessments.	
1.2.3 Deliver services to enhance community safety in the built and natural environment.	1.2.3.1 Delivery regulatory services with a focus on animal management, town appearance and car parking.	MES	1. Increased number of registered dogs for 2018/19 year in comparison with 2017/18. 2. Implement de-sexing program.	



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			3. Undertake four free microchipping weeks per year.	
	1.2.3.2 Deliver building and environmental health services to provide a safe built environment and achieve food safety.	MES	1. Completion of all food inspections within legislative requirements. 2. Complete all skin penetration inspections. 3. Complete two pool barrier inspections per week. 4. Prepare a Council Policy for pool barrier inspections. 5. Preparation of essential fire safety program.	


1.3 Our community and public space are accessible and inclusive and reflect our history, heritage and culture


Delivery Program 2018-21 Activity	Operational Plan 2018-19	Responsible Officer	Measure	Status
1.3.1 Council aims to develop Edward River Council as a vibrant and progressive community by supporting and partnering with	1.3.1.1 Promote and support local events and activities such as NAIDOC week, Wamba Wamba Perrepa Perrepa week, Seniors week, International Women's Day and Youth Week activities.	MCED	1. No. of local events supported.	


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community groups and assisting in developing cultural spaces.	1.3.1.2 Progress the development of the Deniliquin Town Hall as a community, arts, performance and cultural hub.	MCED	1. Funding secured for project. 2. Project plan developed, and tender completed. 3. Project commenced.	
	1.3.1.3 Commence discussions with Indigenous groups and organisations about local indigenous arts, culture and heritage.	MCED	1. Discussions commenced with relevant groups. 2. Plan developed and presented to Council.	

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Commentary on:  Action - Not Started		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
All actions commenced during the reporting period.		

Commentary on:  Action - Behind Plan		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
1.2.1 Develop and maintain Council's sporting facilities, pool, playgrounds and walking and cycling paths.	1.1.1.2 Deliver projects funded through the Stronger Communities Fund Major Projects Program.	Planning and design for all Round 1 Stronger Communities Fund Major Projects Program projects has commenced. Some of the projects will not be deliverable by 30 June 2019 due to a shortage of suitable design consultants and contractors.
1.3.1 Council aims to develop Edward River Council as a vibrant and progressive community by supporting and partnering with community groups and assisting in developing cultural spaces.	1.3.1.3 Commence discussions with Indigenous groups and organisations about local indigenous arts, culture and heritage.	Discussions with Yarkuwa Indigenous Knowledge Centre have commenced, and the organisation has provided input to some arts and culture projects, namely the Water Tower public art project. However, an Indigenous Arts and Culture Plan has not been developed.

Commentary on:  Action - Urgent Action Needed		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
1.2.2 Provide community halls and facilities.	1.2.2.1 Support Committees to manage Council halls and facilities.	While Council has continued to operate section 355 Committees, there is no currently no framework in place to ensure compliance with the <i>Local Government Act 1993</i>





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		and other legislation, as well as the Code of Conduct and Code of Meeting Practice. Council has resolved to commission a strategic review of Council's committee framework and it is anticipated the review's recommendations will be resourced for implementation in the 2019-20 year.
1.2.3 Deliver services to enhance community safety in the built and natural environment.	1.2.3.2 Deliver building and environmental health services to provide a safe built environment and achieve food safety	Food inspection, skin penetration inspection, pool barrier inspection programs are all scheduled to be undertaken across Q3 and Q4. The preparation of a Council policy for pool barrier inspections and essential fire safety program unlikely to occur due to availability of resources.





Additional achievements:  Other significant achievements not contained in the combined Delivery Program 2018-21 and Operational Plan 2018-19	
Delivery Program 2018-21 Activity	Other achievements obtained
1.2.3 Deliver services to enhance community safety in the built and natural environment.	Completion of mandatory dog attack reporting through the NSW Companion Animals Register.
	Draft Compliance and Enforcement Policy placed on public exhibition.
	Development of Management of Feral and/or Infant Companion Animals Policy.
	Implementation of the alcohol-free zone in Deniliquin for the 2018-2022 period.
	Adoption of Flood Planning Levels Policy.

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Outcome 2 – A prosperous and vibrant economy

2.1 Our economy is strong and diverse				
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
2.1.1 Support and grow local business and agriculture	2.1.1.1 Provide support to any local business looking to expand through the provision of advice, assistance, identifying and applying for grants and any other support that is achievable.	MCED	1. Value of funding accessed for private business expansion.	
	2.1.1.2 Develop an Investment Attraction Policy and Framework.	MCED	1. Policy and Framework developed and approved by Council. 2. No. of businesses who access support.	
	2.1.1.3 Investigate and advocate to RMS for additional truck stops to improve road safety and encourage additional economic spend.	MCED	1. Engage with trucking industry to understand priority areas of focus.	
	2.1.1.4 Progressively implement the Economic Development Strategy.	MCED	1. No. of initiatives implemented from the Strategy.	


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	2.1.1.5 Undertake the development of a Retirement Village in Deniliquin.	MCED	<ol style="list-style-type: none"> 1. Land secured and prepared for development. 2. Agreement in place with developer for retirement village to be constructed. 3. Development commenced. 	
	2.1.1.6 Undertake the Deniliquin Airport Runway Project.	MCED	<ol style="list-style-type: none"> 1. Undertake next steps to further develop project as outlined in KPMG Business Case. 2. Submit funding applications to both State and Federal Governments for the project. 	
2.1.2 Develop and promote investment opportunities within Edward River region.	2.1.2.1 Develop a Major Project Pipeline to attract funding and development.	MCED	<ol style="list-style-type: none"> 1. Project pipeline developed and approved by Council. 2. Value of funding received for projects identified in pipeline. 	
2.1.3 Streamline processes and identify efficiencies to assist investors, developers, builders and event organisers.	2.1.3.1 Progressively review processes relating to investors, developers, builders and event organisers with reduction in red tape and simplification of the process as the primary focus.	MCED	<ol style="list-style-type: none"> 1. No. of processes reviewed, savings generated, and time delays removed. 	


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2.2 We develop our key assets to enhance agriculture, boost tourism and support existing business				
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
2.2.1 Promote and develop Edward River region as a place to live, learn, work, play and visit.	2.2.1.1 Continue to promote Deniliquin and Edward River Council through a tourism marketing campaign.	MCED	1. Tourism marketing campaign delivered for 2018/19 year.	
	2.2.1.2 Support existing events and attract new events.	MCED	1. Value of support provided for existing events. 2. No. of new events attracted.	
2.2.2 Invest in our rivers, creeks, billabongs and main streets to support existing business and attract tourism	2.2.2.1 Implement the Rural Villages Beautification program for Conargo, Blighty, Wanganella, Boorooban, Pretty Pine and Mayrung.	MEA	1. Project completed in each village.	
	2.2.2.2 Complete and commence implementing the Riverfront, CBD, Lagoons and Town Entrance Masterplans.	MES	1. Masterplans completed. 2. No. of initiatives implemented.	

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2.3 Our region provides strong education, employment and training opportunities				
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
2.3.1 Work in partnership with business to identify skill and employment gaps that can attract new residents and support economic growth.	2.3.1.1 Engage with business to understand skill gaps and advocate to education providers to try and align needs.	MCED	1. Meetings held with industry to understand skills gaps. 2. Discussions with education providers to align aims.	

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Commentary on:  Action - Not Started		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
All actions commenced during the reporting period.		

Commentary on:  Action - Behind Plan		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
2.1.1 Support and grow local business and agriculture	2.1.1.5 Undertake the development of a Retirement Village in Deniliquin.	Preferred developer has withdrawn from project and discussions have commenced to allow Council to reassess opportunities.
2.1.2 Develop and promote investment opportunities within Edward River region.	2.1.2.1 Develop a Major Project Pipeline to attract funding and development.	Major project pipeline has commenced but more work needs to be done to promote the opportunities. The Inaugural Major Projects Summit enabled Edward River businesses to understand the opportunities for them to leverage major projects in the region.
2.3.1 Work in partnership with business to identify skill and employment gaps that can attract new residents and support economic growth.	2.3.1 Engage with business to understand skill gaps and advocate to education providers to try and align needs.	Discussions have commenced with the manufacturing sector and the health sector. A forum was held in February to discuss attracting General Practitioners to Deniliquin. Discussions with education providers to align aims are yet to commence.





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Commentary on:  Action - Urgent Action Needed		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
No actions requiring urgent action during the reporting period.		







Additional achievements:  Other significant achievements not contained in the combined Delivery Program 2018-21 and Operational Plan 2018-19	
Delivery Program 2018-21 Activity	Other achievements obtained
2.1.1 Support and grow local business and agriculture.	Delivered significant program of business events during Small Business Month including the particularly successful Inaugural Major Projects Summit. Over 120 local businesses attended forums, workshops and the projects summit aimed at growing local businesses.

Combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Progress Report 31 March 2019


Outcome 3 – A valued and enhanced natural environment

3.1 We are committed to resource recovery and waste management				
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
3.1.1 Minimise waste to landfill and investigate options for recycling.	3.1.1.1 Develop and implement an Edward River Council Waste Strategy.	DIN	1. Strategy developed and approved by Council.	
	3.1.1.2 Complete a Business Case for kerbside recycling.	DIN	1. Business case completed and adopted by Council.	
3.1.2 Provide sustainable waste services and infrastructure.	3.1.2.1 Operate and maintain waste facilities.	MOP	1. Facilities operating within licence requirements. 2. No. breaches of licence requirements.	
	3.1.2.2 Undertake planning for the expansion of the Deniliquin Waste Disposal Depot.	MOP	1. Planning completed, and detailed report taken to Council. 2. Decision on expansion of tip made by Council. 3. Project implementation commenced, if approved.	

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3.2 Our natural environment is protected and enhanced				
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
3.2.1 Sustainably manage Council owned and managed natural areas.	3.2.1.1 Provide cemetery management to Council operated public cemeteries	MOP	1. Cemetery services delivered to agreed service levels. 2. No. of complaints received.	
	3.2.1.2 Maintain Council owned and managed areas within agreed service levels.	MOP	1. Service levels progressively developed. 2. Updated service levels are implemented.	
3.2.2 Proactively manage the impacts associated with invasive species.	3.2.2.1 Conduct weed control initiatives in line with regulatory obligations.	MOP	1. Service delivered and compliance with DPI guidelines and relevant legislation.	
3.2.3 Collaborate with emergency services and other agencies to provide cohesive emergency management services.	3.2.3.1 Partner with agencies to achieve coordinated emergency management.	MEA	1. Membership of relevant committees maintained.	
	3.2.3.2 Deliver the RFS Fire Control Centre project at the Deniliquin Airport.	MEA	1. Project delivered on time and on budget.	
3.2.4 Provide great Parks and Open Space by greening our streets,	3.2.4.1 Develop and implement outcomes from the Edward River Council Recreation	DIN	1. Plans developed.	

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managing tree safety and improving our town entrances, sporting ovals, gardens and passive recreation spaces.	Strategy, Memorial Park Masterplan and Open Space Strategy.		2. Funding applications developed and submitted for high priority projects.	
	3.2.4.2 Deliver maintenance programs for our parks, trees and reserves.	MOP	1. Maintenance programs developed and implemented.	


3.3 We plan for the future to accommodate and facilitate sustainable growth and development


Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
3.3.1 Manage the built environment in line with the LEP and relevant legislation.	3.3.1.1 Provide timely, accurate and professional development services.	MES	1. Planning processing times meet legislative requirements.	
	3.3.1.2 Commence development of an Edward River LEP.	MES	1. Single Edward River Council LEP commenced.	
3.3.2 Undertake strategic planning to ensure our community is well planned and there is adequate land available to support residential, business, industrial and agricultural growth.	3.3.2.1 Finalise the Rural Living strategic planning project.	MES	1. Report completed and approved by Council.	
	3.3.2.2 Develop an Industrial Land Strategy.	MES	1. Strategy completed and approved by Council.	

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	3.3.2.3 Complete the North Deniliquin Levy Feasibility and Design.	MEA	1. Feasibility complete. 2. Design complete.	
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Commentary on:  Action - Not Started		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
All actions commenced during the reporting period.		

Commentary on:  Action - Behind Plan		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
3.1.1 Minimise waste to landfill and investigate options for recycling.	3.1.1.1 Develop and implement an Edward River Council Waste Strategy.	Consultants have presented a first draft of the strategy to Council and are currently incorporating the feedback from the presentation into the final draft.
	3.1.1.2 Complete a Business Case for kerbside recycling.	Council has resolved to further investigate the business case for a three-bin recycling system.
3.2.3 Collaborate with emergency services and other agencies to provide cohesive emergency management services.	3.2.3.2 Deliver the RFS Fire Control Centre project at the Deniliquin Airport.	Project on budget but behind plan due to contractor issues beyond Council's control. Status of project has been communicated to NSW RFS. Work to be completed and handed over to RFS in April 2019.
3.1.2 Provide sustainable waste services and infrastructure.	3.1.2.2 Undertake planning for the expansion of the Deniliquin Waste Disposal Depot.	Consultants have been engaged to design and facilitate the expansion of the Waste Disposal depot.

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3.3.2 Undertake strategic planning to ensure our community is well planned and there is adequate land available to support residential, business, industrial and agricultural growth.	3.3.2.2 Develop an Industrial Land Strategy.	The brief for the strategy has been completed and a request for quotation will be issued before the end of the 18/19 financial year.
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Commentary on:  Action - Urgent Action Needed		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
No actions requiring urgent action during the reporting period.		


Additional achievements:  Other significant achievements not contained in the combined Delivery Program 2018-21 and Operational Plan 2018-19	
Delivery Program 2018-21 Activity	Other achievements obtained
3.3.1 Manage the built environment in line with the LEP and relevant legislation.	Commenced the planning proposal to insert flood planning controls into the Deniliquin Local Environmental Plans 1997/2013 in accordance with recommendations of the Edward River at Deniliquin Floodplain Risk Management Study and Plan 2017.
	Undertook review of bushfire-prone land mapping, which has been certified by the NSW Rural Fire Service.
	Commenced preparation of a Local Approvals Policy.

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Outcome 4 – A region with quality and sustainable infrastructure

4.1 Our built environment is managed, maintained and improved				
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
4.1.1 Responsibly manage our assets including roads, buildings, footpaths, airport, cemetery, recreation and sporting facilities and public toilets by inspecting and monitoring maintenance and renewal needs.	4.1.1.1 Deliver Council's Annual Capital Works Program.	MOP	1. 100% capital works program delivered.	
	4.1.1.2 Deliver annual maintenance on Council infrastructure.	MOP	1. 100% annual maintenance delivered.	
4.1.2 Understand and plan for Council's asset renewal requirements.	4.1.2.1 Progress towards investing in our assets at a level equal to depreciation.	DIN	1. Increasing capital expenditure.	
	4.1.2.2 Progressively develop and implement detailed asset management plans across all asset classes.	MEA	1. No. of asset plans developed.	
	4.1.2.3 Develop a ten-year plant replacement that aligns with service needs.	MOP	1. Ten-year plant program developed and approved by Council. 2. Plan implemented for 2019/20 budget development process.	


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	4.1.2.4 Progressively develop service standards by Council infrastructure.	DIN	1. No. of service standards developed.	
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4.2 Our road network is a source of pride

Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
4.2.1 Close Council's asset renewal gap with the road network as the priority area of focus.	4.2.1.1 Undertake condition assessments of Council's roads and related infrastructure.	MOP	1. Condition assessments completed for road network.	
	4.2.1.2 Develop a program of works to renew Council's roads in line with condition assessments.	MOP	1. Program developed and approved by Council. 2. Implemented of program commenced for 2019/20 budget.	


4.3 Our water and sewer infrastructure is efficient and fit for purpose


Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
4.3.1	4.3.1.1 Deliver Council's annual Water and Sewer Capital Works Program.	MOP	1. 100% capital works program delivered.	


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Provide for safe, reliable and sustainable water and sewerage services.	4.3.1.2 Deliver annual maintenance programs on Water and Sewer infrastructure	MOP	1. 100% annual maintenance delivered.	
4.3.2 Plan for the replacement of the Deniliquin Sewerage Treatment Plant	4.3.2.1 Commence planning and discussions with the State Government for the replacement of the Deniliquin Sewerage Treatment Plant.	DIN	1. Project plan for project developed and approved by Council. 2. Discussions commenced with Government on project and funding.	


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Commentary on:  Action - Not Started		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
4.3.2 Plan for the replacement of the Deniliquin Sewerage Treatment Plant	4.3.2.1 Commence planning and discussions with the State Government for the replacement of the Deniliquin Sewerage Treatment Plant.	Council shall prepare a brief regarding the replacement of the Sewerage Treatment Plant for discussions with the State Government and funding in the 2019/20 Operational Plan.

Commentary on:  Action - Behind Plan		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
4.3.1 Provide for safe, reliable and sustainable water and sewerage services.	4.3.1.1 Deliver Council's annual Water and Sewer Capital Works Program.	Work is continuing on the Water and Sewer Capital Works Program, subject to consultant and contractor availability.




Commentary on:  Action - Urgent Action Needed		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
No actions requiring urgent action during the reporting period.		

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Additional achievements:		 Other significant achievements not contained in the combined Delivery Program 2018-21 and Operational Plan 2018-19
Delivery Program 2018-21 Activity	Other achievements obtained	
No additional achievements during the reporting period.		

Combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Progress Report 31 March 2019






Outcome 5 – A community working together to achieve its potential

5.1 Our community is informed and engaged				
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
5.1.1 Proactively communicate information on Council services, activities and events.	5.1.1.1 Ensure a Council wide focus on external communication that works across multiple mediums including online, print and face to face and ensures both the urban and rural areas are adequately communicated with.	GM	1. Bi-annual newsletter developed and distributed. 2. Increase in Followers on Council Facebook page. 3. No. of media releases distributed.	
5.1.2 Provide opportunities for the community to be involved in key strategies, policies and decisions of Council.	5.1.2.1 Implement a Community Engagement Policy and Community Engagement Strategy in line with IAP2 guidelines.	MCED	1. Policy and Strategy developed and approved by Council.	
	5.1.2.2 Complete communication strategies for key projects.	GM	1. No. of strategies developed for key projects.	







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5.2 We collaborate and pursue partnerships that achieve great outcomes for our community				
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
5.2.1 Work in partnership with the community on key projects.	5.2.1.1 Establish Committees and Working Groups with community representation for key Council projects.	GM	1. No. of committees established for projects.	
	5.2.1.2 Implement the priority projects from the Disability Inclusion Action Plan to establish a Disability Inclusion Committee and construct an accessible change facility at the Deniliquin Swim Centre.	MES	1. Accessible pool changerooms completed. 2. Committee established.	
5.3 Our local government is efficient, innovative and financially sustainable				
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Responsible Officer	Measure	Status
5.3.1 Deliver sustainable financial management.	5.3.1.1 Develop and implement a sustainable Long-Term Financial Plan.	MFIN	1. Long-Term Financial Plan developed and approved by Council. 2. Document updated and approved annually.	
	5.3.1.2 Implement year one of reimplementing Council's Business System with a focus on maximising mobility in the field.	DCS	1. Year one of TechOne project implemented on time and within budget.	






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	5.3.1.3 Investigate opportunities to sell assets surplus to requirements.	DCS	1. No. of surplus assets sold or disposed of.	
	5.3.1.4 Undertake sound financial management in line with legislative requirements.	MFIN	1. Quarterly budget statement reviews completed. 2. Financial statements lodged by 31 October. 3. Monthly investment reports to Council completed. 4. Outstanding rates maintained at below 8%.	
5.3.2 Deliver excellent customer service.	5.3.2.1 Develop a Frequently Asked Question (FAQ) system to improve first point of contact resolution customer service.	MPCS	1. System developed and implemented.	
	5.3.2.2 Develop and implement a performance reporting framework and project management system to track and support delivery of Council services and projects.	DCS	1. Performance reporting and project management systems implemented.	
5.3.3 Deliver good governance and take steps to improve management of risk and safety.	5.3.3.1 Establish a Council Audit, Risk and Improvement Committee.	DCS	1. Committee established. 2. Committee meets a minimum of four times per year.	


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	5.3.3.2 Develop and deliver a program of Councillor governance training.	DCS	1. Councillor training delivered.	
	5.3.3.3 Facilitate effective Council meetings and workshops.	GM	1. Monthly Council meetings and workshops held. 2. Agendas set out minimum of five days prior.	
	5.3.3.4 Develop and implement an Enterprise Risk Management system.	MPCS	1. Enterprise Risk Management system developed, implemented and maintained. 2. Reporting through to Audit and Risk Committee on key strategic risk areas.	
5.3.4 Identify and deliver innovative projects to improve Council's performance.	5.3.4.1 Progressively implement Council's IT Strategy.	MIM	1. No. of initiatives reimplemented.	
	5.3.4.2 Implement a LEAN process improvement program across Council.	GM	1. Program implemented. 2. No. of projects implemented across Council.	
	5.3.4.3 Where possible, partner through the Joint Organisation or with neighbouring councils on projects and service delivery that provides benefits to all communities.	GM	1. No. of initiatives undertaken in partnership with the Joint Organisation or neighbouring municipalities.	


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5.3.5 Be an employer of choice.	5.3.5.1 Consolidate to one Council Depot.	DIN	1. Plan for new depot developed and costed. 2. Construction of single depot commenced. 3. Resolution and implementation of process for selling or developing 'South Depot'.	
	5.3.5.2 Implement year one of Council's Workforce Development Strategy.	MPCS	1. No. of initiatives implemented.	
	5.3.5.3 Undertake annual staff satisfaction surveys to identify areas for improvement.	MPCS	1. Annual survey completed. 2. Action from findings is implemented as required.	
	5.3.5.4 Explore options for a new Civic Centre.	DCS	1. Planning commenced for staff offices.	
	5.3.5.5 Fund annual staff training programs.	MPCS	1. Training policy developed 2. Suitable budget allocation for staff training.	


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Commentary on:  Action - Not Started		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
All actions commenced during the reporting period.		

