



ATTACHMENTS

Ordinary Council Meeting

28 September 2022

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Investment Report

01/08/2022 to 31/08/2022



Portfolio Valuation as at 31/08/2022

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
Westpac	AA-	TD	GENERAL	Quarterly	08/09/2020	08/09/2022	0.7800	1,500,000.00	2,724.66	993.70
NAB	AA-	TD	GENERAL	Annual	08/09/2020	08/09/2022	0.8000	1,500,000.00	11,769.86	1,019.18
NAB	AA-	TD	GENERAL	Annual	08/09/2020	13/09/2022	0.8000	1,500,000.00	11,769.86	1,019.18
BankWAW	Unrated	TD	GENERAL	Annual	08/09/2020	13/09/2022	1.0500	500,000.00	5,149.32	445.89
Bank of Sydney	Unrated	TD	GENERAL	Annual	08/09/2021	04/10/2022	0.6400	500,000.00	3,138.63	271.78
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	20/10/2021	20/10/2022	0.4200	500,000.00	1,818.08	178.36
BOQ	BBB+	TD	GENERAL	Annual	20/10/2020	20/10/2022	0.8000	500,000.00	3,463.01	339.73
AMP Bank	BBB	TD	GENERAL	At Maturity	21/06/2022	22/11/2022	1.9000	750,000.00	2,810.96	1,210.27
AMP Bank	BBB	TD	GENERAL	Annual	23/11/2021	29/11/2022	1.0000	1,000,000.00	7,726.03	849.32
NAB	AA-	TD	GENERAL	Annual	27/11/2020	29/11/2022	0.6300	500,000.00	2,381.92	267.53
Members Equity Bank	BBB+	TD	GENERAL	At Maturity	25/05/2022	07/12/2022	2.5100	1,500,000.00	10,211.92	3,197.67
NAB	AA-	TD	GENERAL	Annual	10/12/2020	13/12/2022	0.6300	500,000.00	2,286.99	267.53
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	20/04/2022	18/01/2023	1.8800	2,000,000.00	13,803.84	3,193.42
Warwick Credit Union	Unrated	TD	GENERAL	Annual	10/02/2021	13/02/2023	0.6500	1,000,000.00	3,615.07	552.05
Warwick Credit Union	Unrated	TD	GENERAL	Annual	09/02/2021	14/02/2023	0.6500	500,000.00	1,816.44	276.03
ING Direct	A	TD	GENERAL	Annual	17/02/2022	21/02/2023	1.0200	1,000,000.00	5,477.26	866.30
BankWAW	Unrated	TD	GENERAL	Annual	02/03/2021	02/03/2023	0.7000	500,000.00	1,754.79	297.26
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	29/04/2022	14/03/2023	2.5400	1,000,000.00	8,698.63	2,157.26



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
ING Direct	A	TD	GENERAL	At Maturity	31/03/2022	29/03/2023	1.6800	1,000,000.00	7,088.22	1,426.85
BNK Bank	Unrated	TD	GENERAL	Annual	30/03/2021	04/04/2023	0.7000	900,000.00	2,675.34	535.07
NAB	AA-	TD	GENERAL	At Maturity	13/04/2021	18/04/2023	0.6000	1,000,000.00	8,317.81	509.59
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	29/04/2022	26/04/2023	2.7100	2,000,000.00	18,561.64	4,603.29
BNK Bank	Unrated	TD	GENERAL	Annual	04/05/2021	09/05/2023	0.7000	1,000,000.00	2,301.37	594.52
AMP Bank	BBB	TD	GENERAL	Annual	04/05/2021	09/05/2023	0.7000	1,000,000.00	2,301.37	594.52
MyState Bank	BBB	TD	GENERAL	Annual	04/05/2021	09/05/2023	0.5500	1,000,000.00	1,808.22	467.12
BOQ	BBB+	TD	GENERAL	Annual	10/05/2022	10/05/2023	3.0000	500,000.00	4,684.93	1,273.97
NAB	AA-	TD	GENERAL	Annual	25/05/2021	23/05/2023	0.6300	2,000,000.00	3,417.53	1,070.14
ING Direct	A	TD	GENERAL	At Maturity	25/05/2022	06/06/2023	3.1600	1,000,000.00	8,570.96	2,683.84
Members Equity Bank	BBB+	TD	GENERAL	At Maturity	14/06/2022	13/06/2023	3.9000	1,000,000.00	8,441.10	3,312.33
ING Direct	A	TD	GENERAL	Annual	08/06/2021	13/06/2023	0.5000	500,000.00	582.19	212.33
ING Direct	A	TD	GENERAL	Annual	15/06/2021	13/06/2023	0.5000	750,000.00	801.37	318.49
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	14/06/2022	14/06/2023	4.0900	2,000,000.00	17,704.66	6,947.40
BOQ	BBB+	TD	GENERAL	Annual	28/06/2022	28/06/2023	4.0000	1,000,000.00	7,123.29	3,397.26
Westpac	AA-	TD	GENERAL	Quarterly	06/07/2021	11/07/2023	0.5600	1,000,000.00	874.52	475.62
Commonwealth Bank	AA-	TD	GENERAL	Semi-Annual	20/07/2022	25/07/2023	4.2200	1,000,000.00	4,971.51	3,584.11
BOQ	BBB+	TD	GENERAL	Annual	26/07/2022	26/07/2023	4.0500	600,000.00	2,463.29	2,063.84
AMP Bank	BBB	TD	GENERAL	At Maturity	09/08/2022	08/08/2023	4.1500	1,000,000.00	2,615.07	2,615.07
AMP Bank	BBB	TD	GENERAL	Annual	09/08/2022	15/08/2023	4.1500	1,000,000.00	2,615.07	2,615.07



