



MINUTES

Ordinary Council Meeting Thursday 20 July 2023

Date: Thursday 20 July 2023

Time: 5:00pm

**Location: Council Chambers
Cnr Camp & Weddin Streets
GRENFELL NSW 2810**

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**MINUTES OF WEDDIN SHIRE COUNCIL
ORDINARY MEETING
HELD AT THE COUNCIL CHAMBERS,
CNR CAMP & WEDDIN STREETS, GRENFELL NSW 2810
ON THURSDAY 20 JULY 2023 AT 5:00PM**

1 OPENING

In accordance with the WSC Code of Meeting Practice, this meeting will be recorded for the purposes of audio-visual livestreaming via Council's website and Facebook page. Those in attendance are asked to refrain from making any defamatory statements and comply with all relevant WSC codes, policies and procedures at all times.

2 ACKNOWLEDGEMENT OF COUNTRY

Weddin Shire Council would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land.

Weddin Shire Council would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

3 ATTENDANCE AND APPLICATIONS FOR LEAVE

ATTENDANCE

PRESENT:

Cr Craig Bembrick (Mayor), Cr Paul Best (Deputy Mayor), Cr Jason Kenah, Cr Michelle Cook, Cr Phillip Diprose, Cr Glenda Howell, Cr Stuart McKellar, Cr Warwick Frame, Cr Jan Parlett.

IN ATTENDANCE:

Mr Luke Sheehan (Director Environmental Services), Ms Noreen Vu (General Manager)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

LEAVE OF ABSENCE APPLICATION

Nil

4 CONFIRMATION OF MINUTES

RESOLUTION 138/23

Moved: Cr Parlett

Seconded: Cr Diprose

That Minutes of the Ordinary Council Meeting held 29 June 2023 be taken as read and CONFIRMED.

CARRIED

5 DISCLOSURES OF INTEREST

ITEM NUMBER & TITLE	10.3 – MAIN STREET UPDATE AUGUST 2023 UPDATE
NAME	MAYOR, CR CRAIG BEMBRICK
TYPE OF INTEREST	PECUNIARY / SIGNIFICANT (LEAVING THE CHAMBER)
INTEREST DESCRIPTION	OWNER OF PROPERTY IN THE MAIN STREET
ITEM NUMBER & TITLE	11.2 – REQUEST FOR LEGAL ASSISTANCE UNDER THE COUNCILLOR EXPENSES AND FACILITIES POLICY
NAME	MAYOR, CR CRAIG BEMBRICK
TYPE OF INTEREST	PECUNIARY / SIGNIFICANT (LEAVING THE CHAMBER)
INTEREST DESCRIPTION	FIRST RESPONDENT
ITEM NUMBER & TITLE	10.3 – MAIN STREET UPDDATE AUGUST 2023 UPDATE
NAME	DEPUTY MAYOR, CR PAUL BEST
TYPE OF INTEREST	PECUNIARY / SIGNIFICANT (LEAVING THE CHAMBER)
INTEREST DESCRIPTION	OWNER OF PROPERTY IN MAIN STREET
ITEM NUMBER & TITLE	10.3 – MAIN STREET UPDATE AUGUST 2023 UPDATE
NAME	CR JAN PARLETT
TYPE OF INTEREST	PECUNIARY / SIGNIFICANT (LEAVING THE CHAMBER)
INTEREST DESCRIPTION	OWNER OF PROPERTY IN MAIN STREET
ITEM NUMBER & TITLE	11.2 – REQUEST FOR LEGAL ASSISTANCE UNDER THE COUNCILLOR EXPENSES AND FACILITIES POLICY
NAME	CR MICHELLE COOK
TYPE OF INTEREST	PECUNIARY & NON-PECUNIARY/ SIGNIFICANT (LEAVING THE CHAMBER)
INTEREST DESCRIPTION	NAMED IN LEGAL DOCUMENTS
ITEM NUMBER & TITLE	11.2 – REQUEST FOR LEGAL ASSISTANCE UNDER THE COUNCILLOR EXPENSES AND FACILITIES POLICY
NAME	CR JAN PARLETT
TYPE OF INTEREST	NON-PECUNIARY / NOT SIGNIFICANT (LEAVING THE CHAMBER)
INTEREST DESCRIPTION	NAMED IN CONNECTION TO THE STATEMENT OF CLAIM
ITEM NUMBER & TITLE	11.2 – REQUEST FOR LEGAL ASSISTANCE UNDER THE COUNCILLOR EXPENSES AND FACILITIES POLICY
NAME	GENERAL MANAGER, NOREEN VU
TYPE OF INTEREST	NON-PECUNIARY (LEAVING THE CHAMBER)
INTEREST DESCRIPTION	INTEREST UNDER ITEM 5.2 OF THE CODE OF CONDUCT

RECOMMENDATION

That Council move to a Committee of the Whole.

RESOLUTION 139/23

Moved: Cr Diprose

Seconded: Cr Parlett

CARRIED

6 PUBLIC FORUM

Mr Alastair Lunn, Director, TfNSW and Mr Ed Paas via ZOOM providing the Community with a presentation regarding The Newell Highway – West Wyalong Flood Mitigation Project.

RECOMMENDATION

That Council move out of the Committee of the Whole.

RESOLUTION 140/23

Moved: Cr Frame

Seconded: Cr Kenah

CARRIED

7 MAYORAL REPORTS/MINUTES

Nil

Mayor congratulated our newest citizens Mrs Elizabeth Akhiwu and Mr Chibung Tang who took the pledge of commitment at a ceremony earlier this morning.

8 MOTIONS/QUESTIONS WITH NOTICE

8.1 NOTICE OF MOTION - WEDDIN SHIRE COUNCIL IDENTIFY AND APPLY FOR A GRANT TO BUILD A TOILET BLOCK AT THE NEWLY NAMED GRENFELL DOG PARK - IN MEMORY OF AMY BROWN. A LOCAL ICON.
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File Number:

Mover: Cr Glenda Howell

Seconded: Cr Warwick Frame

Attachments: 1. Notice of Motion | Weddin Shire Council identifies and applies for a grant to build a toilet block at the newly named Grenfell Dog Park - in Memory of Amy Brown

CSP Objective: Sustainable natural, agricultural and built environments

Budget: To be confirmed

MOTION

That Weddin Shire Council identifies and applies for a grant to build a toilet block at the new named Grenfell Dog Park – In memory of Amy Brown. A Local Icon.

Moved: Cr Howell

Seconded: Cr Frame

STAFF RECOMMENDATION:

That Council requests that the Director of Infrastructure table a report to Council at the August Ordinary Meeting on the proposal that addresses the feasibility and provide information on possible grant funding sources.

RESOLUTION 141/23

Moved: Cr Howell

Seconded: Cr Best

That Council requests that the Director of Infrastructure table a report to Council at the August Ordinary Meeting on the proposal that addresses the feasibility and provide information on possible grant funding sources.

CARRIED

SUPPORTING COMMENTS

The dog park is a much loved and used facility by local residents, their pets and visiting dog owners. Infrastructure that allows dogs to learn how to play and interact with other dogs. We are all aware how exercise plays a part in the health of our pets, as well as their owners.

Families with young children have had to cut short visits to the park as there are no close toilet facilities. The dog park is also a place where families are engaging with each other and keeping a community spirit alive.

The Grenfell Painted Silo is a much visited tourist attraction within the Weddin Shire. A toilet block in the vicinity would not only be used by dog park users but also tourists visiting the silos.

After engaging with many of our residents who regularly use the dog park and speaking with some of the users of the free camping area near the Railway Station, I would like to put this notice of Motion forward for consideration.

STAFF COMMENTS

It would be suggested that a preparation of a report to understand the site feasibility and suitability for the amenities, potential development application process, cost to design and construct, depreciation asset value and the staffing resources and capacity to operate and maintain the amenities block would be required.

This will help to identify the amount to be applied for through an external grant.

Council Officers recommend the following:

1. That Council requests that the Director of Infrastructure table a report to Council at the August Ordinary Meeting on the proposal that addresses the feasibility and provide information on possible grant funding sources.



WEDDIN SHIRE COUNCIL

NOTICE OF MOTION

MOTION:

I hereby give notice of the following motions, for discussion as separate items, at Council's next meeting:

"that, Weddin Shire Council identifies and applies for a grant to build a toilet block at the newly named Grenfell Dog Park – In memory of Amy Brown. A Local Icon.

FUNDING SOURCE (where expenditure is sought):

Grants

SUPPORTING COMMENTS:

The dog park is a much loved and used facility by local residents, their pets and visiting dog owners. Infrastructure that allows dogs to learn how to play and interact with other dogs. We are all aware how exercise plays a part in the health of our pets, as well as their owners.

Families with young children have had to cut short visits to the park as there are no close toilet facilities. The dog park is also a place where families are engaging with each other and keeping a community spirit alive.

The Grenfell Painted Silo is a much visited tourist attraction within the Weddin Shire. A toilet block in the vicinity would not only be used by dog park users but also tourists visiting the silos.

After engaging with many of our residents who regularly use the dog park and speaking with some of the users of the free camping area near the Railway Station, I would like to put this notice of Motion forward for consideration.

Name: Glenda Howell

Signature

Date: 12 July 2023

9 CORRESPONDENCE

Nil

10 GENERAL MANAGER REPORTS**10.1 CHANGE OF ORDINARY MEETING DATES AND TIMES****File Number:****Author: General Manager****Authoriser: General Manager****Attachments: Nil****CSP Objective: Democratic and engaged community supported by efficient internal systems****Precis: Change of Ordinary Meeting dates****Budget: Nil****RECOMMENDATION**

That the Council endorses:

1. The Ordinary Meeting normally held on the third Thursday of the month in September (21 September 2023) is held on the fourth Thursday of the month (29 September 2023).
2. The Ordinary Meeting on 16 November 2023 commences at 8:00am.
3. The Ordinary Meeting normally held on the third Thursday of the month in December (22 December 2023) is held on the second Thursday of the month (14 December 2023) and commences at 8:00am.
4. The Ordinary Meeting on 15 February 2024 at 5:00pm is the first Ordinary Council Meeting commencing in 2024.
5. The General Manager publically notifies the changes accordingly.

RESOLUTION 142/23

Moved: Cr Diprose

Seconded: Cr Frame

That the Council endorses:

1. The Ordinary Meeting normally held on the third Thursday of the month in September (21 September 2023) is held on the fourth Thursday of the month (28 September 2023).
2. The Ordinary Meeting on 16 November 2023 commences at 8:00am.
3. The Ordinary Meeting normally held on the third Thursday of the month in December (21 December 2023) is held on the second Thursday of the month (14 December 2023) and commences at 8:00am.

-
4. The Ordinary Meeting on 15 February 2024 at 5:00pm is the first Ordinary Council Meeting commencing in 2024.
 5. The General Manager publically notifies the changes accordingly.

.CARRIED

Ordinary meetings of Council are held at 5:00pm on the third Thursday of each month. Under section 365 of the *Local Government Act 1993*, councils are required to meet at least ten (10) times each year, each time in a different month.

In consultation with a number of parties (Audit Office, the accountants and Council's Audit, Risk and Improvement Committee) relating to the annual financial statements, it is proposed that the September Ordinary Meeting is deferred to 28 September 2023 (fourth Thursday). This will give the ARIC an opportunity to review the annual financial statements prior to the Council meeting.

As Council has done in previous years, it is proposed that the November Ordinary Meeting commence at 8:00am on 16 November 2023 to factor in harvest operations.

In addition, it is proposed that the December Ordinary Meeting commence at 8:00am on 14 December 2023 (second Thursday) to factor in harvest operations and factor that the third Thursday in December is scheduled for 21 December 2023 and with the last day of the working year on 22 December 2023. This would not be sufficient timing for staff to finalise the meeting minutes before the Christmas and New Year shutdown period.

It is proposed that due to the Christmas and New Year shutdown and quieter time in January that the first Ordinary Meeting of 2024, commences on 15 February 2024 at 5:00pm.

10.2 COMMUNITY SUPPORT APPLICATION | CARAGABAL SHEEP RACES

File Number:

Author: Executive Assistant to the General Manager

Authoriser: General Manager

Attachments: 1. Community Support Application | Caragabal Country Club - Caragabal Sheep Races

CSP Objective: Shire assets and services delivered effectively and efficiently

Precis: Caragabal Country Golf Club has submitted a Community Support Application.

Budget: \$837.00 (in-kind/hire)

RECOMMENDATION

That Council

1. Support the Caragabal Country Golf Club's request for in-kind support for the Caragabal Sheep Races event on 9 September 2023 by donating the following items for use at the event:
 - ☐ Council Coolroom
 - ☐ 20 x Bollards and orange webbing to cordon off carpark and camping area

RESOLUTION 143/23

Moved: Cr Howell

Seconded: Cr Best

That Council

1. Support the Caragabal Country Golf Club's request for in-kind support for the Caragabal Sheep Races event on 9 September 2023 by donating the following items for use at the event:
 - ☐ Council Coolroom
 - ☐ 20 x Bollards and orange webbing to cordon off carpark and camping area

CARRIED

PURPOSE

To report to Council on a Community Support Application from the Caragabal Country Club for the Caragabal Sheep Races on 9 September 2023.

BACKGROUND

The Caragabal Sheep Races are a popular local event attracting in excess of 500 locals and visitors each year in September. The funds raised from the event are used to maintain and improve the facilities at the Caragabal Country Golf Club, and are also shared with the Caragabal P&C. The Club is a not-for-profit organization, and provides the only sporting

Each year, council allows the Club to use their coolroom for the event and orange mesh and bollards to safely cordon off the car park from the event as in an in-kind contribution.

Should Council approve the request, the applicants seek to collect the requested materials earlier in the week to assist in setting up prior to the event commencing, and utilise the equipment for the period 5 September 2023 – 14 September 2023.

The request complies with Council's Community Support Policy and Guidelines.

This is a new financial year for the Community Project Support with a total budget of \$25,000.

COMMUNITY PROJECT APPLICATIONS 2024 FINANCIAL YEAR						
Organisation	Event	Request	Resolution	Forecast Amount	Type (Hire, In-kind, donation)	Actual Amount
Caragabal Country Club	Caragabal Sheep Races	Coolroom		\$ 805.00	Hire/In-kind	
Caragabal Country Club	Caragabal Sheep Races	Bollards/Mesh		\$32	Hire/In-kind	
		Total		\$ 837.00		\$ -
		Budget		\$ 25,000.00		\$ 25,000.00
		Budget Remaining		\$ 24,163.00		\$ 25,000.00

No consultation is required.

Council should support the request for in-kind donation of the Council coolroom, bollards and orange webbing to assist the Caragabal Country Club with the Caragabal Sheep Racing event on 9 September 2023.



WEDDIN SHIRE COUNCIL

COMMUNITY PROJECT SUPPORT APPLICATION – SMALL (<\$1,000)

Weddin Shire Council is committed to the continued development of community capacity and sustainable communities through the provision of support to community organisations.

Introduction

This form should be used to submit requests for Council assistance including financial and/or in kind assistance (e.g. staff time, Council equipment such as cool room, bins etc.) where the total value is under \$1,000. Information on the cost of Council equipment can be found in Councils Fees & Charges Schedule which forms part of Councils Operational Plan.

Applicants should submit completed applications to Council no later than the first Friday of the month for the application to be considered at the next Council meeting on the Third Thursday of the month. Note – Council does not currently meet in January. Applications should be submitted at least two months prior to project commencement. Please submit the completed applications and any required supporting information to Weddin Shire Council at:

Email: mail@weddin.nsw.gov.au Post: Weddin Shire Council
PO Box 125
GRENFELL NSW 2810

Deliver: Councils Administration Office
Corner of Camp & Weddin Streets
GRENFELL NSW

Project Title

Use of Cool Room and Mesh and Bollards for Caragabal Sheep Races

Project Location

Caragabal Country Golf Club – Mid Western Hwy, Caragabal NSW 2810

Have you obtained all necessary permits, licenses, approvals and insurance? Yes ☒ No ☐

Community Organisation

Caragabal Country Golf Club

Is the organisation a not-for-profit entity? Yes ☒ No ☐

Project Contacts

Primary Contact		Secondary Contact	
Name	Karen [REDACTED]	Name	Mitchell [REDACTED]
Position	[REDACTED]	Position	[REDACTED]
Postal Address	[REDACTED]	Postal Address	Click or tap here to enter text.
	[REDACTED]		Click or tap here to enter text.
Phone	[REDACTED]	Phone	[REDACTED]
Mobile	[REDACTED]	Mobile	[REDACTED]
Email Address	[REDACTED]	Email Address	[REDACTED]

Bank account details for payment of funds

Account name	NA
Bank State Branch Number (BSB)	Click or tap here to enter text.
Account number	Click or tap here to enter text.

What is requested from Council – Please provide details of what is requested from Council

We are requesting the use of the council coolroom, the orange mesh to cordon off the car park, and 20 bollards to cordon off the camping area for the Caragabal Sheep Races on 9th September 2023. Access to these earlier in the same week would be helpful.

Project outline – Please provide details of the project

The Caragabal Sheep Races are a popular local event attracting in excess of 500 locals and visitors each year in September. The funds raised from the event are used to maintain and improve the facilities at the Caragabal Country Golf Club, and are also shared with the Caragabal P&C. The Club is a not-for-profit organization, and provides the only sporting facilities in Caragabal and surrounds, including a bowling green, golf course and tennis courts.

Each year, council allows the Club to use their coolroom for the event and orange mesh and bollards to safely cordon off the car park from the event for no charge.

Timeline

Start date	5/9/23
Finish date	14/9/23

Other information – Please provide details of any other information that is relevant to your application

For enquiries regarding this application please contact [REDACTED].
For enquiries regarding the logistics of item pick-up etc, please contact [REDACTED].

Undertaking and Authorisation/Declaration

In submitting this application, we hereby undertake to be bound by the following General Terms and Conditions and any additional Specific Terms and Conditions as resolved by Council when determining our community project support application.

GENERAL TERMS AND CONDITIONS:

1. Approved Community Project Support Funds will only be used for the purpose as outlined in this application, unless written permission for a variation has been obtained from Council prior to the funds being spent.
2. All required permits, licenses, approvals and insurance will be obtained.
3. We will acknowledge the assistance of Weddin Shire Council in all related promotions and promotional material. Approval by Council Officers will be sought for Artwork featuring Council's logo.
4. After the project/event we will complete a letter including:
 - a. Confirmation of the successful completion of the project/event
 - b. Confirmation the Approved Community Project Support Funds were spent as approved
 - c. Details of the project/event including participation rates/attendance figures
 - d. Confirmation of the acknowledgement of Weddin Shire Council's support
5. We will manage the resources of our organisation to the best of our ability and as efficiently as possible.
6. We will maintain appropriate internal controls over the finances and day to day operations of our organisation.
7. We indemnify, and promise to keep forever indemnified, Council, their respective officers, servants, agents and employees against all actions, suits, claims, demands, costs and other liabilities whatsoever of any nature which we or any third party now has or at any time may have, in equity, at law, under statute or otherwise, arising either directly or indirectly from, or in any way connected with the project/event for which this application of funding is being made.
8. We forever release and forever discharge Council from all actions, suits, claims, demands, costs and other liabilities whatsoever of any nature which we now have or at any time may have, in equity, at law, under statute or otherwise arising either directly from, or in any way connected with the project/event for which this application of funding is being made.

I certify to the best of my knowledge, the information contained within this application is true and correct.

President

Name	_____
Date	27/6/23

Please submit the completed application and any required supporting information to Weddin Shire Council at:

Email: mail@weddin.nsw.gov.au

Post: Weddin Shire Council
PO Box 125
GRENFELL NSW 2810

Deliver: Councils Administration Office
Corner of Camp & Weddin Streets
GRENFELL NSW

10.3 MAIN STREET UPDATE - AUGUST 2023 UPDATE**File Number:****Author:** General Manager**Authoriser:** General Manager**Attachments:** Nil**CSP Objective:** Shire assets and services delivered effectively and efficiently**Precis:** Update to the Grenfell Community on the status of the Main Street Renewal Project**Budget:** NIL**MOTION**

Move by Mayor to elect a Chair, Cr Kenah elected to Chair

RESOLUTION 144/23

Moved: Cr Bembrick

Seconded: Cr Frame

Cr Kenah elected to Chair.

CARRIED

Cr Parlett left the room at 5:28 pm.

Cr Best left the room at 5:28 pm.

Cr Bembrick left the room at 5:28 pm.

Cr Bembrick entered the room at 5:31 pm.

Cr Best entered the room at 5:31 pm.

Cr Parlett entered the room at 5:31 pm

RECOMMENDATION

That Council:

1. Note the information within this report.

RESOLUTION 145/23

Moved: Cr Diprose

Seconded: Cr McKellar

Information noted.

CARRIED**PURPOSE**

The purpose of this report is to inform the community on the status of the Grenfell Main Street renewal project.

BACKGROUND

The Grenfell Main Street Renewal Project begun in December 2020 and is funded through a number of grant programs. The project had a number of challenging problems however a project reset commenced in September 2022 and is progressing well.

The Grenfell Main Street Project Update for May/June includes a summary of works carried out and to be carried out.

ISSUES AND COMMENTS

At the time of writing the report, the project's lean mix concrete construction is at 89% completion, however noting this includes the original project area and does not include the extension of the project towards the Mid Western Highway at the eastern end.

Where to get information?

The Grenfell Record includes information Council updates and provides information to our community on the Main Street. The Mayoral Column often provides information on the works carried out or to be carried out and some project updates.

Council's website contains a weekly works program update.

Facebook is also utilised to provide updates and alerts. As reported to Council last month, on posts on the Main Street average 1,167 engagements per post and an average of 42 positive reactions per post.

Eastern End

Excavation and construction of road section is in progress. At the time of writing this report, works were on the eastern end in front of the Grenfell Medical Centre to the Short Street intersection.

- Temporary traffic controls are in place, which will include traffic diversions around construction sites.
- Two-way traffic lanes will be open. Parking will be limited and we apologise for the inconvenience caused.

Western End

Our Parks and Gardens team have planted the deciduous trees in the garden beds at the western end.

Completed Works Program

1. Completion of the hotmix/asphalt pour on the western end of Main Street.
2. Temporary pedestrian crossing was established in front of the Beauty Spot and IGA however has now decommissioned.
3. Pedestrian crossing at the front of the IGA has now been reinstated.
4. Streetlights energised at western end.
5. Concrete road pavement between Forbes Street and the Mid Western Highway (western end/bottom end).
6. Sub soil drainage pipelines designed to intercept underground water flows have been installed both sides of Main Street between Forbes Street and the Mid Western Highway.
7. The construction of the Forbes Street roundabout.
8. Strata vault installations have been completed in the section from Forbes Street to the Mid Western Highway. Strata vaults are a 3 metre by 3 metre underground plastic matrix that greatly enhances the health and growth rate of the advanced tree plantings.
9. CCTV footage of the drainage pipe network has detected a failure in a section of pipe that has since been excavated and repaired.
10. Erection of streetlights including outreach arms between Forbes Street and the Mid Western Highway. Streetlights energised on 3 May 2023.
11. Repositioning of a kerb inlet drainage pit and construction of adjoining kerb and gutter and footpath at Forbes St. / Main St. intersection SE corner.
12. Location of electrical conduits and installation of electrical power pits at the southern and northern entrances to the Forbes St. / Main St. roundabout.
13. The drainage grated kerb inlet outside 77 Main St (Union Bank building) and concrete connections to the existing kerb and gutter and adjoining footpath.
14. A small section of gutter on the SE corner of the roundabout repaired.
15. Irrigation pressure testing and controller and telemetry testing.
16. The kerb and gutter outside the Grenfell Motel has been completed in Forbes Street (Note this task was kerb and gutter only, not the adjoining pavement). This will create the future garden bed and tree planting in this area.
17. CCTV Cameras along Main Street from the Roundabout at Main and Forbes Streets up to the Grenfell Medical Centre energised.
18. Concrete driveway at Grenfell Motel completed. Vehicles are able to exit this premise onto Main Street.

POLICY/LEGAL IMPLICATIONS

There are no direct policy implications arising from this report.

FINANCIAL/RESOURCE IMPLICATIONS

The original estimation for the project was \$3,200,000. This was under the impression that all geotechnical conditions matched the conducted testing. The funding sources for the Main Street is made up of state and federal funding which totals to \$5,320,493 (including the festoon lighting).

Since the project has recommenced in October 2022 the accumulative actual and committed expenditure as at 11 July 2023, was \$2,084,000.

Council previously committed \$195,444 to Public Works Advisory, however due to the in-house technical expertise, this will not be utilised and directed back into the Main Street construction works. The General Manager has contacted Public Works Advisory to terminate the contract and will be formalising this in the near future. Asphalt for the top end is also committed against the project spend to date. At this stage, there are no concerns on the budget or expenditure.

INTERNAL/EXTERNAL CONSULTATION

New updates on the Main Street Project are being advertised through the Council News section in the Grenfell Record. Public notices are also being provided on Council's website and on Facebook. At the June Ordinary Meeting it was reported that the engagement on Facebook has a reach average of 1,167 engagements per post and an average of 42 positive reactions per post.