Commentary on:  Action - Behind Plan		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
5.1.2 Provide opportunities for the community to be involved in key strategies, policies and decisions of Council.	5.1.2.2 Complete communication strategies for key projects.	Communication plan completed for Streetscape project. Additional project management resources now engaged and a requirement for the completion of communication strategies will be built into a redeveloped project management process.
5.3.5 Be an employer of choice.	5.3.5.1 Consolidate to one Council Depot.	Architects are continuing to develop the Masterplan for the Works Depot and prepare a Development Application for the required works.

Commentary on:  Action - Urgent Action Needed		
Delivery Program 2018-21 Activity	Operational Plan 2018-19 Action	Explanatory text
No actions requiring urgent action during the reporting period.		

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Additional achievements:		 Other significant achievements not contained in the combined Delivery Program 2018-21 and Operational Plan 2018-19
Delivery Program 2018-21 Activity	Other achievements obtained	
No additional achievements during the reporting period.		

END OF DOCUMENT

11.13 MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS**File Number:****Author:** Belinda Perrett, Executive Assistant**Authoriser:** Adam McSwain, General Manager**RECOMMENDATION**

That Council note the Mayor, Councillor and General Manager meetings for March 2019.

ACKGROUND

The report details meetings undertaken by the Mayor, Councillors and General Manager on behalf of Council during March 2019.

Mayor and General Manager meetings March 2019

Date	Participants	Topic	Council Reps
4 March	Felicity Michael, Deniliquin Childrens' Centre	Walk through prior to grand opening	General Manager
4 March	Austin Evans Member for Murray	Dept. of Industry - Water	General Manager
5 March	Airport Steering Committee	Findings and Reports	Mayor, General Manager, Cr Betts, Cr Hall, Cr McCrabb
5 March	Long Paddock Committee	AGM and General Meeting	Cr McCrabb
8 March	Southern Cross Care	Via Weblink	Mayor, General Manager
8 March	International Womens' Day	Edward River Council Function Deniliquin Golf Club	Deputy Mayor, Cr Betts, Cr Bull, General Manager
12 March	Airport Users Group	Fire and Rescue NSW Complex	Mayor, General Manager, Manager Engineering & Assets
18 March	Funding Announcement	Swan Hill	Mayor, General Manager
20 March	WIN News Shepparton	Funding	Mayor
20 March	David Jackson, Deniliquin Hospital	Outcomes from earlier Workshop	General Manager, Manager Community & Economic Development
21 March	Memorial Park Users Group	Meeting	Mayor, Director Infrastructure
22 March	Intereach CEO	Aged Care	Mayor, General Manager
25 March	Garry Baker Deniliquin	Newspaper	Mayor, General Manager

ORDINARY COUNCIL MEETING AGENDA

	Newspaper		
28 March	David Speck	Retirement Living	Mayor, General Manager
28 March	NSW Rural Fire Service Liaison Committee Meeting	Mid Murray Zone Fire Control	Director Infrastructure
30 March	Deniliquin Childrens' Centre Official Opening	Official Opening	Mayor, Deputy Mayor, Cr Betts, General Manager

ISSUE/DISCUSSION

Nil

STRATEGIC IMPLICATIONS

Nil

COMMUNITY STRATEGIC PLAN

Nil

FINANCIAL IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

Nil

11.14 RESOLUTIONS OF COUNCIL

Author: Belinda Perrett, Executive Assistant

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council note the information in the Resolutions of Council to 1 April 2019.

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. Council Meeting Resolutions to 1 April 2019

21 March 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/03/40	<p>Deniliquin Airport Project</p> <p>That Council</p> <ol style="list-style-type: none"> Note the following recommendation of the Deniliquin Airport Expansion Steering Committee from its meeting held 5 March 2019: <p><i>The Deniliquin Airport Expansion Steering Committee recommend that Council:</i></p> <ol style="list-style-type: none"> <i>Shift the focus to incremental improvement opportunities at the Deniliquin Airport. The work undertaken by the Committee has shown that airfreight out of Deniliquin is uneconomical at this time.</i> <i>Note the importance of the runway to the community and that it supports critical services in the areas of health, medical and fire emergencies.</i> <i>Acknowledge the work and investment by Council through this process</i> <i>Endorse the McKinna report to be presented to Council</i> <i>Note that while the airport was the original focus for this project, the opportunities identified, and work completed lend themselves to a bigger perspective and will provide substantial long-term benefit to Council and the region</i> <ol style="list-style-type: none"> Receive and note the following confidential reports from Redwater Consulting and McKinna Consulting: <ol style="list-style-type: none"> Redwater – Airfreight Analysis and Recommendations (Attachment 1) Redwater – Market Review and Opportunity Assessment (Attachment 2) McKinna – Deniliquin airport Expansion Agrifood Assessment (Attachment 3) Approve the following approach for the Deniliquin Airport 	General Manager	<p>Advocacy Strategy to reflect clauses 3(a), (b) and (c) of this resolution.</p> <p>Deniliquin Airport Expansion Steering Committee Members thanked. Committee discontinued.</p> <p>McKinna Consulting to be invited to present at a community forum.</p>	30 April 2019

	<p>Project:</p> <p>(a) Support the shift to incremental improvement opportunities at the Deniliquin Airport in line with the “Redwater Market Review and Opportunity Assessment report” (Attachment 2).</p> <p>(d) Request Officers to consider the renewal of existing runways at the Deniliquin Airport in line with Council’s Asset Management Strategy and Plans and if required include the renewal within Council’s Long-Term Financial Plan.</p> <p>(e) Support Officers to continue attempts to attract funding to renew the existing infrastructure at the Deniliquin Airport</p> <p>(f) Update Council’s Advocacy Strategy to reflect clauses 3(a), (b), and (c) of this resolution.</p> <p>4. Request McKinna Consulting attend a Council Workshop and Community Forum to present their detailed findings and further consider opportunities for the airport and agriculture in the Edward River region.</p> <p>5. Discontinue the Deniliquin Airport Expansion Steering Committee and thank outgoing committee members for their contribution to the Deniliquin Airport expansion project.</p>			
2019/03/45	<p>Town Planning Policy 5.10 Bonds and Developer Contributions</p> <p>The motion was deferred, and the matter will be taken to the June workshop for further discussion.</p>	Manager Environmental Services	Internal review currently being undertaken prior to further Workshop discussion	June 27 2019
2019/03/48	<p>Draft Compliance and Enforcement Policy</p> <p>That Council exhibit the draft Compliance and Enforcement Policy, attachment two, for a period of 28 days and receive a further report upon completion of the exhibition period.</p>	Manager Environmental Services	On exhibition	May 16 2019
2019/03/49	<p>Dogs in Island Sanctuary</p> <p>That Council exhibit a proposal to remove the ‘no dog’ signs at the pedestrian entries to the Island Sanctuary and receive a further report on the outcome of the exhibition.</p> <p>Signage will be replaced to read “Dogs on Leash”</p>	Manager Environmental Services	On exhibition	May 16 2019

2019/03/50	Roadside Grazing That Council 1. Note the report on roadside grazing; and 2. Grant the concurrence in accordance with Section 78 of the Local land Services Act for the issuing of roadside grazing permits until 18 April 2019.	Manager Environmental Services	Ongoing	April 18 2019
2019/03/53	Seal Extension Trial That Council 1. Construct a 4m wide seal on Sloane Street from Blackett Street to the last driveway before the River utilising 50mm of Class 2 gravel material worked with the existing road base material. This new road pavement will be 6m wide. 2. This trial will be monitored and routine maintenance completed across the period of the trial. 3. Note that the date of the four-year trial will commence following the completion of this project. 4. Place signage on Sloane Street identifying that Council are carrying out a low-cost seal trial.	Director Infrastructure	Road completed. Signage to be installed.	April 30 2019
2019/03/55	Capital Works Program Amendment That Council approve; 1. The deferment of the reconstruction of the road and kerb and gutter between Hardinge Street and Macauley Street for future budget consideration 2. The deferment of the reconstruction of Wellington Street between Wood Street and Sloane Street for future budget consideration 3. The reallocation of \$1,009,700 from the Capital Works Program to works required on regional roads 4. Note that the road and kerb and gutter works identified for Poitiers street were completed in 2017/18 5. The reallocation of \$152,000 toward reconstruction of the road and kerb and gutter on Harfleur Street between Macauley Street and Hardinge Street 6. The allocation of \$30,000 towards the reconstruction of kerb and	Director Infrastructure	Ongoing	June 30 2019

	<p>gutter along George Street between Hardinge Street and the IGA driveway</p> <p>7. Note the additional income of \$400,000 from Fixing Country Roads</p>			
2019/03/59	<p>Contract C2019/03 – Water Reticulation Air Scouring Program</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Accept the tender submitted by H & S Maintenance Pty Ltd for Contract C2019/03 – Water Reticulation Air Scouring Program for the extended Schedule of Rates tender price of \$81,641.27 + GST; 2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2019/03 – Water Reticulation Air Scouring Program; and 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. 	Director Infrastructure	Project Commenced	30 June 2019
2019/03/60	<p>Contract C2019/05 – Charlotte Street Water Mains Refurbishment</p> <ol style="list-style-type: none"> 1. Accept the tender submitted by Tapping Solutions Australia Pty Ltd for Contract C2019/05 – Charlotte Street Water Mains Refurbishment for the lump sum tender price of \$254,782.95 + GST; 2. Approve the reallocation of \$80,000 within the Watermain Rehabilitation Capital Works program from the Cressy Street, between Hardinge and Macauley Street, project to the Charlotte Street project; 3. Approve that the Watermain Rehabilitation project along Cressy Street, between Hardinge and Macauley Street, will not proceed as outlined in planned works in operational plan in 2018/19 4. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2019/05 – Charlotte Street Water Mains Refurbishment; 5. Delegate the Contract Superintendent to approve variations up 	Director Infrastructure	Project Commenced	30 June 2019

	to a maximum of 10% of the contract value to allow for any issues that may arise on site.			
2019/03/61	<p>Purchase Rear Loading Garbage Truck That Council</p> <p>1. Accept the tender submitted by Wagga Trucks for the purchase of a Garwood Rear Compactor Body on a Hino 921 Auto truck for \$173,276 and that the optional extras of \$15,282 be included giving a total purchase price of \$188,558 excluding GST</p> <p>2. Accept the trade in offer of \$36,000 excluding GST from Wagga Trucks</p>	Director Infrastructure	Purchase Order issued.	October 2019
2019/03/62	<p>Purchase Side Loading Compactor That Council</p> <p>Accept the tender submitted by Blacklocks for the purchase of a Bucher Compactor Body on an Iveco-Acco 4x2 truck for the contract price of \$391,308.02 excluding GST, and that an optional hardwired CCTV cameras with recording capability be included at a price of \$6,589.20 Ex GST giving a total purchase price of \$397,879.22 Ex GST, and that FM 32 be sold by way of public auction</p>	Director Infrastructure	Purchase Order issued.	October 2019
21 February 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/02/25	<p>Deniliquin Golf Club – Request for Additional Water That Council</p> <ol style="list-style-type: none"> 1. Approve an additional transfer of 50ML of water to the Deniliquin Golf Club 2. Provide the water to the Golf Club free of charge and only pass on the administrative charges as incurred in establishing the water transfer 3. Note that this approval is a once off approval and that Council may not be able to provide this support in future years if increased water restrictions are applied 	Director Infrastructure	Now awaiting approval of 180ML + 50ML. Paperwork complete.	<p>30 March 2019</p> <p>30 July 2019</p>

2019/02/27	<p>Lagoons Bridge Works – Request for Reimbursement That Council Approve</p> <ol style="list-style-type: none"> 1. The reimbursement of \$1,431.60 to the Lagoons Committee for the cost to purchase materials for the construction of the footbridge at Fish Park. 2. That this \$1,431.60 would be made available from Councils Capital works budget of \$150,000 for works to bridges across the municipal area 	Director Infrastructure	Public Notice inserted. Written submissions invited until close of business 22 March 2019. No submissions received. Invoice paid.	Complete
2019/02/29	<p>Application for Memorial in Public Place That Council:</p> <ol style="list-style-type: none"> 1. Defer this report. 2. Request officers undertake further work on options for an Edward River Council Memorial in Public Place policy and bring this to the April Council Workshop for discussion. 	General Manager	A further report will be taken to the May Council Workshop for discussion.	30 April 2019 May 2019
2019/02/31	<p>Contract 2.19.274 – Reconstruction of Napier Street between Cressy Street and Charlotte Street That Council:</p> <ol style="list-style-type: none"> 1. Not accept any tender submissions for Contract 2.19.274 – Reconstruction of Napier Street between Cressy Street and Charlotte Street, in accordance with Clause 178(1)(b) of the <i>Local Government (General) Regulations</i>, since all submitted tender prices were greater than the funding for the project; 2. Authorise the General Manager to negotiate with all tenderers with a view to entering into a contract to deliver the work at a reduced price, in accordance with Clause 178(3)(e) of the <i>Local Government (General) Regulations</i>; <i>Amended to read – Authorise the General Manager to negotiate with all suitable contractors.</i> 3. Declare the reasons for not entering a fresh tender process 	Director Infrastructure	Complete, contractor appointed	Complete

	<p>being that the tender submissions exceeded the allowable budget;</p> <p>4. Receive a further report regarding the evaluation of tenders for this project.</p>			
2019/02/32	<p>Weed Management That Council</p> <ol style="list-style-type: none"> 1. Approve the recommendation, as set out in Table 1 of this report, for the distribution of the \$40,000 noxious weeds grant 2. Note that correspondence will be sent to each applicant informing them of their grant allocation and the condition on how this will be reimbursed 3. Note that correspondence will be sent to Local Land Services (LLS) requesting an extension to the deadline for the utilisation of this grant funding until a more suitable time to complete the works as outlined 	Director Infrastructure	<p>Correspondence sent.</p> <p>Extension of time granted for six months by LLS.</p>	<p>30 June 2019</p> <p>30 December 2019</p>
7 February 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/02/02	<p>Request from Deniliquin Racecourse Land Manager That Council:</p> <ol style="list-style-type: none"> 1. Receive and note the correspondence from the Deniliquin Racecourse Trust, contained at Attachment A. 2. Pursuant to section 356(1) of the Local Government Act 1993, approve the Deniliquin Racecourse Trust's request for financial assistance up to a maximum of \$25,000 to underwrite the Murray Irrigation Limited loan of 30ML of water. 3. Pursuant to section 356(2) of the Local Government Act 1993, provide 28 days' public notice of its proposal to provide financial assistance to the Deniliquin Racecourse Trust through the purchase of 30ML of water. 4. Subject to Council receiving no submissions during the 28-day public notice period, provide the financial assistance to the Deniliquin 	General Manager	<p>Racecourse Land Manager had been informed.</p> <p>Public Notice published 8 February 2019.</p> <p>Continues to be followed up.</p>	<p>8 March 2019</p> <p>30 April 2019</p> <p>June 2019</p>

	<p>Racecourse Trust.</p> <p>5. Approve the financial assistance to be reallocated in Council's 2018/19 budget from the Urban Drainage cost centre.</p> <p>6. Note that if the application for the Water Access Licence and subsequent water transfer is approved then no direct financial assistance will be provided.</p>			
20 December 2018	Resolution	Responsibility	Status	Expected Date of Completion
314/18	<p>Strategic Review of Committee Framework and Community Facility Management Model -</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Undertake a strategic review of its committee framework and community facility management model. 2. Notify all section 355 committees of the purpose of the strategic review and advise that committees will be consulted in the preparation of the review. 	Corporate Services Director	Consultant Appointed.	<p>June 2019</p> <p>Closed.</p>
333/18	<p>Rural Fire Service Tanker Trailer Units</p> <p>That Council</p> <ol style="list-style-type: none"> 1. Approve disposal of all the Council-controlled Tanker Trailer Units. 2. Seek expressions of interest for the sale of Tanker Trailer Units from the public. 3. Utilise the following selection criteria in the expression of interest process: <ol style="list-style-type: none"> a. Price – The price that an applicant is willing to pay for the trailer b. Strategic Location – Location across the Edward River Local Government Area (LGA). Council's intention is to have an equitable spread of the units across the LGA. c. Availability for fighting fires – Applicants must demonstrate their willingness to register and insure the fire trailer and that they would contribute to the 	Director Infrastructure	Advertising commenced 5 April 2019.	<p>March 2019</p> <p>July 2019</p>

	broader community by assisting with fighting fires if required			
338/18	<p>Dongmun Greentec – Repayment of Loan That Council</p> <ol style="list-style-type: none"> 1. Approve the commencement of legal proceedings against Dongmun Greentec Pty Ltd for the necessary orders for possession of the property and removal of the freehold caveat on the land in Gheringhap that Council hold first mortgage on 2. Note that legal costs incurred will be added to the final amount payable by Dongmun Greentec on discharge of the mortgage 	General Manager	Legal action proceeding.	30 June 2019
339/18	<p>Purchase of Plant – Forklift That Council</p> <ol style="list-style-type: none"> 1. Accept the tender submitted by Mackin Forklifts for the purchase of a Clark C50SD Forklift for the contract price of \$63,184.50 excluding GST. 2. Prior to purchasing this piece of equipment, the existing hiring costs be investigated. 3. Approve an increase in budget of \$3,184.50 excluding GST for the purchase of the forklift from \$60,000 to \$63,184.50 which will be reallocated from the \$50,000 budgeted for miscellaneous plant in 2018/19. 	Director Infrastructure	<p>Further information to be provided to Council.</p> <p>Ongoing review of current plant prior to reporting to Council</p>	<p>March 2019</p> <p>30 May 2019</p>
20 September 2018	Resolution	Responsibility	Status	Expected Date of Completion
211/18	<p>That Council in the event that the Central Murray County Council is wound up</p> <ol style="list-style-type: none"> 1. Resolve to deliver its weed control authority responsibilities as an internal Council service 2. Requests that the following equipment be provided: <ul style="list-style-type: none"> • The Deniliquin Depot including sheds and demountables and all equipment, fixtures and fittings contained therein • Two Ranger utes based in Deniliquin • Two quick spray units • One Canter Truck – BE34DL 	General Manager	Complete - Resolution provided to Central Murray County Council	Complete

	<ul style="list-style-type: none"> • Two rearing cages • Two motion tablets • Software for tablets • Two kestrel wind meters • Two mobile phones <p>3. Requests that the two Deniliquin CMCC staff be transferred to Council</p> <p>4. Resolve that any financial return to Council be established in an internally restricted 'weeds authority' reserve</p> <p>5. Requests Council Officers investigate other plant items held by the County Council, and if the cost benefit of having the plant is positive, that Officers bring a further report to Council for consideration.</p>			
19 July 2018	Resolution	Responsibility	Status	Expected Date of Completion
163/18	<p>Sale and Development Former Council Depot 143-147 Hardinge Street Deniliquin</p> <p>That Council</p> <p>Determine that the former Council Depot (South Depot) at 143-147 Hardinge Street, Deniliquin, Lot 261 DP634603 is surplus to Council requirements and approve the sale of this land; Allocate a budget of approximately \$50,000 from the Infrastructure Reserve to undertake soil and contamination investigations at 143-147 Hardinge Street, Deniliquin on both Lot 261 DP634603 and Lot 27 DP756325; Once site rectification works are complete, approve an Expression of Interest process for the sale of Lot 261 DP634603 that places a focus on supporting business expansion, job creation and economic development as the preferred outcome; Approve that upon completion of sale of the property, all costs associated with the above investigations will be reallocated to the Infrastructure Reserve; Note that the sale won't be finalised until all Council required</p>	Manager Tourism & Economic Development	Advertising will commence April 2019.	<p>March 2019</p> <p>May 2019</p>

	equipment and shedding is removed from the site; Note that Lot 27 DP756325 is Crown Land leased by Council and as such won't be included as part of the land sale; Note that the relocation of sheds at the back of the site used by local service groups will need to be relocated to a suitable site and that the costs to do this will be funded through the proceeds from the sale of the land			
171/18	<p>Contract 2.19.254 – Road Reconstruction/Rehabilitation Program Works</p> <p>That Council not accept the tender submissions for Contract 2.19.254 – Road Reconstruction/ Rehabilitation Program, in accordance with Clause 178(1) of the <i>Local Government (General) Regulations</i>, since submitted tender price was very much greater than the grant funding for the project; In accordance with Clause 178(3)(e) of the <i>Local Government (General) Regulations</i>, enter negotiations with contractors in relation to the subject matter of the tender. Approve that General Manager can enter a sign contract with a single contractor or multiple contractors to ensure that the works related to in this tender are delivered. In accordance with clause 178 (4)(b) of the <i>Local Government (General) Regulations</i>, Council note the reasons for following this process are;</p> <p>(a)Due to the lack of interest from contractors in the initial tender process</p> <p>(b)The timeframes imposed by the funding authority for the delivery of this work restrict the ability to progress through a full tender process and complete all the works</p>	Director Infrastructure	<p>In discussion with contractors to progress delivery of this work.</p> <p>Crispe Street now contracted</p>	June 2019
15 March 2018	Recommendation	Responsibility	Status	Expected Date of Completion
47/18	<p>Central Murray Regional Library Draft Deed of Agreement.</p> <p>That council receive the report</p> <p>And agree to adopt and sign the draft Central Murray Regional</p>	Manager Tourism & Economic Development	Deed is at Solicitors	<p>November 2018</p> <p>June 2019</p>

	Library Deed of Agreement			
26 July 2017	Recommendation	Responsibility	Status	Expected Date of Completion
	<p>Consolidation of Operational Depots That Council submit a DA for the expansion of the existing depot site and receive a further report regarding detailed layout and costings following further consultation with staff.</p>	Infrastructure	<p>DA approved for the removal of the houses.</p> <p>DA for removal of South Depot sheds and relocation to North Depot to be submitted by end of February.</p> <p>DA for new sheds at the depot – excluding the accommodation block to be submitted.</p>	June 2019

11.15 MAY COUNCIL MEETING

Author: Belinda Perrett, Executive Assistant

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

32. That Council:

1. Defer its Ordinary Meeting scheduled to be held at 9.00am on Thursday, 16 May 2019 to 9.00am on Thursday, 23 May 2019.
2. Pursuant to section 9 of the *Local Government Act 1993*, provide public notice of the date, time and venue of the Ordinary Meeting scheduled for 9.00am on Thursday, 23 May 2019.