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
Westpac	AA-	TD	GENERAL	Quarterly	31/08/2022	31/08/2023	4.1200	1,000,000.00	112.88	112.88
Westpac	AA-	TD	GENERAL	Quarterly	31/08/2022	05/09/2023	4.1200	1,000,000.00	112.88	112.88
AMP Bank	BBB	TD	GENERAL	Annual	08/09/2021	05/09/2023	0.7500	500,000.00	3,678.08	318.49
ING Direct	A	TD	GENERAL	Annual	25/05/2022	07/11/2023	3.3300	1,000,000.00	9,032.05	2,828.22
AMP Bank	BBB	TD	GENERAL	Annual	23/05/2022	23/11/2023	3.3000	1,000,000.00	9,131.51	2,802.74
Westpac	AA-	TD	GENERAL	Quarterly	30/11/2021	05/12/2023	1.1900	750,000.00	48.90	48.90
Westpac	AA-	TD	GENERAL	Quarterly	09/02/2022	13/02/2024	1.5800	500,000.00	497.81	497.81
Bendigo and Adelaide	BBB+	TD	GENERAL	Quarterly	22/02/2022	27/02/2024	1.6500	500,000.00	226.03	226.03
Westpac	AA-	TD	GENERAL	Quarterly	23/03/2022	26/03/2024	2.3200	1,000,000.00	4,449.32	1,970.41
BOQ	BBB+	TD	GENERAL	Annual	31/03/2022	27/03/2024	2.6000	1,000,000.00	10,969.86	2,208.22
ING Direct	A	TD	GENERAL	At Maturity	24/05/2022	28/05/2024	3.7600	1,000,000.00	10,301.37	3,193.42
Westpac	AA-	TD	GENERAL	Quarterly	18/06/2021	18/06/2024	0.8000	1,500,000.00	2,400.00	1,019.18
Westpac	AA-	TD	GENERAL	Quarterly	06/07/2021	09/07/2024	0.8000	1,000,000.00	1,249.32	679.45
Commonwealth Bank	AA-	TD	GENERAL	Semi-Annual	20/07/2022	23/07/2024	4.3700	1,000,000.00	5,148.22	3,711.51
Westpac	AA-	TD	GENERAL	Quarterly	23/08/2022	23/08/2024	4.3800	500,000.00	540.00	540.00
Australian Military Bank	BBB+	TD	GENERAL	Quarterly	29/08/2022	29/08/2024	4.4500	1,000,000.00	365.75	365.75
Westpac	AA-	TD	GENERAL	Quarterly	30/08/2022	03/09/2024	4.4400	1,000,000.00	243.29	243.29
BOQ	BBB+	TD	GENERAL	At Maturity	30/08/2022	03/09/2024	4.4000	1,000,000.00	241.10	241.10
BOQ	BBB+	TD	GENERAL	Annual	10/08/2021	12/08/2025	1.0000	1,000,000.00	602.74	602.74
Macquarie Bank	A+	CASH	GENERAL	Monthly	31/08/2022	31/08/2022	1.8500	3,830,527.30	4,438.12	4,438.12



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
NAB	AA-	CASH	GENERAL	Monthly	31/08/2022	31/08/2022	0.9000	4,825,174.38	2,100.65	2,100.65
TOTALS								63,905,701.68	274,226.58	84,964.66