The Grenfell Record has a reach of approximately 1,290 readership per paper.

CONCLUSION

The information provided includes an update on the Main Street works.

10.4 FEES FOR COUNCILLORS & MAYOR - 2023/2024 FINANCIAL YEAR

File Number: C2.2.3
Author: General Manager
Authoriser: General Manager
Attachments: 1. Local Government Remuneration Tribunal 27 April 2023
CSP Objective: Shire assets and services delivered effectively and efficiently
Precis: Local Government Remuneration Tribunal 27 April 2023
Budget: \$ Amount equivalent to the maximum increase in the current Mayoral and Councillors remuneration has been included in the 2023/2024 budget.

RECOMMENDATION

That Council:

1. Note the report on Fees for Councillors and Mayor 2023/24 Financial Year.
2. Note the Local Government Remuneration Tribunal's determination for a 3% increase in Mayoral and Councillor fees for the 2023/24 financial year.
3. Set the annual Councillor fee for the period 1 July 2023 to 30 June 2024 at \$13,030 in accordance with the provisions of Section 248 of the *Local Government Act 1993*.
4. Set the annual Mayoral Fee for the period 1 July 2023 to 30 June 2023 at \$28,430 in accordance with the provisions of Section 249 of the *Local Government Act 1993*.
5. Approve to pay the Deputy Mayor the proportion of the Mayoral fee for such time as the Deputy Mayor acts in the office of the Mayor, which is to be deducted from the Mayor's annual fee, following a Council resolution at the time.

RESOLUTION 146/23

Moved: Cr Howell

Seconded: Cr Best

That Council:

1. Note the report on Fees for Councillors and Mayor 2023/24 Financial Year.
2. Note the Local Government Remuneration Tribunal's determination for a 3% increase in Mayoral and Councillor fees for the 2023/24 financial year.
3. Set the annual Councillor fee for the period 1 July 2023 to 30 June 2024 at \$13,030 in accordance with the provisions of Section 248 of the *Local Government Act 1993*.
4. Set the annual Mayoral Fee for the period 1 July 2023 to 30 June 2023 at \$28,430 in accordance with the provisions of Section 249 of the *Local Government Act 1993*.
5. Approve to pay the Deputy Mayor the proportion of the Mayoral fee for such time as the Deputy Mayor acts in the office of the Mayor, which is to be deducted from the Mayor's annual fee, following a Council resolution at the time.

CARRIED

PURPOSE

The purpose of this report is to advise Council on the annual determination of the Local Government Remuneration Tribunal issued on 27 April 2023. A copy of that report is included as an attachment.

BACKGROUND

The Determination of the Tribunal has been released, setting the scale for fees payable to elected representatives for all Councils in NSW under Sections 239 and 241 of the Local Government Act 1993 (the LG Act).

ISSUES AND COMMENTS

Section 239 of the LG Act provides for the Tribunal to determine the categories of Councils and Mayoral offices and allocates each Council and Mayoral office into one of those categories. The categories are to be determined at least once every 3 years.

Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under Section 239, the maximum and minimum amount of fees to be paid to Mayors and Councillors.

The Tribunal has determined that there will be a 3% increase in Mayoral or Councillor Fees for the 2023/24 financial year. The Tribunal met with the Central NSW Joint Organisation on a tour to speak with Mayors and Councillors prior to setting the determination.

In 2017, the Tribunal made revisions of the categorisation of Councils following the Statewide amalgamation process. In 2023, the Tribunal has made further revisions to the categories. Council is classified under the “Non Metropolitan - Rural” category. Both Mayor and Councillor fees are paid at the maximum rate against the 2022 determination.

Pursuant to Section 241 of the *Local Government Act 1993*, the Tribunal’s 2023 annual determination has set the annual fees to be paid in each of the categories to Mayors and Councillors effective from 1 July 2023.

The LG Act states that if Council does not fix the fees for the Mayor and Councillors by resolution, the minimum rate is automatically applied.

The Tribunal has determined that the range of annual fees payable to Councillors and Mayors, for the 2023/24 financial year in the “Non Metropolitan – Rural” category is as follows:

Councillor Annual Fee			Mayor Additional Fee*		
Minimum	Maximum	3%	Minimum	Maximum	3%
\$9,850	\$13,030	\$13,027	\$10,490	\$28,430	\$28,428

*The Mayoral fee must be paid in addition to the fee paid to the Mayor as a Councillor in accordance with Section 249(2) of the Local Government Act.

This report recommends that Council adopt the maximum annual fees set by the Tribunal on the following basis:

- The substantial geographic size of the Local Government Area
- The responsibilities associated with the Delivery Plan, the Long Term Financial Plan, annual Operation Plan and budget.
- The large variety and level of services delivered by Council.

- The increased commitment of time required for the Mayor and Councillors to fulfil their civic duties effectively.
- The 3% increase versus the maximum increase is immaterial of \$3 per month per councillor and \$2 per month for the Mayor.

Adopting the report recommendations will ensure the remuneration of the Weddin Shire Council elected officials appropriately reflects the responsibilities and time commitment required to undertake their civic duties.

Additionally, Section 249(5) of the Act states that:

- (5) A Council may pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the Office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee.

This report recommends that Council continues to approve payment from the Mayoral annual fee for any time that the Deputy Mayor acts in the Office of the Mayor.

POLICY/LEGAL IMPLICATIONS

Section 248 of the Local Government Act, 1993 require Councils to fix and pay an annual fee based on the Tribunal's determination for a 3% increase for the 2023/24 financial year to Councillors. However given that the difference between the 3% increase and the maximum is immaterial, it is recommended that Council endorses the maximum fees for both Mayor and Councillors.

FINANCIAL/RESOURCE IMPLICATIONS

Council currently pays the maximum for both the Mayor and Councillors and should continue to pay the maximum threshold for rural councils and increase of those amounts have been included in next year's budget.

**Local Government
Remuneration Tribunal**

Annual Determination

Report and determination under sections
239 and 241 of the Local Government Act
1993

27 April 2023



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Executive Summary

The *Local Government Act 1993* (the LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years.

In accordance with the LG Act the Tribunal undertook a review of the categories and allocation of councils into each category as part of this review.

Accordingly, the revised categories of general purposes councils are determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

Fees

The Tribunal determined a 3 per cent per annum increase in the minimum and maximum fees applicable to each category.

For the new categories, the Tribunal has determined fees having regard to the relevant factors and relativities of remuneration ranges for existing categories.

Twenty six (26) councils are recategorised into a higher existing category or placed in a new category.

Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2020.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires the Tribunal to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission.
4. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees without breaching the Government's Wages Policy as per section 242A (3) of the LG Act.
5. Natural disasters have a significant impact on the way mayors in particular work. There is an increase on time demands from the community, and media during these events as well as an increase in workloads. Whilst it is worth noting these issues, it is not within the Tribunal's authority to determine additional remuneration in recognition of the increasing demands on a mayor's time for these events.
6. The Tribunal's determination takes effect from 1 July each year.

Section 2 – 2022 Determination

7. In 2022, the Tribunal received eight (8) submissions, which included five (5) requests for recategorisation. Three of these requests sought the creation of new categories.
8. The Tribunal found that the current categories and allocation of councils to these categories remained appropriate but noted that some councils may have a case for recategorisation at the next major review of categories in 2023.
9. The Tribunal determined that fees would increase 2 per cent in the minimum and maximum fees applicable to each category from 1 July 2022.

Section 3 – 2023 Review

2023 Process

10. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees, categorisation and any other general matters. The invitation noted that it is expected that submissions are endorsed by the respective council.
11. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
12. The Tribunal received 18 written submissions, of which 15 were from individual councils, 1 submission from LGNSW, 1 from Australian National University academic, Associate Professor Tanya Jakimow, and 1 from the United Services Union (USU).
13. The Tribunal notes that 12 of the 15 council submissions were endorsed by the representative councils.
14. The Tribunal acknowledges and thanks all parties for their submissions.
15. Noting its comments in its reports of 2021 and 2022, the Tribunal met Central NSW Joint Organisation member representatives in Orange, and Far South West Joint Organisation member representatives in Broken Hill. The Tribunal also gave an overview of its work to a meeting of the Country Mayors' Association in Newcastle. While in Broken Hill the Tribunal met with LGNSW representatives.
16. The Tribunal and Assessors met as required to discuss submissions, review category criteria and allocation of councils

Categories

17. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every three years. The Tribunal last reviewed the categories in 2020.
18. In determining categories, the Tribunal is required to have regard to the following matters that are prescribed in Section 240 of the LG Act:
- *the size of areas;*
 - *the physical terrain of areas;*
 - *the population of areas and the distribution of the population;*
 - *the nature and volume of business dealt with by each council;*
 - *the nature and extent of the development of areas;*
 - *the diversity of communities served;*
 - *the regional, national and international significance of the council;*
 - *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
 - *such other matters as may be prescribed by the regulations.*
19. The 2020 Determination established the following categories:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Large	Regional Strategic Area
Metropolitan Medium	Regional Centre

Metropolitan Small Regional Rural

Rural


20. For its 2023 review, the Tribunal undertook an extensive examination of the categories, criteria and allocation of councils into each of the categories.
21. The Tribunal examined statistical and demographical data, with population data sourced from Australian Bureau of Statistics (ABS) 2021 Census (the latest available data).
22. Having regard to section 239 of the LG Act, information examined and provided through submissions, the Tribunal has determined the categories of general purpose councils as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

23. In reviewing the current model, the Tribunal sought to improve consistency of criteria.
24. In examining the criteria for each of the categories, the Tribunal is of the view that non-resident population criteria should also be included for consistency in the following categories:

- 
- Major Strategic Area
 - Regional Strategic Area
 - Regional Centre
 - Regional Rural

25. Three (3) councils will be reclassified as a result of meeting criteria thresholds into an existing category.
26. The Tribunal has determined the creation of two (2) new categories, being Metropolitan Major and Rural Large.
27. In determining the 2 new categories the Tribunal gave significant consideration to section 239 of the LG Act, statistical data, the existing categories and relativities between each category.
28. It was determined that the existing Rural category did not differentiate between large and small rural councils, in population, size, and terrain. Evidence demonstrated that a number of Rural councils are large in geographic area, requiring great distances to be covered. The Tribunal also examined a range of data that it believes goes to the delivery of efficient and effective local government.
29. Hence a new category Rural Large is created. The determination is amended to reflect the new category and criteria that includes a population greater than ten thousand, and a councillor to resident ratio of 1 to 1200. The Tribunal notes there are a number of Rural councils on the cusp of this new category.
30. The revised category also shows more clearly the differences for large rural and remote councils. It is becoming apparent these councils require



different considerations regarding the role Mayors and Councillors in servicing the community across such large distances.

31. Evidence reviewed established the need to differentiate between some Large Metropolitan councils. Comparison data reviewed included population, operating revenue, and submission evidence relevant to section 239 of the LG Act. This examination further exposed the gap between Metropolitan Large and Major CBD categories, thus resulting in the Tribunal establishing a new category to bridge the gap.
32. The determination is amended to reflect a new category, Metropolitan Major, with a population criteria threshold of 400,000 (including non-resident).
33. Accordingly, the Tribunal has identified a number of councils that will be recategorised into these new categories.
34. Given the relativities in population threshold criteria, the Tribunal is of the view that the population criteria for Regional Strategic Area be adjusted from 200,00 down to 100,000.
35. As a result, three (3) councils will be reclassified as Regional Strategic.
36. Whilst the Tribunal did explore additional criteria points that may go to efficient and effective local government, within the bounds of statutory provisions no further changes to the criteria could be determined in this review.
37. The category County Councils remain unchanged, retaining the categories of Water and Other.

38. **Appendix 1 Criteria that apply to categories** has been amended to reflect changes outlined above.

Submissions Received – Categorisation

39. Nine (9) submissions received from councils requested recategorisation and five (5) of these requested the creation of new categories.
40. A summary of matters raised in submissions and the Tribunal's consideration of those matters is outlined below

Request for New Categories

41. Requests were received for the creation of new categories namely, Metropolitan Large Growth Area, Metropolitan Major, Metropolitan Medium Growth and Regional Growth.
42. Blacktown City Council again requested the creation of a new category, Metropolitan Large - Growth Area. Council stated its current categorisation in Metropolitan Large "*does not reflect the complexities of servicing their rapid rate of growth and economic influence*".
43. Blacktown City Council contends that a new category would allow a criteria to be set that reflects:
- Size
 - Rate of growth
 - Economic influence
 - Operational budget


- Complexities of remaining financially sustainable whilst maintaining services and providing new infrastructure

44. Penrith Council reiterated previous submissions, again requesting the creation of a new category, Metropolitan Large Growth Centre. Council argues they are unique compared to other similar sized councils, providing significant regional services to Greater Western Sydney.

45. Penrith Council contends its claim for creation and inclusion in a new category is enhanced through their leading role in the region demonstrating the exponential growth that will occur in the Penrith Local Government area. Council submits they are playing a leading role in several significant city-shaping projects and initiatives such as:


- Western Sydney Airport
- Western Sydney Priority Growth Area
- Penrith Health and Education Precinct
- The Greater Sydney Commission District planning process
- National Growth Areas Alliance
- Sydney Science Park
- Defence Industries Precinct and
- South Creek Corridor

46. While the Tribunal understands that areas of Western Sydney are developing rapidly, not least with the new airport and associated infrastructure it is not persuaded to create a new category, Metropolitan Large - Growth Area/Centre. These councils are experiencing growth and will in the future have populations of residents and non-residents that meet the thresholds for recategorisation. It is not within the Tribunal's legislative



remit to anticipate growth. However as dealt with earlier in this determination, the Tribunal acknowledges the need for a new Metropolitan category to reflect increasing population and bridge gap between current categories, Metropolitan Large and Major CBD.

47. Canterbury Bankstown Council proposed the creation of a new category, Metropolitan Major, that would sit in between current category of Metropolitan Large and Major CBD.
48. Council based its argument for a new category on the following grounds:
 - Categories need to have consistent criteria
 - A new category of Metropolitan Major would capture increased population and workloads post amalgamation process
 - New criteria should be based on population size and councillor to resident ratio
 - Councils size, with a current population of 372,322 across five wards
 - Population and distribution of population
 - Councils' area and physical terrain
 - Diversity of communities served
 - Nature and volume of business dealt with by Council
49. Council proposed a new criteria could include population threshold and councillor to resident ratio, with thresholds being 350,000 and 1 to 24,000.
50. The Tribunal considered the suggested criteria of a councillor to resident ratio for all categories. Whilst the Tribunal has included this criteria for



Rural Large category, it has not included it for all categories. It may warrant further consideration for other categories in future reviews.

51. The Tribunal is persuaded to include a new category, Metropolitan Major, with a population criteria threshold of 400,000 in the determination.
52. Camden Council's submission requests the creation of a growth category for Metropolitan Medium councils. They argue the proposed new category would allow criteria to be established to better reflect their growth rate, economic influence and complexities involved in servicing growth.
53. Council proposes the new category be called Metropolitan Medium – Growth Area. Council submits that its inclusion into this new category is based on the following:
 - Population growth
 - Development corridors
 - Growing assets and major infrastructure
 - Major services and institutions
54. The Tribunal has already determined a new metropolitan category, taking into account population and relatives in population between existing categories. It is not persuaded to include another new metropolitan category.
55. Maitland City Council requested the creation of a new category, Regional Growth Area to bridge the gap between Regional Centre and Regional Strategic.
56. Council based its argument for a new category on the following grounds:

- Maitland is the fastest growing regional city in NSW
- significant role in accommodation growth
- Council being an emerging health centre, with the \$470 million investment in the new Maitland Hospital
- Significant role in delivery of state goals, including Greater Newcastle Metropolitan Plan 2036 and a state partner in infrastructure delivery including roads and facilities

57. Council also contends the current categorisation model for non-metropolitan is inadequate. It argues that the application of the population criteria is flawed as increments initially rise by 20,000 before leaping up by 160,000.

58. The current population criteria thresholds for non-metropolitan councils are outlined in the table below:

Category	Population Criteria
Rural	<20,000
Regional Rural	>20,000
Regional Centre	>40,000
Regional Strategic Area	>200,000
Major Strategic Area	>300,000

59. The Tribunal has considered the issues raised in Council's submission but is not persuaded for reasons noted earlier for anticipation of growth versus actual population, to create a new category, Regional Growth Area.

60. The Tribunal acknowledges the point made in Council's submission regarding incremental increases for non-metropolitan categories population criteria.
61. As outlined earlier the Tribunal has determined to change the population criteria for Regional Strategic from 200,000 to 100,000. This will result in Maitland Council being reclassified.

Requests for Recategorisation

62. The Tribunal received four (4) requests for recategorisation. Liverpool, Byron, Tweed and Burwood Councils put forward individual cases for recategorisation for the Tribunal's consideration.
63. A summary of council's requests and the Tribunal's findings are outlined in the paragraphs below.
64. Liverpool Council requested to be reclassified from their current classification of Metro Large to Major CBD category. Liverpool Council's case to be included in Major CBD category is based on the following grounds:
- Population forecast to grow by 59.23% in the next 20 years from 242,817 to 386,646
 - A GDP estimated at \$13.03 billion, with 91,000 jobs in the LGA
 - Significant development in the LGA that includes new council offices and chambers, new city library, childcare facility, and the \$106 million Liverpool Quarter development consisting of retail, commercial, food and beverage spaces

- Liverpool being an integral part of Western Sydney Deal to deliver transformative change
- Liverpool being home to several significant infrastructure projects, including Western Sydney Airport, Western Sydney Infrastructure plan, Holsworthy Barracks and Liverpool Hospital upgrades
- Diversity of population

65. The Tribunal notes that the current criteria for Major CBD remains unchanged. It includes being a major provider of business and government services, and secondary CBD to metropolitan Sydney.
66. Having regard to section 239 of the LG Act, the criteria, the submission put forward, and for reasons outlined earlier in regard to anticipated growth versus actual growth, the Tribunal is not persuaded to include Liverpool Council in Major CBD category.
67. Byron Shire Council requested to be reclassified from their current category of Regional Rural into Regional Centre.
68. Council noted, based on ABS 2021 census data, with a population of 36,077, it is on the cusp of reaching the population threshold of 40,000 residents.
69. Council believes they meet several other additional criteria that supports their case for reclassification. Council's request is based on the following grounds:
 - Non-resident population of 4,817 travel from surrounding locations to work in the LGA

- A population growth increase of 7.2% over the last 5 years, which is above the state increase of 5.3%
- Proximity to Gold Coast and Ballina/Byron airports
- Byron being home to internationally renowned Hinterland region
- Byron being home to a large number of festivals and events

70. As outlined earlier in this determination, the criteria for Regional Centre has been amended to include non-resident population as a criteria point.


71. This result is Byron Shire Council will be reclassified to Regional Centre.

72. Tweed Shire Council once again requested reclassification from Regional Centre to Regional Strategic Area on the following grounds:

- Proximity to Sydney via Gold Coast airport
- Proximity to Brisbane and Gold Coast
- Tweed being a major city centre and population centre for Northern Rivers Joint Organisation
- Tweed being the largest employer and strongest growth area in the Northern Rivers
- The construction of new state of the art Tweed Valley Hospital due to open in late 2023

73. Tweed Shire Council will be reclassified as a result of changes to Regional Strategic Area criteria outlined earlier in this determination.

74. Burwood Council requested to be reclassified from their current classification of Metropolitan Small to Metropolitan Medium. Council acknowledged that they do not currently meet the population criteria to be




placed into the requested category. The criteria as outlined in the 2022 Determination, Appendix 1 of the criteria that apply to categories states


“Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.”


75. If Burwood Council's non-resident working population was included, the total population would be 53,435 well short of exceeding the population threshold for Metropolitan Medium.
76. Further examination demonstrates that Burwood council does not meet the broader criteria for Metropolitan Medium. Accordingly, Burwood Council will remain in current classification of Metropolitan Small.
77. The matters raised generally in submissions of Berrigan, Cowra, Inner West, Kur-ring-gai, Singleton and Temora Councils are outside of the scope of the Tribunal statutory functions, but in the view of the Tribunal are worthy of further consideration. These matters relate to the current remuneration principles and structures that apply to mayors and councillors in NSW and the potential impacts of these constraints. These are discussed further below.

Section 4 – 2023 Fees

78. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required by section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
79. Pursuant to section 146C (1) (a) of the IR Act, the current government policy on wages is expressed in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (IR Regulation). The IR Regulation provides that public sector wages cannot increase by more than 3 per cent per annum and the tribunal therefore has the discretion to determine an increase of up to 3 per cent per annum.
80. Four (4) submissions received addressed the issue of the fees quantum increase. These submissions sought an increase of 2.5% or greater.
81. The LGNSW submission requested that the Tribunal increase fees by the maximum 3 per cent, but further argued that the maximum increase is *“inadequate and does not address the historic undervaluation of work performed by elected representatives and the substantial responsibility associated with local government.”*
82. LGNSW used economic and wage data to support their argument, that included:
- Consumer Price Index (CPI)
 - National and State Wage cases
 - Market comparability

- 
83. LGNSW in their meeting with The Tribunal and Assessors, further emphasised that remuneration for Councillors and Mayors has been reduced in real terms due to impacts of inflation and capping of remuneration increases.
84. The Tribunal received a late submission from the USU, advocating for the maximum increase to be applied. The USU argued that all work carried out in local government needed to be fairly remunerated and reflect the rise in cost of living.
85. Whilst only five of the eighteen submissions received addressed the issue of quantum increase of fees, more than half of the submissions provided commentary on a range of remuneration issues.
86. Submissions suggested that the current remuneration structure is inadequate and requires further review. It has been suggested that the current remuneration structure does not adequately reflect:
- Role, responsibilities, and commitment required to perform functions successfully
 - Workloads
 - Complexity of role
 - Commitment and skills required
 - Fairness
87. Furthermore, it has been suggested that the low level of remuneration is a barrier to encouraging participation and diversity of candidates that reflects communities.

- 
88. Associate Professor Jakimow of the Australian National University provided a detailed submission outlining the negative impacts of inadequate remuneration. The substance of the submission is that current remuneration levels do not adequately reflect the hours and complexity of work. Furthermore, low remuneration is a barrier to participation and diversity.
89. Associate Professor Jakimow argues that:
- “inadequate pay has significant negative consequences: low quality local democracy, an unacceptable burden on councillors and their families, and poor councillor diversity.”*
90. A number of submissions provided comparison data to demonstrate that the current remuneration principles and structure are not reflective of time, skills and competencies required to effectively perform the roles of councillor and mayor.
91. Comparisons were made to State and Federal parliamentary members, councillors and mayors in the Queensland and Victorian local government jurisdictions, average remuneration of a chairperson of a board, not for profit organisations and national minimum wage. The basis of the argument is that NSW mayor and councillors are paid below these organisations.
92. One submission noted that legislative change would be required to change remuneration model.
93. The Tribunal acknowledges issues raised in submissions regarding remuneration principles, structure and potential impacts. Many of these issues are worth serious consideration, they are however not currently




within the Tribunal's remit. The Tribunal concludes these matters should be given further investigation and consideration.

94. The Tribunal has considered key economic indicators, including the Consumer Price Index and Wage Price Index, and has determined that the full 3 per cent increase will apply to the minimum and maximum fees applicable to existing categories.
95. As an initial determination, the ranges for new categories are not subject to the wages policy. Future increases in those categories, as is the case for existing categories, will be subject to wages policy in accordance with section 242A(4) of the LG Act.
96. The minimum and maximum fees for the new categories have been determined having regard to the relativities of existing categories


Time for Fresh Thinking

97. Submissions made to the 2023 review and the Tribunal's own conclusions from evidence it has examined, suggest that there are significant issues underlying the concerns raised about mayor and councillor remuneration. It is apparent to the Tribunal that those issues which include a lack of diversity in representation, changing nature of work required to be undertaken and changed community expectations cannot be easily resolved under the existing framework. In the Tribunal's view, there would be merit in a comprehensive review of the framework for mayor and councillor remuneration.
98. The criteria under which the Tribunal makes these determinations has



been in existence since 1994 and at that time NSW had 177 Councils. Much has changed over the past 30 years, but the criteria has not.