BACKGROUND

33. Section 365 of the *Local Government Act 1993* ("the Act") requires all councils to meet at least 10 times each year, each time in a different month. The *Model Code of Meeting Practice for Local Councils in NSW* requires councils to determine, by resolution, its schedule of ordinary meetings. Additionally, section 9 of the Act requires all councils to give notice of the public of the times and venues of their meetings.

34.

35. At its Ordinary Meeting held 20 September 2018, Council resolved to hold its monthly meetings on the third Thursday of each month, commencing at 9.00am **[2018/213]**. To ensure Councillors are briefed on matters that may be considered at the scheduled Ordinary Meeting, Council's General Manager facilitates Councillor Workshops on the first Thursday of each month.

ISSUE/DISCUSSION

36. Council's General Manager will be on leave from Monday, 29 April to Friday, 3 May 2019, and as such, will not be able to facilitate a Councillor Workshop on Thursday, 2 May 2019.

37.

38. As a result, it is proposed that the Councillor Workshop scheduled for Thursday, 2 May 2019 be deferred to Thursday, 9 May 2019. In turn, Council's Ordinary Meeting scheduled to be held on Thursday, 16 May 2019 is proposed to be deferred to Thursday, 23 May 2019. This change, if approved, will not impact subsequent scheduled meetings of Council.

39.

If the Officer's Recommendation is approved; in accordance with the requirements of the Act, public notice will be provided advising the change of date of the Ordinary Meeting. This public notice will be published in *The Deniliquin Pastoral Times* and to Council's website at www.edwardriver.nsw.gov.au.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Local Government Act 1993

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

ATTACHMENTS

Nil

11.16 DELEGATION OF APPOINTMENT OF ACTING GENERAL MANAGER

Author: Adam McSwain, General Manager

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council:

1. Pursuant to section 351(1)(a) of the *Local Government Act 1993*, approve the Director Infrastructure, Mr Oliver McNulty, or Director Corporate Services, Ms Trish Kirkland, to act in the role of General Manager during periods of approved leave by the incumbent, Mr Adam McSwain.
2. Delegate the powers, authorities, duties and functions set out in the Instrument of Delegation to the General Manager, contained at Attachment A, to Mr McNulty and Ms Kirkland during periods in which they are appointed to act in the role of General Manager.

BACKGROUND

The role of a council's General Manager is outlined at section 335 of the *Local Government Act 1993* ("the Act"), which provides:

The general manager of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,*
- (b) to implement, without undue delay, lawful decisions of the council,*
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,*
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,*
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,*
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,*
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,*
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,*
- (i) to direct and dismiss staff,*
- (j) to implement the council's workforce management strategy,*
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.*

Section 351(1)(a) of the *Local Government Act 1993* ("the Act") provides that if the General Manager is absent or if the position is otherwise vacant, the Council may temporarily appoint someone to act in the role. Under section 351(2) of the Act, a person appointed to a position temporarily may not continue in that position:

- If the holder of the position is on parental leave – for a period of not more than 24 months; or

- In any other case – for a period of more than 12 months.

Under section 377 of the Act, the Council may, by resolution, delegate to the General Manager any of the functions of the Council except for those excluded from delegation by operation of section 377(1) of the Act.

ISSUE/DISCUSSION

To enable the administration of Council to operate efficiently and effectively, the Act enables Council to delegate, by resolution, any of its functions to the General Manager, except for those functions set out section 377(1)(a) to (u) of the Act. The appointment of the General Manager is a non-delegable function, meaning that Council is unable to delegate to the General Manager the ability to appoint another Council officer to act in that role.

As such, it is recommended that Council approve both Mr McNulty and Ms Kirkland to temporarily act in the role of General Manager during periods of approved leave by Mr McSwain, and delegate to them the powers, authorities, duties and functions currently delegated to Mr McSwain, which are set out in the Instrument of Delegations to the General Manager contained at Attachment A, during those periods.

The Mayor is responsible for approving the General Manager's requests for leave.

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 335 – Functions of general manager
- Section 351 – Temporary appointments
- Section 377 – General power of the council to delegate

ATTACHMENTS

1. Attachment A - Instrument of Delegation to the General Manager

DELEGATION TO THE GENERAL MANAGER

The general manager, and in the absence of the general manager their nominee as the acting general manager for the period of the general manager's absence, is delegated authority under section 377 of the Act, to exercise and/or perform on behalf of the council the powers, authorities, duties and functions of the council, subject to the following:

1. The general manager is restrained from carrying out any of those functions of council excluded from delegation by operation of section 377(1) of the Act;
2. The general manager is entitled to carry out any functions delegated to the council by the departmental chief executive or the minister, subject to any express limitations imposed by the departmental chief executive or minister;
3. The delegation to the general manager is limited in accordance with council's adopted policies in force from time to time.

If a function is conferred or imposed on an employee of the council under any other legislation, the function is deemed to be conferred or imposed on the council and is delegated to the general manager.

Specific information on the general manager's delegation is below:

PART A – FINANCIAL MATTERS	
1.	Obtain Quotations and Authorise Purchase Orders To obtain quotations, authorise the purchase of, and issue official orders for goods, works and services required for the functioning of the council and to incur expenditure for such goods, works and services provided that due provision has been made in the approved budget for the incurring of such expenditure or the incurring of such expenditure is otherwise authorised by council policy or council resolution.
2.	Authorise Payment of Salaries and Wages To authorise the payment of salaries and wages.
3.	Payment of Contractors and Creditors To approve or refuse payment to contractors and creditors.
4.	Sign Cheques on Council's Bank Account To sign or countersign cheques drawn on council's bank accounts.
5.	Check and Certify the Annual Statutory Accounts To check and certify statutory accounts against the council records.
6.	Authorise Expenditure for Urgent Works To authorise expenditure outside the budget approved by council in order to undertake urgent works to reduce or eliminate a significant health or safety hazard.

7.	Lodgement of a Cash Bond or Bank Guarantee The authority to require the lodgement of a cash bond or bank guarantee.
8.	Overdraft Limit To negotiate council's overdraft limit.
9.	Sale or Disposal of Materials or Equipment To sell old materials, spoilt or obsolete equipment.
10.	Debt Write Off To authorise the writing off of uncollectible debts (for charges and sundry debtors) up to a maximum amount of \$2,000.
11.	Issue Accounts To authorise the issue of accounts for services provided by council.
12.	Borrowings To authorise application for borrowings from financial institutions at the direction of council and subject to a resolution of council to approve this application.
13.	To Engage Consultants To engage consultants to assist with council projects, subject to compliance with the Act and the law.
14.	Investment of Money Arrange the investment of money that is not presently required by the council in a form of investments notified by order of the Minister and published in the Government Gazette.
15.	Write off Accrued Interest Write off accrued interest on rates and charges in accordance with section 567 of the Act.
16.	Accounts Receivable – Payment by Instalment To make arrangements with any ratepayer or debtor for payment to be made by reasonable and satisfactory instalments.
17.	Refund of Over-payments To authorise the refund of all over-payments subject to appropriate certification.
18.	Refund of DA/Construction Certificate Application Fees To determine the refund of all or part of the fees paid for development where the application is either not proceeded with or is withdrawn prior to determination.

19.	Rebate of Rates To grant rebates of rates to qualified rateable persons in accordance with the provisions of the Act.
PART B – STAFFING MATTERS	
1.	Recruitment <ul style="list-style-type: none"> • Approve or refuse the appointment, engagement, or promotion of staff, subject to compliance with section 337 of the Act for senior staff • Approve or refuse the use of a recruitment consultant. • Employ casuals to fill short term vacancies.
2.	Payment of Benefits and Allowances Approve or refuse payment of allowances and employment entitlements and benefits in accordance with the Local Government (State) Award 2017 and applicable employment contracts.
3.	Salary Step Progressions for Staff Approve or refuse salary step progression for staff under the Local Government (State) Award 2017
4.	Dismissal of Employees To dismiss employees or consultants/contractors on such terms that the general manager deems appropriate, provided that prior to the dismissal of senior staff the general manager consults with council in accordance with section 337 of the Act.
5.	Education Assistance Approve or refuse education assistance for council employees.
6.	Flexible Work Arrangements Approve or refuse flexible work arrangements.
7.	Report of Injury Approve or refuse the employer's report of injury to council's workers compensation insurer.

8.	<p>Approve Leave</p> <p>Approve or refuse leave for council employees having due regard to the proper functioning of the council and maintenance of appropriate levels of service to the public.</p> <p>To grant special leave with or without pay and reasonable out of pocket expenses, in the following cases:</p> <ul style="list-style-type: none"> • Professional Body: where staff members are full members of a relevant professional body that is running a conference or meeting – a maximum of five days leave at any one time, with a maximum in any one year of 15 days; • Field Days: where it is considered that the machinery to be displayed is of some relevance to council's operations, that senior staff directly associated with the purchase of council's machinery be allowed to attend one day only; • Executive of a professional body: where an employee is elected to the executive of a professional body, special leave must fit within the parameters laid down under the professional body category; • Courses: Attendance at refresher courses (eg. management courses) to be decided by council in each particular case • Emergency Services Leave and Defence Force Reserve Leave at the discretion of the general manager and in accordance with legislation.
9.	<p>Travelling and Subsistence Expenses</p> <p>To approve or refuse the payment of travelling and related expenses</p>
10.	<p>Replacement of Personal Property</p> <p>To approve or refuse claims for the loss of personal property provided that such property was required for the normal performance of the employee's duties and the personal property was lost or destroyed in the course of employment through no fault or negligence of the employee.</p>
11.	<p>Employment Outside of Council</p> <p>To approve or refuse employees to engage in private employment or contract work outside of their council employment.</p>
12.	<p>Request for Use of Council Equipment by Employees</p> <p>To determine any requests for use of council equipment by employees</p>
13.	<p>Use Intellectual Property created in the Course of Employment</p> <p>To refuse, approve or conditionally approve any request by an existing or previous employee of council for the non-exclusive use of intellectual property of the council created by the employee during the course of their employment with council, providing there is no monetary or commercial benefit to the employee.</p>
PART C – GOVERNANCE	

1.	Public and Media Statements To make or authorise public statements and issue media releases on matters involving the council.
2.	Business Papers To determine matters which are included in council business papers and Committee papers.
3.	Correspondence <ul style="list-style-type: none"> To reply to all routine correspondence that does not require the prior consideration of council. To exercise discretion in regard to referring correspondence to various council officers for attention.
4.	Invitation to Address Council To invite a group or individuals to address any council or council committee.
5.	Public Officer To appoint council's public officer and to direct the public officer in relation to functions contained within section 343 of the Act.
6.	Destruction of Corporate Documentation Authority to approve destruction of corporate documentation in accordance with the State Records Act 1998.
7.	Signing of Contracts and Agreements To sign contracts, deeds and agreements that do not require the council seal.
8.	Enter into Leases, Licences and other legal transactions Authority to negotiate and enter into any form of lease or licence or other transaction for use of land or assets, subject to compliance with the Act, and subject to the general manager making reasonable enquiries into the appropriate payments to be made to council and consulting with council's solicitor to determine the appropriate format of the legal agreement.
9.	Public Immunisation To authorise and promote public immunisation campaigns and clinics.
10.	Council Committees <ul style="list-style-type: none"> Appoint employee representatives to council committees Consider and determine matters arising from the council committees
11.	Receive and investigate complaints To receive complaints and authorise investigation and action to be taken by the appropriate officer in regard to any complaints or requests received by council.

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12.	Respond to Minister and Department To respond and liaise with the Minister and his/her representatives and the Department in relation to correspondence, inquiries or requests for information.
13.	State Emergency and Rescue Management Act 1989 In accordance with section 28 of the State Emergency and Rescue Management Act 1989, the role of Chairperson of the Local Emergency Management Committee is the general manager.
PART D – OPERATIONAL	
1.	Issue Proceedings <ul style="list-style-type: none"> To initiate or carry on proceedings, to act on behalf of council and to negotiate on matters in issue between parties, and to settle any proceedings in any court or tribunal, including but not limited to the local, district or supreme courts of any state or territory, any industrial relations tribunal or commission, and the land and environment court; To authorise the issue or withdrawal of any penalty infringement notices or complaint or the institution of any proceedings for the recovery of any penalty or the making of any order for or in respect of any offence, nuisance, or any other matter or thing whatsoever which the council might be entitled to recover or seek under any Act or Regulation. To instruct and engage council's solicitors and counsel.
2.	Notice of Intention and Orders To issue Notices of Intention to Issue Orders and Orders in accordance with the requirements of the Act and Environmental Planning and Assessment Act and all other applicable legislation.
3.	Determination of Development Applications (including Modification Applications) To determine development applications, including modification applications, and all forms of applications for approvals and certificates under all applicable legislation.
4.	Issue of Permits, Certificates or Approvals To approve or refuse the issue of permits, certificates and approvals for activities that are required to be regulated under the provisions of the Act and the Environmental Planning and Assessment Act 1979 or related legislation including, but not limited to: <ul style="list-style-type: none"> Certificates issued under Part 6 of the Environmental Planning and Assessment Act; and Section 68 of the Local Government Act.
5.	Ministerial delegation of Local Environmental Plan Making Decisions Subject to the Minister delegating functions under section 59 of the Environmental Planning and Assessment Act, and subject to the council resolving to accept the Ministerial delegation, only those functions identified in the Ministerial delegation may be carried out.

6.	Storm water Drainage Works Where the council has approved a subdivision or development application subject to the construction of storm water drainage works that revert to the care, control and management of council, to approve such works upon submission of all necessary plans and documentation.
7.	Implementation of Adopted Operational Plan To implement any work, service or action provided for in the adopted operational and other management plans without further reference to council except for: <ul style="list-style-type: none"> the acceptance of tenders which are required under the Act to be invited by the council, and the determination of priorities where lump sum funding has been provided.
8.	Funding Application Authority to sign funding applications once approved by council.
9.	Provision of Witnesses and Information To determine the fee to be charged for the provision of council's employees as witnesses and/or the supplying of information for court cases.
10.	Removal of Derelict Vehicles Authority to engage contractors to remove derelict vehicles from roads, road reserves and public places in accordance with the <i>Impounding Act 1993</i> .
11.	Approve Applications for Street Activities and Busking Permits Authority to approve or refuse: <ul style="list-style-type: none"> the issue of busking permits; applications for street stalls or similar activity; applications for the collection of money for charitable appeals or similar activity.
12.	Filming/Photography in Parks, Reserves and Public Places To approve applications to film/photograph in council's parks, reserves and public places subject to the conditions and fees determined by council.
13.	Casual Use of Council Parks, Reserves or Council Property To approve or refuse applications for the casual use of parks, reserves or property in accordance with council policy (if any) and subject to approved fees (if any).
14.	Government Information (Public Access) Act 2009 To act as council's "principal officer" or appoint council officer(s) to determine applications and provide information to access information in compliance with the Government Information (Public Access) Act 2009.

15.	To Enforce the Payment of Rates To issue notices under the Act for the recovery of rates. To approve alternative options for the collection of outstanding rates, including collection of rent in lieu of rates, issuing of proceedings, accepting exchange of land and such other alternatives available to council under the Act.
16.	Rate Books Authority to: <ul style="list-style-type: none"> • amend the rate and valuation books/records where such amendment is necessary by reason of change of ownership, occupancy or address; • raise or reduce the sum rates owing due to error; • include any land which ought to have been rated; • to write off accrued interest to a maximum of \$50; • act in accordance with the Act to manage the rate books/records and recover rates and charges owing to the council.
17.	Insurance Claims - Policy Excess To resolve claims on council's behalf up to the level of the excess applicable to each insurance policy.
18.	Council Property – Notices to Quit To authorise and sign notices to quit to tenants whose rent arrears exceed four weeks, or to take such alternative action necessary to manage tenants and recover outstanding rent or payments.
19.	Use of Council Owned Properties To approve or refuse to grant council's consent to a third-party development application that may traverse or impact upon council land.
20.	Maintenance and Repair of Council Properties To authorise repairs/maintenance of council's buildings, equipment and plant within the limits approved in the annual budget.
21.	Maintenance of Council's Motor Vehicles and Plant To authorise the expenditure of funds for the repair, maintenance and replacement of council's plant, equipment and vehicles.
22.	Hire of Council Plant To authorise the letting or hire of any of the council's public works plant, machinery and equipment in accordance with rates determined by council.

23.	Determination of Reserve Price and Disposal of Plant, Equipment and Vehicles by Public Auction, Tender or Trade-in Authority to approve a sale price for council plant, equipment or vehicles if: <ul style="list-style-type: none"> • the best offer is more than 10% below the reserve price; and • the reserve price has been set by consulting either a valuer, auctioneer, or professional book (ie, Red Book); and • results from previous auctions for similar plant, equipment or vehicles has been considered
24.	Saleyards To operate, manage and maintain council's saleyards.
25.	Dividing Fences To authorise a contribution on behalf of council for not more than one half the cost of fencing a boundary common to land owned by council or under the council's care, control and management subject to two quotations being obtained and subject to the Dividing Fences Act.
26.	Aerodrome/Airport To operate and maintain the council aerodrome/ airport in accordance with all applicable legislative requirements
27.	Impounding Officer To exercise the powers of council's impounding officer.
28.	Pruning or Removal of Trees To approve or refuse applications from residents to prune, top, lop or remove trees either on the applicant's property or council's property subject to the payment of any required fee, if any, and in accordance with council's Tree Preservation Order, if any.
29.	Waste Management Centre (Landfill) To operate and maintain council's Landfill in accordance with all applicable legislative requirements.
30.	Cemetery/Crematorium To operate and maintain council's cemetery/crematorium in accordance with all applicable legislative requirements.

31. Administer Functions provided by other Legislation

To administer the provisions of the following legislation as they apply to council:

- Children (Education and Care Services National Law Application) Act 2010
- [Community Land Development Act 1989](#)
- [Companion Animals Act 1998](#)
- [Conveyancing Act 1919](#)
- Crown Lands Act 1989
- [Government Information \(Public Access\) Act 2009](#)
- Graffiti Control Act 2008
- [Environmental Planning and Assessment Act 1979](#)
- [Fire Brigades Act 1989](#)
- [Fluoridation of Public Water Supplies Act 1957](#)
- [Food Act 2003](#)
- [Heritage Act 1977](#)
- [Impounding Act 1993](#)
- Land Acquisition (Just Terms Compensation) Act 1991
- [Library Act 1939](#)
- Liquor Act 2007
- Local Government Act 1993
- Local Government (Council Amalgamations) Proclamation 2016
- [Local Government \(General\) Regulation 2005](#)
- Native Title (NSW) Act 1994
- [Protection of the Environment Operations Act 1997](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Public Health Act 2010](#)

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	<ul style="list-style-type: none"> • Plumbing and Drainage Act 2011 • Roads Act 1993 • Roads Transport Act 2013 • Rural Fires Act 1997 • State Emergency and Rescue Management Act 1989 • Swimming Pool Act 1992 • Unclaimed Money Act 1995 • Waste Avoidance and Resource Recovery Act 2001 • Water Management Act 2000 <p>This list is not exhaustive. All council staff are required to ensure they are familiar with the relevant legislation and regulations that apply to their roles in Council, in accordance with Council's Legislative Compliance Framework.</p>
32.	Road Rules To administer the provisions of the Road Rules 2014 and Australian Road Rules as they apply to council, subject to any applicable standards, protocols and directions from state government departments and/or NSW police.
33.	Parking Infringement Notices To issue Parking Infringement Notices
34.	Parking Permits To determine applications for parking permits.
35.	Temporary Road Closure To approve temporary road closures where: <ul style="list-style-type: none"> • The temporary road closure is not more than two consecutive days; and • The Road and Maritime Service approves the Traffic Management Plan and grants a road occupancy licence (as required); and • The NSW police approve the closure; and • The application complies with council's policy.

36.	<p>Sign Adjustment</p> <p>To undertake the following sign adjustments to:</p> <ul style="list-style-type: none"> • Change old "No Standing" signs to "No Parking" signs as per the Australian Road Rules • Change existing parking restriction times • Move existing signs to a more visible location (eg. Move a sign hidden behind a tree trunk) • Install "repeater"/additional signs (eg. Where there are existing parking restrictions signs, install an additional sign in the middle to emphasise the restrictions).
37.	<p>Special Use Zones</p> <p>Authority to approve and/or refuse an application for the following Special Use Zones:</p> <ul style="list-style-type: none"> • Works Zones; • Loading Zones; • Mail Zones; • Motorcycle Parking; • Bus Zone; • Taxi Zone; • Police Vehicles Zone; • Disabled Parking; • Temporary Bus Zones (eg. for Railway Buses); <p>subject to consent being obtained from the NSW police and in addition;</p> <ul style="list-style-type: none"> • in the instance of Mail Zones, consent is obtained from Australia Post; and • in the instance of Bus Zones, consent is obtained from the State Transit Authority.
38.	<p>Traffic Facilities</p> <p>To approve the installation of individual traffic facilities projects, where:</p> <ul style="list-style-type: none"> • the individual traffic facility project forms part of that financial year's traffic facilities program which has previously been approved; and • Subject to compliance with any applicable council policies.
39.	<p>Warning Signs</p> <p>To approve the installation of warning signs as defined in applicable Australian Standards, where</p> <ul style="list-style-type: none"> • the proposed sign can be found in Section 3 Warning Signs of the Australian Standard 1742.1-1991 and • The NSW police agree with the installation.