Counterparty Compliance as at 31/08/2022

Long Term Investments

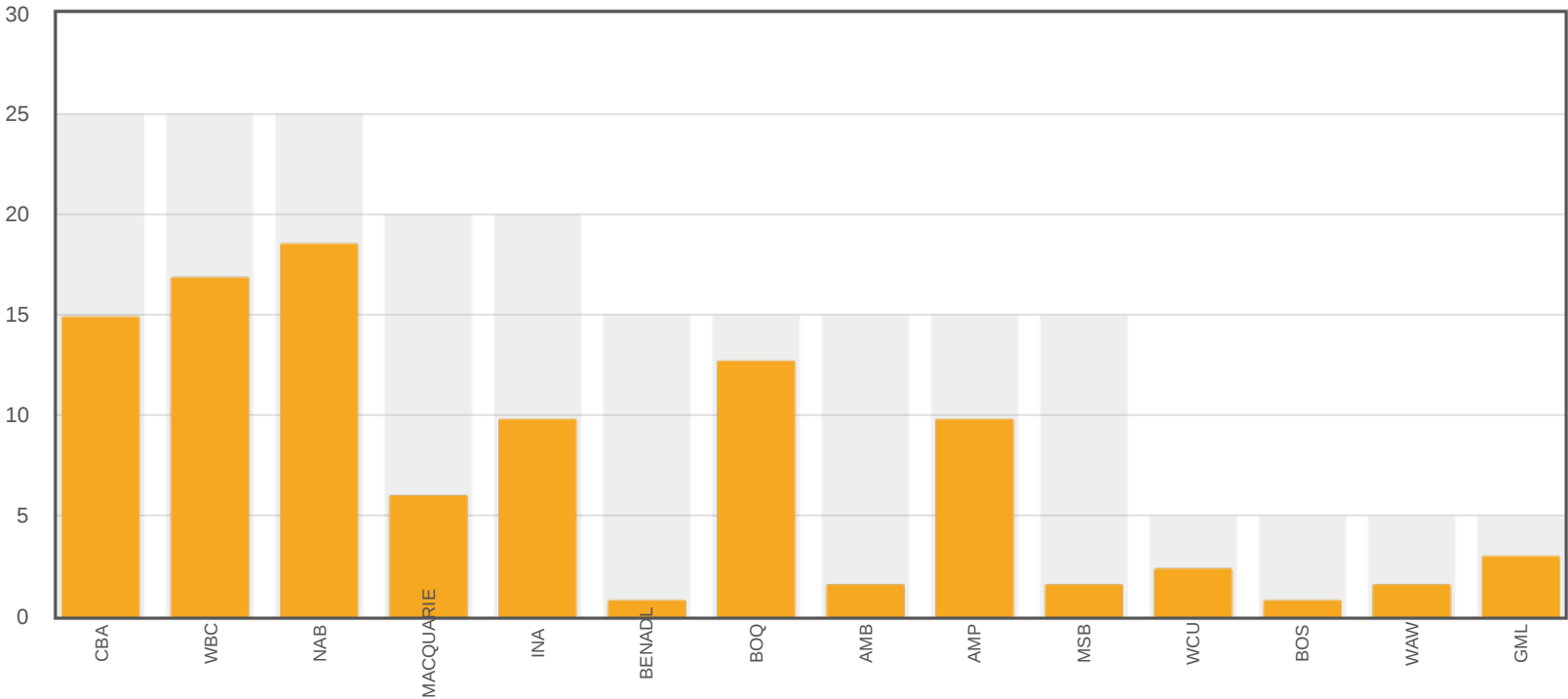
Compliant	Bank Group	Term	Rating	Invested	Invested (%)	Limit (%)	Limit (\$)	Available
✓	Commonwealth Bank	Long	AA-	9,500,000.00	14.87	25.00	-	6,476,425.42
✓	Westpac	Long	AA-	10,750,000.00	16.82	25.00	-	5,226,425.42
✓	NAB	Long	AA-	11,825,174.38	18.50	25.00	-	4,151,251.04
✓	Macquarie Bank	Long	A+	3,830,527.30	5.99	20.00	-	8,950,613.04
✓	ING Direct	Long	A	6,250,000.00	9.78	20.00	-	6,531,140.34
✓	Bendigo and Adelaide	Long	BBB+	500,000.00	0.78	15.00	-	9,085,855.25
✓	BOQ	Long	BBB+	8,100,000.00	12.68	15.00	-	1,485,855.25
✓	Australian Military Bank	Long	BBB+	1,000,000.00	1.56	15.00	-	8,585,855.25
✓	AMP Bank	Long	BBB	6,250,000.00	9.78	15.00	-	3,335,855.25
✓	MyState Bank	Long	BBB	1,000,000.00	1.56	15.00	-	8,585,855.25
✓	Warwick Credit Union	Long	Unrated	1,500,000.00	2.35	5.00	-	1,695,285.08
✓	Bank of Sydney	Long	Unrated	500,000.00	0.78	5.00	-	2,695,285.08
✓	WAW Credit Union	Long	Unrated	1,000,000.00	1.56	5.00	-	2,195,285.08