99. As noted earlier in this determination the Tribunal and Assessors met with two Joint Organisation member representatives. While much of what was discussed has been dealt with in this determination it is worthy for the record to restate the view of LGNSW of the *“need for major reform”*.
100. Key themes and issues raised during discussions by mayors, councillors and general managers with the Tribunal and Assessors include:
- Changes to ways of working including expectations of increased use of social media and online platforms (“always on” expectations from constituents)
 - Impacts of future development
 - Impact of changes to legislation and regulation on workload
 - Serving constituents in regional centres, country areas regional areas, rural and remote areas
 - Remuneration principles
 - Natural Disasters including floods, fires, mice, locusts and tragedies generally
 - Confusion in roles and responsibilities – need for compulsory and consistent training of candidates prior to election and induction of those elected

- 
- Popularly elected mayors and two-year mayoral terms and the role of the Deputy Mayor when a mayor is absent, as distinct from temporarily unavailable
 - Questioning whether the guidelines by the Office of Local Government for the payment of expenses and the provision of facilities for mayors and councillors that were issued in 2009 are still fit for purpose. There appears to be significant variation in the interpretation of the guidelines and subsequent council policies
 - The optional payment of superannuation being used for political purposes
 - Paid parental leave for councillors
 - Is remuneration holding back quality candidates or are behavioural issues – both in and out of meeting environment
 - Parity in the payment differential in existing categories between councillors and mayors
 - A possible alignment in categories of councillor to resident and ratepayer ratios and rateable property ratios
 - Clarity in the payment of fees for chairpersons and voting members of Joint Organisations for additional workloads

101. Diversity was a strong theme heard by the Tribunal, both diversity of communities served and diversity of representation. We heard that

younger people, women, Aboriginal and Torres Strait Islander people and members of culturally and linguistically diverse communities among others, are underrepresented in many councils.

102. The Tribunal acknowledges that it is not within its authority to address many of the issues that were raised in submissions.

103. The Tribunal is not suggesting a fundamental review of the role of councillors and notes that people enter local government representation from a sense of civic service rather than for remuneration.

Conclusion


104. The Tribunal is of the view that a broader consideration is required of the matters raised in this determination. If the Minister decided to refer these matters under section 238 (2) of the LG Act the Tribunal would be willing to assist noting that it would require considerable consultation with the sector and access to suitable resources from Government.

105. The Tribunal's determinations have been made with the assistance of the Assessors Ms Kylie Yates, Gail Connolly PSM (in her role as Acting Deputy Secretary) and Mr Brett Whitworth.

106. It is the requirement of the Tribunal that in the future all submissions have council endorsement.

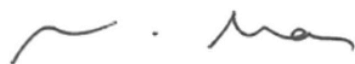
107. Determination 1 outlines the allocation of councils into each of the categories as per section 239 of the LG Act.

108. Determination 2 outlines the maximum and minimum fees paid to



councillors and mayors and members and chairpersons of county councils
as per section 241 of the LG Act.

109. The Tribunal acknowledges and thanks the secretariat for their excellent
research and support in completing the 2023 determination.



Viv May PSM

Local Government Remuneration Tribunal

Dated 27 April 2023

Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2023

General Purpose Councils – Metropolitan

Principal CBD (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

General Purpose Councils - Non-Metropolitan

Major Regional City (2)

- Newcastle
- Wollongong

Major Strategic Area (1)

- Central Coast

Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed
- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

Regional Rural (12)

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (18)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Hilltops
- Inverell
- Leeton
- Moree Plains
- Murray River
- Muswellbrook
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (38)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2023

The annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2023 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 4: Fees for General Purpose and County Councils

General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2023

Category	Minimum	Maximum
Principal CBD	29,610	43,440
Major CBD	19,760	36,590
Metropolitan Major	19,760	34,590
Metropolitan Large	19,760	32,590
Metropolitan Medium	14,810	27,650
Metropolitan Small	9,850	21,730

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2023

Category	Minimum	Maximum
Principal CBD	181,210	238,450
Major CBD	41,960	118,210
Metropolitan Major	41,960	106,960
Metropolitan Large	41,960	94,950
Metropolitan Medium	31,470	73,440
Metropolitan Small	20,980	47,390

General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2023

Category	Minimum	Maximum
Major Regional City	19,760	34,330
Major Strategic Area	19,760	34,330
Regional Strategic Area	19,760	32,590
Regional Centre	14,810	26,070
Regional Rural	9,850	21,730
Rural Large	9,850	17,680
Rural	9,850	13,030

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2023

Category	Minimum	Maximum
Major Regional City	41,960	106,960
Major Strategic Area	41,960	106,960
Regional Strategic Area	41,960	94,950
Regional Centre	30,820	64,390
Regional Rural	20,980	47,420
Rural Large	15,735	37,925
Rural	10,490	28,430

County Councils

Councillor/Member Annual Fee (\$) effective 1 July 2023

Category	Minimum	Maximum
Water	1,960	10,870
Other	1,960	6,490

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2023

Category	Minimum	Maximum
Water	4,200	17,850
Other	4,200	11,860

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2))



Viv May PSM

Local Government Remuneration Tribunal

Dated 27 April 2023

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development

- 
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
 - have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
 - have significant natural and man-made assets to support diverse economic activity, trade and future investment
 - typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.


Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.



Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.



Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.

10.5 WRITTEN RETURN OF INTERESTS AND RELATED PARTY DISCLOSURES

File Number: C2.2.2
Author: General Manager
Authoriser: General Manager
Attachments: 1. Attachment 1 | Written Return of Interests 2022 - 2023
2. Attachment 2 | OLG Fact Sheet - Guide to completing returns of interest
3. Attachment 3 | Related Party Disclosure Form 2022 - 2023
CSP Objective: Shire assets and services delivered effectively and efficiently
Precis: Written Return of Interests -
Budget: \$ Nil.

RECOMMENDATION

That:

1. Councillors and Designated persons review their personal circumstances and determine if they are required to lodge a Written Return of Interests within three (3) months of 30 June 2023.
2. Key Management Personnel review their personal circumstances and determine if they are required to lodge a Related Party Transaction Notification within 30 days after 30 June 2023.

RESOLUTION 147/23

Moved: Cr McKellar
Seconded: Cr Kenah

That:

1. Councillors and Designated persons review their personal circumstances and determine if they are required to lodge a Written Return of Interests within three (3) months of 30 June 2023.
2. Key Management Personnel review their personal circumstances and determine if they are required to lodge a Related Party Transaction Notification within 30 days after 30 June 2023.

CARRIED

PURPOSE

The purpose of this report is to provide Councillors and Designated persons a formal reminder on their requirement to lodge a Written Return of Interest within three months of 30 June 2023 and a Related Party Disclosures within 30 days of 30 June 2023.

BACKGROUND**Written Returns of Interest**

Under the 'Model Code of Conduct for Local Councils in NSW' (the Model Code of Conduct), all Councillors and Designated persons are required to disclose their personal interests in publically available returns of interests. These operate as a key transparency mechanism for promoting community confidence in Council decision-making.

Councillors must make and lodge with the General Manager a return in the attached form, disclosing their interests within three (3) months after: -

- (a) becoming a Councillor; and
- (b) 30 June each year; and
- (c) becoming aware of an interest they are required to disclose under schedule 1 of the Model Code of Conduct that has not been previously disclosed in a return lodged under (a) or (b).

Related Party Disclosures

The Related Party Disclosure Policy requires Weddin Shire Council's financial statements to contain disclosures necessary to comply with the Australian Accounting Standards AASB 124 – Related Party Disclosure.

Related party relationships are a normal feature of commerce and business. A related party relationship could have an effect on the profit or loss and financial position of Council. Related parties may enter into transactions that unrelated parties would not. For example, an entity that sells goods to its parent at cost might not sell on those terms to another customer.

In addition, the profit or loss and financial position of an entity may be affected by a related party relationship even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the entity with other parties.

Council is committed to responsible corporate governance, including compliance with the laws and regulations governing related party transactions.

ISSUES AND COMMENTS

Written Returns of Interest

Council must make all returns of interests publically available in accordance with the requirements of the *Government Information (Public Access) Act, 2009*, the *Government Information (Public Access) Regulation, 2018* and relevant guidelines issued by the NSW Information Commissioner.

Information Access Guideline 1 states that Councillors' returns of interests must be made publicly available free of charge on Council's website, unless there is an overriding public interest against disclosure of the information contained in them or to do so would impose unreasonable additional costs on Council. It is open to Council to redact information from returns of interests (e.g. a person's signature and residential address) when publishing returns on its website where there is an overriding public interest against the disclosure that information.

The returns specifically referenced in this Council report is for the return period of **1 July 2022 to 30 June 2023**.

A return lodged within three (3) months of 30 June must be tabled at the first Council meeting after the last day the return was required to be lodged. That is **30 September 2023**.

A copy of the form can be found in Attachment 1 and a guide on how to complete it at Attachment 2.

Related Party Disclosure

The Related Party Disclosure Notifications must be submitted by key management personnel within 30 days after 30 June. Key Management Personnel must proactively notify of any new or potential related party transactions that the person knows of, or any changes to previously notified related party relationships or transactions, relevant to the subject financial year by providing this to the General Manager.

The Related Party Disclosure Notification in this Council report is for the return period of **1 July 2022 to 30 June 2023**.

A copy of the form can be found in Attachment 3.

POLICY/LEGAL IMPLICATIONS

There is no direct policy or legal implication with this report. However, failure to submit the Written Return of Interests within the three (3) months – 30 September 2023, will be in breach of the Model Code of Conduct and breaches of these requirements are to be referred to the Office of Local Government.

Failure to lodge the Related Party Disclosure Notification will result in a breach of the Related Party Disclosure Policy and the Australian Accounting Standards AASB 124 – Related Party Disclosures.

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial or resourcing implications arising from this report.

INTERNAL/EXTERNAL CONSULTATION

This report is being brought to Council for information and does not require consultation, however noting that the General Manager has circulated both the Written Return Interest Form to Councillors and Designated Staff and the Related Party Disclosure Notification to Key Management Personnel on 12 July 2023 through email correspondence.

CONCLUSION

Under the 'Model Code of Conduct for Local Councils in NSW' (the Model Code of Conduct), all Councillors and Designated persons are required to disclose their personal interests in publically available returns of interests. These operate as a key transparency mechanism for promoting community confidence in Council decision making.

The report provides Councillors and Designated staff a kind reminder to submit these to the General Manager by **30 September 2023** for the period of **1 July 2022 to 30 June 2023**.

Under Council's Related Party Disclosure Policy and in accordance with Australian Accounting Standards AASB 124 – Related Party Disclosures, key management personnel are required to submit their Related Party Disclosure Notification by **30 July 2023** for the period of **1 July 2022 to 30 June 2023**.

COUNCILLOR FORM 1.1.5: Written Return of Interests 2023**C2.2.2**

1. **FORM CATEGORY:** Councillor
2. **FORM NUMBER:** 1.1.5
3. **FORM NAME:** Written Return of Interests 2022 - 2023
4. **VERSION DATE:** 7 July 2023

WRITTEN RETURN OF INTERESTS DISCLOSED BY COUNCILLORS AND DESIGNATED PERSONS

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).

This form is set out according to Schedule 2 of the Model Code of Conduct and in accordance with the Office of Local Government's "Model Code of Conduct for Local Councils in NSW – A Guide to Completing Returns of Interest".

DIRECTIVES

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.

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.

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.

This form must be completed using block letters or typed.

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.

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.

Further information and guidelines in regards to the matters to be disclosed in this form is available from The Office of Local Government's website

<https://www.olg.nsw.gov.au/councils/governance/model-code-of-conduct/model-code-of-conduct-and-procedures-2018/>. A copy of the "Model Code of Conduct for Local Councils in NSW – A Guide to Completing Returns of Interest" will also be provided with this form.

COUNCILLOR FORM 1.1.5: Written Return of Interests 2023**C2.2.2****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 at the Council Chambers 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.

COUNCILLOR FORM 1.1.5: Written Return of Interests 2023**C2.2.2****DISCLOSURE FORM**

Disclosure of pecuniary interests and other matters

by

[full name of Councillor or designated person]

as at _____ in respect of the period from 1 July 2022 to 30 June 2023.

[return date]

[signature of Councillor or designated person]

[date]**A. REAL PROPERTY**Street address of each parcel of real property
in which I had an interest at
_____[return date] and any time since
1 July 2022

Nature of interest

COUNCILLOR FORM 1.1.5: Written Return of Interests 2023

C2.2.2

B. SOURCES OF INCOME

1. Sources of income I reasonably expect to receive from an occupation at any time during the period _____[return date] to 30 June 2023 and sources of income I received from an occupation since 1 July 2022

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 at any time during the period _____[return date] to 30 June 2023 and sources of income I received from a trust since 1 July 2022

Name and address of settlor	Name and address of trustee

3. Sources of other income I reasonably expect to receive at any time during the period _____[return date] to 30 June 2023 and sources of other income I received since 1 July 2022
(Include description sufficient to identify the person from whom or the circumstances in which that income was received)

C. GIFTS

COUNCILLOR FORM 1.1.5: Written Return of Interests 2023**C2.2.2**

Description of each gift I received at any time since 1 July 2022	Name and address of donor

D. CONTRIBUTIONS TO TRAVEL

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 1 July 2022	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

COUNCILLOR FORM 1.1.5: Written Return of Interests 2023**C2.2.2****E. INTERESTS AND POSITIONS IN CORPORATIONS**

Name and address of each corporation in which I had an interest or held a position at _____[return date] or at any time since 1 July 2022	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. PROPERTY DEVELOPMENT

Were you a property developer or a close associate of a property developer on 1 July 2022?
[Yes/No]

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 _____[return date] and at any time since 1 July 2022	Description of position

H. DEBTS

COUNCILLOR FORM 1.1.45: Written Return of Interests 20223**C2.2.2**

Name and address of each person to whom I was liable to pay any debt at
 _____[return date] and any time since 1 July 2022

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 1 July 2022 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 1 July 2022 as a result of which I obtained, either wholly or in part, the use and benefit of the property.

J. DISCRETIONARY DISCLOSURES

COUNCILLOR FORM 1.1.5: Written Return of Interests 2023

C2.2.2

MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

A GUIDE TO COMPLETING RETURNS OF INTEREST

Introduction

Under the *Model Code of Conduct for Local Councils in NSW*, certain council officials are required to disclose their personal interests in publicly available returns of interests.

These operate as a key transparency mechanism for promoting community confidence in council decision making, whether by councillors or by staff or others under delegation.

You must complete and lodge your return of interests in accordance with the requirements in the Model Code of Conduct.

You must not lodge a return that you know or ought 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 (OLG) and may result in disciplinary action by the council, the Chief Executive of OLG or the NSW Civil and Administrative Tribunal.

Important information

Who must submit a return of interests?

You must complete and lodge a return of interests if you are a councillor or designated person.

Designated persons include:

- the general manager
- senior staff, and
- staff, delegates of councils or members of committees who the council identify as exercising functions that could give rise to a conflict of interest.

When must I submit a written return of interests?

You must submit a return of interests within three months of being elected or becoming a designated person and submit a new return annually (within three months of the start of each financial year).

You do not need to submit a return of interests if you have already submitted a return in the three months preceding 30 June, or if you ceased to be a councillor or designated person in the three months preceding 30 June.

If, at any time, you become aware of any new interests that need to be disclosed, you must submit a new return within three months of becoming aware of the interests.

Who must I lodge my return of interests with?

All returns of interests are to be lodged with the council's general manager.

A return lodged within 3 months of 30 June must be tabled at the first council meeting after the last day the return was required to be lodged.

A return lodged at any other time must be tabled at the first council meeting after the return was lodged.

Must my return of interests be made publically available?

Yes. Councils must make all returns of interests publically 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 NSW Information Commissioner.

If you are concerned that your safety or the safety of your family may be put at risk if information about your home address is disclosed in your return of interests, you may request that the information be redacted under section 739 of the *Local Government Act 1993*.

Such a request should be made to the general manager in writing.

Is there a standard form for submitting a return of interests?

Yes. Written returns of interests are to be in the form set out in Schedule 2 of the Model Code of Conduct.

A copy is attached to this Guide.

How do I complete a return of interests?

For those who are lodging their first return

If you are lodging a return for the first time, you do not need to complete Parts C, D and I of the return.

All other parts should be completed with information based on your circumstances at the date when you became a councillor or designated person.

Note:

- If you are lodging your first return:
 - the 'return date' is the date you became a councillor or designated person, and

- leave the return 'period' at the top of the form blank

If you have acquired any new interests that need to be disclosed in the return in the period between the return date and the date on which you are completing a return for the first time, you should also disclose these in the return to avoid the need to complete a further return disclosing the new interests.

For those who are lodging their annual return

Complete all parts of the return if you are lodging a new return for the new financial year.

The return should be completed with information based on your circumstances for the 12-month period beginning on 30 June of the previous year to 30 June of this year.

Note:

- If you are lodging your annual return:
 - the 'return date' is 30 June of the calendar year in which the return is made, and
 - the return 'period' is from 30 June of the previous year to 30 June of the current year.

For those who are disclosing new interests

Complete all parts of the return if you are disclosing a new interest that was not disclosed in the last return you lodged with the general manager.

The form should be completed with information based on your circumstances from either 30 June of the previous financial year **or** the date you became a councillor or designated person (**whichever is later**), to the date you became aware of the new interest you are disclosing.

Note:

- If you are disclosing new interests:
 - the 'return date' is the date you became aware of the interest(s), and
 - the return 'period' is from 30 June of the previous financial year, or the date on which you became a councillor or

designated person (whichever is later) to the date you became aware of the interest(s).

What interests do I need to disclose?

You must not lodge a return that you know or ought to know is false or misleading in a material particular.

In completing your return, you must disclose all relevant interests whether or not they are acquired or held in NSW or Australia.

In the case of interests in real property, you must disclose all interests in real property you hold in Australia.

Part A – Real property

In this section, you must disclose the:

- street address of each parcel of real property you had an interest in:
 - on the return date, and
 - since 30 June of the previous financial year, and
- nature of the interest (eg freehold, lease, option to purchase etc).

You do not need to disclose an interest in a parcel of real property if you ceased to have the interest prior to becoming a councillor or designated person.

You also do not need to disclose an interest in a parcel of real property if your interest was:

- as executor of a will, or administrator of an estate, of a deceased person, **and** you were not a beneficiary under the will or intestacy, or
- as a trustee, if the interest was acquired in the course of an occupation that was not related to your duties as a councillor or designated person.

Note:

- **'Address' is defined in clause 1 of schedule 1 of the Model Code of Conduct**
- **'Real property' refers to any real property in Australia.**

Part B – Sources of income

In this section you must disclose each source of income you:

- reasonably expect to receive from the first day after the return date to 30 June, and
- received in the period since 30 June of the previous financial year.

In disclosing sources of income from your occupation, you must disclose:

- a description of your occupation, and
- if you are employed or the holder of an office, the name and address of your employer, or a description of the office, and
- if you have entered into a partnership with other persons, the name (if any) of the partnership.

In disclosing sources of income from a trust, you must disclose the name and address of the settlor and trustee.

In disclosing the sources of any other income, you must provide a description that identifies the person you received or reasonably expect to receive the income from, or the circumstances in which you received or reasonably expect to receive the income.

You do not need to disclose a source of income if:

- it did not exceed, or you do not reasonably expect it to exceed, \$500
- you ceased to receive income from that source prior to becoming a councillor or designated person, or
- it is your fee as a councillor.

Part C – Gifts

In this section, you must disclose all gifts you have received since 30 June of the previous financial year.

Gifts include any item, property or money you have been given without consideration or with inadequate consideration, unless it was received under a will.

You must provide a description of the gift and the name and address of the person/organisation that gave you the gift.

You do not need to disclose gifts if:

- they did not exceed \$500 in value, unless it was among gifts totalling more than \$500 from the same person/organisation within the last 12 months
- it was given to you by a relative (see below for a definition of "relative")
- it was a political donation that has been disclosed or is required to be disclosed under the *Electoral Funding Act 2018*, or
- it was received prior to you becoming a councillor or designated person (unless you have received a subsequent gift from the same person/organisation since becoming a councillor/designated person and within a 12 month period and the gifts total more than \$500).

Note:

- **The amount of a gift (other than money) is equal to the monetary value of the gift**
- **'Relative' is defined in clause 1 of schedule 1 of the Model Code of Conduct. Relatives include you:**
 - spouse or de facto partner
 - parents, grandparents, brothers, sisters, uncles, aunts, nephews, nieces, lineal descendants or adopted children and any of those persons' spouses or de facto partners, and
 - spouse's or de facto partner's parents, grandparents, brothers, sisters, uncles, aunts, nephews, nieces, lineal descendants or adopted children and any of those persons' spouses or de facto partners.

Part D – Contributions to travel

In this section you must disclose the:

- name and address of any person who has made a financial or other contribution to the expenses of any travel you have undertaken since 30 June of the previous financial year
- dates on which you undertook the travel, and
- names of the states and territories and of the overseas countries where the travel was undertaken.

You do not need to disclose a contribution to travel if:

- it was made from public funds
- it was made by a relative (see above for a definition of "relative")
- it was made in the ordinary course of your occupation that was not related to your functions as a councillor or designated person
- it was under \$250, unless it was among gifts totalling more than \$250 from the same person/organisation within the last 12 months
- it was a political donation that has been disclosed or is required to be disclosed under the *Electoral Funding Act 2018*
- it was made by a political party you are a member of and you undertook the travel for the purpose of political activity of the party in NSW, or to represent the party within Australia, or
- you received the contribution prior to becoming a councillor or designated person (unless you have received a subsequent gift or contribution from the same person/organisation since becoming a councillor/designated person and within a 12 month period and the gifts/contributions total more than \$250).

Note:

- **The amount of a contribution (other than money) is equal to the monetary value of the contribution.**

Part E – Interests and positions in corporations

In this section, you must disclose:

- the name and address of each corporation in which you held an interest or position (whether remunerated or not) on the return date and since 30 June of the previous financial year
- the nature of the interests or positions held in each corporation, and
- a description of the principal objects (if any) of each corporation, except if it is a listed company.

You do not need to disclose an interest or position in a corporation if the corporation:

- is 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**
- it is required to apply its profits or other income for the purpose of promoting its objects, **and**
- it is prohibited from paying any dividend to its members.

You also do not need to disclose an interest in a corporation if it is a beneficial interest in shares in the corporation that does not exceed 10 per cent of the voting rights in the corporation.

You also do not need to disclose an interest or position in a corporation if you ceased to hold the interest or position prior to becoming a councillor or designated person.

Part F – Are you a property developer or close associate of a property developer?

In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*.

A person or a corporation is a 'property developer' if they carry out a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit, **and** in the course of that business:

- one 'relevant planning application' has been made by or on behalf of the individual or corporation and is pending, or
- three or more 'relevant planning applications' made by or on behalf of the individual or corporation have been determined within the preceding seven years.

You will be a close associate of a person who is a property developer if:

- you are the spouse of the person, or
- where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

You will be a close associate of a corporation that is a property developer if:

- you or your spouse are a director or officer of the corporation
- you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20%
- where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or
- where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Note:

→ **'Relevant planning application' is defined in section 10.4 (Disclosure of political donations and gifts) of the *Environmental Planning and Assessment Act 1979*.**

Part G – Positions in trade unions and professional or business associations

In this section, you must disclose:

- the name of each trade union and of each professional or business association in which you held any position (whether remunerated or not) on the return date and since 30 June of the previous financial year, and
- a description of the position.

You do not need to disclose a position in a trade union or a professional or business association if you ceased to hold that position prior to becoming a councillor or designated person.

Part H – Debts

In this section, you must disclose the name and address of each person you are/were liable to pay a debt to on the return date, and at any time since 30 June of the previous financial year.

You must disclose a liability to pay a debt 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.

You do not need to disclose a liability to pay a debt if:

- the debt arose from a loan you have with a deposit taking institution (eg a bank) or other authorised deposit taking institution which lends money, and the loan was part of the institution's ordinary course of business
- the amount to be paid did not exceed \$500, **unless** the debt was one of two or more debts owed to the same person, and the combined value of the debts exceed \$500.
- the debt was owed to a relative (see above for a definition of "relative")
- in the case of a debt for the supply of goods or services:
 - the goods or services were supplied to you within the 12 months before the return date, or at any time since 30 June of the previous financial year, or
 - the goods or services were supplied to you in the ordinary course your occupation that is not related to your duties as a councillor or designated person, or
- the debt was discharged prior to you becoming a councillor or designated person, unless the debt was one of two or more debts you owe to the same person, and the value of the combine debts exceeds \$500.

Part I – Dispositions of real property

In this section you must disclose details of each disposition of real property by you (including the street address of the property) since 30 June of the previous financial year if you wholly or partly retained the use and benefit of the property, or the right to re-acquire it.

You must also disclose details of each disposition of real property to another person under an arrangement with you (including the street address of the property), since 30 June of the previous financial year under which you obtained wholly or partly the use of the property.

You do not need to disclose a disposition of real property if it was made prior to you becoming a councillor or designated person.

Part J – Discretionary disclosures

In this section, you may voluntarily disclose any other interests, benefits, advantages or liabilities you may have, whether or not they are pecuniary, which you have not been required to disclose elsewhere in the return.

DISCLOSURE OF INTERESTS FORM

REQUIRED TO BE LODGED UNDER CLAUSE 4.21
OF THE MODEL CODE OF CONDUCT FOR
LOCAL COUNCILS IN NSW



Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*
as at *[return date]* in respect to the period from *[date]* to *[date]*.