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40.	Signs across Driveways To approve or refuse an application for signs or line marking across a driveway, where the NSW police agree with the approval or refusal.
41.	Traffic Bollards To approve or refuse an application for the use of traffic bollards.
42.	Vehicular Crossings and Footpath Restorations To approve or refuse the construction of vehicular crossings and/or restoration works on council land or over council controlled road reserves.
43.	Street Lighting To approve the installation of additional street lighting facilities and associated charges.
44.	Storm water Drainage Works To approve or refuse all connections from private property to council's storm water systems where those works are for the sole benefit of the development and do not revert to the control and management of the council.
45.	Variation of Working Hours To authorise a one-off variation to the restricted hours of building works where: <ul style="list-style-type: none"> • urgent building works are required to be carried out; • large cranes have to stand on streets; • the loading/unloading of materials and pouring of the concrete would otherwise cause interference to traffic; and • the work requires the erection or removal of hoarding tower cranes, awnings and the like.
46.	Positive Covenants, Easements and Section 88B instruments under the Conveyancing Act, 1919 <ul style="list-style-type: none"> • To approve and sign the grant or removal of a positive covenant or restriction contained in any positive covenant, easement and/or section 88B instrument under the Conveyancing Act 1919; • To suspend the operation of any regulatory instrument in reliance upon section 28 of the Environmental Planning and Assessment Act and subject to any council policy and the law.
47.	Public Notification of Applications <ul style="list-style-type: none"> • To determine whether a development application should be exempt from notification, subject to any applicable council policy • To determine such persons who own land or who reside in properties that may be detrimentally affected by a development and to ensure such persons are notified in accordance with any council policy.

48.	Professional Certifications To approve or refuse professional certification from an accredited certifier in respect of complying development or building certification where that certifier is accredited to undertake that particular type of work
49.	Building Professionals Act Authority under section 5 of the Building Professionals Act 2005 to make a recommendation on behalf of council in support of an application to the Board for accreditation to carry out certification work (or the renewal of accreditation) on behalf of council.
50.	Work on Private Land by Agreement To exercise council's power to carry out work on private land, subject to the consent of the owner and/or a legal right for council to carry out the works.
51.	Entering of Premises To enter, and authorise council employees (or other persons) to enter, any premises for the purposes of enabling the council to exercise its functions under any Act.
52.	Water Restrictions Determine water restrictions in accordance with NSW State Government direction
53.	Library Act To exercise all powers of council under the Library Act 1939
54.	Motor Vehicle Fleet To manage council's motor vehicle fleet

Glossary of Terms

Act	means <i>Local Government Act 1993</i>
Authority	means any government (state or federal), government department, statutory corporation or other body having power to legally direct the council or its officers
Department	means the Department of Local Government, or any future department (or combined department) carrying out the functions of the present Department of Local Government for the State of New South Wales
Director-General	means the Director-General of the Department of Local Government or the Director-General of any other government department which has the carriage of the administrative functions of the Act and the portfolio of Local Government.
Law	means the requirements of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws, environmental planning instruments, directions and consents of any Authority
Minister	means the Minister for Local Government or any future title given to a ministerial position of a future New South Wales State Government portfolio that includes governance of Local Government.

11.17 APPOINTMENT OF SENIOR STAFF

Author: Adam McSwain, General Manager

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council:

1. Pursuant to section 332(1)(a) of the *Local Government Act 1993*, determine the positions of Director Corporate Services and Director Infrastructure within Council's organisation structure to be senior staff positions

BACKGROUND

Section 332 of the *Local Government Act 1993* ("the Act") provides that a council must, after consulting the General Manager, determine the senior staff positions within the organisation structure of the council. Under section 337 of the Act, the General Manager may only appoint or dismiss senior staff after consultation with the Council.

Section 338(1) of the Act provides that, as with a council's General Manager, a council's other senior staff must only be employed under performance-based contracts. Section 338(4) of the Act provides that the Chief Executive of the Office of Local Government ("the OLG") may, by order in writing, approve one or more standard forms of contract for the employment of the General Manager or other senior staff.

On 16 August 2006, the OLG issued a circular (06-52) confirming the adoption of the *Standard Contract of Employment for Senior Staff (other than General Managers) of Local Councils in New South Wales* ("the standard contract") pursuant to section 338(4) of the Act.

ISSUE/DISCUSSION

Both the Director Corporate Services and Director Infrastructure are employed under the standard contract. However, a review of Council resolutions pertaining to Council's organisation structure has identified that Council has not previously resolved to determine either position to be a senior staff position for the purposes of section 332 of the Act.

Given the seniority of both the Director Corporate Services and Director Infrastructure positions within Council's organisation structure and that both are currently employed under the standard contract, it is recommended that Council determine both positions to be senior staff positions.

Under clause 4.8(b) of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code"), Council officers whose positions have been determined by Council to be senior staff are considered "designated persons" and must comply with the pecuniary interest obligations and disclosure requirements outlined in Part 4 of the Model Code.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Local Government Act 1993

- Section 332 – Determination of structure

ATTACHMENTS

Nil

11.18 CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

Author: Cian Middleton, Governance and Communications Officer

Authoriser: Trish Kirkland, 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 19 October 2017.

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.

The Office of Local Government ("the OLG") issued a circular on 18 December 2018 (18-44) advising that councils have until 14 June 2019 to adopt a Code of Conduct and accompanying procedures incorporating the provisions of the prescribed Model Code and Model Procedures.

ISSUE/DISCUSSION

Council adopted its current Code of Conduct and Procedures for the Administration of the Code of Conduct at its Ordinary Meeting held 19 October 2017 [209/17]. 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 December 2018.

The revised Model Code prescribes the minimum ethical and behavioural standards applicable to all Council Officials in NSW. In doing so, it seeks to:

- Provide clear guidance to Council Officials on the minimum and behavioural standards expected of them as Council Officials;
- Provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of the Council Officials who serve them;
- Promote transparency and accountability;
- Promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities; and

- Promote community confidence in the institution of Local Government.

Key changes to the Model Code include:

- Inclusion of the pecuniary interest provisions previously contained in the Act and Regulations;
- Adoption of a more prescriptive “principles-based” approach to prescribing ethical and behavioural standards, providing greater clarity around what constitutes a breach of the Code of Conduct;
- New standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of Council records;
- New rules governing the acceptance of gifts including mandatory reporting;
- A new ongoing disclosure requirement for Councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them; and
- Requirement for Councillors to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

Key changes to the Model Procedures include:

- Clarifying the role of the General Manager in the receipt and initial management of Code of Conduct complaints about Councillors, and providing greater flexibility to General Managers to delegate their functions under the Model Procedures to a person external to the council;
- Addressing the ability of complainants who are unhappy with a council’s decisions to misuse the council’s Code of Conduct by repackaging routine complaints as “Code of Conduct complaints”; and
- Providing recourse against members of the public who inappropriately disclosure information about complaints they have made under a council’s Code of Conduct.

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.

In circular issued 18 December 2018 (18-44), the OLG confirmed that councils can extend the application of their Code of Conduct and Procedures for the Administration of the Code of Conduct to persons other than Councillors, Council staff and delegates of Council. Council Officers are recommending that the definition of “Council Official” contained in both draft Code and the draft Procedures be expanded to community members of wholly advisory committees and volunteers.

The OLG has confirmed that should Council extend the definition of “Council Official” in the documents; to be effective, Council will also need to make it a condition of a volunteer’s or advisory committee member’s appointment that they comply with the Code of Conduct.

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 Councillors can be funded through Council's current 2018/19 Budget, however, training for members of Council committees will be delayed until the strategic review of Council's committee framework is finalised.

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

ATTACHMENTS

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



DRAFT CODE OF CONDUCT

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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 Code 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 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 Council's Code of Conduct may give rise to disciplinary action.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
Administrator	an Administrator of Council appointed under the LGA other than an Administrator appointed under section 66
committee	see the definition of “Council committee”
complaint	a Code of Conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
Council	Edward River Council
Council committee	a committee established by Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council committee member	a person other than a Councillor or member of staff of Council who is a member of a Council committee or a wholly advisory committee
Council Official	includes Councillors, members of staff of 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
conduct	includes acts and omissions
delegate of Council	a person (other than a Councillor or member of staff of 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	the General Manager of Edward River Council

joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Mayor	the Mayor of Edward River Council
members of staff of Council	employees and volunteers of Edward River Council
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 Local Government (General) Regulation 2005
wholly advisory committee	a Council committee that the Council has not delegated any functions to

PART 3

GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

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

Work health and safety

- 3.12 All Council Officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety

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

Land use planning, development assessment and other regulatory functions

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

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the Council or committee.
- 3.17 Clause 3.15 does not prohibit Councillors from discussing a matter before the Council or committee prior to considering the matter in question at a Council or committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.

- 3.18 Clause 3.15 does not apply to a decision to elect the Mayor or Deputy Mayor, or to nominate a person to be a member of a Council committee or a representative of the Council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at Council and committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council Officials or any members of the public present during Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a Councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the Council, or of a committee of the Council. Without limiting this clause, you must not:
- a) leave a meeting of the Council or a committee for the purposes of depriving the meeting of a quorum, or
 - 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
- (j) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or a Council committee member
- (o) an interest arising from the appointment of a Councillor to a body as a representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

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

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

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

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

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

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

4.14 A member of staff of Council, other than a designated person, must disclose in writing to their manager or the General Manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the General Manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by Council advisers?

4.16 A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a Council committee member?

4.18 A Council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

4.19 For the purposes of clause 4.18, a "Council committee member" includes a member of staff of Council who is a member of the committee.

What disclosures must be made by a Councillor?

4.20 A Councillor:

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

Disclosure of interests in written returns

4.21 A Councillor or designated person must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the Councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:

- (a) becoming a Councillor or designated person, and
- (b) 30 June of each year, and
- (c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

- (a) they made and lodged a return under that clause in the preceding 3 months, or
- (b) they have ceased to be a Councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The General Manager must keep a register of returns required to be made and lodged with the General Manager.

a)

- 4.25 Returns required to be lodged with the General Manager under clause 4.21(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the General Manager under clause 4.21(c) must be tabled at the next Council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A Councillor or a Council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The Councillor or Council committee member must not be present at, or in sight of, the meeting of the Council or committee:
- (a) at any time during which the matter is being considered or discussed by the Council or committee, or
 - (b) at any time during which the Council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the General Manager in writing by a Councillor or a Council committee member to the effect that the Councillor or Council committee member, or the Councillor's or Council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.

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

- 4.33 A Councillor or a Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or Council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
 - (b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the Councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

(a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

(b) that it is in the interests of the electors for the area to do so.

4.39 A Councillor or a Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5

NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Council staff other than the General Manager, such a disclosure is to be made to the staff member's manager. In the case of the General Manager, such a disclosure is to be made to the Mayor.
- 5.7 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

- a) a relationship between a Council Official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council Official's extended family that the Council Official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the Council Official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council Official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

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

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

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

pecuniary conflict of interest is not significant and does not require further action in the circumstances.

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

Political donations

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

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

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

Loss of quorum as a result of compliance with this Part

- 5.20 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

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

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

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

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

Other business or employment

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

Personal dealings with Council

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

PART 6

PERSONAL BENEFIT

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty

- d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the Council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the General Manager in writing. The recipient, manager, or General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b) gifts of alcohol that do not exceed a value of \$50
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in

national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

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

Improper and undue influence

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

PART 7

RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and Administrators

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

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of Council must:
- a) give their attention to the business of the Council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively

- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

Inappropriate interactions

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

- a) Councillors and Administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) Council staff approaching Councillors and Administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor
- d) Councillors and Administrators who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
- e) Councillors and Administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor has a right to be heard by the panel at the meeting
- f) Councillors and Administrators being overbearing or threatening to Council staff
- g) Council staff being overbearing or threatening to Councillors or Administrators
- h) Councillors and Administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make
- j) Council staff providing ad hoc advice to Councillors and Administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community

- k) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's General Manager or, in the case of the Mayor or Administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8

ACCESS TO INFORMATION AND COUNCIL RESOURCESCouncillor and Administrator access to information

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

Councillors and Administrators to properly examine and consider information

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

Refusal of access to information

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

General Manager or public officer must state the reasons for the decision if access is refused.

Use of certain Council information

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

Use and security of confidential information

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

Personal information

8.12 When dealing with personal information you must comply with:

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

Use of Council resources

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

8.14 Union delegates and consultative committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

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

Internet access

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

Council record keeping

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

Councillor access to Council buildings

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

PART 9

MAINTAINING THE INTEGRITY OF THIS CODEComplaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a Councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code.

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

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

Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a Councillor, the General Manager or an Administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other Council Officials are to be managed by the General Manager in accordance with the Procedures.

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

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

address means:

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

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

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

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

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes

any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a Councillor or designated person has an interest includes a reference to any real property situated in Australia in which the Councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods 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.
 - a)

Part 2: Pecuniary interests to be disclosed in returnsReal property

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

Gifts

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

Contributions to travel

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

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
- b) the dates on which the travel was undertaken, and
- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:

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

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

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

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and

- c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

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

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and

- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

b)

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.
- c)
30. A fee paid to a Councillor or to the Mayor or Deputy Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the

period since 30 June of the previous financial year, as the case may be, or

(ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or

e) subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor or designated person.

Discretionary disclosures

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

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

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.
3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
- d)
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.
- e)
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.
- f)
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
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3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

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

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

C. Gifts

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

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

Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June)	Nature of (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)

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.
g)
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

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

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

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

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]



**DRAFT
PROCEDURES FOR THE
ADMINISTRATION OF THE
CODE OF CONDUCT**

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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:

LGA	the <i>Local Government Act 1993</i>
Administrator	an Administrator of 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	Edward River Council
Council committee	a committee established by Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council committee or a wholly advisory committee
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 Code of Conduct, Council adviser

Councillor	any person elected or appointed to civic office, including the Mayor
delegate of Council	a person (other than a Councillor or member of staff of 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	the General Manager of Edward River Council
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
Mayor	the Mayor of Edward River Council
members of staff of a Council	employees and volunteers of Edward River Council
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 FRAMEWORKThe establishment of a panel of conduct reviewers

- 3.1 The Council must by resolution establish a panel of conduct reviewers.
- 3.2 The Council may by resolution enter into an arrangement with one or more other Councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the Councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the Council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a Councillor, or
 - b) a nominee for election as a Councillor, or
 - c) an Administrator, or
 - d) an employee of a Council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

- g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the Council's panel of conduct reviewers if they are a member of another Council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a Council's panel of conduct reviewers where the Council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The Council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the Council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the Council may be a member of subsequent panels of conduct reviewers established by the Council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

- 3.13 Despite clause 3.6(d), an employee of a Council who is the nominated internal ombudsman of one or more Councils may be appointed to a Council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a Council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a Council's panel of conduct reviewers may also exercise the functions of the Council's Complaints Coordinator. For the purposes of clause 6.1, an internal ombudsman who is a Council's Complaints Coordinator and has been appointed to the Council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a Council's panel of conduct reviewers.

The appointment of Complaints Coordinators

3.17 The General Manager must appoint a member of staff of the Council or another person (such as, but not limited to, a member of staff of another Council or a member of staff of a joint organisation or other regional body associated with the Council), to act as a Complaints Coordinator. Where the Complaints Coordinator is a member of staff of the Council, the Complaints Coordinator should be a senior and suitably qualified member of staff.

3.18 The General Manager may appoint other members of staff of the Council or other persons (such as, but not limited to, members of staff of another Council or members of staff of a joint organisation or other regional body associated with the Council), to act as alternates to the Complaints Coordinator.

3.19 The General Manager must not undertake the role of Complaints Coordinator.

3.20 The person appointed as Complaints Coordinator or alternate Complaints Coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

3.21 The role of the Complaints Coordinator is to:

- a) coordinate the management of complaints made under the Council's Code of Conduct
- b) liaise with and provide administrative support to a conduct reviewer
- c) liaise with the Office and
- d) arrange the annual reporting of Code of Conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?What is a Code of Conduct complaint?

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

When must a Code of Conduct complaint be made?

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

How may a Code of Conduct complaint about a Council Official other than the General Manager be made?

- 4.6 All Code of Conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing. This clause

does not operate to prevent a person from making a complaint to an external agency.

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

How may a Code of Conduct complaint about the General Manager be made?

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

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by General Managers and Mayors of their functions under this Part

- 5.1 A General Manager or Mayor may delegate their functions under this Part to a member of staff of the Council or to a person or persons external to the Council other than an external agency. References in this Part to the General Manager or Mayor are also to be taken to be references to their delegates.

Consideration of complaints by General Managers and Mayors

- 5.2 In exercising their functions under this Part, General Managers and Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

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

How are Code of Conduct complaints about staff (other than the General Manager) to be dealt with?

- 5.4 The General Manager is responsible for the management of Code of Conduct complaints about members of staff of Council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.5 The General Manager must refer Code of Conduct complaints about members of staff of Council alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.

- 5.6 The General Manager may decide to take no action in relation to a Code of Conduct complaint about a member of staff of Council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the General Manager decides to take no action in relation to a Code of Conduct complaint about a member of staff of Council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of Conduct complaints about members of staff of Council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the Code of Conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are Code of Conduct complaints about delegates of Council, Council advisers and Council committee members to be dealt with?

- 5.10 The General Manager is responsible for the management of Code of Conduct complaints about delegates of Council and Council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct) and for determining the outcome of such complaints.
- 5.11 The General Manager must refer Code of Conduct complaints about Council advisers, delegates of Council and Council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct to the Office.
- 5.12 The General Manager may decide to take no action in relation to a Code of Conduct complaint about a delegate of Council or a Council committee 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 Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the Complaints Coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the Complaints Coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a Code of Conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the Council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the Council's legal service provider or are a member of a panel of legal service providers appointed by the Council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when

carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

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

Preliminary assessment of Code of Conduct complaints about Councillors or the General Manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the Complaints Coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the Complaints Coordinator:

- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the Complaints Coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The Complaints Coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a Code of Conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a Code of Conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they

form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:

- a) that the complaint is a Code of Conduct complaint for the purposes of these procedures, and
- b) that the alleged conduct is sufficiently serious to warrant investigation, and
- c) that the matter is one that could not or should not be resolved by alternative means.

6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:

- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the Council
- b) the likely impact of the alleged conduct on the reputation of the Council and public confidence in it
- c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the Complaints Coordinator and notify the Complaints Coordinator in writing of the outcome of their assessment.

6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the General Manager or Mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the General Manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the Mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the General Manager or Mayor prior to referring a matter back to them under clause 6.13(c).

- 6.28 The General Manager or Mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager or, in the case of a complaint about the General Manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager, or, in the case of a complaint about the General Manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a Code of Conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the Council's Code of Conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the Code of Conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the Council's Code of Conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour

- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the Council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

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

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the Code of Conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator

considers reasonably necessary for the respondent to identify the substance of the allegation against them.

- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the Complaints Coordinator and the General Manager, or in the case of a complaint about the General Manager, to the complainant, the Complaints Coordinator and the Mayor. The notice must:
 - a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser

in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

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

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

- 7.22 The resolution of a Code of Conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the Council's Code of Conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the Complaints Coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the Complaints Coordinator and the Mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the Code of Conduct, or
 - ii. does not constitute a breach of the Code of Conduct, and
 - c) provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may make one or more of the following recommendations:
- a) that the Council revise any of its policies, practices or procedures
 - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - c) that the respondent be counselled for their conduct
 - d) that the respondent be removed from membership of a committee of the Council or any other body or organisation that the respondent serves on as the Council's representative
 - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
 - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
 - g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the

minutes of the Council meeting at which the matter is considered

- h) in the case of a breach by the General Manager, that action be taken under the General Manager's contract
- i) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA
- j) in the case of a breach by a Councillor, that the Council resolves as follows:
 - i. that the Councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the Code of Conduct, the investigator may make one or more of the following recommendations:

- a) that the Council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the respondent has remedied or rectified their conduct
- d) whether the respondent has expressed contrition
- e) whether there were any mitigating circumstances
- f) the age, physical or mental health or special infirmity of the respondent
- g) whether the breach is technical or trivial only
- h) any previous proven breaches
- i) whether the breach forms part of an ongoing pattern of behaviour
- j) the degree of reckless intention or negligence of the respondent
- k) the extent to which the breach has affected other parties or the Council as a whole
- l) the harm or potential harm to the reputation of the Council or local government in general arising from the conduct
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny

- n) whether an educative approach would be more appropriate than a punitive one
- o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
- p) what action or remedy would be in the public interest.

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

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

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

7.41 The investigator must provide a copy of their report to the Complaints Coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the Complaints Coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and

- d) such other additional information that the investigator considers may be relevant.

- 7.43 Where the investigator has determined that there has not been a breach of the Code of Conduct, the Complaints Coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the Complaints Coordinator must provide a copy of the investigator's report to the General Manager. Where the General Manager agrees with the recommendation/s, the General Manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the Complaints Coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor. The General Manager is responsible for arranging the implementation of the recommendation/s where the report relates to a Councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the General Manager's conduct.
- 7.46 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the Complaints Coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary Council meeting for the Council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary Council meeting following the election.

Consideration of the final investigation report by Council

- 7.47 The role of the Council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the Code of Conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).

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

- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
- b) that the respondent be counselled for their conduct
- c) that the respondent be removed from membership of a committee of the Council or any other body or organisation that the respondent serves on as the Council's representative
- d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
- e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
- f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
- g) in the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach
- h) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA
- i) in the case of a breach by a Councillor:
 - i. that the Councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.60 The Council is not obliged to adopt the investigator's recommendation/s. Where the Council proposes not to adopt one or more of the investigator's recommendation/s, the Council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.

7.61 Where the Council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the Council must state in its resolution the reasons for its decision.

7.62 Where the Council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the Complaints Coordinator must notify the Office of the Council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

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

Complaints about conduct reviewers

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

Practice rulings

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

8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.

8.12 A review under clause 8.11 may be sought on the following grounds:

- a) that the investigator has failed to comply with a requirement under these procedures, or
- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct, or
- c) that in imposing its sanction, the Council has failed to comply with a requirement under these procedures.

8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the Council has erred.

8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the Complaints Coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The Complaints Coordinator must, as far as is reasonably practicable, provide the information requested by the Office.

8.17 Where a person requests a review under clause 8.11, the Office may direct the Council to defer any action to implement a sanction. The Council must comply with a direction to defer action by the Office.

8.18 The Office must notify the person who requested the review and the Complaints Coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

8.19 Where the Office considers that the investigator or the Council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.