Compliant	Bank Group	Term	Rating	Invested	Invested (%)	Limit (%)	Limit (\$)	Available
✓	BNK Bank	Long	Unrated	1,900,000.00	2.97	5.00	-	1,295,285.08
TOTALS				63,905,701.68	100.00			



Counterparty Compliance - Long Term Investments



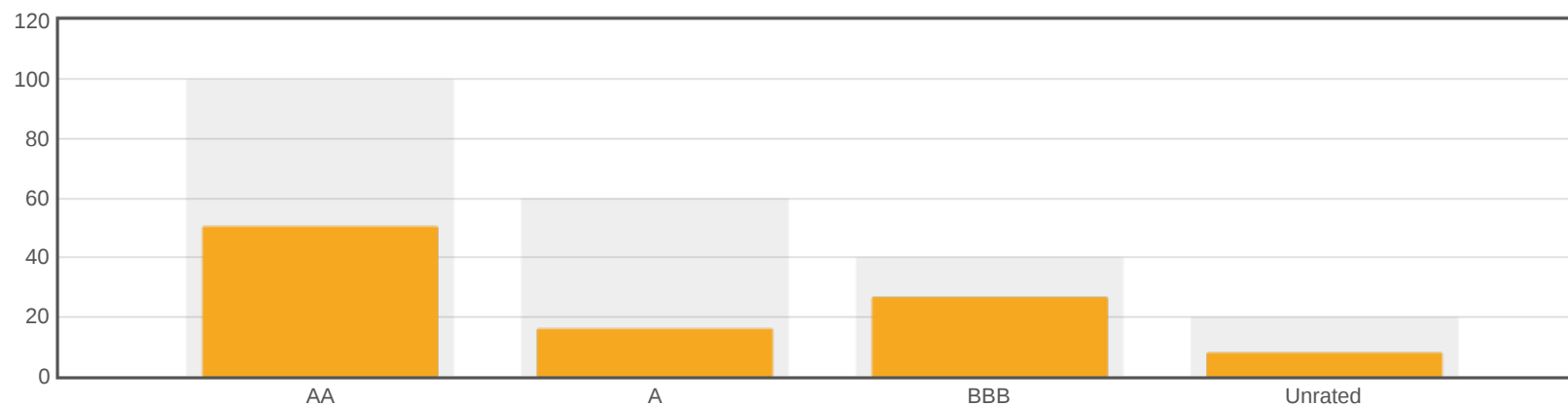


Credit Quality Compliance as at 31/08/2022

Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available
✓	AA	32,075,174.38	50.19	100.00	31,830,527.30
✓	A	10,080,527.30	15.77	60.00	28,262,893.71
✓	BBB	16,850,000.00	26.37	40.00	8,712,280.67
✓	Unrated	4,900,000.00	7.67	20.00	7,881,140.34
TOTALS		63,905,701.68	100.00		