Signed: *[councillor's or designated person's signature]*

Date: *[date]*

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date and at any time since 30 June	Nature of interest
<i>[address]</i>	<i>[details]</i>

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, and
- 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)
<i>[description]</i>	<i>[name and address]</i>	<i>[name]</i>

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, and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
<i>[name and address]</i>	<i>[name and address]</i>

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:

Source	Amount
<i>[source]</i>	<i>[amount]</i>

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
<i>[details]</i>	<i>[name and address]</i>

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	Names of states and territories of the Commonwealth and overseas countries in which travel was undertaken
<i>[name and address]</i>	<i>[dates]</i>	<i>[names]</i>

E. Interests and positions in corporations

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

F. Property development

Were you a property developer or a close associate of a property developer on the return date?

[Yes/No]

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 and at any time since 30 June	Description of position
<i>[name]</i>	<i>[details]</i>

H. Debts

Name and address of each person to whom I was liable to pay any debts at the return date and at any time since 30 June
<i>[name]</i>

I. Disposition 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
<i>[details]</i>

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
<i>[details]</i>

J. Discretionary disclosures

[details]

FORM 1.1.5: Written Return of Interests 2023**C2.2.2**

1. **FORM CATEGORY:** Councillors and Designated Staff
 2. **FORM NUMBER:** 1.1.5
 3. **FORM NAME:** Related Party Disclosure Form 2022 - 2023
 4. **VERSION DATE:** 7 July 2023

RELATED PARTY DISCLOSURE – COUNCILLORS & DESIGNATED STAFF**PRIVATE AND CONFIDENTIAL**

Related Party Declaration by Key Management Personnel (KMP)	
Name of Councillor/Designated Staff:	
Position:	
List details of close family member, entities that are controlled/jointly controlled by you and entities that are controlled/jointly controlled by close family members	
Name of person or entity	Relationship
<p>I (insert full name), (insert position) declare that that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I make this declaration after reading the Council's Related Party Disclosures Policy which details the meaning of the words 'close family members' and 'entities controlled, or jointly controlled, by myself or my close family members'.</p>	
Declared at:	(insert place)
on the	(insert date)
Signature of KMP :	

FORM 1.1.5: Written Return of Interests 2023

C2.2.2

ATTACHMENT A

RELATED PARTY TRANSACTIONS

NOTIFICATION BY

KEY MANAGEMENT PERSONNEL

Name of Key Management Person: _____

Position of Key Management Person: _____

Please read the Related Party Disclosure Policy which explains what a related party transaction is and the purposes for which Council is collecting, and will use and disclose, the related party information provided by you in this notification.

Please Complete either Section 1 or Section 2

Section 1 (Please tick if applicable)☐

No related party transactions have been carried out in the past 6-month period and I am not aware of any related party transactions anticipated in the future.

Section 2

Please complete the table attached for each related party transaction with Council that you, or a close member of your family, or an entity related to you or a close member of your family:

- a) has previously entered into and which will continue in the future, or
- b) has entered into, or is reasonably likely to enter into, in the future.

Notification

I, (Name) _____, (Position) _____ notify that, to the best of my knowledge, information, and belief, as at the date of this notification, the above list and attachments, if any, includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the reporting period.

I make this notification after reading the Related Party Disclosure Policy provided by Weddin Shire Council, which details the meaning of the words "related party", "Related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control" and the purposes for which this information will be used and disclosed.

I permit access to this information for the purpose of compliance with Council's legal obligations and disclosure.

Signature: _____

Date: _____

FORM 1.1.5: Written Return of Interests 2023

C2.2.2

Description of Related Party Transaction	Is transaction existing or potential?	Tick box if transaction is financial in nature	Related Party's Name (Individual or Entity) Include ABN if known	Relationship with Related Party	Description of Transaction Documents or Changes to the Related Party Relationship
		<input type="checkbox"/>			
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Note: Please attach additional pages if not enough room supplied above as well as any supporting information that would be useful in the assessment of these related party transactions.

10.6 RESOLUTION REGISTER

File Number: C2.3.3
Author: Executive Assistant to the General Manager
Authoriser: General Manager
Attachments: 1. Current Action/Resolution Register | as at 12 July 2023
2. Resolution Register | January - April 2022
CSP Objective: Shire assets and services delivered effectively and efficiently
Precis: Council Action/Resolution Register - outstanding
Budget: NIL

RECOMMENDATION

That Council note the attached action/resolution registers

RESOLUTION 148/23

Moved: Cr McKellar
Seconded: Cr Frame

That Council note the attached action/resolution registers

CARRIED

PURPOSE

For Council's information, attached is the current Action/Resolution Register as at 12 July 2023 and the Resolution Register (January – April 2022).

ACTIONS REPORT			
Division: Committee: Officer:		Council	
		Printed: 12 July 2023 5:16 PM Date From: Date To:	

Meeting	Date	Officer	Title	Target
Council 26/05/2022	26/05/2022	Cook, Michelle	NOTICE OF MOTION - COUNCIL SUPPORT THE DOLLY PARTON IMAGINATION LIBRARY IN WEDDIN SHIRE	9/06/2022

Notes

Meeting	Date	Officer	Title	Target
Council 26/05/2022	26/05/2022	Kershaw, Maxwell	CROWN LAND RESERVES	9/06/2022

Notes

09 Jun 2022 2:24pm Osborne, Audrie

Management report forwarded to Crown Lands for assessment

12 Jul 2022 3:20pm Osborne, Audrie

Still underway

11 Aug 2022 8:56am Osborne, Audrie

8 July 2022 NSW Department of Crown Land acknowledged receipt of WSC letter and Management plan and are currently reviewing.

09 Mar 2023 2:36pm Walters, Liz

Crown Lands are still reviewing the documentation. Advised by Director Corporate Services

12 Jul 2023 5:13pm Walters, Liz

Crown Lands are continuing to review the documentation and will provide an update in due course.

Meeting	Date	Officer	Title	Target
Council 16/06/2022	16/06/2022	Bembrick, Craig	MAYORAL MINUTE - GRENFELL PRESCHOOL + LONG DAY CARE CENTRE	30/06/2022

Notes

13 Jul 2022 4:53pm Osborne, Audrie

In Progress

09 Mar 2023 12:53pm Walters, Liz

Meetings between Council and the DayCare have been ongoing. Last meeting was 19 January 2023.

11 May 2023 9:31am Walters, Liz

Meetings between Council Staff and Director and staff from Grenfell Preschool and LDC continues - last meeting held on 2 May 2023

22 Jun 2023 12:09pm Walters, Liz

Grenfell Preschool and Long Day Care Centre have purchased a block of land and lodged a grant application for the new centre.

Meeting	Date	Officer	Title	Target
Council 20/10/2022	20/10/2022	Cook, Michelle	NOTICE OF MOTION - HOUSING WORKING GROUP	3/11/2022

Notes

Meeting	Date	Officer	Title	Target
Council 17/11/2022	17/11/2022	Diprose, Phillip	NOTICE OF MOTION - TO LEASE OR LICENSE THE OLD DENNIS FIRE TRUCK	1/12/2022

Notes

09 Feb 2023 4:20pm Vu, Noreen

EOI advertised in Grenfell Record, Council's website and Facebook to 3 February 2023. Due to no EOIs submitted, this has been extended.

09 Mar 2023 12:58pm Walters, Liz

An EOI was distributed on the Website and Facebook with no submissions received. Further advertising will continue on Facebook regularly.

12 Apr 2023 12:47pm Walters, Liz

The EOI has placed on WSC website on 9 February 2023 and removed 3 March 2023, no submissions received. EOI was reinstated on WSC website on 23 March 2023 with a closing date of 28 April 2023. The EOI has been listed in the Grenfell Record on a regular basis.

11 May 2023 9:27am Walters, Liz

The EOI is on the Council website; end date for submissions has been removed.

21 Jun 2023 2:08pm Walters, Liz

EOI is on Council website with no closing date for submissions. As at 21 June 2023, no submissions have been received. It was a highlight to see the Old Dennis Fire Truck all shiny in the 2023 Henry Lawson Festival of the Arts Street Parade.

12 Jul 2023 2:29pm Walters, Liz

EOI is on Council website with no closing date for submissions. As of 12 July 2023, no submissions have been received.

ACTIONS REPORT

Printed: 12 July 2023 5:16 PM

Division:
Committee:
Officer:

Council

Date From:
Date To:

Meeting	Date	Officer	Title	Target
Council 15/12/2022	15/12/2022	McKellar, Stuart	Notice of Motion - The Maurice 'Mo' Simpson Memorial Board	29/12/2022

Notes**09 Mar 2023 2:24pm Walters, Liz**

Work is underway to compile a list of former Mayors to assist with establishing the size of the Memorial Board.

12 Apr 2023 4:50pm Walters, Liz

The GM will take a report to Council on 20 April 2023 with an update on this action item.

11 May 2023 9:09am Walters, Liz

List of Mayors and Presidents out on Public Exhibition on WSC Website and in the Grenfell Record for the community to review, submissions close 31 May 2023.

21 Jun 2023 2:10pm Walters, Liz

A list is still being compiled with input received from the Public and Council staff will be liaising with the Historical Society in due course to finalise the list.

12 Jul 2023 2:29pm Walters, Liz

Work is still being undertaken to reflect the accuracy of the list. Time to be scheduled with the Grenfell Historical Society Inc to cross-reference the list.

Meeting	Date	Officer	Title	Target
Council 15/12/2022	15/12/2022	Kenah, Jason	Notice of Motion - FEE WAIVER FOR SHOP OWNERS IN THE MAIN STREET	29/12/2022

Notes**09 Mar 2023 2:13pm Walters, Liz**

Council resolved at the Ordinary Council Meeting of 15 December 2022; letter drafted from GM to be distributed to Business Owners. List of Business Owners is currently being compiled.

12 Apr 2023 4:56pm Walters, Liz

Confirmed with Environmental Services; data source is being finalised

12 Jul 2023 5:12pm Walters, Liz

Letters and forms were distributed to business owners in the Main Street on 29 and 30 June 2023 by the Environmental Services team.

Meeting	Date	Officer	Title	Target
Council 15/12/2022	15/12/2022	Sheehan, Luke	NAMING OF GRENFELL DOG PARK	29/12/2022

Notes**09 Feb 2023 4:47pm Osborne, Audrie**

Naming of dog park confirmed. Currently investigating sign options and story board.

11 Apr 2023 4:25pm Sheehan, Luke

Preparing wording and sign details to obtain quotations

10 May 2023 5:31pm Walters, Liz

Work is progressing, anticipate final design and costing for signage to be end June 2023 - as advised by Director Environmental Services.

12 Jul 2023 4:35pm Sheehan, Luke

Wording for storey board drafted. Currently trying to source suitable pictures to be included on story board.

Meeting	Date	Officer	Title	Target
Council 16/02/2023	16/02/2023	Parlett, Jan	Notice of Motion - That Council review the current LG Hub System to assess its suitability to meet current and future demands.	2/03/2023

Notes**09 Mar 2023 2:10pm Walters, Liz**

At Council Ordinary Meeting of 16 February 2023 it was agreed that a Councillor Workshop be convened in the near future to discuss LG Hub and other options, including Councillors requirements. Resolution 026/23

11 May 2023 9:11am Walters, Liz

Workshop to be scheduled in due course noting priorities to date has been budget discussions.

Meeting	Date	Officer	Title	Target
Council 20/04/2023	20/04/2023	Sheehan, Luke	OPERATION OF GRENFELL CARAVAN PARK	4/05/2023

Notes**10 May 2023 5:34pm Walters, Liz**

EOI document currently being prepared with intention to place on the WSC Website no later than end June 2023.

21 Jun 2023 2:20pm Walters, Liz

EOI placed on Facebook and WSC website. EOI closing date extended to 9:00am Monday 26 June 2023.

12 Jul 2023 4:36pm Sheehan, Luke

Reviewing applications received and negotiating with interested parties.

ACTIONS REPORT

Printed: 12 July 2023 5:16 PM

Division:
Committee:
Officer:

Council

Date From:
Date To:

Meeting	Date	Officer	Title	Target
Council 18/05/2023	18/05/2023	McKellar, Stuart	Notice of Motion - Request for additional paragraph to be included in the Acknowledgement of Country for Council Meetings	1/06/2023

Notes**21 Jun 2023 2:14pm Walters, Liz**

On Public Exhibition - Council staff will collate submissions and return to Council in due course.

12 Jul 2023 5:11pm Walters, Liz

Submissions are being transcribed and will be presented to Council at the August 2023 Ordinary Meeting.

Meeting	Date	Officer	Title	Target
Council 18/05/2023	18/05/2023	Walters, Liz	STAFF TRAINING AND DEVELOPMENT POLICY	1/06/2023

Notes**21 Jun 2023 2:22pm Walters, Liz**

Draft Policy was placed on Public Exhibition and closed on 20 June 2023. Council Staff will prepare a business paper to return to Council.

12 Jul 2023 5:10pm Walters, Liz

Submission period has closed; currently awaiting for document to be reviewed at the Staff Consultative Meeting. Staff have been advised through the payslip messaging.

Meeting Date	Resolution	Item number	Topic	Recommendation	Comments/Updates
17/2/2022	018/2022	8.01	Community & Not for Profit Organisations Survey	All Community and Not-For-Profit organisations in the Shire be surveyed to ascertain any grant funding requirements they are contemplating or seeking.	To be actioned
17/2/2022	019/2022	8.02	Village Plans	Village-specific sub-sections be included in the revised Delivery Program.	Council's General Manager has engaged the services of a contractor to undertake a review of the IP&R with a focus on improving the 2023-24 Operational Plan. New Operational Plan has been completed. Next steps to continually review IP&R framework.
17/2/2022	020/2022	8.03	Grenfell Library Budget	i) The Operational Plan clearly articulate the total Grenfell Library budget for both the current and next Plan period. ii) Funding be increased to at least in line with the Subsidy Payment allocation from the State Library of NSW.	Will be completed when the next operational plan is developed.
17/2/2022	021/2022	8.04	Training for Members of Community Organisations and Committees	That Council engage Justice Connect to run a 'Governing a Not-for-profit and Top Legal Issues in Managing Volunteers' face to face training program for interested local community groups and young aspiring leaders.	To be actioned

Resolution Register from 11 January 2022 to 28 April 2022 Council Meetings | Updated 12/07/2023

11 CORPORATE SERVICES REPORTS**11.1 STATEMENT OF BANK BALANCES****File Number:****Author:** Team Leader - Finance**Attachments:** Nil**CSP Objective:** Collaborative wealth building (strong, diverse and resilient local economy)**Precis:** Statement of Bank Balances as at 30/06/2023**Budget:** \$ NIL

Bank Account	
Westpac	\$3,661,204.95
Short Term Deposits	
CBA	<u>\$2,500,000.00</u>
Total	<u>\$6,161,204.95</u>

CERTIFICATE OF RECONCILIATION

I certify that the Cashbook for each Bank Account has been reconciled with the appropriate Bank Statement as at 30 June 2023.

The investments shown above are made with the Commonwealth Bank. I certify that these investments have been made in accordance with the *Local Government Act 1993*, the Regulations and Council's investment policies.

11.2 REQUEST FOR LEGAL ASSISTANCE UNDER THE COUNCILLOR EXPENSES AND FACILITIES POLICY**File Number:****Author:** Public Officer**Attachments:**
1. Attachment 1 - Statement of Claim
2. Attachment 2 - Request for Legal Assistance**CSP Objective:** Democratic and engaged community supported by efficient internal systems**Precis:** A request for legal assistance under the Councillor Expenses and Facilities Policy**Budget:** To be confirmed

Deputy Mayor took the position of Chair.

Cr Bembrick left the room at 5:39pm

Cr Parlett left the room at 5:39pm.

Cr Cook left the room at 5:39pm.

Noreen Vu left the room at 5:39pm

RECOMMENDATION

Request for late agenda to be accepted.

RESOLUTION 149/23

Moved: Cr McKellar

Seconded: Cr Frame

Council accept the late agenda item.

CARRIED

Cr Parlett entered the room at 5:44pm.

Cr Cook entered the room at 5:44pm.

Cr Bembrick entered the room at 5:44pm.

Noreen Vu entered the room at 5:44pm.

RECOMMENDATION

That Council:

1. Note the information and attachments contained within this report.
2. Note the request in this report by the first respondent and the legal proceedings initiated by the plaintiff.
3. Approves under the Councillor Expenses and Facilities Policy, legal assistance in the form of the reimbursement of all legal expenses incurred by the first respondent in defending the legal proceedings which is the subject of this report.

4. Approves the reimbursement of legal expenses incurred by the first respondent subject to compliance with Section 8 and other reimbursement provisions in the Councillor Expenses and Facilities Policy.

MOTION TO MOVE AN AMENDMENT

Moved: Cr Howell

Seconded: Cr McKellar

CARRIED

AMENDMENT

Moved: Cr

Seconded:

That Council:

1. Note the information and attachments contained within this report.
2. Note the request in this report by the first respondent and the legal proceedings initiated by the plaintiff.
3. Approves under the Councillor Expenses and Facilities Policy, legal assistance in the form of the reimbursement of all legal expenses incurred by the first respondent in defending the legal proceedings which is the subject of this report.
4. Approves the reimbursement of legal expenses incurred by the first respondent subject to compliance with Section 8 and other reimbursement provisions in the Councillor Expenses and Facilities Policy and up to the value of \$14,999.00 in accordance with Council's Policy for Procurement and Sale of Assets.
5. Request that costs incurred above the Council's Policy for Procurement and Sale of Assets limit is referred back to Council Prior to further costs being incurred.

The Amendment was PUT and CARRIED.

RESOLUTION 150/23

Moved: Cr Frame

Seconded: Cr McKellar

That Council:

1. Note the information and attachments contained within this report.
2. Note the request in this report by the first respondent and the legal proceedings initiated by the plaintiff.
3. Approves under the Councillor Expenses and Facilities Policy, legal assistance in the form of the reimbursement of all legal expenses incurred by the first respondent in defending the legal proceedings which is the subject of this report.
4. Approves the reimbursement of legal expenses incurred by the first respondent subject to compliance with Section 8 and other reimbursement provisions in the Councillor Expenses and Facilities Policy and up to the value of \$14,999.00 in accordance with Council's Policy for Procurement and Sale of Assets.
5. Request that costs incurred above the Council's Policy for Procurement and Sale of Assets limit is referred back to Council Prior to further costs being incurred.

CARRIED

PURPOSE

Council is in receipt of a request for legal assistance under section 8 of the Councillor Expenses and Facilities Policy (1.6.17) from Mayor Craig Bembrick (first respondent). The purpose of this report is to seek Council resolution on this request.

BACKGROUND

The first respondent was served with a Statement of Claim from the plaintiff on 13 July 2023. A copy of the Statement of Claim (Attachment 1) is provided for Council's information.

The Statement of Claim relates primarily to allegations made against the first respondent in the role as Mayor of Weddin Shire Council.

Council has received a request for legal assistance under section 8 of the Councillor Expenses and Facilities Policy (1.6.17) from Mayor Craig Bembrick on 16 July 2023 (Attachment 2).

ISSUES AND COMMENTS

Under the Councillor Expenses and Facilities Policy, Section 8 Legal Assistance specifies the following:

8. Legal assistance

8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

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

8.2. In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the general manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.

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

8.4. Council will not meet the legal costs:

- of legal proceedings initiated by a councillor under any circumstances

- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a councillor performing their role as a councillor.

8.5 Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred

In accordance with section 8 of the Councillor Expenses and Facilities Policy, Mayor Craig Bembrick is seeking a Council resolution for legal assistance to defend the allegations listed in the Statement of Claim, before any legal costs are incurred.

POLICY/LEGAL IMPLICATIONS

Council's current Councillor Expenses and Facilities Policy was adopted by Council on 17 November 2022.

The proposed request for legal assistance by Mayor Craig Bembrick has been made prior to legal expenses being incurred, which complies with section 8.5 of the Policy. Mayor Craig Bembrick is a defendant in the matter and therefore was not the initiator.

Council is requested to consider the legal assistance request under the Councillor Expenses and Facilities Policy and not to discuss any other particular matters.

FINANCIAL/RESOURCE IMPLICATIONS

The financial implications are unknown at this time, as the first respondent has not yet incurred costs. However, any reimbursement of costs will need to comply with section 8 of the Policy.

INTERNAL/EXTERNAL CONSULTATION

Nil.

CONCLUSION

The first respondent was served with a Statement of Claim from the plaintiff. The Statement of Claim relates primarily to allegations made against the first respondent in the role as Mayor of Weddin Shire Council.

Council has received a request for legal assistance under section 8 of the Councillor Expenses and Facilities Policy from Mayor Craig Bembrick, prior to incurring any legal costs.

A draft recommendation has been included in this report, should Councillors resolve to provide legal assistance to Mayor Craig Bembrick.

F-D-000001

Craig Bembrick



Filed: 09 July 2023 3:02 PM



D0001QTB4U

Form 3A/B UCPR 6.2

STATEMENT OF CLAIM**COURT DETAILS**

Court	Local Court of NSW
List	Small Claims Division
Registry	Cowra
Case number	2023/00218413

TITLE OF PROCEEDINGS

First Plaintiff	Michelle Cook
First Defendant	Craig Bembrick

FILING DETAILS

Filed for	Plaintiff[s]
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TYPE OF CLAIM

Mercantile Law - Other

RELIEF CLAIMED

Amount of claim	\$18754.40
Interest	\$1331.53
Filing fees	\$160.00
Service fees	\$50.00
Solicitors fees	\$0.00
TOTAL	\$20295.93

PLEADINGS AND PARTICULARS

See pleadings attached

SIGNATURE

Not applicable as the filing party is not legally represented.

I have advised the plaintiff[s] that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature Michelle Cook



Date of signature

9 July 2023

NOTICE TO DEFENDANT

If you do not file a defence within 28 days of being served with this statement of claim:

- You will be in default in these proceedings.
- The court may enter judgment against you without any further notice to you.

The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

HOW TO RESPOND

Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the claim from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

You can respond in one of the following ways:

- 1 **If you intend to dispute the claim or part of the claim**, by filing a defence and/or making a cross-claim.
- 2 **If money is claimed, and you believe you owe the money claimed**, by:
 - Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.
 - Filing an acknowledgement of the claim.
 - Applying to the court for further time to pay the claim.
- 3 **If money is claimed, and you believe you owe part of the money claimed**, by:
 - Paying the plaintiff that part of the money that is claimed.
 - Filing a defence in relation to the part that you do not believe is owed.

Court forms are available on the UCPR website at www.ucprforms.justice.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address Cnr Kendal & Brisbane Street
COWRA NSW 2794
Postal address Post Office Box 18
COWRA NSW 2794
Telephone 02 6342 1933

FURTHER DETAILS ABOUT PLAINTIFF(S)

First Plaintiff

Name Michelle Cook
Address 
Telephone
Fax
E-mail

FURTHER DETAILS ABOUT DEFENDANT(S)

First Defendant



Name
Address

Craig Bembrick
23 Forbes Street
GRENFELL NSW 2810

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Statement of Claim (e-Services), along with any other documents listed below, were filed by the Court.

Pleading details (Pleadings and particulars Statement of Claim Michelle Cook and Craig Bembrick.pdf)

[attach.]



Pleadings and particulars Statement of Claim Michelle Cook and Craig Bembrick

1. I am the applicant / plaintiff in this statement of claim.
2. This claim is in relation to Legal Fees charged by my solicitors to respond to an allegation of a breach of a Code of Conduct.
3. On 29 May 2023, the Code of Conduct complaint report was released with no findings against Michelle Cook.
4. The Councillor Expenses and Facilities Policy which was adopted by Council on 17 November 2022 states the following:
"8.2: In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the general manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor."
5. The Code of Conduct allegation was made by the general manager, was referred to an external investigator by the general manager, the expense claim response came from the general manager, but the external investigator concluded the inquiry with no unfavourable findings on the councillor.
6. Legal fees incurred by the applicant, to participate in the investigation are currently \$18, 754.40. This is made up of the following invoices from Hayward Solicitors;
7. INV 28 Nov \$600.00
8. INV-1356 Dated 10 Jan 2023 \$3960
9. INV-1480 Dated 10 March \$10,234.40
10. INV-1524 Dated 09 May \$ 3,062.40
11. INV-1619 Dated 5 June \$897.60
12. As outlined in the Councillor Induction And Professional Development Guidelines 2018, all Councillors have roles and responsibilities. As the Mayor of Weddin Shire Council, Mr Bembrick has additional responsibilities as the leader of the council.
13. "The mayor is often considered the voice of the council and the leader of the community. While the mayor has the same roles and responsibilities as councillors, the mayor is essentially the "first among equals" and is expected to exercise a leadership role within a council. This leadership role is reflected in the mayor's extra responsibilities."
14. Mr Bembrick was shown evidence to the effect that the allegation was false and vexatious. He allowed an external investigation to continue for a period of 8 months, incurring legal fees, until the investigation and allegation was withdrawn in June 2023.
15. The legal fees now need to be paid.
16. I have contacted Mr Bembrick on 28th November 2022, in regard to seeking permission for legal fees. He said he would refer the matter to the general manager Ms Vu (who had instigated and escalated the complaint to an external investigator).
17. Further emails were sent to Ms Bembrick on 1 March, Jan 20, Jan 13 2023 with an expense claim for the legal fees incurred to that date. Attached to that email was the copy of the Department of Premier and Cabinet (Local

Government) - Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors and an expense claim form.