8.20 In the case of a sanction implemented by the General Manager or Mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:

- a) the Complaints Coordinator must provide a copy of the Office's determination in relation to the matter to the General Manager or the Mayor, and
- b) the General Manager or Mayor must review any action taken by them to implement the sanction, and
- c) the General Manager or Mayor must consider the Office's recommendation in doing so.

8.21 In the case of a sanction imposed by the Council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:

- a) the Complaints Coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary Council meeting following the election, and
- b) the Council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the Council resolves to reaffirm its previous decision, the Council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

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

PART 10 PRACTICE DIRECTIONS

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

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

11.1 The Complaints Coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September of each year:

- a) the total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September (the reporting period)
- b) the number of Code of Conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of Code of Conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.

11.2 The Council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

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

11.19 CODE OF CONDUCT REVIEWERS PANEL

Author: Cian Middleton, Governance and Communications Officer

Authoriser: Trish Kirkland, Director Corporate Services

RECOMMENDATION

That Council:

1. Pursuant to clause 3.1 of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, appoint the Riverina and Murray Joint Organisation's Regional Panel of Conduct Reviewers as its Panel of Code of Conduct Reviewers until 30 June 2021.

BACKGROUND

On 14 December 2018, the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Model Procedures) was published in the NSW Government Gazette and prescribed under clause 181 of the Local Government (General) Regulation 2005.

The Model Procedures provides a framework for administering the Code of Conduct, assessing and investigating complaints alleging contraventions of the Code of Conduct, and reporting on Code of Conduct complaints to the Office of Local Government (the OLG).

Clause 3.1 of the Model Procedures requires Council to establish, by resolution, a Panel of Conduct Reviewers to review allegations of breaches of Council's Code of Conduct by Councillors or the General Manager. Under clause 3.2 of the Model Procedures, Council can share a Panel of Conduct Reviewers with one or more other councils, including through a joint organisation.

Clause 3.17 of the Model Procedures requires the General Manager to appoint a Complaints Coordinator to coordinate complaints received, provide support to Conduct Reviewers engaged by Council, liaise with the Office of Local Government, and arrange the annual reporting of Code of Conduct complaint statistics. Currently, Council's Director Corporate Services holds delegation as Complaints Coordinator, with the Governance and Communications Officer holding delegation as alternate Complaints Coordinator.

The Complaints Coordinator must refer certain complaints, including those about Councillors or the General Manager, to a Conduct Reviewer selected from its adopted Panel of Conduct Reviewers.

ISSUE/DISCUSSION

In April 2017, the former Riverina and Murray Regional Organisation of Councils (RAMROC) invited Expressions of Interest for the appointment of a Regional Panel of Conduct Reviewers for a four (4) year period commencing 1 July 2017. In total, 22 EOIs were received, from which 10 were recommended and subsequently endorsed for appointment at the RAMROC Board meeting in May 2017.

At its Ordinary Meeting held 19 October 2017, Council subsequently resolved to appoint the RAMROC's Regional Panel of Conduct Reviewers as its own Panel of Conduct Reviewers [209/17].

On 9 May 2018, the Riverina and Murray Joint Organisation (RAMJO) was proclaimed in the *Local Government (Regional Joint Organisations) Proclamation 2018*, replacing the former RAMROC. At its inaugural meeting held 29 June 2018, the RAMJO Board endorsed the appointment of a Joint Organisation Panel of nine (9) Conduct Reviewers for a three (3) year term expiring 30 June 2021. The RAMJO's Panel of Conduct Reviewers comprises:

1. The Centium Group, Level 8, 66 Goulburn Street, Sydney NSW;
2. Harris Wheeler Lawyers, Level 3, 175 Scott Street, Newcastle NSW;
3. Sinc Solutions Strategic Independent Consulting (Kath Roach), PO Box 455, Glebe NSW;

4. Mediate Today Pty Ltd, PO Box 4191, Shellharbour NSW;
5. HWL Ebsworth Lawyers, Level 14 Australia Square, 264-278 George Street, Sydney NSW;
6. Prevention Partners, 19 Sutherland Road, North Parramatta NSW;
7. O'Connell Workplace Solutions, 6 O'Connell Street, Sydney NSW;
8. Workplace Investigation Services, 4 Rowell Marine, 1 Queens Parade, Newport NSW;
9. BAL Lawyers (Bradley Allen Love), Level 9, Canberra House, 40 Marcus Street, CANBERRA ACT 2601.

Clause 3.8 of the Procedures provides that a Panel of Conduct Reviewers is to have a term of up to four years. As detailed above, the RAMJO appointed its Regional Panel of Conduct Reviewers for a three (3) year term expiring 30 June 2021. As such, if Council resolves to appoint the RAMJO's Regional Panel of Conduct Reviewers as its own Panel of Conduct Reviewers, the term of that appointment will similarly expire on 30 June 2021.

The Model Procedures outline clear requirements with respect to the appointment of Panels of Conduct Reviewers, including eligibility requirements. Council Officers are satisfied that the Conduct Reviewers included on RAMJO's Regional Panel of Conduct Reviewers are suitably skilled and qualified to assess and investigate Code of Conduct complaints, if and as needed.

Notwithstanding the above; under clause 3.9 of the Procedures, Council may terminate the Panel of Conduct Reviewers at any time by resolution.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Referral to panel members for the review and/or investigation of complaints under the Code of Conduct will incur costs. Provision will be made within Council's 2019/20 Budget for such costs. Any costs incurred over Council's base budget will be monitored and reported back to Council during the quarterly financial review process.

LEGISLATIVE IMPLICATIONS

Local Government Act 1993

- Section 440AA – Administration of code of conduct

Local Government (General) Regulation 2005

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

ATTACHMENTS

Nil

11.20 APPOINTMENT OF DESIGNATED PERSONS

Author: Cian Middleton, Governance and Communications Officer

Authoriser: Trish Kirkland, Director Corporate Services

RECOMMENDATION

That Council:

1. Identify the following positions in Council's organisational structure as designated persons, in accordance with clause 4.8(c) of the *Model Code of Conduct for Local Councils in NSW*:
 - a. Manager Community and Economic Development;
 - b. Manager Engineering and Assets;
 - c. Manager Environmental Services;
 - d. Manager Finance;
 - e. Manager Information Management;
 - f. Manager Operations;
 - g. Manager People and Customer Service;
 - h. Assets and Procurement Coordinator;
 - i. Building and Health Surveyor;
 - j. Health and Building Trainee;
 - k. Planning Officer;
 - l. Ranger;
 - m. Relief Ranger; and
 - n. Supervisor Fleet, Depots and Special Projects.
2. Identify the Audit, Risk and Improvement Committee as a committee of Council whose members are designated persons, in accordance with clause 4.8(d) of the *Model Code of Conduct for Local Councils in NSW*.

BACKGROUND

Historically, ethical standards for Local Government were prescribed from three sources: the pecuniary interest provisions in the *Local Government Act 1993* ("the Act") and Local Government (General) Regulation 2005 ("the Regulations"), and the *Model Code of Conduct for Local Councils in NSW* ("the Model Code"). Previously, the Act, Regulations and Model Code all placed specific obligations on Councillors, Council delegates, Council staff and other people involved in making decisions or providing advice on Council matters to act honestly and responsibly in carrying out their functions.

Recent legislative reforms have consolidated all ethical standards for Council Officials into a single statutory instrument, the Model Code. The revised Model Code, which was published in the NSW Government Gazette and prescribed on 18 December 2018, incorporates the pecuniary interest provisions previously contained in the Act and Regulations and outlines the various disclosure requirements of "designated persons".

Clause 4.8 of the Model Code provides that "designated persons" include:

- (a) Council's General Manager;
- (b) Other senior staff of the Council for the purposes of section 332 of the Act;

- (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; and
- (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.

ISSUE/DISCUSSION

Following prescription of the new Model Code, Council is required to appoint those Council staff it wishes to be "designated persons" for the purposes of clause 4.8(c) of the Model Code, and those members of Council committees it wishes to be "designated persons" for the purposes of clause 4.8(d) of the Model Code.

In determining which roles within Council's organisation structure ought to be "designated persons", Council is required to consider those functions exercised by Council officers that may, due to the exercise of certain regulatory or contractual responsibilities, give rise to a conflict between an officer's duty as a Council Official and their private interest. The positions identified in clause (1) of the Officer's Recommendation all exercise regulatory or contractual responsibilities that may give rise to such a conflict.

Similarly, in determining which members of a Council committee ought to be "designated persons", Council is required to consider which committees exercise Council functions that may give rise to a conflict between the committee member's duty to the committee and their own private interest. As identified in clause (2) of the Officer's Recommendation, Council is recommended to appoint the members of Council's Audit, Risk and Improvement Committee as "designated persons" due to the statutory role and responsibilities of that committee.

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

ATTACHMENTS

Nil

11.21 CODE OF MEETING PRACTICE

Author: Cian Middleton, Governance and Communications Officer

Authoriser: Trish Kirkland, Director Corporate Services

RECOMMENDATION

That Council:

1. Pursuant to section 361 of the *Local Government Act 1993*, place the draft Code of Meeting Practice, contained at Attachment A, on public exhibition for 28 days and provide members of the public 42 days in which to comment.
2. Receive a further report following the public exhibition period.

BACKGROUND

Section 360(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 Meeting Practice for the conduct of meetings of councils and committees of councils. Section 360(2) of the Act allows the Model Meeting Code to incorporate both mandatory and non-mandatory provisions, with section 360(3) requiring a council's adopted Code of Meeting Practice to incorporate all mandatory provisions of the Model Code of Meeting Practice.

On 14 December 2018, the *Model Code of Meeting Practice* ("the Model Meeting Code") was published in the NSW Government Gazette and prescribed under clause 232 of the Regulations.

The Office of Local Government ("the OLG") issued a circular on 18 December 2018 (18-45) advising that councils must adopt a Code of Meeting Practice incorporating the mandatory provisions of the Model Meeting Code no later than 12 months following the next ordinary elections. However, the OLG also advised that if a council fails to adopt a revised Code of Meeting Practice by 14 June 2019, any provision of that council's adopted Code of Meeting Practice which is inconsistent with a mandatory provision of the Model Meeting Code will automatically cease to have any effect.

Irrespective of when a council adopts a new Code of Meeting Practice; all councils will be required to webcast meetings of the council from 14 December 2019.

Under section 361 of the Act, a council must publicly exhibit its draft Code of Meeting Practice ("the draft Meeting Code") prior to adoption. The period of public exhibition must not be less than 28 days, and the public notice must specify a period of not less than 42 days after the date on which the draft Meeting Code is placed on public exhibition during which submissions may be made. Section 362 of the Act further requires a council to consider any public submissions received prior to adopting its draft Meeting Code.

ISSUE/DISCUSSION

Council adopted its current Code of Meeting Practice ("the adopted Meeting Code") at its Ordinary Meeting held 19 October 2017. The adopted Meeting Code was based on the then Model Meeting Code, which has since been retired through the prescription of the revised Model Meeting Code.

While Council has until 12 months following the 2020 ordinary elections to adopt a new Meeting Code incorporating the provisions of the Model Meeting Code; if Council fails to adopt a new Meeting Code by 14 June 2019, provisions of its existing Meeting Code will be invalid if they are inconsistent of the revised Model Meeting Code. Given the significant amendments contained in the revised Model Meeting Code, coupled with the requirement that Council webcast its meetings from December 2019, Council Officers are recommending that Council adopt a new Meeting Code alongside its new Code of Conduct.

The draft Meeting Code, contained at Attachment A, is based on the Model Meeting Code and incorporates all mandatory and non-mandatory provisions of that document. In reading the draft Meeting Code, Councillors should note:

- Non-mandatory provisions are indicated in red.
- ~~Strikethrough~~ has been used to indicate:
 - a. Non-mandatory provisions which Council is not being recommended to include in its draft Meeting Code; and
 - b. Provisions that apply to boards of joint organisations and which will not be included in Council's draft Meeting Code.
- Where Council is required to specify a timeframe in a mandatory or non-mandatory clause, proposed timeframes have been included in blue.
- Where Council is required to include supplementary provisions, options have been included in green.

Throughout the Model Meeting Code, various mandatory and non-mandatory provisions require Council to stipulate suitable timeframes. In preparing the draft Meeting Code, Council Officers have, where possible, inserted timeframes comparable to those in Council's adopted Meeting Code or that reflect current practice within the organisation.

As noted above, Council will be required to webcast its meetings from 14 December 2019, which is reflected in clause 5.19 of the draft Meeting Code. Council is required to include supplementary provisions in its adopted Meeting Code specifying whether meetings are to be livestreamed or recorded and uploaded to Council's website following the meeting. Additionally, Council must also include supplementary provisions specifying whether the webcast is to comprise an audio-visual recording of the meeting or an audio recording of the meeting. Council Officers are recommending that meetings be livestreamed and comprise an audio-visual recording of the meeting. This recommendation is reflected in clauses 5.20 and 5.21 of the draft Meeting Code.

In accordance with the statutory requirements outlined in sections 361 and 362 of the Act, Council Officers are recommending that Council publicly exhibit the draft Meeting Code prior to adoption, with a further report will be brought back to Council for its consideration following the conclusion of the exhibition period.

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 Meeting Practice, including training for Councillors and members of Council's Executive team, and implementing the requirement for webcasting Council meetings. While the training program can be funded through Council's current 2018/19 Budget; the implementation of meeting webcasting has been budgeted for in Council's draft 2019/20 Operational Plan and Budget.

LEGISLATIVE IMPLICATIONS

Local Government Act 1993

- Section 360 – Conduct of meetings of councils and committees
- Section 361 – Preparation, public notice and exhibition of draft code
- Section 362 – Adoption of draft code
- Section 363 – Amendment of the code
- Section 364 – Publicly availability of the code

Local Government (General) Regulation 2005

- Clause 232 – Model code of meeting practice

ATTACHMENTS

1. Attachment A - Draft Code of Meeting Practice



DRAFT CODE OF MEETING PRACTICE

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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This Code applies to all meetings of Councils and committees of Councils of which all the members are Councillors (committees of Council). Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

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

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A Council and a committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the code of meeting practice adopted by the Council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county Councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "Council", "chairperson" for "Mayor", "voting representative" for "Councillor" and "executive officer" for "General Manager".

In adopting the Model Meeting Code, county Councils should adapt it to substitute the term "chairperson" for "Mayor" and "member" for "Councillor".

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary Council meetings

- 3.1 ~~Ordinary meetings of the Council will be held on the following occasions:~~
~~[Council to specify the frequency, time, date and place of its ordinary meetings]~~
- 3.2 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use either clause 3.1 or 3.2

Note: Under section 365 of the Act, Councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a Council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county Councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

Extraordinary meetings

- 3.3 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.

Notice to the public of Council meetings

- 3.4 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of ordinary Council meetings

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

Notice to Councillors of extraordinary meetings

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

Giving notice of business to be considered at Council meetings

- 3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **three (3) [Council to specify notice period required]** business days before the meeting is to be held.
- 3.11 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Council, or
 - (b) by written notice sent to all Councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the General Manager about the performance or operations of the Council.
- 3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.
- 3.16 The General Manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- 3.18 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
 - (b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a Mayoral minute to a meeting under clause 9.6.
- 3.20 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- 3.22 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.
- 3.24 Clause 3.23 does not apply to the business papers for items of business that the General Manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.
- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.
- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Agenda and business papers for extraordinary meetings

- 3.27 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

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

Pre-meeting briefing sessions

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

4 PUBLIC FORUMS

- 4.1 The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary Council meetings and meetings of committees of the Council.
- 4.2 Public forums are to be chaired by the Mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by **12.30pm one (1) day [date and time to be specified by the Council]** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than **two (2) [number to be specified by the Council]** items of business on the agenda of the Council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than **two (2) [number to be specified by the Council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may, in

consultation with the Mayor or the Mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.

- 4.10 Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs no more than **two (2) [number to be specified by the Council]** days before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.
- 4.11 The General Manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed **three (3) [number to be specified by the Council]** minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **three (3) [number to be specified by the Council]** minutes.
- 4.16 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.17 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to **five (5) [number to be specified by the Council]** minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.

- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
- 4.23 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

Note: Public forums should not be held as part of a Council or committee meeting. Council or committee meetings should be reserved for decision-making by the Council or committee of Council. Where a public forum is held as part of a Council or committee meeting, it must be conducted in accordance with the other requirements of this Code relating to the conduct of Council and committee meetings.

5 COMING TOGETHER

Attendance by Councillors at meetings

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

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

- 5.2 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting.

- ~~5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.~~

~~**Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.**~~

- 5.4 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.

- 5.5 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.6 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.7 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

- 5.8 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the Council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the Councillors present, or
 - (c) failing that, by the General Manager.
- 5.13 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of

Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend Council meetings

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

Note: Clause 5.16 reflects section 10(1) of the Act.

- 5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

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

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

Note: Clause 5.18 reflects section 10(2) of the Act.

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

Webcasting of meetings

- 5.19 All meetings of the Council and committees of the Council are to be webcast on the Council's website.

Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.

Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the Council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

5.20 Webcasts will comprise an audio-visual recording of the meeting.

5.21 Meetings will be livestreamed.

~~Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19–5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19–5.22.~~

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

5.23 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

5.24 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for **28 days [Council to specify the period of time the recording is to be retained on the website]**. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the General Manager and other staff at meetings

5.25 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.

Note: Clause 5.23 reflects section 376(1) of the Act.

5.26 The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.

Note: Clause 5.24 reflects section 376(2) of the Act.

5.27 The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

Note: Clause 5.25 reflects section 376(3) of the Act.

5.28 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

6 THE CHAIRPERSON

The chairperson at meetings

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

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

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

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

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

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

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

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the Council:
- (a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

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

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

~~8.1 At a meeting of the Council, the general order of business is as fixed by resolution of the Council.~~

8.2 The general order of business for an ordinary meeting of the Council shall be:
[Councils may adapt the following order of business to meet their needs]

01 Opening meeting

02 Acknowledgement of country

03 Apologies and applications for a leave of absence by Councillors

04 Confirmation of minutes

05 Disclosures of interests

06 Mayoral minute(s)

07 Reports of committees

08 Reports to Council

09 Notices of motions/Questions with notice

10 Confidential matters

11 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

8.3 The order of business as fixed under clause ~~{8.1/8.2}~~ **[delete whichever is not applicable]** may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows Council to deal with items of business by exception.

8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a Council meeting

- 9.1 The Council must not consider business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting

without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

- 9.7 A Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.9 A Mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.10 Where a Mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

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

Reports of committees of Council

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

Questions

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.

- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

- 10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion.

Foreshadowed motions

- 10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to

move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
 - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in joint organisation board meetings

- ~~10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.~~

~~**Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.**~~

~~**Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.**~~

11 VOTING

Voting entitlements of Councillors

- 11.1 Each Councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

~~Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.~~

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

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- ~~11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.~~

~~Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.~~

~~Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.~~

Voting at Council meetings

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

- 11.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.9 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

~~11.11 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~

~~**Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.**~~

Voting on planning decisions

- 11.12 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

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

12 COMMITTEE OF THE WHOLE

- 12.1 The Council may resolve itself into a committee to consider any matter before the Council.

Note: Clause 12.1 reflects section 373 of the Act.

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

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

~~13 DEALING WITH ITEMS BY EXCEPTION~~

- ~~13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.~~
- ~~13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.~~
- ~~13.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.~~
- ~~13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.3.~~
- ~~13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.~~
- ~~13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.~~
- ~~13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Code of Conduct.~~

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

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

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred

to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that

has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

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

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by **12.30pm one (1) day [date and time to be specified by the Council]** before the meeting at which the matter is to be considered.
- 14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **three (3) [number to be specified by the Council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.
- 14.15 The General Manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the Council or a committee of the Council proposes to close a

meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **three (3) [number to be specified by the Council]** speakers to make representations in such order as determined by the chairperson.

- 14.17 Each speaker will be allowed **three (3) [number to be specified by the Council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

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

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this Code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- (a) contravenes the Act or any regulation in force under the Act or this Code, or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.
- 15.12 The chairperson may require a Councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

15.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this Code to expel any person, including any Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act.

~~15.15 All chairpersons of meetings of the Council and committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.~~

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.

15.17 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.

15.19 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

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

Use of mobile phones and the unauthorised recording of meetings

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

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

- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

17 DECISIONS OF THE COUNCIL

Council decisions

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

Note: Clause 17.1 reflects section 371 of the Act in the case of Councils and section 400T(8) in the case of joint organisations.

~~Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.~~

- 17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Council decisions

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the

resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager no later than **two (2) business days [Council to specify the period of time]** after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three Councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the Council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the Councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the Council and committees of the Council are to conclude no later than **6.00pm** **[Council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **6.00pm** **[Council to specify the time]**, the Council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **6.00pm** **[Council to specify the time]**, and the Council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
- (a) individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:

- (a) details of each motion moved at a Council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this Code.

- 19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also

publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the Council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

- 20.1 This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

- 20.2 The Council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 20.4 The quorum for a meeting of a committee of the Council is to be:
- (a) such number of members as the Council decides, or
 - (b) if the Council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the Mayor) ceases to be a member of a

committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of Council committees

20.11 The chairperson of each committee of the Council must be:

- (a) the Mayor, or
- (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
- (c) if the Council does not elect such a member, a member of the committee elected by the committee.

20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.15 Subject to any specific requirements of this Code, each committee of the Council may regulate its own procedure. The provisions of this Code are to

be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.

- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.

~~20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.~~

~~**Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**~~

- 20.18 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.20 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of Council committee meetings

- 20.23 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and

(d) such other matters specifically required under this Code.

~~20.24 All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~

20.25 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.

20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

21 IRREGULARITIES

- 21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any Councillor or committee member, or
 - (c) any defect in the election or appointment of a Councillor or committee member, or
 - (d) a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's Code of Conduct, or
 - (e) a failure to comply with this Code.

Note: Clause 21.1 reflects section 374 of the Act.