Credit Quality Compliance - Long Term Investments

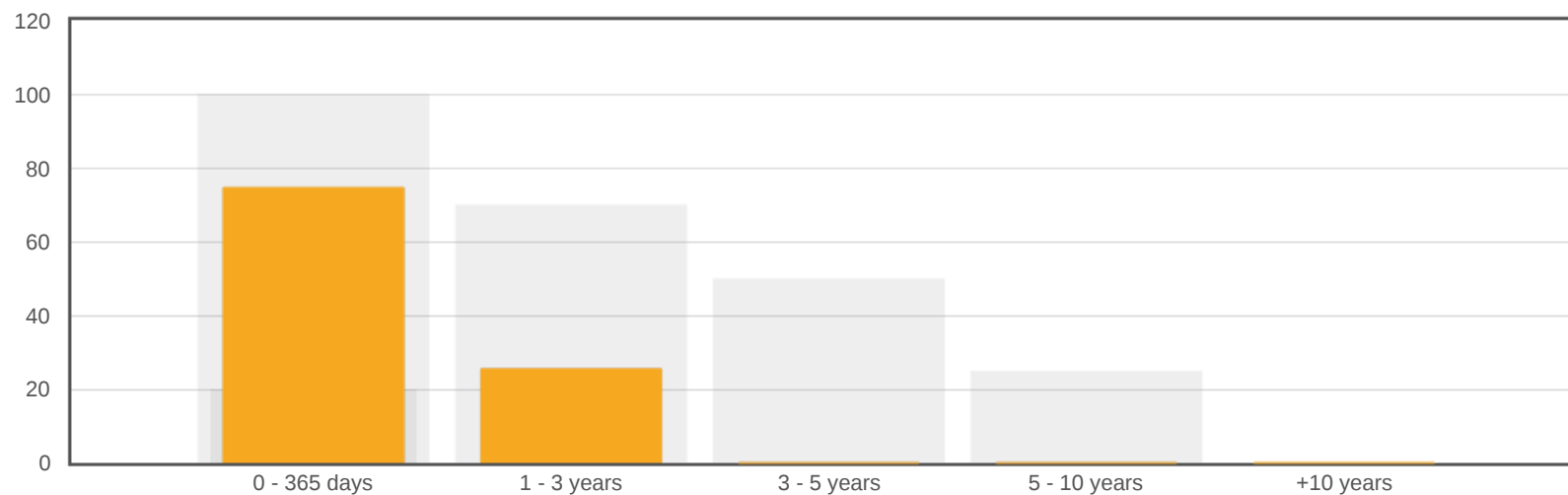




Maturity Compliance as at 31/08/2022

Compliant	Term	Invested	Invested (%)	Min Limit (%)	Max Limit (%)	Available
✓	0 - 365 days	47,655,701.68	74.57	20.00	100.00	16,250,000.00
✓	1 - 3 years	16,250,000.00	25.43	0.00	70.00	28,483,991.18
✓	3 - 5 years	-	0.00	0.00	50.00	31,952,850.84
✓	5 - 10 years	-	0.00	0.00	25.00	15,976,425.42
✓	+10 years	-	0.00	0.00	0.00	-
TOTALS		63,905,701.68	100.00			

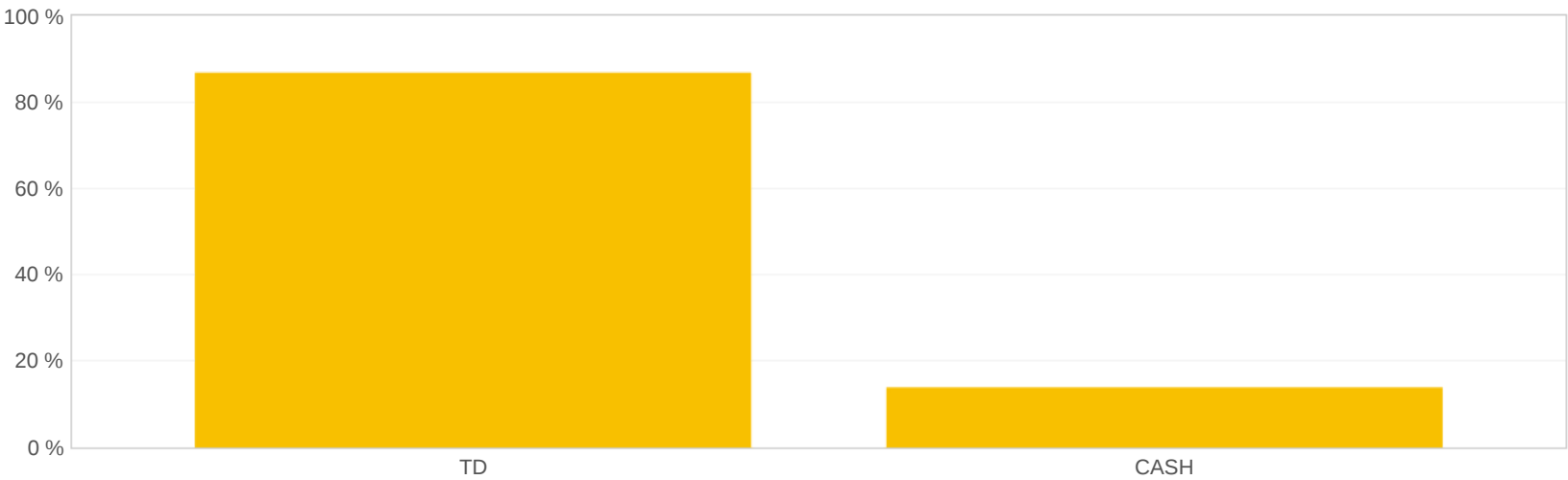
Maturity Compliance





Asset Class as at 31/08/2022

Code	Number of Trades	Invested	Invested (%)
TD	57	55,250,000.00	86.46
CASH	2	8,655,701.68	13.54
TOTALS	59	63,905,701.68	100.0