An email response was received from the General Manager Ms Vu. She clarified the information I had provided to the Mayor. And again states "8.2: In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the general manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor."

18. I was given a 2-week window to respond to the external investigator, and there was little time between the lodging of the complaint and the response required by the investigator. My solicitor addressed this issue in his letter of December 2022.
19. In particular my solicitor raised concerns that the allegation was not of a serious nature to refer to an external body, that the time between the complaint and the referral did not suggest procedures had been followed and the actual allegation was not particularised. He wrote these concerns in a number of letters and correspondence.
20. As Mr Bembrick is the leader of the council, is supposed to represent the councillors. By allowing the investigation to be filed, escalated, and continue for an extended time frame, after being shown the evidence that the allegation was falsified, is the reason why a claim has been made against Mr Bembrick.
21. He could have raised a motion to council, or a mayoral minute, in relation to these fees, but he failed to do this. He also could of suggested alternative dispute resolution as suggested under the Procedures for the Administration of the Model Code of Conduct:
22. "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"
23. "6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
 - a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) **that the matter is one that could not or should not be resolved by alternative means.**"
24. I had made a complaint about bullying in the Weddin Shire Council and set up a meeting with the Mayor, Mr Bembrick on 27 September 2022. He advised he would take my concerns on board, and would speak with the general manager Ms Vu in the following week. Mr Bembrick never got back to me about my concerns.
25. I later learned that a meeting was set up with Mr Bembrick, Ms Vu and my support person Clr Parlett. This was to occur on the afternoon of 19 October 2022.
26. At lunchtime on 19 October 2022, Ms Vu contacted Mr Bembrick making an allegation against Clr Cook. At the afternoon meeting, Ms Vu made a

statement to Mr Bembrick, with words to the effect "that she would be getting rid of Michelle Cook"

27. A bullying and harassment claim had been made by Michelle Cook. The action taken by Mr Bembrick was to encourage the general manager to make a false allegation against Michelle Cook. This has caused emotional distress to Michelle Cook and also legal fees, to defend the falsified claim.
28. The legal fees are now brought before the small claims court in the amount of \$18, 754.40.



The NSW Online Registry provides secure services for all parties to cases in the NSW Supreme, District and Local Courts including legal representatives, agents and clients who are representing themselves.

- File court forms online
- Download court sealed documents
- View information about your case
- File multiple forms at once
- Publish & Search probate notices

You may respond to this Statement of Claim by filing a Defence, Statement of Cross Claim or Acknowledgment of Liquidated Claim online.

To respond online, you will need the Case Number (located in the Court Details section of the court approved Statement of Claim). If you are representing yourself, you will also need the document barcode (normally located on the top right hand side of the Statement of Claim).

If this Statement of Claim does not have a document barcode, you will need to attend a Court Registry to obtain the document barcode. You will need to provide identification (e.g. drivers license) before the Court Registry staff can give you a form relating to this case.

Save time and money

- File online from your home or office
- View your case information online
- Most online forms processed within minutes.
- Option to attach and file your own pre-prepared form online for many forms
- Court sealed documents available online ready to download and serve
- Forms pre-filled with existing case and party information where known
- Filing fees calculated for you online
- Pay for up to 100 forms in one transaction
- View and download tax invoices online

Simple to Use

- Free to register
- Easy to use website
- Step-by-step guidance and links to useful information provided throughout the online filing process
- Preview function to review forms before submitting

For help using the Online Registry

- Call 1300 679 272 Mon-Fri (business hours)
- Email onlineregistry_support@justice.nsw.gov.au

Register now

<https://onlineregistry.lawlink.nsw.gov.au/>



Luke J. Sheehan

From: Clr Craig R. Bembrick - Mayor - Weddin Shire Council
Sent: Sunday, 16 July 2023 8:09 PM
To: Luke J. Sheehan
Subject: Request for legal assistance under section 8 of the policy
Attachments: statement of claim 2.docx

To the Public Officer Weddin Shire Council

Please find attached Statement of Claim (SOC) against me as an individual from Cr Michelle Cook.

I note the matters raised in the SOC related to an ongoing matter between Weddin Shire Council and Cr Cook.

I therefore request that under the Councillors Expenses and Facilities Policy a resolution for legal assistance under section 8 of the policy.

My reasons are based on jurisdictional reasons:

1. The plaintiff is not entitled to make this application.
2. I am not an employer nor have financial delegation.

Thank you for your consideration.

Craig Bembrick
Mayor Weddin Shire Council

12 INFRASTRUCTURE SERVICES REPORTS

12.1 INFRASTRUCTURE WORKS REPORT

File Number: C2.8.16
Author: Acting Director Infrastructure Services
Authoriser: General Manager
Attachments: Nil
CSP Objective: Shire assets and services delivered effectively and efficiently
Precis: Infrastructure Works Report
Budget: NIL

RECOMMENDATION

That Council receive and note the information provided on infrastructure works completed in June 2023 and planned works for July 2023.

RESOLUTION 151/23

Moved: Cr Diprose

Seconded: Cr Cook

That Council receive and note the information provided on infrastructure works completed in June 2023 and planned works for July 2023.

CARRIED

EXECUTIVE SUMMARY

The following information is to update Councillors and the community on matters associated with construction and maintenance of Roads, Parks and Gardens, Sewerage and Plant for works undertaken in June 2023 and planned works for July 2023.

The Weddin Local Government Area has been impacted by a number of wet weather events and Natural Disaster declared events. When a Natural Disaster event is declared for Local Government areas, this means emergency repairs (to make safe) only are required to be completed within three (3) months of the declaration date. Subsequent reconstruction works is a further claim that Council must apply to the NSW Government for approval and funding. In addition to this, a number of construction and maintenance projects scheduled have been impacted by weather, resourcing of staff and contractors and resourcing of supplies.

NATURAL DISASTERS

Summary of events and progress of Storm Emergency Work:

AGRN - Event	Phase - Package	\$Value	Status
987 - 9 November 2021	EW	\$539,000	Approved, payment received.
1001 - 5 January 2022 onwards	EW	\$233,000	Approved, payment received.
1030 - 4 August 2022 onwards	EW	\$185,000	DCPM to finalise claim.
1034 - 14 September 2022 onwards	EW	TBC	Works completion deadline 30 June 2023.
1034 - 14 September 2022 onwards	EPA-RW - P1 MGW	\$1.12m	Mary Gilmore Way - \$1.129m approved.
1034 - 14 September 2022 onwards	EPA-RW – P3 Priority Patches	~\$7m	<ul style="list-style-type: none"> - \$7.378m submitted, pending TfNSW review. - Scope includes: <ul style="list-style-type: none"> o Deaths Lane o Henry Lawson Way - Young o Henry Lawson Way - Forbes o Driftway Road o Morangarell Road o Quandialla-Caragabal
1034 - 14 September 2022 onwards	EPA-RW	TBC	<ul style="list-style-type: none"> - Further packages to include: <ul style="list-style-type: none"> o Sinking culverts (Ray shortlisting) o Sealed roads north of Mid-Western Highway <ul style="list-style-type: none"> * Assessed, scope to be submitted shortly o Sealed roads south of Mid-Western Highway <ul style="list-style-type: none"> * To be assessed in June o Unsealed roads o Tree and vegetation clearing

The Heavy Patching Program has commenced following the approval from TfNSW for Mary Gilmore Way Heavy Patch Program.

Council has engaged Downer to carry out the works, commencing on Wednesday, 14 May 2023.

Works completed, as of 7 July 2023, are 69 patches completed and 6 still remaining to be completed week starting 10 July 2023 and should be completed by 15 July 2023 weather permitting.

The following roads have been submitted to TfNSW for approval and as of 17 May 2023, DCPM have 85% approval with 15% still under review:

- Driftway Road
- Gooloogong Road
- Henry Lawson Way (Forbes)
- Henry Lawson Way (Young)
- Morangarell Road - emergency works have been completed.
- Pinnacle Road
- Quandialla-Caragabal Road - emergency works have been completed and the road has been opened.

Roads which have had a heavy maintenance grade and table drains cleaned under emergency work to ensure safe passage are as follows:

- Maddens Lane
- Gaults Lane
- Lynches Road
- Gannons Lane

The six month extension for emergency work expired on 30 June 2023.

There are a number of roads that have not yet had any emergency maintenance to them but have been put on a list of early work under the DRFA, 1034, EPA-RW - P3 which will be submitted to TfNSW for approval in the coming weeks.

These roads are:

- Nealons Lane
- Napiers Road
- Reeves Lane
- Bald Hill Road
- McCanns Lane
- Arramagong Road

STATE ROADS

Newell Highway

- Heavy Patching Program (Round 3) has been completed.
- Slab jacking work has been completed on the concrete section of Newell Highway (HW17) at the intersection of Mid Western Highway (HW06) at Marsden.
- Routine Maintenance (potholes) continues.

Newell HWY Flood Mitigation - West Wyalong to Forbes

TfNSW are investigating potential flood mitigation solutions for the Newell HWY between West Wyalong and Forbes. As such they are seeking community and stakeholder feedback to help inform the project design until 27 July 2023.

Mid Western Highway

- Line marking of the Reseal Program has been completed.
- Routine Maintenance (potholes) continues.
- Weed Spraying Program has been completed.
- Work has been completed on raising four (4) culvert headwalls on the Mid Western Highway (East).
- Work has been completed on repairing guardrail on two (2) bridges - Clearys Bridge and Bungalong Creek Bridge on the Mid Western Highway.

MAJOR WORKS**Pullabooka Road Rehabilitation**

Project under Fixing Local Roads Round One (1). The project involves works along a road length of 11km and Council has received funding for \$3.9M.

- 100% of the road rehabilitation works have been completed.
- Line marking has been completed.
- The project has been completed in accordance with the agreed scope of work.
- TfNSW representatives have carried out an inspection of the project and agreed for Council to submit the Post Completion Report (PCR) for payment of the final 30% project cost.



Photo: Pullabooka Road

New Forbes Road Rehabilitation

- Project under Fixing Local Roads Round Two (2). The project involves works along a road length of 16km and Council has received funding for \$4.3M.
- Road stabilisation of 16km has been completed.
- Sealing of 16km has been completed.
- Line marking has been completed.
- The project has been completed in accordance with the agreed scope of work.
- TfNSW representatives have carried out an inspection of the project and agreed for Council to submit the Post Completion Report (PCR) for payment of the final 30% project cost.
- Guardrails are planned for completion in July 2023.

Greenethorpe-Koorawatha Road Rehabilitation

Project under Fixing Local Roads Round Three (3).

The project involves the road length of 7.1km and Council has received funding for \$2.9M.

- Tree removal work has been completed.
- Pipes and culverts have been ordered and have arrived on site.
- Drainage work is expected to start September 2023.

Nowlans Road Upgrade

Project under Fixing Local Roads Round Three (3).

- The project involves the road length of 21.2km and Council has received funding for \$2.9M.
- Project planning work is expected to start about September 2023.
- Project is expected to start around February 2024.
- Project works are expected to be completed by February 2025.

Back Piney Range Road Culvert Replacement

- All works under the project have been completed.
- Roads adjacent to the culvert (50m both sides) will be sealed by July 2023 depending upon the availability of the seal contractor.

Hancock Flinns Road Culvert Replacement

- All works under the project have been completed.
- Roads adjacent to the culvert (50m both sides) will be sealed by July 2023 depending upon the availability of the seal contractor.

Arramagong Road Culvert Replacement

- Council has received the precast concrete box culvert cells at site.

- Creek bed is full of water.
- Council is planning to start construction work in September 2023 (weather permitting).

Heathcotes Lane Culvert Replacement

- The site has been underwater for a long time. Water is still flowing at the creek bed.
- Precast concrete box culverts have been delivered to site and work is expected to re-start in July 2023 (weather permitting).
- It is expected that the project will be completed by the end of September 2023 (weather permitting).

Adelargo Road Culvert Replacement

- Work has restarted on this project.
- Precast box culvert cells along with the wing walls have been installed. Concreting of the top slab has been completed.
- Culvert backfilling work has commenced, followed by the road approaches.
- Project is expected to be completed by the end of July 2023.



Photo: Adelargo Road culvert under construction

Weddin Shire Road Entry Signs

- Approval has been received from TfNSW for installing signs within the road reserve of State Roads.
- Contractor has completed the geotechnical investigation. Report is expected shortly.
- Council is waiting to receive the Construction Program from the Contractor, Armsign Pty Ltd.
- Contractor has agreed to complete the project works by the end of August 2023.

Railway Walking Track

- Council had a joint site inspection with the designer to change the track location of Stage 2.
- Council has received the final design from the Designer.
- Council is in the process of engaging a contractor to start the construction works and have ordered the drainage pipes.

Mary Gilmore Way

Project under REPAIR Program 22/23.

- The project involves pavement rehabilitation of 1.1km.
- Project work has been completed.



Photo: Mary Gilmore Way Sealing

Caragabal Shared Pathway

- Council had published the Tender for the construction of Caragabal Shared Path but did not receive any submissions.
- Council has received only one (1) quotation from the local concreting contractor. TfNSW has revised the project scope and Council is in the process of amending the design.
- Council is waiting for the lighting contractor to send the Quotation.

Grenfell Cemetery Amenities

The GPR scanning works of the cemetery site for the new amenities building was completed on 17 April 2023, however, there were unmarked graves located within the area

where the scanning work was conducted. Further scanning works have been programmed in the coming weeks to locate a suitable location for the amenities.

Once a suitable location has been identified, Tenders should be able to be called soon after for the construction of the new amenities building.

Sewer Condition Assessment (CCTV) and Smoke Testing

A new package of sewer condition assessment and smoke/dye testing was advertised on 20 March 2023 through Local Government Procurement (RFT 12/2023) and was awarded on 9 May 2023 to Interflow Pty Ltd for up to \$230,000.

Letters have been sent to most affected residents and work is planned to commence early July 2023 and to be completed by the end of September 2023.

Phil Aston Pressure Sewer Extension

A Request For Quotation (RFQ 41/2022) for the supply and laying of approximately 600m of pressure sewer main and ancillaries (valves and flushing points) including house connections to nine (9) Industrial Estate properties was awarded on 18 May 2023 to Braddo's Plumbing Pty Ltd for up to \$118,000.

Site work commenced on 13 June 2023 and is planned to be completed by the end of July 2023.

FOOTPATH /KERB AND GUTTER WORKS

Third Street, Quandialla

Procurement process is ongoing to select a suitable construction contractor for kerb and gutter replacement.

ROAD MAINTENANCE WORKS

Road maintenance works including pothole patching, vegetation management, gravel road maintenance and signage works have been undertaken in the past few months.

- Undertook emergency grading on Quandialla/Caragabal Road to open it to the public.
- Morangarell Road is receiving an emergency grade due to the high volume of potholes to make it safe to travel on.

Maintenance Grading

Roads	Commencement	Completion
Mogongong Road	15/03/2023	Ongoing
Quondong Road	28/04/2023	01/05/2023
Morangarell Road	25/05/2023	09/06/2023

McAllisters Road	12/06/2023	Ongoing
Bewleys Road	22/06/2023	Ongoing

Maintenance Grading - Works Planned: 1 July 2023 - 31 July 2023

- Mogongong Springs Road
- Woodgates Road
- Deaths Lane
- Arramagong Road
- Clay Pit Road
- McCanns Lane
- Harris Lane

Gravel Resheeting

At this present time there is no re-sheeting happening as Council is attending to emergency road repairs.

PARKS AND RECREATION

The Parks and Gardens team are carrying out routine maintenance such as mowing, whipper snipping, tree trimming within sporting fields and the open space network.

Park Maintenance

- Mowing, weeding and whipper snipping in parks and garden areas
- Mowed and whipped the cemetery grounds
- Mowed, weeded and whipped Taylor Park
- Mowed and whipped Vaughn Park
- Mowed and whipped Proctor Park
- Mowed, weeded and whipped Memorial Park
- Mowed and whipped Rotary Park
- Mowed and whipped Goodsell Park
- Mowed and whipped SH6 Rest Stop
- Mowed, weeded and whipped Rygate Square
- Mowed and whipped Council Chambers
- Mowed and whipped O'Briens Hill and Lookout
- Mowed, weeded and whipped Endemic Garden
- Mowed, weeded and whipped Sculpture Garden
- Mowed and whipped Lawson Oval Top and Bottom

- Mowed, weeded and Whipped Henry Lawson's Birthplace
- Mowed and whipped Railway Crossing on the Young Road
- Mowed and whipped Warraderry Street Islands
- Mowed and whipped Railway Free Camp (West Street)
- Mowed and whipped Henry Lawson Way
- Mowed, weeded and whipped Forbes Street Islands
- Mowed and whipped West Street Dog Park
- Mowed and whipped Company Dam Picnic Area

Town Maintenance

- Lifted trees on Lawson Drive
- Weeded Weddin Street roundabout
- Lifted trees in Dagmar Street
- Whipped Dagmar Street
- Cleared the railway crossing of weeds on Young Road
- Fixed broken light outside of the Council Chambers

Village Maintenance

- Standard village maintenance of mowing in Greenethorpe, Caragabal and Quandialla.
- Clearance of debris at Caragabal, Greenethorpe and Bimbi.

PLANT REPORT

Plant Report			
Plant Number	Plant Description	Fault	Repairs
4106	Cat back hoe	Running hot	Hose replacement @ service engine
2097	Nissan	Check steering	Organise wheel balance
2105	Toyota	50,000 service	Complete service
1134	Toyota	Service	Complete service
1129	Toyota	Service	Complete service

Plant Report			
Plant Number	Plant Description	Fault	Repairs
1131	Toyota	Service	Complete service
2083	Nissan	Suspension worn	Air bag replacement needed
2083	Nissan	Clutch weak	Bleed and adjust
4121	Cat 140 grader	Service	Complete service
3965	Iveco garbage	Air leaks	Clean and find problem
1135	Toyota	Surging	Replace fuel filter check bull bar movement
4096	Multi pack roller	Exhaust leak	Remove and weld back together
5434	Pressure cleaner	Leaking	Remove worn fittings and replace
5415	Road broom	Shaft broken	Remove all broken parts and reorder
BF05198	RFS Isuzu fire truck	Service	Complete service
4096	Multi pack	Broke bolts	Remove and replace
3957	Western Star	Running hot	Horton fan not working - parts ordered
4103	New Holland tractor	Fuel leak	Remove tank ass and repair
5150	Sewer trailer	Broken gun	Remove and replace
4116	Toro	Engine oil leak	Replace top engine seal
5120	Volvo loader	Oil leak	Fit seal kit to control valve

BIOSECURITY

ACTIVITY	LOCATION
Administration	Monthly report, mapping, BIS uploads, inspections and weeds loaded on Roam, email replies to relevant emails, review weed spraying program and plan of action, review relevant budget totals.
Public Awareness	<ul style="list-style-type: none"> • New merchandise orders - bucket hats, beanies, caps. • Current stock - weed books, flyers, jumpers, caps and stubby holders. • Presentation with Local Land Service - information pamphlets and merchandise provided. • Central West Biosecurity Officers - Roster for Roles for upcoming NSW Weeds Conference. • Attendance at Council Mobile Hub in the villages.
Mapping	<ul style="list-style-type: none"> • Weed information mapped, synced and uploaded to DPI. • Updated ROAM Weed Program on both tablets - Chartis Technology.
Meetings	Zoom Meeting - St Johns Wort trials.
Training	<ul style="list-style-type: none"> • MLVWC - funding 4WD and side by side training. • Mentoring Forbes Shire Council - WAP, mapping, legislation. • Continual drone training.
Private Property Inspections	<ul style="list-style-type: none"> • Finalise St Johns Wort trial sites with private landholder. • Information pamphlets on blackberry control methods and plant information put together for mailbox drop to relevant areas of concern.
Roadside Inspections and On-ground Control, if Required	Continuous roadside inspections and control when required and environmental conditions allow.
Council Owned Land	Council owned/managed vacant land, cemeteries, town and village areas.

ACTIVITY	LOCATION
TSR Inspections	<ul style="list-style-type: none">• SH17, Mary Gilmore Way, Gooloogong Road, Bland Road.
Rail Inspections	<ul style="list-style-type: none">• Quandialla area.• Unused rail corridor Grenfell to Koorawatha.
Other High Risk Sites	Cemetery, silos camping areas, including National Parks and rest areas.
Slashing Spraying Program	Shoulder spraying - SH17, SH6 completed.
Sucker Control	Sucker spraying ongoing, treated on sighting, when conditions allow.

13 ENVIRONMENTAL SERVICES REPORTS

13.1 DEVELOPMENT APPLICATION 12/2023 - CONSTRUCTION OF NEW SHED AND DEMOLITION OF EXISTING SHED

File Number: DA 12.2023

Author: Director Environmental Services

Authoriser: Director Environmental Services

Attachments: 1. Development Application Plans
2. Statement of Environmental Effects

CSP Objective: Sustainable natural, agricultural and built environments

Precis: Development Application No. 12/2023 proposes the construction of a new shed and the demolition of an existing shed on Lot A DP 341490 and Lot 698 DP 754578, known as 47 Rose Street Grenfell. The application is referred to Council for determination as it includes a request to vary the secondary road setback requirement of clause 5.7 of Weddin Shire Council Development Control Plan.

Budget: There are no budget implications associated with the determination of the development application.

RECOMMENDATION

That:

1. Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. Council approve the request to vary the secondary road (Rose Street) setback from, from three (3) metres to one (1) metre, in this instance.
3. Development Application No. 12/2023, being for the construction of a new shed and the demolition of an existing shed on Lot A DP 341490 and Lot 698 DP 754578, known as 47 Rose Street, Grenfell, be approved subject to the recommended conditions listed in Appendix A to the Assessment Report and be signed under delegated authority by the Director Environmental Services.
4. The General Manager register this planning decision in line with s. 375A of the *Local Government Act 1993* including 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.

RESOLUTION 152/23

Moved: Cr McKellar
Seconded: Cr Frame

That:

1. Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. Council approve the request to vary the secondary road (Rose Street) setback from, from three (3) metres to one (1) metre, in this instance.
3. Development Application No. 12/2023, being for the construction of a new shed and the demolition of an existing shed on Lot A DP 341490 and Lot 698 DP

754578, known as 47 Rose Street, Grenfell, be approved subject to the recommended conditions listed in Appendix A to the Assessment Report and be signed under delegated authority by the Director Environmental Services.

4. The General Manager register this planning decision in line with s. 375A of the *Local Government Act 1993* including 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.

FOR: Cr Bembrick (Mayor), Cr Best (Deputy Mayor), Cr Kenah, Cr Cook, Cr Diprose, Cr Howell, Cr McKellar, Cr Frame, Cr Parlett.

AGAINST: Nil

CARRIED

ASSESSMENT REPORT

INTRODUCTION

Development Application No. 12/2023 proposes the construction of a new shed and the demolition of an existing shed on Lot A DP 341490 and Lot 698 DP 754578, known as 47 Rose Street, Grenfell.

The Development Application includes a request to vary the secondary road setback requirements of clause 5.7 of the Weddin Development Control Plan (DCP) from three (3) metres to one (1) metre.

A copy of the proposed site plan, elevation plans and statement of environmental effects (SEE), are included in **Attachment 1** to this report. The application was lodged by Andy's Design and Drafting on behalf of the owner of the land Mr J Whitefield.

DESCRIPTION OF SITE

The development site is freehold land being Lot A DP 341490 and Lot 698 DP 754578. The site is located on the corner of Warraderry Street and Rose Street in the township of Grenfell.

The development site is zoned R1 – General Residential under Weddin Local Environmental Plan 2011 ('Weddin LEP'). A map showing the location of the development site in relation to the surrounding locality is provided in **Figure 1** below.