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this Code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this Code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this Code
this Code	means the Council's adopted code of meeting practice
committee of the Council	means a committee established by the Council in accordance with clause 20.2 of this Code (being a committee consisting only of Councillors) or the Council when it has resolved itself into committee of the whole under clause 12.1
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two Councillors under clause 11.7 of this Code requiring the recording of the names of the Councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.18 of this Code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this Code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance	means an order issued under section 438A of

improvement order	the Act
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

11.22 COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY

Author: Cian Middleton, Governance and Communications Officer

Authoriser: Trish Kirkland, Director Corporate Services

RECOMMENDATION

That Council:

1. Place the draft Councillor Induction and Professional Development Policy, contained at Attachment A, on public exhibition for 28 days.
2. Receive a further report following the public exhibition period, or if no submissions are received, adopt the draft Councillor Induction and Professional Development Policy as exhibited.

BACKGROUND

Section 232 of the *Local Government Act 1993* (“the Act”) provides that all Councillors have a responsibility “to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor”. Under Part 8A of the Local Government (General) Regulation 2005 (“the Regulation”), the General Manager has a statutory duty to ensure the delivery of:

- An induction program for newly elected and returning Councillors and a specialised supplementary induction program for the Mayor within six months of their election; and
- An ongoing professional development program for the Mayor and each Councillor over the term of the Council to assist them to acquire and maintain the skills necessary to perform their roles.

On 18 December 2018, the OLG published the *Councillor Induction and Professional Development Guidelines* (“the Guidelines”) pursuant to section 23A(1) of the Act, which provides guidance to councils on how they should develop and deliver their pre-election information sessions, Councillor induction programs and ongoing Councillor professional development programs. The Guidelines include at Appendix C a Model Councillor Induction and Professional Development Policy (“the Model Policy”).

ISSUE/DISCUSSION

The draft Councillor Induction and Professional Development Policy (“the draft Policy”), contained at Attachment A, has been adapted from the Model Policy and seeks to embed Council’s commitment to ongoing professional development for the Mayor and Councillors and develop a structured approach for realising this commitment in practice.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

If adopted, the draft policy requires Council to provide an annual budget allocation to support the induction and professional development activities undertaken by the Mayor and Councillors. In accordance with the Guidelines, the budget will be set by Council in its Councillor Expenses and Facilities Policy and be monitored and reported on quarterly, as well as in Council’s Annual Report.

LEGISLATIVE IMPLICATIONS*Local Government Act 1993*

- Section 232 – The role of a councillor

Local Government (General) Regulation 2005

- Clause 183 – Induction training courses for councillors
- Clause 184 – Supplementary induction training courses for mayors
- Clause 185 – Ongoing professional development program for councillors and mayors
- Clause 186 – Information about induction training and ongoing professional development to be included in annual report

ATTACHMENTS

1. **Attachment A - Draft Councillor Induction and Professional Development Policy**

POLICY OBJECTIVE

The purpose of this policy is to demonstrate Edward River Council's commitment to ensuring that the Mayor and Councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the *Local Government Act 1993* (the Act).

SCOPE

This policy applies to all Councillors of Edward River Council, including the Mayor.

LEGISLATIVE REQUIREMENTS

- Local Government (General) Regulation 2005, clauses 183-186
- Councillor Professional Development Guidelines, issued under section 23A of the *Local Government Act 1993*.

POLICY STATEMENT

1 Statement of Commitment

- 1.1 Edward River Council (Council) is committed to developing an induction and ongoing professional development program for the Mayor and Councillors to ensure they can fulfil their statutory roles and responsibilities.
- 1.2 As part of this program, the Mayor and each Councillor will have a professional development plan that identifies specific gaps in their capabilities (ie their knowledge, skills and attributes) and identifies professional development activities to build these capabilities.

2 Induction Program

- 2.1 Council will develop an induction program for new and returning Councillors as well as a supplementary program for the Mayor to ensure they are provided all the information they need to effectively fulfil their roles in the first few months of Council's term and feel confident in their ability to do so. The induction program will cover:
 - a. An orientation to Council facilities and the local government area;
 - b. An overview of the key issues and tasks for the new Council including Council's community strategic plan, delivery program, operational plan, resourcing strategy and community engagement plan;
 - c. The legislation, rules, principles and political context under which Councils operate;
 - d. The roles and responsibilities of Councillors and the Mayor;
 - e. Council's organisational structure, workforce management strategy and the roles and responsibilities of the General Manager and Council staff;
 - f. What Council does and how it operates, including an overview of integrated planning and reporting, land-use planning, natural resource management, financial management and asset management by Council;

- g. Key Council policies and procedures Councillors must comply with including the code of conduct;
- h. The role of Council meetings and how to participate effectively in them;
- i. The support available to the Mayor and Councillors and where they can go to get more information or assistance; and
- j. Information on the process for taking the oath of office and electing the Mayor at the first Council meeting (where applicable).

2.2 In the case of the Mayor, the program will also cover:

- a. How to be an effective leader of the governing body and the Council;
- b. The role of the Chair and how to chair Council meetings;
- c. The Mayor's role in integrated planning and reporting;
- d. The Mayor's role and responsibilities under the code of conduct;
- e. The Mayor's role and responsibilities in relation to the General Manager's employment;
- f. The Mayor's role at regional and other representative bodies; and
- g. The Mayor's civic and ceremonial role.

2.3 The Mayor and Councillors must have a working knowledge and understanding of these areas by the end of the induction program.

2.4 The induction program will also include team building activities to help the governing body establish itself as a cohesive and collaborative team focused on a common purpose with shared values and goals. Activities will aim to ensure Mayors and Councillors:

- a. Identify how they would like to work together as a team and identify a common vision for the governing body;
- b. Build relationships with each other based on trust and mutual respect that facilitate collaboration;
- c. Contribute to a positive and ethical culture within the governing body;
- d. Work towards consensus as members of the governing body for the benefit of the community;
- e. Develop respectful negotiation skills and manage alternative views within the governing body without damaging relationships;
- f. Understand what supports or undermines the effective functioning of the governing body;
- g. Respect the diversity of skills and experiences on the governing body; and
- h. Communicate and uphold the decisions of Council in a respectful way, even if their own position was not adopted.

2.5 Activities should also help the Mayor, as the leader of the governing body, to:

- a. Act as a stabilising influence and show leadership; and

- b. Promote a culture of integrity and accountability within Council and when representing Council in the community and elsewhere.

- 2.6 The Mayor and Councillors, including those re-elected to office, must attend all induction sessions.
- 2.7 Council will evaluate the induction program at the end of each Council term to determine whether it has achieved these outcomes, and to identify and address areas for improvement.

3 Ongoing Professional Development Program

- 3.1 An individual ongoing professional development plan will be developed for the Mayor and each Councillor to address any gaps in the capabilities (i.e. the knowledge, skills and attributes) needed to effectively fulfil their role.
- 3.2 Each professional development plan will span the Council's term, and identify professional development activities that the Mayor or Councillor will participate in. Professional development activities will be prioritised according to need and approved by the General Manager where Council funds are required in accordance with Council's Councillor expenses and facilities policy. The Mayor and Councillors are expected to complete all the activities included in their professional development plan.
- 3.3 Professional development activities will, wherever possible, follow the 70/20/10 principle. The 70/20/10 principle requires that:
 - a. 70 per cent of learning activities are provided via learning and developing from experience – for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice;
 - b. 20 per cent of learning activities are provided via learning and training through others – for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations; and
 - c. 10 per cent of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the Council, external training providers or industry bodies.
- 3.4 The timing of professional development activities for the Mayor and Councillors will be designed in such a way so as to not overload Councillors with learning activities in the early part of Council's term. The timing will reflect what knowledge and skills Councillors and the Mayor need at various points in Council's term to undertake their roles.
- 3.5 The Mayor and Councillors will be provided with as much notice as possible for upcoming induction and professional development activities.

4 Responsibilities

- 4.1 The Mayor and each Councillor are responsible for making themselves available to attend any development activities identified in the professional development plan. The Mayor and all Councillors must make all reasonable endeavours to attend and

participate in the induction sessions and professional development activities arranged for them during the term of the Council.

- 4.2 The Director Corporate Services is responsible for planning, scheduling and facilitating induction and professional development activities for the Mayor and Councillors in consultation with the General Manager.
- 4.3 The General Manager has overall responsibility for Council's induction and professional development program.

5 Budget

- 5.1 An annual budget allocation will be provided to support the induction and professional development activities undertaken by the Mayor and Councillors. Expenditure will be monitored and reported quarterly.

6 Approval of Training and/or Expenses

- 6.1 Professional development activities that require Council funds are to be approved by the General Manager in accordance with Council's Councillor Expenses and Facilities Policy.

7 Evaluation

- 7.1 Council will evaluate the professional development program at the end of each Council term to assess whether it was effective in assisting the Mayor and Councillors to develop the capabilities required to fulfil their civic roles.

8 Reporting

- 8.1 The General Manager will publicly report each year in Council's Annual Report:
 - a. The name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year);
 - b. The name of the Mayor and each Councillor who participated in any ongoing professional development program during the year;
 - c. The number of training and other activities provided to the Mayor and Councillors during the year as part of a professional development program; and
 - d. The total cost of induction and professional development activities and any other training provided to the Mayor and Councillors during the relevant year.

ASSOCIATED POLICIES AND PROCEDURES

- Councillor Expenses and Facilities Policy

DEFINITIONS

"Councillor" means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor.

"General Manager" means the General Manager of Council and includes their delegate or authorised representative.

POLICY VERSION CONTROL

Title	Councillor Professional Development Policy			
ECM Doc Set ID				
Date Adopted				
Council Minute No.				
Responsible Officer	Director Corporate Services			
Version Number	Modified By	Modifications Made	Date modified and Approved by Council	Council Minute Number

11.23 STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COMMUNITIES PROGRAM - APRIL PROGRESS REPORT

Author: Oliver McNulty, Director Infrastructure

Authoriser: Oliver McNulty, Director Infrastructure

RECOMMENDATION

That Council note the Stronger Communities Fund- Major Projects Program and the Stronger Country Communities Program- Progress Report for April 2019

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 funding. 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.

After this Edward River Council received funding from Round One of the Stronger Country Communities Program to a total value of \$1,269,841

The projects adopted by the Stronger Communities Fund Assessment Panel are as follows:

40. Project – Stronger Communities Fund	41. Grant Amount
42. Deniliquin Swim Centre Revitalisation	43. 880,000
44. Community Masterplans & Initial Works	45. 2,105,000
46. Deniliquin Regional Sports & Entertainment Stadium	48. 540,000
47. Extension	
49. Blighty Community Netball & Tennis Facility	50. 550,000
51. Deniliquin Children's Centre Extension	52. 500,000
53. Deniliquin Netball Facility Improvement Works	54. 320,000
55. Rural Villages Beautification Project	56. 300,000
57. Beach to Beach Walk Connectivity Improvements	58. 300,000
59. Deniliquin Community Facility Refurbishments	60. 165,000
61. Urban Road Infrastructure Program	62. 2,390,000
63. Deniliquin Airport Heritage Centre Development	64. 50,000

65. Unallocated Funding for New Council	66. 500,000
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The projects that have been funded through Round One of the Stronger Country Communities Program are as follows:

Project – Stronger Country Communities	Grant Amount
Scott's Park – A destination Playground	\$676,620
Deniliquin Swim Centre – All Abilities Facilities	\$295,796
Lagoons to River Walk	\$297,425

A project summary update report for both programs to April 2019 is attached to this report.

Additional funding through Round Two of the Stronger Country Communities program of \$3.3 million has also now been approved and are as follows:

Project – Stronger Country Communities Round 2	Grant Amount
The Deniliquin Town Hall	\$1,315,170 + \$438,500
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

Additional Merger funding has also been confirmed from the State Government for the following projects:

Additional Merger Funding	Grant Amount
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
Internal merger costs	\$1,600,000

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.	Stronger	Communities	Projects	Update
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Stronger Community Grants Summary Report - April 2019						
PERFORMANCE “CODE” DESCRIPTIVE						
Time, Cost & Quality	Task/Activity – Completed ✓ or Progressing - on Time, Cost and Quality					
Time, Cost & Quality	Task/Activity – Progressing - requires monitoring and or action to minimise risk of not meeting performance targets					
Time, Cost & Quality	Task/Activity – Stalled/Stopped - High Risk or will not meet Performance Target.					
Time, Cost & Quality	Task/Activity- Pending - is currently on hold or pending approval					
Project Phase						
Project Description	Initiation & Communication	Design, Documentation & Approvals	Quotes & Tendering	Delivery & Handover	Code	Comments/Milestones
ORINGINAL STRONGER COMMUNITIES GRANT FUNDING						
Blighty Community Netball & Tennis Facility-(\$550,000.)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none">70% CompletePlaster work and roofing completeElectrical and cabinetry ongoing
Unallocated Funds-(\$500,000.) + interest earned on investment (approx. \$700,000.)	Completed	In Progress	Pending	Pending		<ul style="list-style-type: none">Additional \$310,260 to be allocated towards Napier Street.
Regional Sports & Entertainment Stadium Extension-(\$540,000)	Compete	Complete	In Progress	Pending		<ul style="list-style-type: none">Subject to a separate report in May.
Children’s Centre Extension-(\$500,000.)	Completed	Completed	Completed	Completed	✓	<ul style="list-style-type: none">Completed to Time, Cost & Quality.Project review & report is yet to be under taken.
Netball Facility Improvements						
Deniliquin Netball Assoc (\$160,000 + \$30,000)	Completed	Completed	Completed	Pending		<ul style="list-style-type: none">2MH are completing a detailed survey of court compliance
Deniliquin RAMS (\$160,000)	Completed	Completed	Completed	In Progress		<ul style="list-style-type: none">Court resurfacing complete.Spectator shelter complete

Swim Centre – Revitalisation-(\$880,000. + \$142,000. from unallocated funds)	Completed	Completed	In Progress	In Progress		<ul style="list-style-type: none"> No additional progress Contractor to recommence on site mid-April
Rural Village Beautification-(\$300,000.) 1) Blighty 2) Booroorban 3) Conargo 4) Mayrung 5) Pretty Pine 6) Wanganella	Complete	In Progress	In Progress	Pending		1) Biodiversity to be completed, call for quotes and then select contractor 2) Contractor being inducted mid-April who will complete all works. 3) Quote request closed 10/04/2019 4) Deni Sand and Soil won contract but were over budget. Discussing taking place with hall committee 5) Contractor being inducted mid-April and will complete all work. 6) Quotes accepted
Community Plans-(\$2,105,000.) 1) Recreation Strategy 2) Memorial Park 3) River Front 4) CBD Streetscape	Complete	In Progress In Progress Complete Complete	Pending Pending Complete Complete	Pending Pending Complete Complete		1) Draft strategy currently being prepared with draft expected in April 2) Final draft Masterplan being finalised for consultation with user groups. 3) Landscape Design Complete 4) CBD Streetscape Contractor Awarded
Beach to Beach Walk Connectivity Improvements-(\$300,000.) 1) McLean's Beach Pathway 2) Island Sanctuary Bridge refurbishments	Scope Identified	In Progress In Progress	Completed Completed	Pending In Progress		1) The Project Scope is currently under review due to the cost overrun from the original estimate. 2) Island Sanctuary bridge tender separate update report pending tender review.
Community Facilities Refurbishments-(\$165,000.) 1) Scout Hall 2) Deni Boat Club	Completed Completed	Completed Completed	Completed Completed	Completed Completed	✓	<ul style="list-style-type: none"> Completed
Urban Road Infrastructure Program-(\$2,390,000.)	Complete	Complete	In Progress	Pending		<ul style="list-style-type: none"> Contractor Awarded for Crispe Street Victoria Street and Wood Street to be reviewed
Airport Heritage Program-(\$50,000)	Completed	Completed	Complete	Complete	✓	<ul style="list-style-type: none"> Additional works required enabling progress to continue in alignment with Master Plan. Completed
Original Stronger Community Grant Funding Sub - Total \$8,600,000.						

STRONGER COMMUNITIES FUNDING ROUND (1)						
Scotts Park – A Destination Program- (\$676,620.)	Completed	Completed	Completed	In progress		<ul style="list-style-type: none"> Pump Track in progress Nature play equipment in progress Flying Fox super structure in progress Climbing wall complete Basketball and Netball Courts completed Toilet designs have been approved and foundation laid
Swim Centre – All Abilities Centre- (\$295,796. + \$110,000)	Complete	Complete	Complete	In progress		<ul style="list-style-type: none"> Handover of site has commenced to contractor Contractor will be on site mid-April
Lagoons to River Walk-(\$297,425.)	Completed	Completed	Completed	In Progress		<ul style="list-style-type: none"> Waring gardens ramp yet to be completed
Stronger Community Grant Funding (Round 1) - Sub - Total \$1,269,841.						
STRONGER COMMUNITIES FUNDING ROUND (2)						
Deniliquin Town Hall & Arts & Cultural Precinct-(\$1,315,170. + \$438,500.)	Complete	In Progress	Pending	Pending		<ul style="list-style-type: none"> Deniliquin Town Hall Revitalisation Reference Group meeting fortnightly Designs are progressing
Napier Street Redevelopment- (\$401,500. + \$600,000)	Complete	Complete	In Progress	Pending		<ul style="list-style-type: none"> Contractor Awarded works to commence first week May Construction Management Plan being developed Communication ongoing with Traders
Memorial Park-(\$786,000.)	In Progress	In Progress	Pending	Pending		<ul style="list-style-type: none"> Draft designs in progress Developing a Project Management Plan
RAMS Facility-(\$559,000.)	In Progress	In progress	Pending	Pending		<ul style="list-style-type: none"> The project manager is working with the user group to finalise a project plan for the full scope of the project Discussion have been held with the consultant with designs currently underway
Deniliquin Lawn Tennis-(\$198,910)	In Progress	Pending	Pending	Pending		<ul style="list-style-type: none"> Council have provided the tennis club a draft template agreement to enable them to progress the delivery of this project. This agreement will provide for hold points for Councils approval prior to work progressing
Deniliquin Golf Club-(\$111,170.)	In Progress	Pending	Pending	Pending		<ul style="list-style-type: none"> Council have provided the Golf club a draft template agreement to enable them to progress the delivery of this project. This agreement will provide for hold points for Councils approval prior to work progressing.
Stronger Community Grant Funding (Round 2) – Sub -Total \$3,371,750.						

STRONGER COMMUNITIES FUNDING ROUND (3)						
Cressy Street CBD Redevelopment- (\$1,200,000.)	In Progress	In progress	Pending	Pending		<ul style="list-style-type: none"> Project Manager yet to be appointed Preliminary/concept designs completed Project Management Plan yet to be completed Pending
Riverfront Enhancement-(\$700,000.)	In Progress	In progress	Pending	Pending		<ul style="list-style-type: none"> Concept plans completed Project Manager yet to be appointed Project Management Plan yet to be developed Pending
Waring Gardens Upgrade-(\$640,000.)	In Progress	In progress	Pending	Pending		<ul style="list-style-type: none"> Concept plans in progress Project Manager yet to be appointed Project Management Plan yet to be developed
Lagoon Walk Road Treatments- (\$250,000.)	Pending	Pending	Pending	Pending		<ul style="list-style-type: none"> Plans in progress Works are ongoing Edwardes Street complete Wellington St commenced Other streets after Easter
Truck Stop-(\$400,000.)	Pending	Pending	Pending	Pending		<ul style="list-style-type: none"> On hold pending EOI for South Depot site.
Pepin Heritage/Visitor Centre Upgrade- (\$600,000.)	Completed	Completed	In Progress	Pending		<ul style="list-style-type: none"> Currently reviewing designs, specification and estimates
Deniliquin Ute Muster – Café Facility- (\$600,000.)	Pending	Pending	Pending	Pending		<ul style="list-style-type: none"> To be managed fully by the Ute Muster. Plan to progress following this years Ute Muster.
PROJECT SUMMARY NOTES: (April 2019) <p>Summary: the majority of projects are progressing well with only a few highlighted in Red that will require stringent management and action to bring them under control.</p> <p>The projects in Yellow will need attention to detail to ensure that they progress to the agreed Time, Quality & 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.</p> <p>Existing council staff and contractors are working extremely well in keeping most projects on Time, Cost and Quality. To assist council in the project delivery process, council has now completed a draft Project Management Policy, and Project Management Procedure and Framework Guidelines.</p>						

11.24 C2019/05 - CHARLOTTE STREET WATERMAINS REFURBISHMENT

Author: Mark Dalzell, Manager Engineering Assets

Authoriser: Oliver McNulty, Director Infrastructure

RECOMMENDATION

That Council ratifies variations to the contract price for C2019/05 – Charlotte Street Watermains Refurbishment of \$31,292.78 + GST.

BACKGROUND

Council, at its 21 March 2019 meeting, resolved the following regarding C2019/05 – Charlotte Street Watermains Refurbishment:

1. *Accept the tender submitted by Tapping Solutions Australia Pty Ltd for Contract C2019/05 – Charlotte Street Water Mains Refurbishment for the lump sum tender price of \$254,782.95 + GST;*
2. *Approve the reallocation of \$80,000 within the Watermain Rehabilitation Capital Works program from the Cressy Street, between Hardinge and Macauley Street, project to the Charlotte Street project;*
3. *Approve that the Watermain Rehabilitation project along Cressy Street, between Hardinge and Macauley Street, will not proceed as outlined in planned works in operational plan in 2018/19*
4. *Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2019/05 – Charlotte Street Water Mains Refurbishment;*
5. *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.*

Following the commencement of work by Tapping Solutions Australia Pty Ltd on 2 April 2019, some issues not included within the original scope of work have arisen that require a variation of the original tender price. The total value of these variations is greater than the 10%, or \$25,000, allowed for in Council's resolution.

ISSUE/DISCUSSION

Request for Variations (RFV) that have been raised regarding the project include:

RFV-01 – House Service Lines across Street to Northern Side of Charlotte Street

The original documentation did not include the replacement of the house service lines from the proposed watermain along Charlotte Street to the houses near the Charlotte Street and Macaulay Street intersection. The contractor has proposed to install these house service lines using a trenchless, horizontal directional digging technique to reduce the impact of this work on traffic along Charlotte Street. This is shown in **Figure 1**.