ACTIVE RESOLUTIONS AS AT 24 AUGUST 2022

**LACHLAN SHIRE COUNCIL
REPORT TO COUNCIL MEETING
TO BE HELD ON 28 SEPTEMBER 2022**

AUTHOR: GENERAL MANAGER

Date	Dept.	Resolution	Action Taken to Date	Expected Completion
August 2022	GM	2022/259 17.1 GENERAL MANAGER'S PERFORMANCE REVIEW RESOLVED THAT: <ol style="list-style-type: none"> Note the report of the Performance Review Panel. That Mr Greg Tory be offered a five (5) year Contract of employment commencing 1 September 2022. <p style="text-align: right;">Harris/Rees</p>	COMPLETE	COMPLETE
August 2022	GM	2022/261 9.1.1 GENERAL MANAGERS PERFORMANCE REVIEW AND CONTRACT RESOLVED THAT: <ol style="list-style-type: none"> The Mayoral Report No R22/280 be received and noted. The General Manager be offered a new 5-year Contract, commencing 1 September 2022 at a TRP of \$286,931.10 with terms and conditions to be in accordance with the Standard Contract of Employment General Managers of Local Councils in New South Wales. The Mayor be authorised to develop and sign a Deed of Entitlement, as a policy of Council, which details entitlements approved by Council to be provided to the General Manager, for inclusion in Schedule A of the contract. The Mayor be authorised to sign the new 5-year contract for the employment of the General Manager on behalf of Council. <p style="text-align: right;">Phillips/Harris</p>	COMPLETE	COMPLETE

June 2022	GM	<p>2022/204 LEASE OF FORMER ABATTOIR SITE</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The General Manager's Report No. R22/176 be received and noted. 2. Council lease the premise to Platina Resources for a 12 month period as detailed in option 3 in the Issues and Comments section of the report subject to both parties agreeing. 3. Council authorise the Mayor and General Manager to sign and affix the Council seal to a new lease and to any contract documents should the option to purchase be taken up. <p style="text-align: right;">Brady/Phillips</p>	<p>Draft lease prepared and issued to Platina for signing. Awaiting return of lease documents. Lease signed and returned.</p> <p>COMPLETE</p>	COMPLETE
JULY 21	GM	<p>123/2021 MAYORAL MINUTE – ELIZABETH MCGREGOR PLAQUE</p> <p>RESOLVED THAT:</p> <p>Council support the unveiling of a plaque for Elizabeth McGregor at Memorial Park Condobolin and agree to contribute a maximum of \$6,800 to the cost of the project as detailed in the request from the Operation Pilgrimage Group.</p> <p style="text-align: right;">Harris/Blewitt</p>	<p>Ongoing</p> <p>GM met with representatives of Operation Pilgrimage on 15 June 2022.</p> <p>Unveiling of Nurse Elizabeth McGregor plaque proposed for 8 October 2022, date to be confirmed.</p> <p>Large rock on which to mount the plaque has been obtained and will be delivered to Condobolin for Council to install.</p> <p>Site for placement of Memorial rock selected and work scheduled for September 2022.</p> <p>Memorial rock cast in concrete plinth awaiting delivery of memorial plaque.</p>	NOVEMBER 2022

August 2022	ETED	<p>2022/252 9.3.1 ACTIONS FROM THE INDUSTRIAL AND RURAL LANDS STRATEGY - LODGEMENT OF PLANNING PROPOSALS FOR IDENTIFIED SITES</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director of Environment, Tourism and Economic Development Report No. R22/274 be received and noted. 2. Council endorse the investigations in accordance with the Actions (C1) of Council's Industrial and Rural Lands Strategy. 3. A further report be tabled once the investigations are complete and individual planning proposals are prepared. <p>Brady/Bendall</p>	Investigations have commenced. The report will be tabled once the investigations are complete and individual planning proposals have been prepared.	FEBRUARY 2023
July 2022	ETED	<p>2022/242 FIRE DAMAGED PROPERTY IN THE LACHLAN SHIRE</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 2. Remediation/repair works be undertaken in accordance with the terms of the development control order on the property and seek to recover the costs through legal action. 3. The cost of the remediation/repair work be charged against the Vacant Land Expenses budget. <p>Harris/Phillips</p>	Preparations will be made to carry out the works once a final check of the documentation has been undertaken.	OCTOBER 2022
July 2022	ETED	<p>2022/237 TENDER 2022/7 - MANAGEMENT CONTRACT FOR TOTTENHAM CARAVAN PARK - SUBMISSION</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 2. The General Manager commence negotiations with any person with a view to entering into a contract in relation to the management of the Tottenham Caravan Park. 3. A further report be presented to Council following completion of the negotiations. <p>Harris/Mortimer</p>	Discussions are taking place with interested parties.	OCTOBER 2022