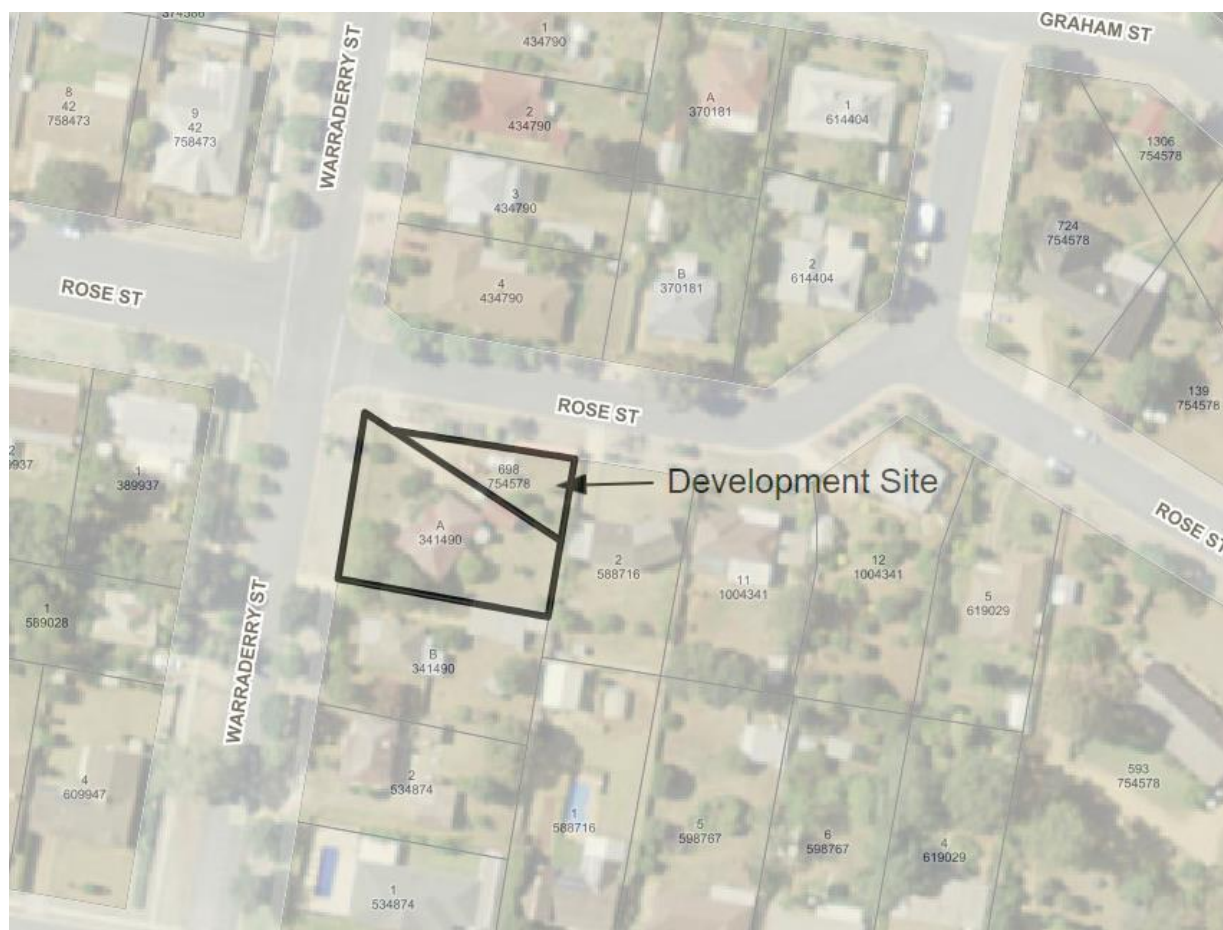


Figure 1. Locality Plan

Lot A DP 341490 has an area of 1038.53m² and Lot 698 DP 754578 has an area of 312.19m², resulting in the development site having a total combined area of 1350.72m². A dwelling and ancillary shed are currently located on the property.

DESCRIPTION OF PROPOSAL

Development Application 12/2023 proposes the construction of a new shed in the north-east corner of the development site. The application also proposes the demolition of an existing garage which is located adjacent to the existing dwelling on the site.

The proposed new shed has dimensions of 10 metres by 16 metres, with a floor to ceiling height of 3.1 metres. The proposed shed will be of timber frame construction with FC Hardi-Plank Cladding on the walls and a colorbond roof. The walls of the proposed shed will be coloured Surfmist and the roof coloured Windspray.

The new shed is proposed with a setback of one (1) metre from the northern property boundary which adjoins Rose Street, and one (1) metre from the eastern boundary. The shed will be setback approximately 30 metres from the front boundary of the development site which adjoins Warraderry Street.

The development application includes a request to reduce the secondary road setback requirements of clause 5.7 of Weddin Development Control Plan (DCP) from three (3) metres to one (1) metre.

Further details of the proposed development are included in the submitted plans and Statement of Environmental Effects which are provided in **Attachment 1**.

ENVIRONMENTAL IMPACT ASSESSMENT

In determining a development application, a consent authority is to take into consideration such matters as are of relevance to the development in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 12/2023:

S4.15(1)(a)(i) Any Environmental Planning Instrument

Weddin Local Environmental Plan 2011

The development site is zoned R1 General Residential under the provisions of Weddin LEP 2011. The construction of a shed which will be used as an ancillary building to the dwelling, is permissible with consent in the R1 General Residential zone.

Clause 2.3

Clause 2.3(2) of the Weddin Local Environmental Plan 2011 requires that *“The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”*. The objectives of the R1 General Residential zone are as follows:

Zone R1 General Residential Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed new shed will be ancillary to the existing dwelling and residential use of the property. It is assessed that the proposed development is consistent with the objectives of the R1 General Residential zone.

Clause 5.21 Flood Planning

The development site is not identified as being within a flood planning area under Weddin LEP 2011. Therefore a detailed assessment of the proposed development in accordance with clause 5.21 is not required in this instance.

Clause 6.6

Clause 6.6 of the Weddin LEP 2011 states that:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required —

- (a) the supply of water,*
- (b) the supply of electricity,*

- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

The proposed shed contains a bathroom, including a shower and a toilet. The development site is currently serviced by reticulated water, Council's sewer mains system and electricity which are considered suitable to service the new development. Storm water from the new shed can be adequately drained to Council street drainage system in accordance with the Plumbing Code of Australia and Council requirements. The property is also serviced by an existing vehicular access which is suitable to service the new development.

It is considered that the development site has adequate services to cater for the proposed new shed.

State Environmental Planning Policies

The following State Environmental Planning Policies are considered relevant to Council's assessment of the development proposal:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 of the SEPP requires Council to assess if the development site is core Koala habitat and if the proposed development will have any impact on that habitat. There is no evidence to suggest that the development site is core Koala habitat. The land is extensively cleared and does not require the removal of any significant trees to allow for the new shed. It is assessed that the proposed development will not impact any Koala habitat.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development is not a BASIX affected building as defined under the *Environmental Planning and Assessment Act 1979* and therefore the requirements of *SEPP (Building Sustainability Index: BASIX) 2004* do not apply.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The proposed development is not identified as being either exempt or complying development in accordance with the SEPP. The applicant has lodged a development application for the proposed development and therefore the requirements of *SEPP (Exempt and Complying Development Codes) 2008* do not apply.

State Environmental Planning Policy (Housing) 2021

The proposed development does not include any form of housing and therefore there are no requirements under the SEPP which apply to the proposal.

State Environmental Planning Policy (Industry and Employment) 2021

An assessment of the proposed development has revealed that there are no applicable requirements under *SEPP (Industry and Employment) 2021* that apply to the development.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The proposed development does not propose a residential apartment development and therefore the requirements of *SEPP No. 65 – Design Quality of Residential Apartment Development*, do not apply.

State Environmental Planning Policy (Planning Systems) 2021

The proposed development is not assessed as being State Significant or Regionally Significant development and therefore the requirements of the SEPP are not applicable.

State Environmental Planning Policy (Precincts-Regional) 2021

An assessment of *SEPP (Precincts-Regional) 2021* has identified that there are no part of the SEPP which apply to the proposed development.

State Environmental Planning Policy (Primary Production) 2021

The proposed development does not include State Significant Agricultural Land and does not propose a farm dam or other small scale and low risk artificial waterbodies. It is assessed that there are no requirements under the SEPP which would apply to the proposed development.

State Environmental Planning Policy (Resilience and Hazards) 2021

Under Clause 4.6 of the SEPP a consent authority must not consent to the carrying out of and development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. Site inspection carried out did not reveal any evidence of contamination of the site. The SEE submitted with the application does not mention any previous land uses that are likely to have resulted in contamination of the site. No further investigation is warranted in this instance.

State Environmental Planning Policy (Resources and Energy) 2021

There are no requirements within the SEPP which are applicable to the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed new shed is not located within any known electricity easements or located close to any infrastructure which would require referral to the electricity supply authority.

The proposed development is not classified as a traffic-generating development under Schedule 3 and therefore was not required to be referred to Transport for NSW under the provisions of the SEPP.

S4.15 (1) (a) (ii) Any draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments that apply to the development.

S4.15 (1) (a) (iii) Any Development Control Plan (DCP)

Weddin Shire Development Control Plan 2014

Chapter 5 – Urban Residential Development

The proposed development has been assessed to comply with the applicable requirements of Chapter 5 of the Weddin DCP with the exception of clause 5.7, Setback to Street. This clause stipulates, for a corner allotment, a minimum three (3) metre building line setback from the secondary road.

The objectives of this clause are:

- To ensure the established character and streetscape is retained;
- To ensure continuity within the existing streetscape;
- To integrate new development within the existing setback from the street;
- To provide sufficient space for landscaping at the front of dwellings to achieve integration with adjoining dwellings.

The new shed has a proposed setback of one (1) metre from the secondary road, being Rose Street. The applicant has provided the following justification for the proposed reduced secondary road setback in the SEE:

1. The primary frontage is considered Warraderry Street;
2. Setback of adjoining development (Lot 2 DP 588716) is further than 6 metres;
3. In regards to the adjoining property (Rose Street), a fence exists to the boundary. This negates the issue of vehicle movement that must be considered. Construction of garage in this location would not alter the current issue of visual requirement for vehicles entering and leaving;
4. The proposed setback (1m) allows the following-
 - a) Shed to be located so that existing garage be retained until demolished;
 - b) Shed to be located to minimise privacy and overshadowing of adjoining (Lot 2 DP 588716)
 - c) Sufficient distance exists between boundary and Council road that minimise bulk of development on streetscape.

An assessment of the proposed reduced secondary road setback has been undertaken, which identified that there is sufficient reasons and justification for the reduction, due to the following:

1. The development application was notified and advertised, with no objections being received;
2. The applicant has reduced the overall height of the proposed shed by 500mm from the original design in order to reduce the visual impact of the building;

3. An existing 1.5 metre high colorbond fence is located along part of the boundary of the development site adjacent to Rose Street as shown in **Figure 2** below. This fence will partially screen the proposed shed, when viewed from Rose Street;



Figure 2. Picture of development site when viewed from Rose Street showing existing boundary fence.

4. Council sewer main traverses the development site to the south of the proposed location of the new shed. This would prevent the building being moved further to the south in order to achieve the required three (3) metre setback;
5. The location of the proposed shed will not create significant overshadowing of dwelling located on the adjoining property due to its increased setback from the Rose Street;
6. A number of other properties in the surrounding area have reduced secondary road setbacks. This includes the dwelling located on the property directly opposite the development site, being 58 Warraderry Street;
7. A footpath area with a width of approximately six (6) metres is located between the boundary of the subject property and the road;
8. The location of the proposed building will not create any additional traffic or visibility issues; and
9. The proposed shed will be partially screened from view from the predominant intersection via existing vegetation. **Figure 3** below shows the development site when viewed from the intersection of Warraderry Street and Rose Street.



Figure 3. Development site viewed from Warraderry Street and Rose Street intersection.

Chapter 15 – Public Consultation

The development application was advertised and notified in accordance with the requirements of Chapter 15 of Weddin DCP 2014. No submissions were received as a result of the public consultation process.

S 4.15(1)(a)(iiia) provisions of any Planning Agreement(s)

There is no planning agreement that has been entered into under Section 7.4 of the *Environmental Planning and Assessment Act 1979* by the applicant in relation to the development proposal. Similarly, the applicant has not volunteered to enter into a draft planning agreement for the development proposal.

S4.15(1)(a)(iv) The EP & A Regulations

Section 4.15(1)(a)(iv) requires Council to also consider Clauses 61, 62, 63, & 64 of the *Environmental Planning and Assessment Regulation 2021*. The following provides an assessment of the relevant Clauses of the Regulation:

- Clause 61 –The proposal does involve the demolition of a building and therefore appropriate conditions have been included in the recommended conditions of consent requiring compliance with AS 2601-2001: The Demolition of Structures.

The land is not subject to a subdivision order or the Dark Sky Planning Guideline. The application does not propose a manor house or multi dwelling housing and therefore the requirements to consider the *Low Rise Housing Diversity Design Guide*

for Development Applications does not apply. There are no other matters under clause 61 which apply to the development.

- Clause 62 – The proposal does not involve the change of a building use therefore the requirement to consider the fire protection and structural capacity of a building's proposed use is not required.
- Clause 63 – The proposal does not involve the erection of a temporary structure and therefore there are no matters under clause 63 which are relevant to the proposed development.
- Clause 64 – The proposal does not involve the rebuilding or alteration of an existing building and therefore the requirements of clause 64 do not apply to the development.

S4.15(1)(b) The likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

Section 4.15(1)(b) requires the Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments as well as the social and economic impacts in the locality. The following provides an assessment of the likely impacts of the development:

Context and Setting

The development site is made up of two (2) allotments being Lot A DP 341490 and Lot 698 DP 754578. The site is located on the corner of Warraderry Street and Rose Street within a residential area in Grenfell. The site is generally surrounded by other residential properties and has a slight fall from north to south.

The site is zoned R1 – General Residential under Weddin Local Environmental Plan 2011. An existing dwelling and small shed are located on the property. The property is connected to water, sewer and electricity.

It is assessed that the proposed development is consistent with the character and setting of the surrounding area.

Access, Transport and Traffic

The development site is located on the corner of Warraderry Street and Rose Street, which are both formed and sealed Council roads. An existing vehicle access is provided to the property from Rose Street. It is considered that the existing access is suitable to service the property and proposed new development.

Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality.

Heritage

The development site is not located within a heritage conservation area and does not contain any items of environmental heritage listed in schedule 5 of the Weddin Local Environmental

Plan 2011. It is assessed that the proposed development will not impact on any heritage items in the vicinity.

Other Land Resources

The land does not contain any recorded mineral deposits and the proposal will not negatively impact any water catchment areas or waterways.

Water, Sewerage and Stormwater

The proposed new shed contains a toilet and shower. The existing sewer and water connections to the property are capable of servicing the new development. Stormwater from the shed can be adequately drained to the street drainage system.

Soils

The application will not have a negative impact on soils in the locality. The development will only require a small amount of earthworks to create a level building pad.

Air and Microclimate

Minimal amounts of dust may be generated during the construction period. Once construction works are complete the development will not significantly impact on air quality.

Flora and Fauna

The development does not propose any major earthworks or the removal of any significant trees or natural vegetation. It is assessed that the proposal will not create any additional impacts on flora and fauna in the area.

Waste

Any waste generated during the construction process can be disposed of at a licensed waste management facility. The ongoing use of the development will not create any significant waste streams which need to be dealt with.

Energy

The proposed development will not significantly increase energy usage on the site.

Noise and Vibration

Some noise will occur during the construction phase of the development, but is not expected to adversely impact on any surrounding land uses. Council's standard condition regarding construction hours has been included in the recommended conditions of consent.

Natural Hazards

The development site is not identified as being within a flood planning area or bushfire prone area under Weddin LEP. There are no other identified natural hazards applying to the land.

Technological Hazards

There are no identified technological hazards relating to the proposed development.

Safety, Security and Crime Prevention

This development will not generate any activity likely to promote safety or security problems to the subject land or surrounding area.

Social and Economic Impacts on the locality

The proposed development will not result in any negative social or economic impacts in the locality.

Site Design and Internal Design

The proposed development includes a request to reduce the secondary road setback requirement from three (3) metres to one (1) metre. An assessment of the proposed reduced setback has been undertaken in previous sections of this report. It has been assessed that it is appropriate in the circumstances.

The development site contains two (2) separate allotments. As the proposed shed will be located over the dividing boundary of these allotments, a condition has been included in the recommended schedule of conditions requiring the consolidation of these allotments.

Construction

The proposed development will be built in accordance with the Building Code of Australia and engineering standards. No adverse impacts are anticipated to occur as a result of the construction of the development. A condition has been included in the recommended schedule of conditions requiring the two (2) allotments which form the development site, to be consolidated.

Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. The development will be used in conjunction with the existing dwelling located on the property.

S4.15(1)(c) The Suitability of the Site for the Development

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. It is further assessed that the development will not unduly impact upon any existing services.

The application includes a request for a reduction in the required secondary road setback requirement of Weddin DCP. It has been assessed that the variation is reasonable and justified in the circumstances.

The site is not constrained by natural features and is considered suitable for the development subject to the imposition of appropriate conditions of consent.

Public Consultation

The Development Application was advertised and notified in accordance with Council's Development Control Plan 2014 from 4 April 2023 to 18 April 2023. No submissions were received as a result of the public consultation process.

Public Authority Consultation:

The subject development application did not require any consultation with public authorities.

S4.15(1)(d) The Public Interest

Community Interest

The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report. The proposed development will not impose any identified adverse economic or social impacts on the local community.

SECTION 7.11 & 7.12 CONTRIBUTIONS

Council does not have a Section 7.11 or Section 7.12 Contributions Policy and therefore such contributions are not applicable to the proposed development.

CONCLUSION

Development Application No. 12/2023 proposes the construction of a new shed and the demolition of an existing shed on Lot A DP 341490 and Lot 698 DP 754578, known as 47 Rose Street, Grenfell.

The Development Application includes a request to vary the secondary road setback requirements as stipulated in clause 5.7 of the Weddin DCP, from three (3) metres to one (1) metre. It has been assessed that the variation is reasonable and justified in the circumstances.

The information submitted in support of the development application provides sufficient information to allow the proper assessment of the proposal.

Having considered the documentation supplied by the applicant, the findings of site inspection(s) and the comments made from consultation, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that Council should not refuse the development application. Accordingly, a recommendation of conditional approval is listed in the recommendation subject to the conditions listed in **Appendix A**.

APPENDIX A – SCHEDULE OF PROPOSED CONDITIONS OF DEVELOPMENT CONSENT

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development is to be implemented in accordance with the approved plans, specifications, and supporting documentation listed below which have been endorsed by Council's approved stamp, except where modified by conditions of this consent.

Plan/Supporting Document	Reference No	Version	Prepared by	Date
Site Plan	1/5	2	Andy's Design & Drafting	23/6/2023
Floor Plan	2/5	2	Andy's Design & Drafting	23/6/2023
Section Plan	3/5	2	Andy's Design & Drafting	23/6/2023
Elevation Plans	4/5	2	Andy's Design & Drafting	23/6/2023
Electrical Plan	5/5	2	Andy's Design & Drafting	23/6/2023
Statement of Environmental Effects	N/A	2	Andy's Design & Drafting	28/2/2026

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

2. Prescribed Conditions

The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* (see attached Advisory Note).

BEFORE BUILDING WORK COMMENCES

3. Construction Certificate

Prior to the commencement of any earthworks or construction works the person acting on the development consent must obtain a construction certificate from Council or a registered certifier, certifying that the proposed works are in accordance with the Building Code of Australia, applicable standards and comply with the conditions of the development consent. It is the responsibility of the person acting on the development consent to ensure that the development complies with the Building Code of Australia.

4. Appointment of Principal Certifier

Prior to the commencement of work, the person having the benefit of the development consent and construction certificate must appoint a Principal Certifier. The Principal Certifier

(if Council is not appointed) must notify Weddin Shire Council of their appointment, no later than 2 days before building work commences.

5. Notice of Commencement

The person having the benefit of the development consent and construction certificate, must at least two (2) days prior to the commencement of building or subdivision work, notify Weddin Shire Council of their intention to commence the work.

6. Signs on Development Sites

Prior to the commencement of building work, subdivision work or demolition work, the person acting on the consent must ensure that a rigid and durable sign is erected in a prominent position on the development site stating the following:

- a. the name, address and telephone number of the principal certifier, and
- b. if there is a principal contractor—the principal contractor's name, address and a telephone number on which the principal contractor may be contacted outside working hours.
- c. unauthorised entry to the work site is prohibited.

The sign must be able to be read easily by a person on a public road or in another public place adjacent to the site. The sign must be maintained at all times while the work is being carried out on the site and removed when the work has been completed.

7. Erosion and Sediment Control

Prior to the commencement of any demolition, earthworks or construction works, the person acting on the consent must install suitable erosion and sediment controls in accordance with the current version of the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book). The controls must remain in place until the completion of all works and all excavated areas have been suitably restabilised.

8. Plumbing and Drainage

The person acting on the consent must obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Weddin Shire Council, prior to the commencement of works. All works being carried out must comply with the conditions of the relevant approval.

DURING BUILDING WORK

9. Mandatory Inspections

The person acting on the consent must ensure that each critical stage inspection and other inspection required by the principal certifier is carried out. Work must not continue after each inspection unless the principal certifier is satisfied the works may proceed in accordance with this consent and the relevant construction certificate.

10. Confines of Work

All construction works and demolition works must be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of adjoining land. A copy of any written consents from adjoining land owners must be submitted to Council prior to any operations commencing on the affected land.

11. Cutting and Filling

Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 will require prior development consent. All works are to be carried out within the boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures.

12. Loading and Unloading of Goods and Materials

All loading and unloading of goods and materials relating to the development must be carried out within the confines of the development site and adequately stored within the boundaries of the property. No loading or unloading of goods and materials is permitted on a road, footpath or public reserve.

The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under *Section 68 of the Local Government Act 1993*.

13. Construction Site Waste and Debris

All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container or receptacle, for disposal at an approved Waste Management Facility. The container/receptacle must be located on the building site prior to the any work commencing. The waste container/receptacle shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site until the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.

14. Damage to Public Assets

Any damage caused to footpaths, roadways, utility installations and the like as part of the works being undertaken must be made good and repaired to a standard equivalent to that existing prior to commencement of works. The full cost of restoration/repairs of the damage must be met by the person acting on the consent or contractor responsible for the damage.

15. Noise

All construction and demolition works that generate noise which is audible at any residential premises, must be restricted to the following times:

- Monday to Friday – 7.00 am to 6.00 pm, and
- Saturday – 8.00 am to 1.00 pm
- No noise from construction or demolition works is to be generated on Sundays or Public Holidays.

Noise generated during the permitted times must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.

16. Stormwater Drainage

As soon as is practical, and within a maximum of seven (7) days following the placement of any roofing material, all guttering and downpipes must be installed. Stormwater from all roofed and paved areas must also be properly drained in accordance with the Plumbing Code of Australia to discharge to the street drainage system, or other suitable location approved by Council, in a manner that does not cause soil erosion or nuisance to adjoining properties.

17. Carrying out of Works in a Road Reserve

Prior to undertaking any works within the road reserve area, the person acting on the consent must obtain consent from the roads authority (Council) pursuant to Section 138 of the *Roads Act 1993*. An application for a 138 permit must be lodged with Weddin Shire Council (Infrastructure Services Department) using the approved form and be accompanied by the required plans and documentation.

DURING DEMOLITION WORK**18. Demolition Work**

All demolition works must be undertaken in accordance with the provisions of Australian Standard AS2601:2001 The Demolition of Structures, and the Work Health and Safety Act 2011.

19. Removal, Transport and Disposal of Asbestos

All removal, transport and disposal of asbestos or other contaminated waste materials shall be controlled in accordance with the *Work Health and Safety Act 2011* and the Safe Work Australia Code of Practice – How to Manage and Control Asbestos in the Workplace.

20. Clearance Certificate

On the completion of the asbestos removal works, a Clearance Certificate is to be obtained in accordance with the *Work Health and Safety Regulations 2011* and provided to Council

OCCUPATION AND ONGOING USE**21. Land Consolidation**

Lot A DP 341490 and Lot 698 DP 754578 must be consolidated. The final land consolidation plan must be registered with the Land Registry Service and a copy of the information notice provided to the Principal Certifier appointed for the subject development, prior to the issue of a whole occupation certificate.

22. Occupation Certificate

Occupation or use of the development must not occur until all work has been completed, all conditions of the consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifier pursuant to section 6.10 of the *Environmental Planning and Assessment Act 1979*.

ADVICEAboriginal Heritage

If, during work, an Aboriginal object is uncovered then WORK IS TO CEASE IMMEDIATELY and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the *National Parks and Wildlife Act 1974* it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2019*.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial

before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810443.