It is recommended that Council accepts RFV-01

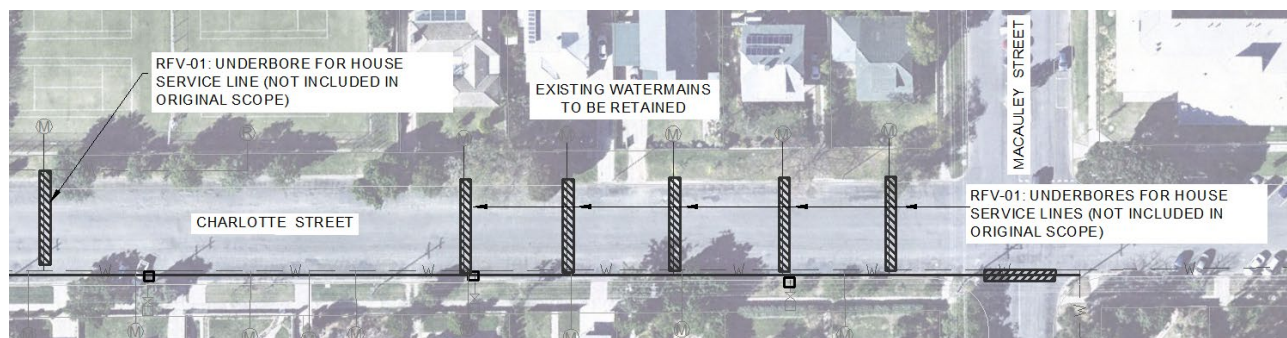


Figure 1 – RFV -01

RFV-02 – House Service Lines along Southern Side of Charlotte Street

The original documentation did not include the replacement of the house service lines along the southern side of Charlotte Street. The proposed water main is located 1m off the kerb line and Council has not had any issues with the house service lines in this area to date.

It is recommended that Council does not accept RFV-02.

RFV-03 – Intersection of Butler Street and Charlotte Street

The tender documentation did not allow for the connection of the existing watermain along the western side of Butler Street with the new water main, nor the replacement of the section of water main that is under Charlotte Street in this location. It is noted that, as the connection is located within the underbore along Charlotte Street, it would be complex to achieve and require the underbore to be excavated in this location.

The recommended revised scope of works includes an underbore of Butler Street on the northern side of the intersection, connecting to the existing watermain along the front of the adjacent motel. This is shown in **Figure 2**.

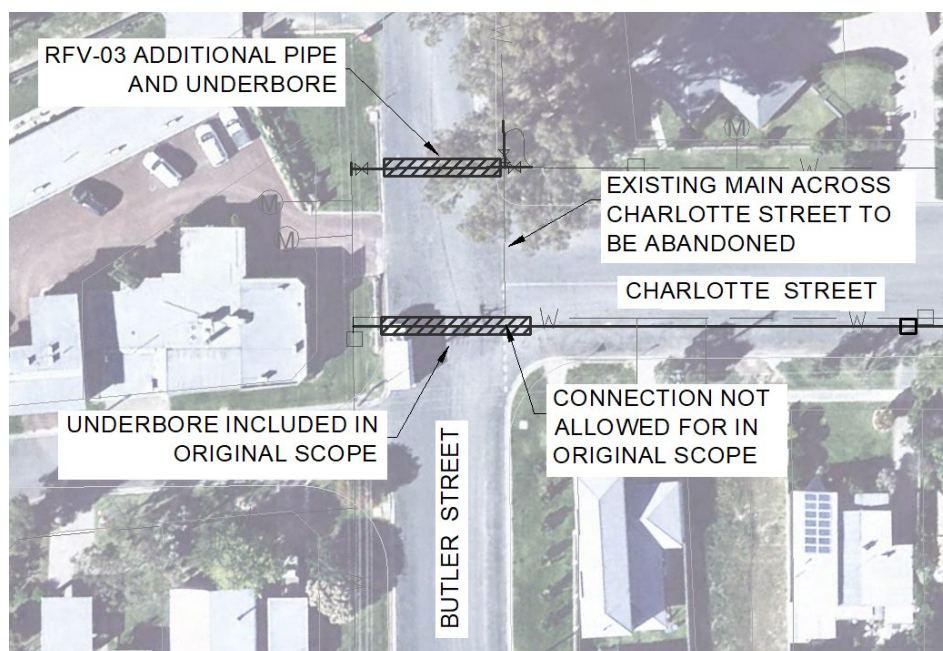


Figure 2 – RFV -03

The replacement of this section of watermain and connection to the new mains is consistent with the objective of the project.

It is recommended that Council accepts RFV-03.

RFV-04 – Raw Watermain along Western Side of Russell Street

The tender documentation included the replacement of the raw watermain along the western side of Russell Street. Further investigation has noted that this main is in good condition and does not need to be replaced. This is shown in **Figure 3**. It is also noted that, as part of the Integrated Water Catchment Management Strategy, the function of the raw water supply system shall be reviewed and may be decommissioned in the future.

This RFV shall lead to a reduction in the project cost and it is recommended that Council accepts RFV-04.

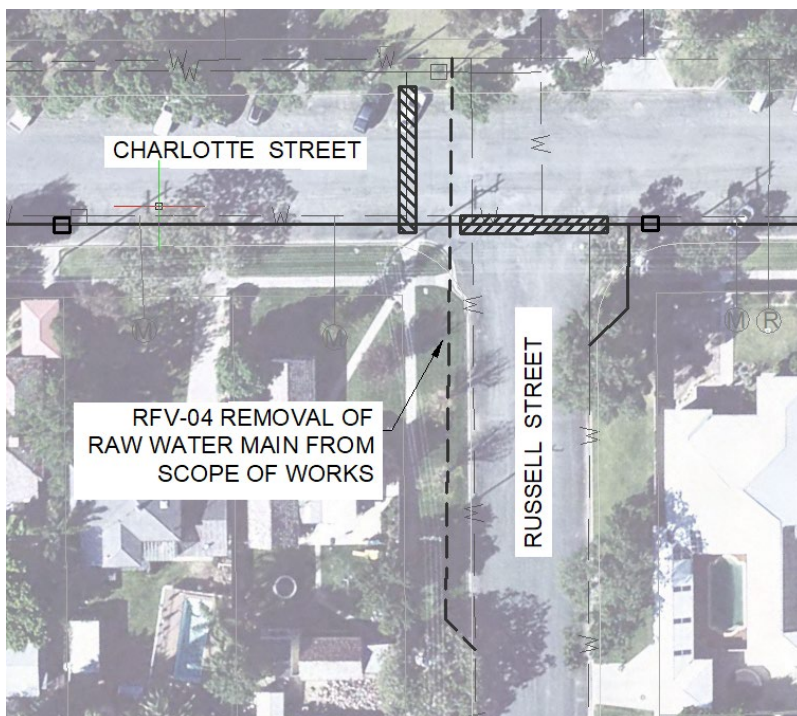


Figure 3 – RFV -04

RFV-05 – Watermain along Russell Street

The tender documentation included replacement of the watermain for 50m along Russell Street. Review of this information with the contractor has highlighted that only 15m needs to be replaced to meet the objectives of the project. The contractor has proposed the removal of this additional watermain from the scope of works and a reduction in the contract price to reflect this. This is shown in **Figure 4**.

This RFV shall lead to a reduction in the project cost and it is recommended that Council accepts RFV-05.

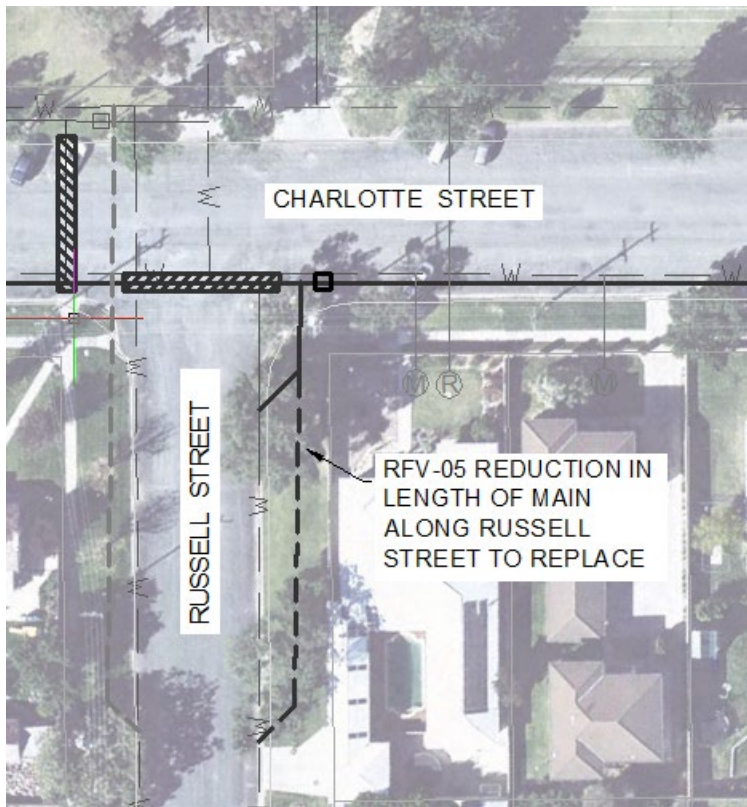


Figure 4 – RFV -05

A summary of the noted RFV's is shown in the table below:

	AMOUNT (excl. GST)
RFV - 01	\$36,116.78
RFV - 02	-
RFV - 03	\$24,176.00
RFV - 04	-\$23,697.00
RFV - 05	-\$5,303.00
TOTAL RFV's	\$31,292.78
ORIGINAL CONTRACT PRICE	\$255,110.22
REVISED CONTRACT PRICE	\$286,403.00

These contract price variations shall be funded from the following sources:

- \$25,000 being the contingency amount specified for the project; and
- \$6,292.78 from the contingency allocated for all projects in the Watermain Rehabilitation Capital Works budget item.

It is noted that the total contingency for project Watermain Rehabilitation Capital Works budget item is \$75,000. Following the allocation of approximately \$31,300 in contingency expenditure for the Charlotte Street project, there shall be approximately \$44,000 remaining.

STRATEGIC IMPLICATIONS

As a Local Water Utility, Council are required to provide safe filtered water to the community. A well-managed asset replacement program, as part of an Asset Management Plan, assists in ensuring that the water supply system meets the requirements of the community and NSW Public Health.

COMMUNITY STRATEGIC PLAN

This project meets the objectives of *Outcome 4 – A region with quality and sustainable infrastructure* in the Community Strategic Plan, including:

- Target 4.1 – Our built environment is managed, maintained and improved.

FINANCIAL IMPLICATIONS

The additional money required for the variations can be funded from project contingency and saving from the Watermain Rehabilitation Capital Works budget item.

LEGISLATIVE IMPLICATIONS

Council's tender process is in accordance with *Local Government Act* and *Local Government (General) Regulations*.

ATTACHMENTS

Nil

11.25 EDWARD RIVER COUNCIL DRAFT WASTE STRATEGY

Author: Oliver McNulty, Director Infrastructure

Authoriser: Oliver McNulty, Director Infrastructure

RECOMMENDATION

That Council;

1. Place the draft Edward River Waste Strategy on exhibition for a minimum period of 28 days; and
2. Receive a report on the outcome of the exhibition of the Edward River Waste Strategy

BACKGROUND

67. Edward River Council engaged MRA Consulting Group to;

68.

1. Develop a Waste Strategy that improves the sustainability and performance of waste service delivery, waste infrastructure and delivery of community engagement activities. This review was to consider in detail options relating to the provision of recycling services,
2. Review the current capacity of the existing Deniliquin landfill and commence the process to expand the existing facility. This review would also look at alternate sites for future development.

69.

70. MRA have worked with Council over the past twelve months to develop a draft Waste Strategy. This draft Waste Strategy is in accordance with objective 1 as set out above. Objective 2 above, is discussed within the draft Waste Strategy, however this work is being completed through a separate but concurrent process. A copy of the draft Waste Strategy is attached to this report.

71.

72. The draft strategy is set out in a framework to answer the following questions;

73.

74. *Where are Edward River Council today?*

75.

76. This section gives a history of Edward River Council and the current services that were provided by Conargo and Deniliquin Councils. It also outlines the current services that are delivered with Council boundaries.

77.

78. *Why does Council need a strategy?*

79.

80. The draft Waste Strategy provides a roadmap for Council's provision of better waste management options. It also outlines some of the current challenges that are faced to enable the provision of improved waste services.

81.

82. *Where does Council want to get to?*

83.

84. The draft Waste Strategy outlines state targets that relate to NSW Waste and Resource Recovery Services. The draft strategy outlines some priorities that will assist Council in meeting the state targets.

85.

86. *What steps will Council take to get there?*

87.

88. The draft Waste Strategy outlines priorities that will:

89.

- Maximise the life of landfill resources
- Expand community education and awareness
- Optimise airspace at the existing Deniliquin landfill

- Investigate new cells at Deniliquin landfill
- Develop longer term waste disposal facilities for use by Edward River Council

90.

91. Each of these questions and topics are discussed in more detail within the draft waste strategy. The strategy identifies some of the costs associated with the potential expansion of waste services in Edward River and any increases in costs to the community.

92.

93. Appendix A of the draft Waste Strategy outlines an action plan for Council to achieve the targets outlined within the strategy.

94.

ISSUE/DISCUSSION

Next Steps

The draft Waste Strategy is submitted to Council to be adopted as Edward River Council's Draft Waste Strategy. This will enable the draft Strategy to be placed on exhibition for community feedback and consultation.

Feedback from this consultative process will be reported to the Council at a future meeting, together with any recommendations of suggested alterations because of the consultative phase.

A community consultation strategy is being completed which will include an outline of how Council will engage the community. This will include items such as;

- Use of project HQ (in Napier Street Deniliquin)
- Engagement with relevant community groups, local organisations, sporting and service clubs
- Use of social and print media
- Possible attendance at the farmers market
- Possible displays and information sessions at the transfer station at the Deniliquin landfill, and possibly at Blighty and Conargo landfills

STRATEGIC IMPLICATIONS

Edward River Council – Waste Management Strategy 2019-2049 will provide the framework for Council to improve and manage waste services into the future. The action plan included within the strategy provides the road map of how Council can achieve the objectives set out in the strategy.

COMMUNITY STRATEGIC PLAN

Outcome 1 – A great place to live

Outcome 3 – A valued and enhanced natural environment

Outcome 4 – A region with quality and sustainable infrastructure

FINANCIAL IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

1.	Final	Draft	Edward	River	Council	Waste	Strategy
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Edward River Council Waste Strategy 2019-2049

A submission to Edward River Council

12 April 2019





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Document history

Title	Version no.	Status	Date
Edward River Council Waste Management Strategy	1	Draft	30/01/2019
Edward River Council Waste Management Strategy	2	Final	28/02/2019
Edward River Council Waste Management Strategy	3	Revised Final	05/04/2019
Edward River Council Waste Management Strategy	4	Revised Final Draft	11/04/2019
Edward River Council Waste Management Strategy	5	Amended Revised Final Draft	12/04/2019

Disclaimer

This report has been prepared by Mike Ritchie and Associates Pty Ltd (trading as MRA Consulting Group (MRA)) for Edward River Council. MRA (ABN 13 143 273 812) cannot accept any responsibility for any use of or reliance on the contents of this document by any third party.



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Strategy at a glance

Supporting Information

This report was developed in conjunction with supporting information and contributions by Edward River Council staff, together with a separate study prepared by MRA Consulting Group "Edward River Waste: Summary of Strategic Waste Management Options", 27 September 2018.

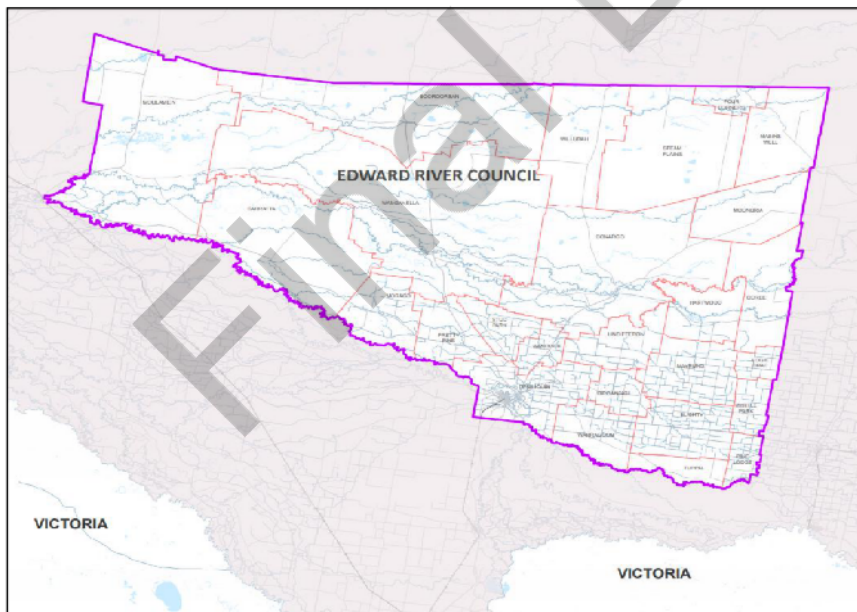
Where are we today?

Overview

Edward River Council (ERC) was established in May 2016 through the merger of the former Conargo Shire Council and Deniliquin Council.

The ERC region is located between Adelaide, Melbourne and Sydney, and borders the Murrumbidgee, Murray River, Hay and Berrigan local government area. It is a member of the Riverina and Murray Joint Organisation (RAMJO), a group of 18 LGAs located along the Murray River throughout the south west of NSW.

The ERC supports a population of 8,900 across an area of 8,881 square kilometres including the town of Deniliquin and surrounding rural towns of Blighty, Booroorban, Conargo, Mayrung, Pretty Pine and Wanganella. The largest industry sectors in the Edward River region are agriculture, forestry and fishing, and irrigated agriculture.



Waste Management Services

ERC delivers a range of waste services that includes;

- Kerbside waste collection;
- community recycling centres;
- drop off points for comingled and paper and cardboard recycling, and waste oil;

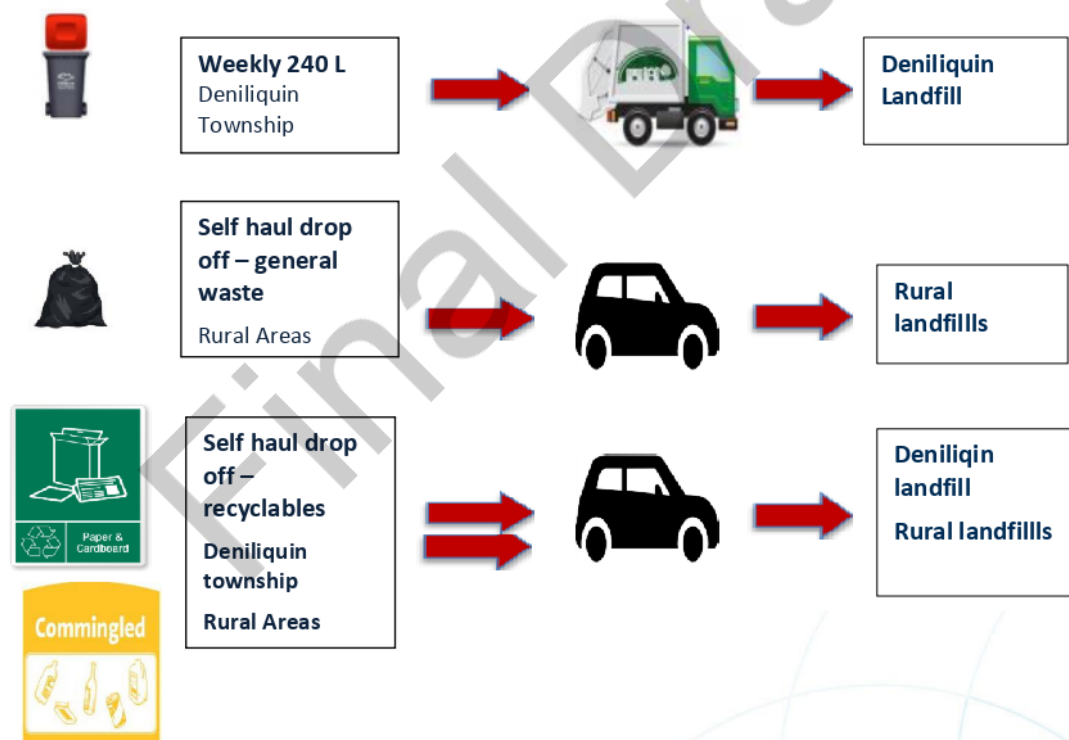


- street sweeping and public place cleansing;
- illegal dumping management and compliance.

Residents that live within the Deniliquin township area are provided with a single general waste bin for weekly kerbside collection. This service covers 3,712 rateable households including both residential and commercial dwellings. Outside the service area, rural residents have access to five local unlicensed rural landfill facilities for self-haul waste disposal. These sites are free of charge for all residents.

There is no available weight data¹ to which defines the rate of waste generation in Edward River. For the purposes of this strategy, it has been assumed that the rate will be similar to neighbouring Murray River Council. A waste audit undertaken in 2014² showed Murray River generated 185 kg of waste per capita. This is significantly less than the national average (2018) of 560 kg per capita per annum³ and the NSW average (2014) of 488 kg per capita per annum⁴.

Residents and businesses can dispose of problem wastes at community recycling centres co-located at Deniliquin and Blighty landfill. Separate gate fees are charged for disposing of self-hauled bulk waste, commercial and industrial, and construction and demolition waste at Deniliquin landfill.



¹ Edward River Council currently collects regular volumetric data related to waste and recyclables at all of its rural landfills and at the Deniliquin landfill.

² MRA Consulting, 2014, Murray River Council – Murray Shire Waste Audits

³ Blue Environment, 2018, National Waste Report 2018 – prepared for the Department of the Environment and Energy

⁴ NSW EPA, 2014, Local Government Waste and Resource Recovery Data Report: As reported by councils



Why we need a strategy?

Outcome 3 of Council's *Community Strategic Plan* notes that Council and the community "will work together to tackle littering, increase recycling", and Council's role is to improve waste management and recycling options. This in turn will empower the community to dispose of waste thoughtfully.