July 2022	ETED	<p>2022/236 TENDER 2022/9 - MANAGEMENT CONTRACT FOR RIVERVIEW CARAVAN PARK - SUBMISSION</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 2. Council reject all tenders submitted and authorise the General Manager to negotiate with all tenderers or any other person, with the aim of achieving Option 3 within this report. 3. A further report be provided to Council detailing the outcome of the negotiations. <p>Harris/Mortimer</p>	<p>A report is included in the business paper.</p> <p>COMPLETE</p>	COMPLETE
July 2022	ETED	<p>2022/222 NSW FLOOD PLANNING PACKAGE</p> <p>RESOLVED THAT:</p> <p>Council resolve to amend Lachlan DCP 2018 to include flood planning controls and mapping and that a further report be presented outlining the proposed changes before the draft DCP is placed on public exhibition.</p> <p>Harris/Bendall</p>	<p>The Draft DCP is being prepared.</p>	November 2022
July 2022	ETED	<p>2022/224 PLANNING PROPOSAL - AMENDMENT TO LACHLAN LOCAL ENVIRONMENTAL PLAN 2013 TO ALLOW AN ADDITIONAL PERMITTED USE FOR A "VEHICLE REPAIR STATION" AT 48 BROWNIES LANE, TOTTENHAM</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 2. Council endorse the finalisation of the planning proposal (PP-2021-7482) to amend Lachlan Local Environmental Plan 2013 (LLEP 2013) allowing "Vehicle Repair Station", as an Additional Permitted Use in Schedule 1 on Lots 68, 69 and 162 DP 753968, 48 Brownies Lane, Tottenham. 3. Council authorise the General Manager to make minor variations to the planning proposal (PP-2021-7482), if required, during the drafting and finalisation of the planning proposal. <p>Harris/Mortimer</p>	<p>The plans have been prepared and the Planning Proposal will be lodged with the Parliamentary Counsel's office to draft the LEP amendment.</p>	October 2022

June 2022	ETED	<p>2022/185 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES IN CONDOBOLIN AND LAKE CARGELLIGO</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director Environment Tourism and Economic Development Report No. R22/149 be received and noted. 2. Council proceed with a proposal to re-establish the Alcohol Free Zones (AFZs) in Lake Cargelligo and Condobolin with the same boundaries as the current AFZs. 3. The proposal, to declare Condobolin and Lake Cargelligo Alcohol Free Zones be placed on public exhibition for a period of twenty-eight (28) days and invite submissions/objections to the proposal. 4. A further report be considered by Council, outlining the details of any submissions/objections made during the notification period for Council's consideration before making any final declarations. <p>Phillips/Bartholomew</p>	<p>A report is included in the business paper.</p> <p>COMPLETE</p>	COMPLETE
MAR 22	ETED	<p>75/2022 CONDOBOLIN AND DISTRICT HISTORICAL MUSEUM – EXTENSION TO MUSEUM AND DISPLAY ENHANCEMENTS PROJECT</p> <p>RESOLVED THAT</p> <p>Discussions be held with the Condobolin and District Historical Society regarding the project and determine how the available funds can be utilised and seek variations from the grant body to allow the funds to be spent.</p> <p>Mortimer/Bendall</p>	<p>Council staff have met with the Committee. In principle agreement was achieved on design. The Committee have since decided to change the plan. A further meeting was held on 20 July to understand the new concept. The committee will be informed of the plan before the variation is proposed with the grant body and works commence.</p>	October 2022