Water Supply

Reticulated water mains in the Weddin Shire Council are controlled and managed by Central Tablelands Water. Where a new or modified connection to the water mains system is needed, you must contact Central Tablelands Water on 02 63917200 or at water@ctw.nsw.gov.au

REASONS FOR IMPOSITION OF CONDITIONS:

Development Application No. 12/2023 was assessed using current procedures developed by the Weddin Shire Council and other resource information. This includes:

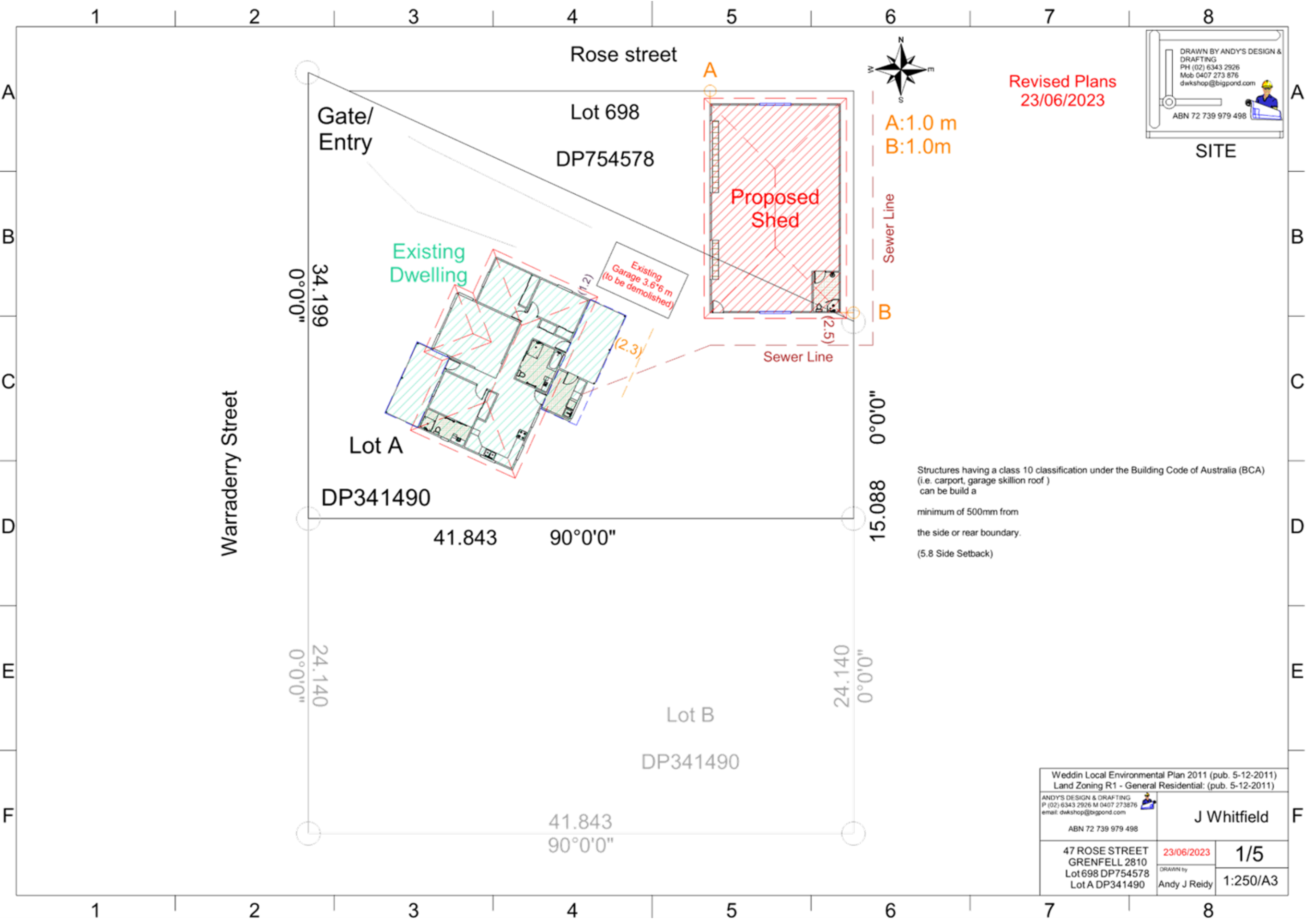
- The requirements of Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* which states:

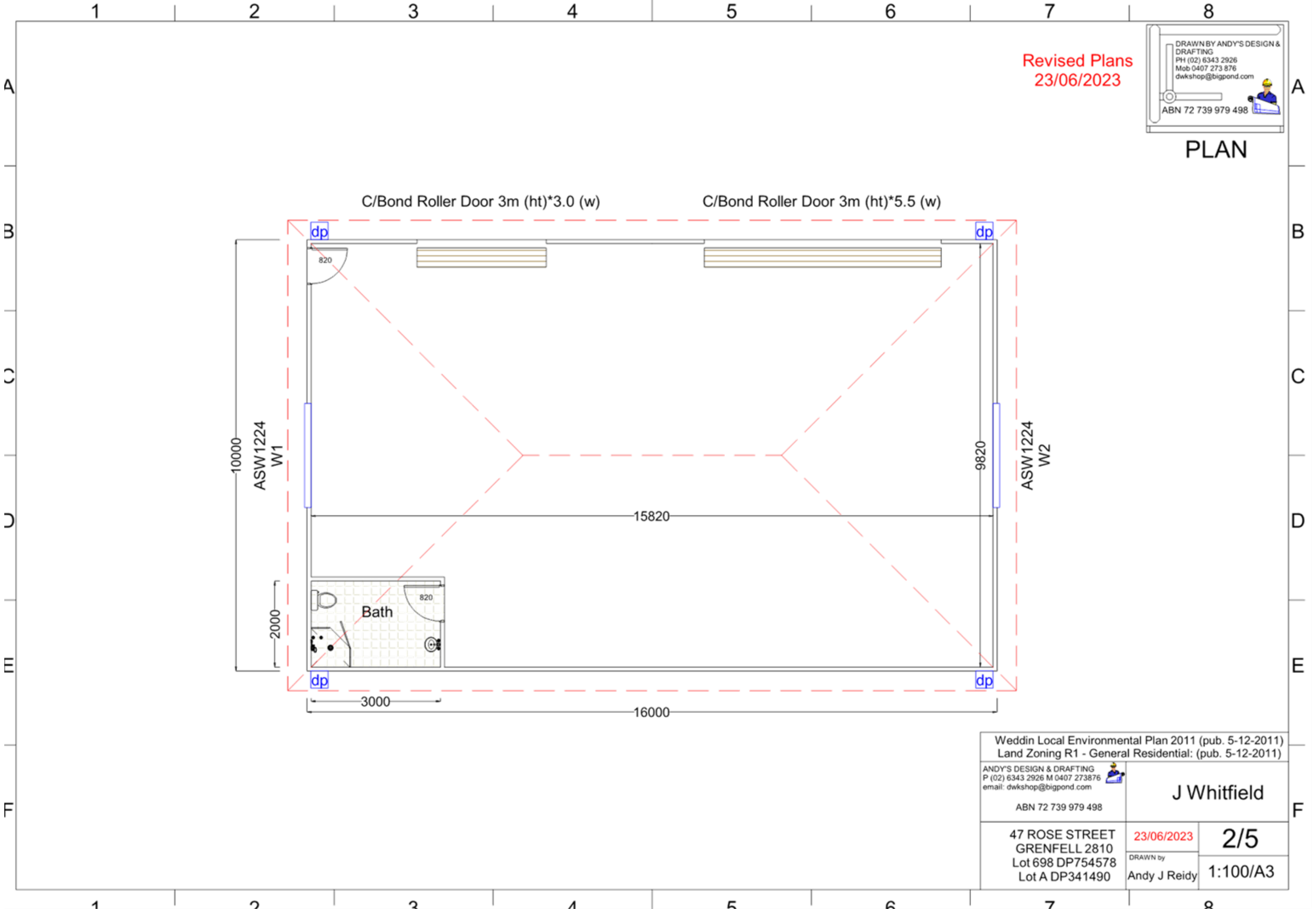
Section 4.15(1) Matters for consideration – general

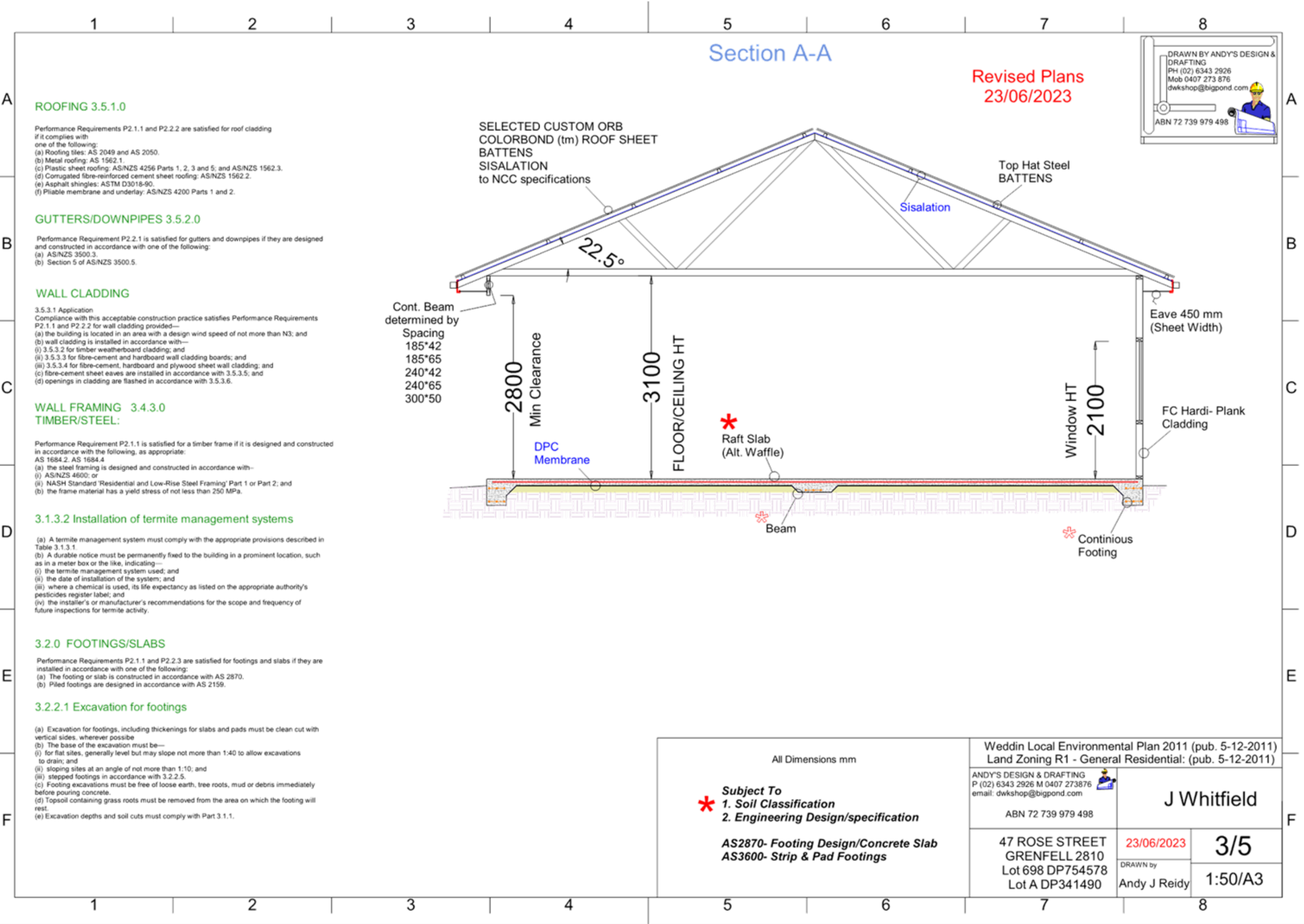
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

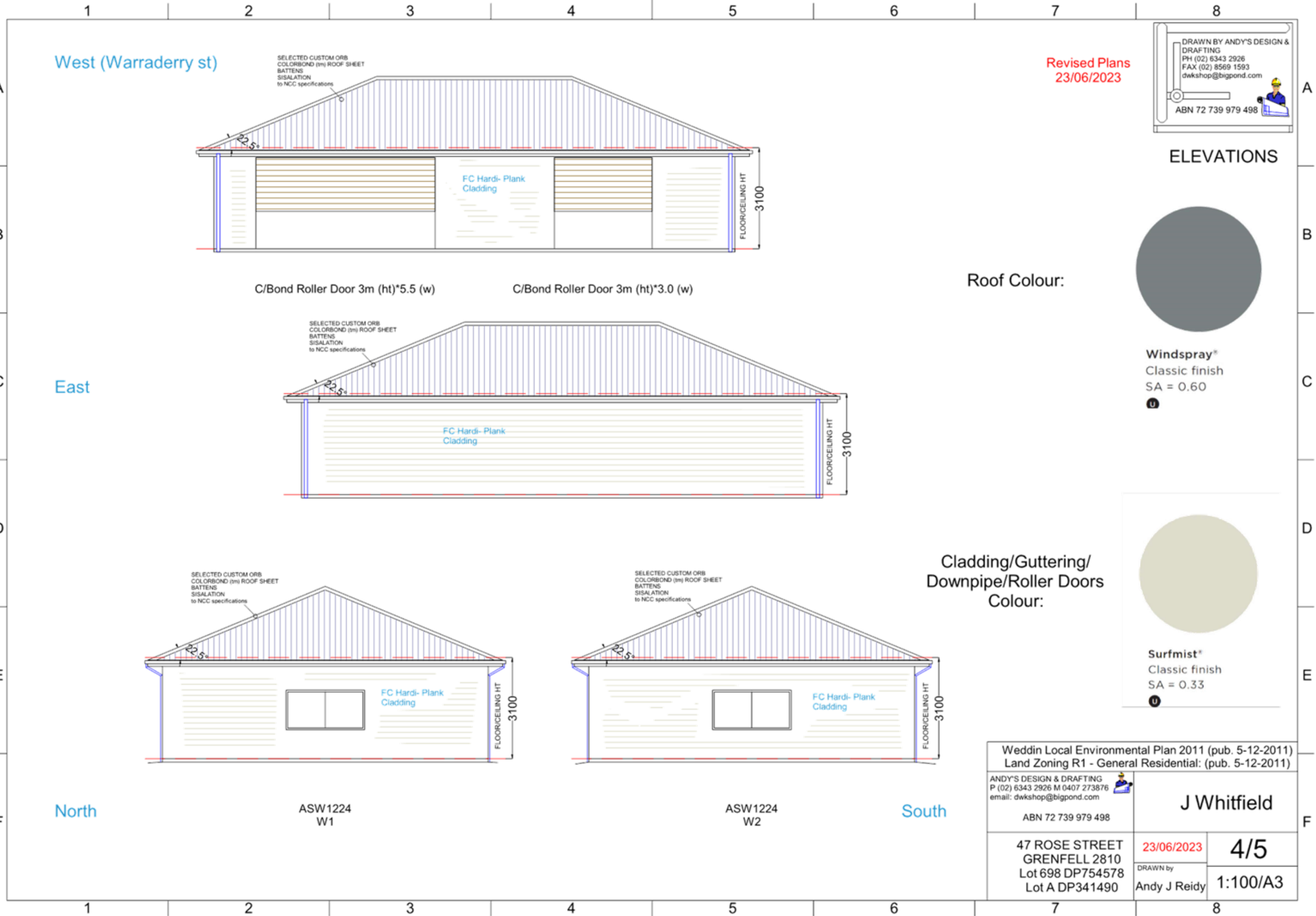
- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and

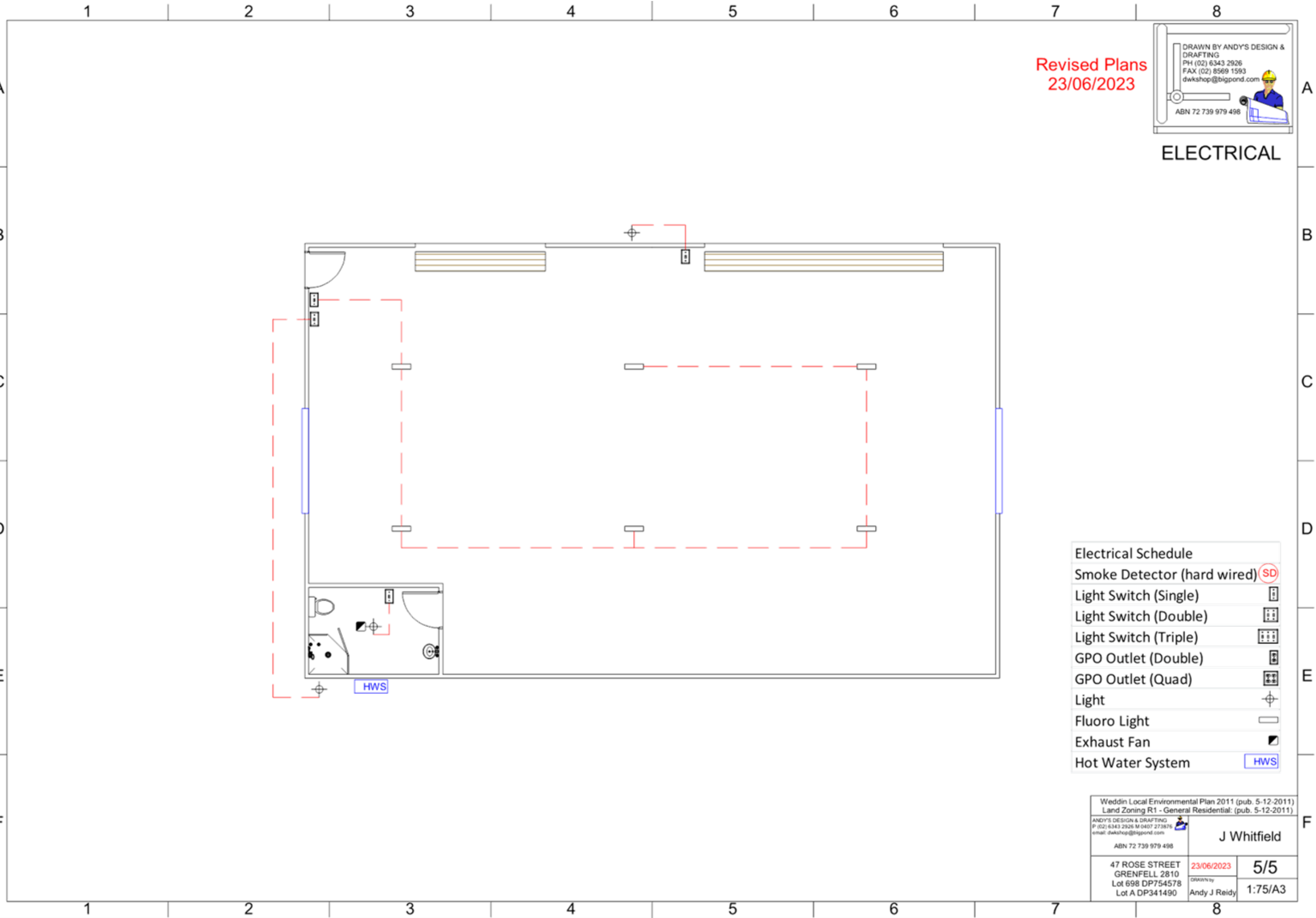
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.
 - (c) the suitability of the site for the development.
 - (d) any submissions made in accordance with this Act or the regulations.
 - (e) the public interest.
- The requirements of Weddin Local Environmental Plan 2011.
 - The requirements of Weddin Shire Council Development Control Plan 2014.











ANDY'S DESIGN & DRAFTING



18 WEDDIN ST GRENFELL NSW 2810
MOBILE 0407 273876 Phone (02)6343 2926 Email dwkshop@bigpond.com
ABN 72 739 979 498

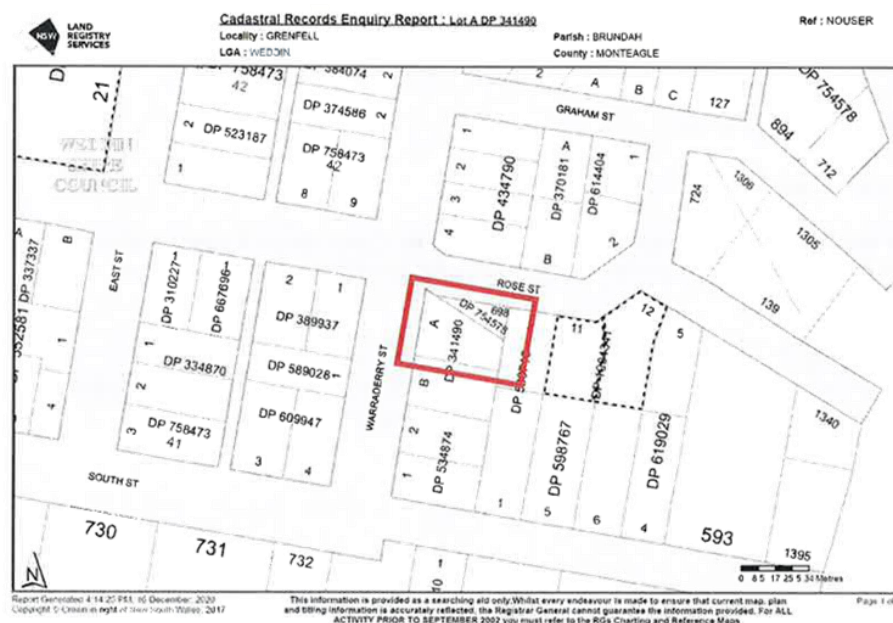
Statement of Environmental Effects

Proposed Shed—Ancillary Development 10 (a)

Weddin Local Environmental Plan 2011 (pub. 5-12-2011)
Land Zoning R1 - General Residential: (pub. 5-12-2011)

Property Description

47 ROSE STREET GRENFELL 2810
698-/DP754578
A-/DP341490



Prepared by Andy J Reidy 28/02/2023

1.Summary

Andys Design and Drafting has been engaged to prepare a Statement of Environmental Effects for Council regarding Planning considerations and BCA matters of the proposed development.

2.Description of Property and Adjoining properties :

The proposed development is located in R1 zone of Weddin LGA (General Residential)
Present use is Land which contains dwelling 1 (a) and Shed (Ancillary)
No contamination Investigation has taken place to the knowledge of this office
To Owners knowledge no known reason for land to be contaminated is known

3.Description of proposal

- 1.Construction of shed (10a) - Ancillary Development
- 2.Demolition of existing Garage on completion of shed

4.Site Constraints

Proposed construction is within all boundaries of land under this title and Land zoning requirements Meeting Outcomes as outlined in Clause 2.8 — Weddin LEP 2011—Part 2 Land Use Table

5.Landscaping

Landscaping as per plans and Council requirements if any.

6.Deliveries

Delivery and pickup to Site

7.Waste and Hazardous Materials

Any storage or disposal of such materials is in keeping with Local, state and Federal requirements.
No industrial or commercial activity is proposed for this development in this application

8.Traffic Management

Construction phase:

Signage for parking and traffic movement during construction phase to be supplied by builder
This area is not frequented by a pedestrian presence or public transport

Permanent Vehicle Movement:

All vehicles are able to enter in a forward direction.
No Vehicle parking is proposed from street

9.Policy Compliance

Compliance with all relevant provisions contained in
State Environmental Planning policies, Local environmental Plan and Development Control Plans,
Building Code Local and National to the Owners knowledge will be made.
A Variation application to any policy if required will be made

10.Noise

Noise issues for this proposal

Normal residential movement and noise expected after occupation
Hours of Construction operation being with daylight hours

11.Heritage

No heritage issues are known for the dwelling or Lot

12.Site Management for Construction

Compliance with all state, local and national requirements will be made
On site storage of materials and of waste is available
Traffic management plan will be provided by a suitably qualified person/s if required
Signage for site will be provided to comply with a relevant consenting authorities
Dust control , detention fences and disposal of waste measures information will be provided by the relevant contractor

13.Materials/Colours

Roof– Steel– Medium —non reflective
Walls– Cladding— Low to non reflective

Hours of Construction

Monday to Friday 7 am to 7 pm
Saturday 8 am to 4 pm
Sunday 9 am to 4 pm

14. Variation to Council Policy

Variation to Council setback from 3 m to 1 m

Council Policy - Chapter 5 - Weddin DCP

5.7 Setback to the Street

- To ensure the established character and streetscape is retained.
- To ensure continuity within the existing streetscape.
- To integrate new development within the existing setbacks form the street.
- To provide sufficient space for landscaping at the front of dwellings to achieve integration with adjoining dwellings.

Standards

1. The minimum building line shall be 6 metres.
2. On a corner allotment, one of the setbacks to the street may be reduced as a secondary setback to a minimum of 3 metres.

A reduction in the minimum building line will only be considered where there is sufficient reasons and justification for the proposed reduction having regard to the existing adjoining development.

Property is located and considered a Corner Block

Primary Frontage is considered as Warraderry st (Dwelling entry)

Drive entry is located on Rose st Street address being 47 Rose st

Setback of adjoining development (Lot 2 /DP588716 Rose st) is setback further than 6 m (see undated SIX Image)

In regard to the adjoining property (Rose st) , a fence exists to the boundary. This negates the issue of vehicle movement that must be considered . Construction of Garage in this location would not alter the current issue of visual requirement for vehicles entering and leaving.

The proposed setback (1m) allows the following:

1. Shed to be located so that existing Garage be retained until demolished
2. Shed to be located to minimise privacy and overshadowing of adjoining (Lot 2 DP588716)
3. Sufficient distance exists between boundary and council road that minimise bulk of development on streetscape

Weddin Local Environmental Plan 2011

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

Development meets requirements (where applicable) for

Weddin LEP 2011

Weddin DCP 2014

National Construction Code Volume 2 Class 1 and Class 10 Buildings

13.2 DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES

File Number: T5

Author: Executive Assistant to the Director Environmental Services

Authoriser: Director Environmental Services

Attachments: Nil

CSP Objective: Sustainable natural, agricultural and built environments

Precis: List of development application, construction certificate and complying development application determined during the period 1 June to 30 June 2023.