A waste strategy is required to set a roadmap for Council's provision of better waste management and recycling options.

The overall objective for the Strategy is to provide comprehensive, cost effective waste services for the local community and businesses, and ensure long term landfill security through increased waste diversion.

Strategic waste planning is a dynamic process, and this strategy should be reviewed every five years to ensure it keeps up with industry developments and continues to serve the ERC community.

Current Challenges

Edward River faces a number of challenges in improving waste management and recycling within the shire:

- The NSW Government has established state-wide landfill diversion targets. Although these targets are not mandatory, Council has recognised the need to act towards their achievement, as reflected in Council's *Community Strategic Plan*. Improved landfill diversion would have the added benefit of prolonging the life of the Deniliquin landfill and deferring the capital expenditure required to develop a new site.
- The Deniliquin landfill is reaching critical capacity whilst serving as the main licenced waste disposal site for the LGA. The extension of Deniliquin landfill to the South West and North West is prohibited by the close proximity to residents.
- ERC does not provide additional kerbside services that support source separation of comingled recyclables or food and garden organics. Relatively small volumes of paper and cardboard recycling are captured via a self-haul drop off point at all waste facilities, and comingled recycling can be dropped off at either Blighty and Deniliquin Community Recycling centres.
- Landfills can pose a wide range of risks to the environment, human health and amenity. ERC's unlicensed landfill facilities including Blighty, Boooroban, Conargo, Pretty Pine and Wanganella all require operational plans to mitigate environmental risks through provisions for improved site management, and site closure and rehabilitation. At present these landfills are insufficiently resourced and within a changing future regulatory landscape, such sites might be mandated to close with no likely access to government support packages.
- The amount of greenhouse gas emissions from the breakdown of food and garden organics in landfill is significant and can be mitigated through the recovery and recycling of these organics into compost and other products.
- There will be additional costs to households associated with the introduction of additional kerbside services to divert recyclables, food and garden organics from Deniliquin Landfill.

Potential Solutions

There is immediate potential to extend the landfill to the North East and gain additional disposal capacity, approximately ten years that could be increased through landfill diversion activities. Further extension to the



North East may be possible, however extension to the South West and North West is precluded by the close proximity to residents.

The risks from the unlicensed landfills can be minimised through better practice landfill design, operation, management and rehabilitation. The rationalisation of the rural landfills would enable ERC to channel limited resources into better managing a smaller number of waste facilities, reduce the risk of environmental harm, and adequately plan for long-term controls and measures.

The introduction of additional kerbside services to divert recyclables and food and garden organics could, if supported by the residents, significantly reduce the quantity of waste to be disposed at Deniliquin Landfill.

Where do we want to get to?

In December 2014, the NSW EPA released the NSW Waste and Resource Recovery Strategy 2014-21 that set six clear targets for 2021-22 to improve waste management across NSW. The key area of concern for ERC to address was the increased recycling rate targets for municipal solid waste to 70%, commercial and industrial waste to 70% and construction and demolition waste to 80%. There is also the target to increase waste diverted from landfill to 75%. ERC is committed to implementing an action plan in order to move towards achieving these targets.

ERC is undergoing a planned and collaborative approach to waste management which can achieve long term benefits that are cost effective, and supportive of the local community, environment and economy.

ERC's key waste management and resource recovery priorities are to;

- Maximise the life of landfill resources;
- Improve the environmental performance of all waste and resource recovery facilities;
- Provide cost effective waste and resource recovery services;
- Enhance Service Delivery and Performance Improvement.

ERC must introduce actions that can effectively divert waste from Deniliquin landfill, and progressively convert existing rural landfills to transfer stations whilst reducing budgetary impacts.

How are we going to get there?

This strategy is a roadmap that highlights the key priorities and activities that will be undertaken by ERC to divert waste from landfill and deliver sustainable waste management outcomes within the region.

1. Maximise the life of landfill resources

1.1 Expand kerbside services

Paper and cardboard recycling self-haul drop off facilities are available at all waste facilities except Wanganella and Boorooban, and comingled recycling drop-off is available at Blighty and Deniliquin Community Recycling centres. During 2016/7 the Deniliquin Waste Facility received approximately 28 tonnes of comingled, paper and cardboard recyclables through the self-haul collection system, which represents approximately only 4% of the material which could potentially be diverted from landfill.

Around 65% of all materials sent to landfill are organic in nature, therefore increasing recovery of food waste is an important factor in order to reduce the tonnes of material sent to landfill. Up to 15% of the average kerbside bin content are comingled recyclable materials. Overall, Kerbside recycling inclusive of food and garden organics could divert up to 80% of municipal waste from Deniliquin landfill.



Expanded kerbside collection services will incur an additional cost which will depend upon commercial negotiations with the processing service providers. Initial estimates indicate a food and organics collection service will result in an increased cost of approximately \$65.00 per household per year. A recycling collection service will cost approximately \$46.50 per household per year.

Actions

- Prepare and conduct tendering processes that supports the introduction of the following new kerbside services to township households:
 - Fortnightly 240 litre comingled recycling bin; and
 - Fortnightly Food and Garden Organics (FOGO) bin.
 - Roll out a fortnightly FOGO service and weekly garbage service in the short term and review collection frequency within the medium to long term.
- Investigate and implement strategies for recycling at all Council facilities and public places.



Image Source: Melville Talks (2019)

1.2 Expand community education and awareness

For the new waste services to be successful in achieving waste diversion from within the community, Council will strive towards achieving high community acceptance of the new services and ensure residents know how to use them. Community acceptance is a critical factor in achieving low contamination and high diversion rates.

Actions

- Undertake community and industry consultation, and produce an implementation package that addresses and supports;
 - Current recycling behaviours;
 - Attitudes towards recycling services;
 - Optimal messaging and service design;
 - Barriers or concerns regarding participation;
 - The potential effectiveness of available support tools;
 - Illegal dumping prevention.



- Design and implement a trial run before a full roll-out so as to help Council to identify challenges and prepare the community for the full roll-out;
- Develop general education initiatives to encourage waste diversion, including:
 - Develop and deliver awareness raising campaigns to increase public understanding and engagement regarding waste avoidance, service changes, relevant campaigns and feedback on achievements through the council website, social media channels and events;
 - Encourage the re-use/exchange of recyclable materials and goods through existing reuse stores and online marketplaces;
 - Identify partnerships to facilitate and encourage waste minimisation and recycling within the community;
 - Provide clear information on all Council waste and recycling services. Basic pictorial information of what to put in each bin, and what day bins go out is best displayed on or around kerbside bins. Bin Signage and stickers designed to consider language and accessibility (i.e. to be understood as clearly as possible by those with different abilities of vision, knowledge of the English language, intellectual ability and with other conditions);
 - Engage with businesses on waste avoidance and implement a business waste reduction program (e.g. Bin Trim, Halve Waste);
 - Expand and improve recycling at council run or supported events;
 - Support regional waste education campaigns.

1.3 Optimise air space at the existing Deniliquin Landfill

The Deniliquin Landfill is sited upon an area which has been lined, and the original approval stipulates the broad geometry of the final shape. There is the potential to utilise additional airspace within the existing facility in order to maximise the benefit to the ERC community which the landfill provides.

Actions

- Determine the extent of the lined area;
- Obtain survey data for the existing landfill;
- Develop a design for the final form of the landfill in accordance with the site's approval; and
- Base on the above develop an estimate of the remaining landfill capacity.

1.4 Investigate feasibility of new cells at the Deniliquin Landfill

The area to the north of the existing landfill may afford two opportunities to extend the landfill and prolong its life. The first is to extend the facility into an area which lies within the boundary of the site. This would be subject to gaining appropriate approvals. The second would be to extend further into an adjoining area which forms part of the TSR. This would similarly be contingent upon gaining approvals, and also subject to ERC reaching an agreement with the TSR. A plan view of this possibility is presented in Appendix C.

Actions

- Undertake a constraints level ecological assessment of the two areas to determine if there are any obvious factors which would preclude expansion of the landfill into either of these areas;
- Should no constraint be identified, develop a concept design for the landfill in the first area which integrates into the final form of the current landfill;
- Develop a cost estimate for the landfill extension into the first area;



- Subject to the cost of the extension being satisfactory, prepare a development application, including an Environmental Impact Statement and appropriate specialist studies;
- Subject to the extension cost and remaining capacity of the enlarged landfill, ERC should determine if further extension into the TSR is warranted;
- If further extension is judged to be warranted, enter into negotiations with the TSR to secure the land, then undertake a design of the area and seek appropriate approvals.

1.5 Develop longer term waste disposal facilities for use by Edward River Council

The Deniliquin landfill has finite capacity. Reducing the amount of waste deposited there, and extending the landfill footprint will extend the life of the facility, however in the medium to long term other arrangements will need to be made. There are two primary options: identify another landfill site within ERC, enter into contractual arrangements with a larger regional facility for the disposal of ERC's waste. Further opportunities may become apparent to reduce the amount of waste to landfill, or to process materials locally, however there is always likely to be a need for a landfill to dispose of residuals or to manage waste in the event of a natural disaster or breakdown of processing equipment. In view of the relatively small quantity of waste generated in ERC, processing is unlikely to be a financially viable alternative.

Actions

- Identify potential sites within ERC LGA;
- Should a suitable site(s) be identified, undertake a constraints level ecological assessment for the preferred location to determine its suitability;
- Identify regional landfills which may be able to receive ERC's wastes;
- For both options, undertake a financial analysis (which would include transport costs) to determine the preferred approach;
- Should remote landfilling be preferred, enter into long term contract negotiations for the disposal of ERC's wastes; and
- Should a new local landfill be preferred, develop a design for the facility and prepare the requisite documentation for a Development Approval application.

2. Improve the environmental performance of waste facilities

ERC will provide the community with sustainable and lasting infrastructure for future waste management needs. This will involve over the longer term converting operations from land filling to transfer stations at all but the Deniliquin Landfill site. This will ensure residents in rural regions outside of the main towns continue to have access to a convenient site for waste disposal and recycling, without the attendant obligations and risk to Council in running and maintaining multiple landfills. It is important that a continuous disposal service is maintained, in the form of a transfer station, as the complete closure of waste services at the rural landfill sites may lead to an increase in illegal dumping, which, apart from the undesirable environmental impact, would be costly to regulate and remediate.

ERC will continue building upon the successful establishment of two community recycling centres (CRC) for problem waste materials by continually promoting and expanding participation in responsible disposal and product stewardship (takeback) schemes at Council facilities.

A summary of the estimated costs to transition the rural landfills to transfer stations is presented in Appendix B.



Operation of the Deniliquin Landfill and rural transfer stations

Improve the operation and environmental impact of ERC's waste facilities while maintaining the level of service available to residents.

Actions

- Prepare closure and rehabilitation plans for rural landfills and develop alternative rural transfer stations with secure waste and recycling drop off points;
- Investigate and apply for grant opportunities to fund landfill closure and development of transfer stations;
- Progressively rehabilitate sites in accordance with the rehabilitation plan and EPA requirements;
- Develop transfer stations on former landfill sites that improve waste separation, and safety and amenity for the community;
- Encourage full uptake of CRC services by monitoring and reviewing usage at both sites, and identify opportunities to increase capture and transfer of problem wastes;
- Host e-waste collection days at Blighty and Deniliquin CRC's, and either transfer stockpiles to an approved processor or partner with an approved provider of the National Television and Computer Recycling Scheme;
- Identify and monitor potential hot spots for illegal dumping (e.g. RID on-line).

3. Provide cost effective waste and resource recovery services

Providing improved waste services to a recently amalgamated council region can be challenging and is further complicated by the dispersed rural geography. Services need to be cost effective for Council, whilst being equitable and accessible. Financial costs will be continually balanced with acceptable levels of service.

Actions

- Review and identify opportunities for developing a full cost recovery waste service model that uses a combination of gate fees and rates, and covers landfill operations, closure, rehabilitation and monitoring, infrastructure development and equipment purchases;
- Investigate availability of grant funding through government and industry bodies;
- Work with surrounding councils and regional waste bodies to maximise resource sharing and investigate joint tendering opportunities.

4. Enhance Service Delivery and Performance Improvement

ERC will ensure waste management services are appropriate, efficient and can be sustainably delivered through planning, review, monitoring, and improvement processes.

ERC could introduce new kerbside services to trial areas before expanding the services to the whole LGA in order to streamline the correct use of the service by residents and to manage any operational issues initially at the small scale.

It is essential that all decisions made by Council are informed and based upon accurate baseline and ongoing data. This data will assist Council ensure it is undertaking the most environmentally and financially sustainable waste management practices possible.

The need for accurate and timely data collection will require the development of both internal data capturing processes and suitable requirements within all of Council tenders that relate to the collection and processing of Council's waste materials. For example, Council could consider the installation of weighbridge facilities.



It is essential that ERC develop key performance indicators to measure and monitor progress towards achieving priority goals as part of this Strategy.

Actions

- Review Council's internal waste management processes that include service delivery and accountability;
- Implement a weighbridge and waste data system to record and report key performance indicators, inform decision making and provide feedback to the community on improvements;
- Develop and review data collection systems;
- Work towards undertaking a landfill audit at Deniliquin landfill to obtain more detailed information on types of commercial and industrial, construction and demolition materials entering the facilities, and domestic waste bin audits including composition and bin fullness;
- Develop tender documents with appropriate requirements for collection and processing;
- Develop service delivery plans for operations at waste facilities, transfer stations, and kerbside collection services in consultation with stakeholders, and consistent with the objectives of this strategy;
- Develop and regularly review key performance indicators to monitor against strategic waste management targets;
- Work with kerbside collection staff or contractors to obtain data on contamination rates and total materials recovered;
- Review externally provided services to continually improve the performance of contracts and service delivery.



Appendix A Waste Management Strategy - Action Plan

Table 1: ERC Waste Management Strategy Action Plan (2019-2049)

Key Target Areas		Short term goals	Medium term goals	Long term goals
1. Maximise the life of landfill resources	1.1 Expand kerbside services	<ul style="list-style-type: none"> Prepare and conduct tendering processes that supports the introduction of the following new kerbside services to township households: <ul style="list-style-type: none"> Fortnightly 240 litre comingled recycling bin; Fortnightly Food and Garden Organics (FOGO) bin; Roll out a fortnightly FOGO service and weekly garbage service in the short term. 	<ul style="list-style-type: none"> Roll out fortnightly FOGO/Co-mingled recycling service and weekly garbage service; Review collection frequency of fortnightly FOGO and weekly garbage service; Investigate strategies for recycling at all Council facilities and public places. 	<ul style="list-style-type: none"> Review collection frequency of fortnightly FOGO/co-mingled recycling and weekly garbage service; Investigate strategies for recycling at all Council facilities and public places.
	1.2 Expand community education and awareness	<ul style="list-style-type: none"> Undertake community and industry consultation, and produce an implementation package that addresses and supports; <ul style="list-style-type: none"> Current recycling behaviours; Attitudes towards recycling services; Optimal messaging and service design; Barriers or concerns regarding participation; 	<ul style="list-style-type: none"> Encouraging the re-use/exchange of recyclable materials and goods through existing reuse stores and online marketplaces; Identifying partnerships to facilitate and encourage waste minimisation and recycling within the community; Engaging with businesses on waste avoidance and 	



Key Target Areas		Short term goals	Medium term goals	Long term goals
		<ul style="list-style-type: none"> • The potential effectiveness of available support tools; • Illegal dumping prevention; • Design and implement a trial run before a full roll-out so as to help Council to identify challenges and prepare the community for the full roll-out; • Developing and delivering awareness raising campaigns to increase public understanding and engagement concerning waste avoidance, service changes, relevant campaigns and feedback on achievements through the council website, social media channels and events; • Providing clear information on all of Council's waste and recycling services, such as basic pictorial information of what to put in each bin, and what day bins go out is best displayed on or around kerbside bins. Bin Signage and stickers designed to consider language and accessibility (i.e. to be understood as clearly as possible by those with different abilities of vision, knowledge of the English language, intellectual ability and with other conditions). 	<p>implementing a business waste reduction program (e.g. Bin Trim3 , Halve Waste4);</p> <ul style="list-style-type: none"> • Expanding and improving recycling at council run or supported events; • Supporting regional waste education campaigns. 	



Key Target Areas		Short term goals	Medium term goals	Long term goals
	1.3 Optimise air space at the existing Deniliquin Landfill	<ul style="list-style-type: none"> Design optimal airspace and capping for the know lined areas 		
	1.4 Investigate feasibility of new cells at the Deniliquin Landfill	<ul style="list-style-type: none"> Investigate feasibility of constructing cells at the existing north-eastern area of the site 	<ul style="list-style-type: none"> If feasible, design, cost and construct new lined cells at the north-east area. 	
	1.5. Develop longer term waste disposal facilities for use by Edward River Council	<ul style="list-style-type: none"> Identify and determine relative suitability of possible landfill sites. 	<ul style="list-style-type: none"> Determine a business case and concept designs for at least two of the 'most suitable' sites; compare with any other means of disposing waste 	<ul style="list-style-type: none"> If a suitable site is agreed upon, secure the site and design and construct. If other means of disposal is determined, seek to secure it..
2.Improve the environmental performance of waste facilities		<ul style="list-style-type: none"> Prepare closure and rehabilitation plans for rural landfills and develop alternative rural transfer stations with secure waste and recycling drop off points; Investigate and apply for grant opportunities to fund landfill closure and development of transfer stations; Host e-waste collection days at Blighty and Deniliquin CRC's, and either transfer stockpiles to an approved processor or partner with an approved 	<ul style="list-style-type: none"> Develop transfer stations on former landfill sites that improve waste separation, and safety and amenity for the community; Encourage full uptake of CRC services by monitoring and reviewing usage at both sites and identify opportunities to increase capture and transfer of problem wastes. 	<ul style="list-style-type: none"> Progressively rehabilitate sites in accordance with the rehabilitation plan and EPA requirements.



Key Target Areas	Short term goals	Medium term goals	Long term goals
	provider of the National Television and Computer Recycling Scheme; <ul style="list-style-type: none"> Identify and monitor potential hot spots for illegal dumping. 		
3. Provide cost effective waste and resource recovery services	<ul style="list-style-type: none"> Investigate availability of grant funding through government and industry bodies. 	<ul style="list-style-type: none"> Review and identify opportunities for developing a full cost recovery waste service model that uses a combination of gate fees and rates, and covers landfill operations, closure, rehabilitation and monitoring, infrastructure development and equipment purchases; Work with surrounding councils and regional waste bodies to maximise resource sharing and investigate joint tendering opportunities. 	
4. Enhance Service Delivery and Performance Improvement	<ul style="list-style-type: none"> Develop and review data collection systems; 	<ul style="list-style-type: none"> Review Council's internal waste management processes that include service delivery and accountability; Implement a weighbridge and waste data system to record and report key performance indicators, inform decision making and provide feedback 	<ul style="list-style-type: none"> Review externally provided services to continually improve the performance of contracts and service delivery.



Key Target Areas	Short term goals	Medium term goals	Long term goals
		<p>to the community on improvements;</p> <ul style="list-style-type: none"> • Work towards undertaking a landfill audit at Deniliquin landfill to obtain more detailed information on types of commercial and industrial, construction and demolition materials entering the facilities, and domestic waste bin audits including composition and bin fullness; • Develop tender documents with appropriate requirements for collection and processing; • Develop service delivery plans for operations at waste facilities, transfer stations, and kerbside collection services in consultation with stakeholders, and consistent with the objectives of this strategy; • Develop and regularly review key performance indicators to monitor against strategic waste management targets; • Work with kerbside collection contractors to obtain data on 	



Key Target Areas	Short term goals	Medium term goals	Long term goals
		contamination rates and total materials recovered.	



Appendix B Cost Summary to Convert Rural Landfills to Transfer Stations

Operational Expenses

Although there is no available budget data to estimate annual operating costs for ERC rural landfills, as part of the 2015 Conargo Waste Strategy, Impact Environmental estimated it would cost \$38.20 per tonne for disposal. However, this cost does not include costs for site closure, rehabilitation and post-closure.

ERC disposed 642 tonnes in 2016/17 at rural landfill sites, which means ERC spent approximately \$24,524 on annual rural landfill operations.

MRA has estimated it could cost \$16,704 per year to operate transfer stations, which would result in an annual savings of \$7,820.

Capital Expenses

MRA estimates it would cost \$1,509,982 in one off capital expenses to close rural landfills and open transfer stations

NSW EPA competitive capital grants are available up to a maximum of \$200,000 per project to support closure of landfills and establishment of transfer stations. The grants will cover up to 70 per cent of the total cost with the remainder being met by council contributions.

Table 2: Summary of estimated costs to transition rural landfills to transfer stations

Indicative Landfill Closure and Remediation Costs	Estimated Cost Landfill Closure	Estimated Cost to Establish Transfer Station	Total Cost (excl GST)	Potential Grant Contribution
Blighty	\$273,788	\$170,000	\$443,788	\$310,652
Boooroorban	\$29,915	\$170,000	\$199,915	\$139,941
Conargo	\$58,920	\$170,000	\$228,920	\$160,244
Pretty Pine	\$252,980	\$170,000	\$422,980	\$296,086
Wanganella	\$44,379	\$170,000	\$214,379	\$150,065
TOTAL COST	\$659,982	\$850,000	\$1,509,982	\$1,056,988

Taking this into account, ERC would have to cover \$452,994.60 of remaining cost if likely to win full grants.

The net cost is \$89.70 across all 5,050 rateable properties within ERC.

Council may choose to apply costs to the 1,338 rural households who do not currently have access to kerbside waste collection services, and would be major beneficiary of the service. It would cost \$ 338.56 as a total sum, which equates to \$33.86 per annum for each rural household over ten-years not accounting for depreciation and inflation.



Appendix C Possible Expansion of the Deniliquin Landfill

Deniliquin Landfill Map



12 REPORTS FROM COUNCIL COMMITTEES

Nil

13 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

14 QUESTIONS ON NOTICE

Nil

15 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:

15.1 Purchase Approval for a New Sweeper Truck

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

15.2 Retirement Living Development

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

15.3 Deniliquin Industrial Park - Intersection Upgrade

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

16 CLOSE OF MEETING