Budget: Nil

Background

Under s. 4.16 of the *Environmental Planning and Assessment Act 1979*, under delegated authority Council Officers can exercise the power to determine development applications and post consent certificates such as construction certificates and complying development certificates. The following provides a list of the development applications, complying development applications and construction certificate applications determined within the Weddin Shire during the month of June 2023.

Development Applications Determined by Council

The undermentioned applications were received and determined subject to specified conditions, by the Director Environmental Services under delegated authority:

DA NO.	Applicant	Construction	Value (\$)	Address
MOD 15/2012	Taylor Made Buildings	Modification – Delete 2 Storey Dwelling	\$0	LOT: 2 DP: 1072519 56 Quondong Road GRENFELL NSW 2810
49/2022	Karl Lupis	Boundary Adjustment	\$0	LOTS: 1 & 2 DP: 226911 Eurabba Parish GRENFELL NSW 2810
MOD 6/2023	Geerlings Filmworks Pty Ltd	Modification – Demolition of the existing shed and the construction of a new dwelling to create a dual occupancy (detached)	\$400,000	LOT: 2 DP: 377091 51 Forbes Street GRENFELL NSW 2810
15/2023	MA Steel Pty Ltd	Two (2) carports and deck	\$30,183	LOT: 5 DP: 513844 30 Sullivan Street GRENFELL NSW 2810
17/2023	Mr D B Harris	New Dwelling	\$385,000	LOT: 241 DP: 754578 Manganese Road GRENFELL NSW 2810

Complying Development Applications

The complying development certificate applications approved within the Shire in June 2023 by Council or any other Principal Certifiers.

CDC NO.	Applicant	Construction	Value (\$)	Address
NIL				

Construction Certificates

The undermentioned applications were determined by the Director Environmental Services under delegated authority:

CC NO.	Applicant	Construction	Address
36/2022	Mr D H Troy	Shed	LOT: 10 DP: 513844 5 Dradys Lane GRENFELL NSW 2810
11/2023	Mr D G Strange	New Dwelling	LOT: 4 DP: 1060910 91 Manganese Road GRENFELL NSW 2810
15/2023	MA Steel Pty Ltd	Two (2) Carports and Deck	LOT: 5 DP: 513844 30 Sullivan Street GRENFELL NSW 2810

13.3 CARAVAN PARK OPERATION REPORT

File Number: P2.3.3

Author: Executive Assistant to the General Manager

Authoriser: Director Environmental Services

Attachments: Nil

CSP Objective: Shire assets and services delivered effectively and efficiently

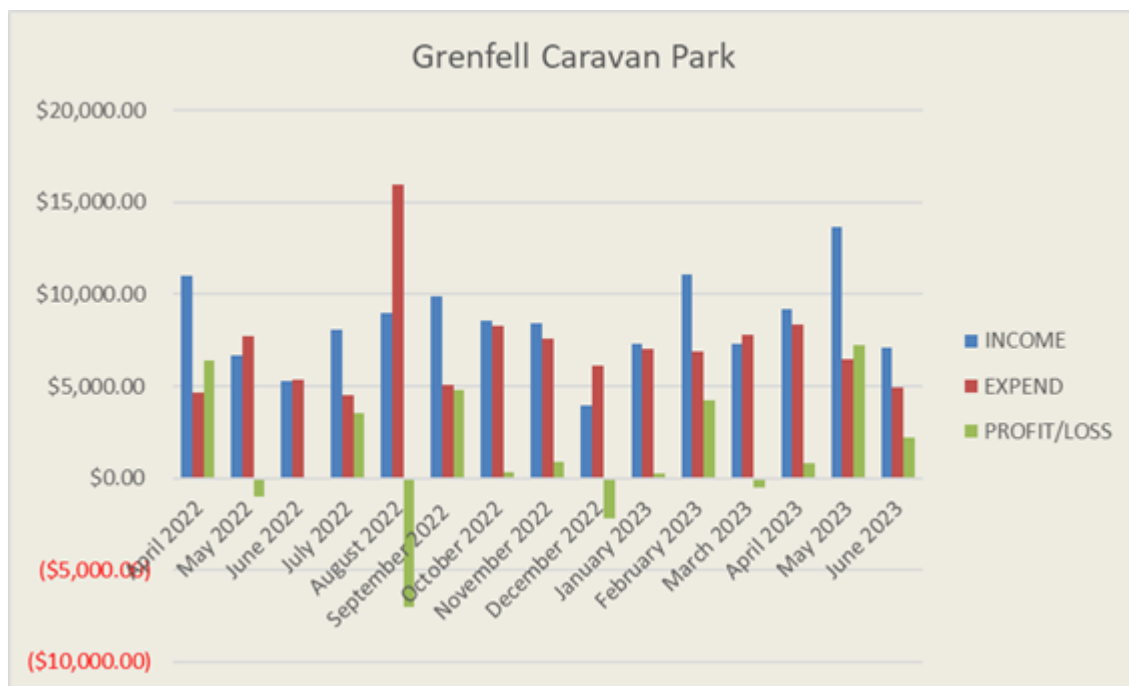
Precis: Summary of Grenfell Caravan Park Operations during the period 1 April 2023 to 30 June 2023

Budget: NIL

The following provides a summary of the income and expenditure for the Grenfell Caravan Park for the third quarter of the 2022/2023 financial year.

Expenditure for April 2023 included the payment of the quarterly electricity account which was \$1,470.83.

MONTH	INCOME	EXPENDITURE	PROFIT/(LOSS)
APRIL 2023	\$9,187.39	\$8,377.02	\$810.37
MAY 2023	\$13,694.57	\$6,488.05	\$7,206.52
JUNE 2023	\$7,126.38	\$4,918.72	\$2,207.66
			TOTAL \$10,224.55



14 DELEGATE(S) REPORTS

Nil

15 MINUTES OF COMMITTEE MEETINGS**15.1 COUNCIL COMMITTEE REPORT | REQUIRING ACTION - MINUTES OF THE WEDDIN SHIRE WEEDS COMMITTEE MEETING HELD 16 MAY 2023****File Number:****Author:** Executive Assistant to the General Manager**Authoriser:** General Manager**Attachments:** 1. Minutes | Weddin Shire Weeds Committee - 16 May 2023**RECOMMENDATION**

Except where otherwise dealt with, the Minutes of the Weddin Shire Weeds Committee Meeting held 16 May 2023 be noted and adopted as presented.

RESOLUTION 14953/23

Moved: Cr Best

Seconded: Cr Howell

Except where otherwise dealt with, the Minutes of the Weddin Shire Weeds Committee Meeting held 16 May 2023 be noted and adopted as presented.

CARRIED**INFORMATION**

The Weddin Shire Weeds Committee Meeting was held on 16 May 2023, the Minutes from this meeting are attached for Council to note and adopt.



MINUTES

Weddin Shire Weeds Committee Meeting Tuesday, 16 May 2023

Date: Tuesday, 16 May 2023

Time: 10:00am - 11:00am

Location: Council Chambers
Cnr Camp & Weddin Streets
GRENFELL NSW 2810

**Linda Woods
Director Infrastructure Services
Chairperson**

ORDER OF BUSINESS

1	OPENING / WELCOME	3
2	ACKNOWLEDGEMENT OF COUNTRY	3
3	ATTENDANCE.....	3
4	APOLOGIES	3
5	CONFIRMATION OF MINUTES	4
6	GENERAL BUSINESS.....	5
6.1	NSW WEEDS CONFERENCE	5
6.2	WEDDIN SHIRE COUNCIL BIOSECURITY OFFICER'S REPORT	7
6.3	TERMS OF REFERENCE - WEDDIN SHIRE COUNCIL WEEDS COMMITTEE	10
6.4	GUEST PRESENTERS - BIOSECURITY	12
7	BUSINESS WITHOUT NOTICE	15
8	NEXT MEETING	15
9	CLOSURE.....	15

**MINUTES OF WEDDIN SHIRE COUNCIL
WEDDIN SHIRE WEEDS COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS, CNR CAMP & WEDDIN STREETS,
GRENFELL NSW 2810
ON TUESDAY, 16 MAY 2023 COMMENCING AT 10:10AM**

1 OPENING / WELCOME

Conducted by Linda Woods (Chairperson)

Those in attendance are asked to comply with all relevant WSC codes, policies and procedures at all times.

2 ACKNOWLEDGEMENT OF COUNTRY

Conducted by Linda Woods (Chairperson)

Weddin Shire Council would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land.

Weddin Shire Council would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

3 ATTENDANCE

PRESENT:	Linda Woods (Chairperson - WSC)	(LW)
	Keith Starr - Landcare Grenfell	(KS)
	Clr Warwick Frame - WSC	(WF)
	Kellie Frost - Biosecurity Officer - WSC	(KF)
	Robert Taylor - Community Member	(RT)

IN ATTENDANCE:

Jill O'Grady - Department of Primary Industries (Guest Presenter)	(JO)
Jodie Lawler - Local Land Services (Guest Presenter)	(JL)
Craig Ridley - Local Land Services (Guest Presenter)	(CR)

4 APOLOGIES

Clr Stuart McKellar - WSC
Clr Paul Best - WSC

RECOMMENDATION

That the apologies be accepted.

COMMITTEE RESOLUTION 007/23

Moved: Clr Warwick Frame
Seconded: Keith Starr

CARRIED

Weddin Shire Weeds Committee Meeting Minutes

16 May 2023

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That Minutes of the Weddin Shire Weeds Committee Meeting held 8 August 2022 be taken as read and CONFIRMED.

COMMITTEE RESOLUTION 008/23

Moved: Clr Warwick Frame

Seconded: Robert Taylor

CARRIED

Weddin Shire Weeds Committee Meeting Minutes

16 May 2023

6 GENERAL BUSINESS**6.1 NSW WEEDS CONFERENCE****File Number:****Author:** Biosecurity**Authoriser:** Acting Director Infrastructure Services**Attachments:** Nil**CSP Objective:** Sustainable natural, agricultural and built environments**Precis:** NSW Weeds Conference**Budget:** \$2,500**RECOMMENDATION**

That the Weddin Shire Weeds Committee endorse the Biosecurity Officer and one (1) Committee member to attend the NSW Weeds Conference in Dubbo from Monday, 7 - Thursday, 10 August 2023.

COMMITTEE RESOLUTION 009/23**Moved:** Keith Starr**Seconded:** Cllr Warwick Frame**CARRIED**

KF - Provided a broad overview of the Conference. Suggested someone on the Committee should attend.

JO - There will be a range of presenters. The Conference will be a valuable experience, also to learn about new technology and an opportunity to network.

JL - There will be a tour of approximately five (5) different destinations and facilities: Parkes Telescope, Narromine Aero Museum, Wellington Caves/Cultural Tour, Burrendong Wind Farm, Burrendong Dam, Flying Doctors and Dubbo Zoo. As a point of difference, there will also be sniffer dogs at the Conference. There will also be biocontrol and spray drone demonstrations.

250 delegates are expected to attend. There will also be a cocktail party and entertainment.

JO - The event is sponsored. A full programme is on the website. There will be scientists attending the Conference, information on State priority weeds and best processes to combat those. Weeds Officers can be isolated across New South Wales, therefore, networking at the Conference will be invaluable.

General discussion to determine that Robert Taylor and Keith Starr might attend and share the days. Also determined that it is very important that one (1) Councillor should also attend.

ACTION: Kellie Frost to provide a full programme to Robert Taylor and Keith Starr.

Weddin Shire Weeds Committee Meeting Minutes

16 May 2023

PURPOSE

The NSW Weeds Conference is a biannual event scheduled to take place in Dubbo from Monday, 7 - Thursday, 10 August 2023.

BACKGROUND

The objectives of the biannual event is to highlight the latest research and ideas for managing the establishment, impact and spread of weeds. The ability to network, receive training, stay at the cutting edge of weeds management enabling Council to invest efficiently and effectively to manage weeds and their impacts. Protecting agriculture product, environment and amenity.

ISSUES AND COMMENTS

- Monday, 7 August 2023 - Day 1 begins at 4:00pm with registration and a welcome reception.
- Day 2 will include numerous conference sessions starting at 8:30am through to 4:00pm. Social networking dinner 6:30pm - 9:30pm.
- Day 3 will be a variety of field trips throughout the day, conference dinner 6:00pm - 11:00pm.
- Day 4 conference sessions 8:00am - 4:00pm. Trade expo available throughout each day. All information can be found on the following website: nswweedsconf.org.au.

POLICY/LEGAL IMPLICATIONS

Biosecurity Act 2015, Biosecurity Regulation 2017, Regional Strategic, Central West Regional Strategic Weed Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

\$2,500 - WAP - W1271/3002.

INTERNAL/EXTERNAL CONSULTATION

Weddin Shire Weeds Committee - scheduled May meeting.

CONCLUSION

The Weddin Shire Weeds Committee endorse two (2) representatives to attend the NSW Weeds Conference.

Weddin Shire Weeds Committee Meeting Minutes

16 May 2023

6.2 WEDDIN SHIRE COUNCIL BIOSECURITY OFFICER'S REPORT**File Number:****Author:** Biosecurity**Authoriser:** Acting Director Infrastructure Services**Attachments:** Nil**CSP Objective:** Sustainable natural, agricultural and built environments**Precis:** Weddin Shire Council Biosecurity Officer's Report**Budget:** WAP**RECOMMENDATION**

That the Committee be advised of the Biosecurity Officer's Report on items of interest.

COMMITTEE RESOLUTION 010/23**Moved:** Cllr Warwick Frame**Seconded:** Robert Taylor**CARRIED****PURPOSE**

To provide items of interest to the Weddin Shire Council's Weeds Committee.

BACKGROUND

The objectives of the Biosecurity Officer's Report highlight relative information to the Committee.

ISSUES AND COMMENTS

- Quarterly reporting to Regional Project Officer on WAP targets.

*KF - Weed inspections comprise of the majority of work currently being undertaken.
- The Report includes graph on WAP commitments.
- A five year programme.*

ACTION: Report to be sent to Jodie Lawler.

- Received DJI air 2 drone for inspections, funded by Central West Local Land Service (LLS).

KF - Council has received a new drone. More training to be completed.

Weddin Shire Weeds Committee Meeting Minutes

16 May 2023

- **Attended CWRWC, WAP Operational Group and MLVWC Meeting.**

Bland, Hilltops and Cowra Councils.

- **Training - Biosecurity Toolbox - Government Sector Staff Only via EMtrain online.**

LW - Unfortunately, there have been various reasons for work not being able to be carried out: weather, staff unavailability, lack of resources, etc.

- Council will be providing Chemcert Training to staff members.

- Need to get in early to employ staff members.

JL - Local Land Services (LLS) can help with Chemcert Training after June.

KS - One person cannot do over 1,000km of road.

LW - Suggested a contractor be engaged to help Kellie out.

KF - Inspection and spraying is difficult for one (1) person. It may be difficult to find someone.

RT - September / October / November is the peak period. Potentially need 3-4 people. It is imperative that we do get people.

General discussion regarding staffing followed.

JL - Forbes Shire Council have put a structure in place. Forbes Shire Council is employing contractors.

- Two (2) people are on a compliance succession plan.

- One (1) new Manager/Director to oversee environmental area.

KF - Two (2) Councils only have one (1) staff member for weed control. Grenfell is one of those.

JL - Council is making agriculture a priority. It has been a 2-year struggle at Forbes Shire Council, however, a plan is now in place.

KF - Will have mapping training. Completed nearly all training.

- **Weddin Shire Local Weed Management Plan - in progress.**

KF - Compiling own local Weeds Management Plan.

- Currently two outbreaks trying to keep under control. It has been wet, therefore, no spraying can take place.

- Also, currently falling behind on inspections.

- **Charter for Weddin Shire Weeds Committee - review/update.**

POLICY/LEGAL IMPLICATIONS

Biosecurity Act 2015, Biosecurity Regulation 2017, Regional Strategic, Central West Regional Strategic Weed Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

WAP funding.

Weddin Shire Weeds Committee Meeting Minutes

16 May 2023

INTERNAL/EXTERNAL CONSULTATION

Weddin Shire Weeds Committee - scheduled May Meeting.

CONCLUSION

The Committee accept the report.

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6.3 TERMS OF REFERENCE - WEDDIN SHIRE COUNCIL WEEDS COMMITTEE**File Number:****Author:** Biosecurity**Authoriser:** Acting Director Infrastructure Services**Attachments:** 1. Weddin Shire Weeds Committee Charter**CSP Objective:** Sustainable natural, agricultural and built environments**Precis:** Terms of Reference - Weddin Shire Weeds Committee**Budget:** WAP Funding**RECOMMENDATION**

That the Committee adopt the Terms of Reference for the Weddin Shire Weeds Committee updated Charter.

COMMITTEE RESOLUTION 011/23**Moved:** Robert Taylor**Seconded:** Keith Starr**CARRIED**

LW - Has anyone had the opportunity to read the Charter? Kellie has done a lot of work on it. Requesting Committee to adopt the Charter.

KF - Essentially have updated the format, legislation and member representation.

General discussion regarding timings and frequency of meetings.

LW - Suggest four (4) meetings be held each year.

JL - Many Councils do not have a Weeds Committee.

KF - Hilltops are in the process of forming one.

KS - Suggested that more farmers should be on Committee for more input.

PURPOSE

To update the Charter for the Weddin Shire Council Weeds Committee.

BACKGROUND

The Weddin Shire Council Weed Committee is a Sec 355 Committee of Council.

ISSUES AND COMMENTS

The Charter for Weddin Shire Weeds Committee be reviewed/updated.

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POLICY/LEGAL IMPLICATIONS

Biosecurity Act 2015, Biosecurity Regulation 2017, Regional Strategic, Central West Regional Strategic Weed Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

WAP funding.

INTERNAL/EXTERNAL CONSULTATION

Weddin Shire Weeds Committee - scheduled May Meeting.

CONCLUSION

The Committee accept the updated Charter.

Weddin Shire Weeds Committee Meeting Minutes

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6.4 GUEST PRESENTERS - BIOSECURITY**File Number:****Author:** Biosecurity**Authoriser:** Acting Director Infrastructure Services**Attachments:** Nil**CSP Objective:** Sustainable natural, agricultural and built environments**Precis:** Guest Presenters - Biosecurity**Budget:** WAP**RECOMMENDATION**

That the Committee be advised of three (3) guest speakers to present at this meeting, with two (2) additional guests to also attend this meeting.

COMMITTEE RESOLUTION 012/23**Moved:** Keith Starr**Seconded:** Robert Taylor**CARRIED****PURPOSE**

To provide items of interest from three (3) guest speakers and two (2) Grenfell Local Land Service staff members to also attend, as observers, the Weddin Shire Weeds Committee Meeting on Tuesday, 16 May 2023.

BACKGROUND

The objectives of the guest speakers are to present on various subjects on biosecurity.

ISSUES AND COMMENTS

After general discussion, it was determined that Kellie Frost should attend future Village Hub Meetings.

The three (3) guest speakers and topics are as follows:

- Jodie Lawler - LLS Regional Project Officer
Topic = Central West Regional Strategic Weed Management Plan 2023 – 2028

Onscreen presentation.

Possibility of potential training/workshop for the community – weeds wide app. The Next workshop will be held at Eugowra.

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KS - Suggested that information days be held. Need non-interested people to be targeted. Not putting enough emphasis on wide-spread weeds.

JO - Legislative pressure to be applied.

RT - If there are no fines applied, people do not care.

ACTION: LW / KF to place Weeds Guides on Council's website.

- Jill O'Grady - DPI State Priority Weeds Coordinator
Topic = Biosecurity Act 2015

Onscreen presentation.

Jill provided a broad overview on biosecurity. Advised process of weeds priority asset. State priority weeds have to be targeted.

General discussion regarding St John's Wort in area. Will trial an area. Process: Regional priority weed > Education > Compliance > Can take to Court.

KS - Skeleton weed, scotch thistle and paterson's curse are the three (3) main weeds which are being controlled by biological agents.

General discussion that penalties are too lenient.

KF - We do spot check. Rye grass is the biggest cost to agriculture. There needs to be more public awareness.

JO - Need funding for the beginning of a weed invasion.

LW - Council does not have the budget for spraying all weeds. Does the LLS have ideas, are there government grants for farmers and/or Council to spray?

JO - No.

- Craig Ridley - LLS Pest Animals, Biosecurity Officer
Topic = Pest Animals
(Five (5) Declared Pests: Rabbits, Foxes, Deer, Wild Dogs and Pigs)

The two (2) Local Land Service officers to attend as guests are as follows:

Stephen Pereira and Dom Nowlan - Were unable to attend meeting.

Craig provided an overview of pest animals. Pest animals have the same problems/issues as weeds – enforcing the Act.

Mainly concerned with asset protection. Foxes are a problem in this regard.

Discussed numbers of animals shot over 2-3 days on Adelargo Road. LLS is waiting on a map report (done in helicopter). Consent is a problem to shoot over private property.

Condobolin/Lake Cargelligo are problem areas with three times the population of pigs as the Weddin LGA.

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With pest numbers, money is a problem. Farmers are time and resource poor, however, some properties are promoting come and hunt and receiving payment from recreational hunters to do so. It is a recognised form of control. Hunting recreation blocks are also being pushed as real estate options.

Rubbish tips need to be more securely fenced so pigs are unable to access them. Funding, again, is difficult. Funding is needed to provide free grain, then poison. \$80K has been spent so far this financial year.

There is an \$11,000 penalty to keep, transport or release feral pigs, however, proving this to be the case is difficult.

Pigs - reflection of society / different categories of pigs. The Rural Lands Protection Board used to oversee this area. Nyngan has chiller facilities. Recreational hunting is still happening. Also bait, trap and shoot.

Foxes - Can be baited but to be more affective, need to do as a group (ie. sheep producers).

Deer - are high priority as their numbers are increasing.

Pest Levy Rate was mentioned.

Pig collaring project – to determine how far they travel, family groups, their spread, etc.

Feral animals also spread weeds and disease.

LLS are building a database/evidence going forward.

LLS can take up to a month to set up a culling programme, however, if done privately, it can be organised in two (2) days and at least this is achieving a result.

General conversation regarding pest control / lack of time, money, resources, etc.

JL - Can pest and weed control be combined?

Fox skins used to be worth something, however, there is no longer a fur industry.

Education is important around pest control.

Suggestion that National Parks be more involved next time.

POLICY/LEGAL IMPLICATIONS

Biosecurity Act 2015, Biosecurity Regulation 2017, Central West Regional Strategic Weed Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

WAP funding.

INTERNAL/EXTERNAL CONSULTATION

Weddin Shire Weeds Committee - scheduled May meeting.

CONCLUSION

The Committee accept the report.

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7 BUSINESS WITHOUT NOTICE

Nil.

8 NEXT MEETING

General discussion regarding bi-monthly meetings (occurring every two (2) months).

ACTION: Determine new time with other members at next meeting.

- Thursday, 13 July 2023
 - 10:00am - 11:00am
 - Council Chambers

9 CLOSURE

There being no further business to discuss, the Meeting closed at 12:20pm.

The minutes of this meeting were confirmed at the Weddin Shire Weeds Committee held on .

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CHAIRPERSON

16 CLOSED COUNCIL

Moved into Closed Council at 5:53pm

Moved: Cr Kenah

Seconded: Cr Parlett

CARRIED

RECOMMENDATION

The meeting now be closed to the public under Section 10A(2) of the *Local Government Act 1993* to consider the items following because of their confidential nature:

16.1 REQUEST FROM LEASEE TO LEASOR

This matter is considered to be confidential under Section 10A(2) - a, c and d(i) of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors), information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

RESOLUTION 155/23

Moved: Cr Kenah

Seconded: Cr Best

The meeting now be closed to the public under Section 10A(2) of the *Local Government Act 1993* to consider the items following because of their confidential nature:

16.1 REQUEST FROM LEASEE TO LEASOR

This matter is considered to be confidential under Section 10A(2) - a, c and d(i) of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors), information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

That Council:

1. Note the information contained in this report.
2. Endorse Option 1 outlined in the recommendation of this report.

CARRIED

17 RETURN TO OPEN COUNCIL

RECOMMENDATION

The meeting return to Open Council.

RESOLUTION 157/23

Moved: Cr Diprose

Seconded: Cr Kenah

The meeting return to Open Council.

CARRIED

18 REPORT ON CLOSED COUNCIL

RESOLUTION 155/23

Moved: Cr Kenah

Seconded: Cr Best

That Council:

1. Note the information contained in this report.
2. Endorse Option 1 outlined in the recommendation of this report.

CARRIED

19 CLOSURE

The Meeting closed at **6:26PM**.

Moved: Cr Parlett

Seconded: Cr Frame

CARRIED

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 August 2023.

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CHAIRPERSON