AUGUST 21	ETED	<p>172/2021 DRAFT BUSHFIRE PRONE LAND MAP</p> <p>RESOLVED THAT</p> <p>Following receipt of the revised mapping from the NSW RFS, the revised draft Bush Fire Prone Land Map be placed on public exhibition for a minimum period of 28 days and public submissions be invited on the revised draft map.</p> <p>A further report be presented to Council, following the completion of the public exhibition period, detailing any submissions received during the public exhibition period and to allow Council to consider the adoption of the map prior to it being sent to the Commissioner of NSW RFS for review and certification.</p> <p style="text-align: right;">Harris/Brady</p>	<p>As a result staff have met with the RFS and now have a revised map from the RFS. Council's draft Bush Fire Prone Land Map (BFPLM) was on public exhibition from 25 May 2022 to 23 June 2022. A report will be provided to the Council meeting in October 2022.</p>	October 2022
MAY 21	ETED	<p>92/2021 HONOUR ROLL/ACKNOWLEDGEMENT BOARD</p> <p>RESOLVED THAT</p> <p>That an Acknowledgement Board project be considered, along with other meritorious projects, for a funding application under the Stronger Country Communities Fund – Round 4.</p> <p>Subject to Council approval, and a successful grant application for the Acknowledgement Board project, expressions of interest be invited from community members to assist with the determination of appropriate criteria for a person's name to be considered for inclusion on the board. The advisory group is also to make recommendations to Council on the initial list of people's names for inclusion on the board.</p> <p>A further report be presented to Council following determination of the project funding application.</p> <p style="text-align: right;">Harris/Brady</p>	<p>The project was not supported by Council for funding under the Stronger Country Communities Fund – Round 4. Other funding opportunities will now need to be identified.</p>	October 2022

DEC 20	ETED	<p>348/2020 DRAFT BUSH FIRE PRONE LAND MAP</p> <p>RESOLVED THAT</p> <p>Council adopt the recommendations of the report prepared by Integrated Consulting, as attached to this report.</p> <p>Following the completion of the tasks, recommended in Integrated Consulting's report, the draft Bush Fire Prone Land map be placed on public exhibition for a minimum period of 28 days (which will be extended over the Christmas period in accordance with the Community Participation Plan) and public submissions be invited on the draft map.</p> <p>A further report be presented to Council, following the completion of the public exhibition period, detailing any submissions received during the public exhibition period and to allow Council to consider the adoption of the plan prior to it being sent to the Commissioner of NSW RFS for review and certification.</p> <p style="text-align: right;">Harris/Bendall</p>	<p>The draft Bush Fire Prone Land Map (BFPLM) was on public exhibition until 7 April 2021.</p> <p>Public submissions have been reviewed by Council officers and a response was sent in June to NSW RFS to review.</p> <p>NSWRFS have met with Council staff to provide further feedback.</p> <p>Council resolved to re-exhibit the draft maps once received from the NSW RFS before a report is presented to Council for consideration/ adoption of the draft maps.</p> <p>Updated maps have been received and Council's draft Bush Fire Prone Land Map (BFPLM) was on public exhibition from 25 May 2022 to 23 June 2022. A report will be provided to the Council meeting in October 2022.</p>	October 2022
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FEB 20	ETED	<p>353/2019 COMPULSORY ACQUISITION OF CROWN LAND FOR THE EXPANSION OF THE WASTE FACILITY AND THE CREATION OF A NEW ACCESS ROAD AT LAKE CARGELLIGO.</p> <p>RESOLVED THAT</p> <p>Council proceed with the compulsory acquisition of the land known as Lot: 7308 and DP: 1151003 and Lot: 79 DP: 752333 for the purpose of Lake Cargelligo Waste Facility Landfill Expansion in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.</p> <p>Council make an application to the Minister and the Governor for approval to acquire Lot: 7308 DP: 1151003 and Lot: 79 DP: 752333 by compulsory process under section [186(1) of the Local Government Act.</p> <p>That the land is to be classified as operational land.</p> <p>Council proceed with the compulsory acquisition of the land described as Lot: 7006 DP: 1029763, Lot: 7005 DP: 1029763, Lot: 7009 DP: 1057453 and Lot: 7308 DP: 1151003 for the purpose of road access in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.</p> <p>Council make an application to the Minister and the Governor for approval to acquire Lot: 7006 DP: 1029763, Lot: 7005 DP: 1029763, Lot: 7009 DP: 1057453 and Lot: 7308 DP: 1151003 by compulsory process under section 177(1) of the Roads Act.</p> <p>The General Manager be delegated authority to sign the application and affix Council's Seal.</p> <p style="text-align: right;">Brady/Hall</p>	<p>The Minister for Local Government has approved Council undertaking pre-acquisition procedures and the additional procedures to address Native Title in relation to the land. Proposed Acquisition Notices (PANs) will now be issued to the relevant parties in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</p> <p>Meetings were held in early February with a company that specialises in Crown land matters to determine whether they can provide any assistance in this matter. That company has now been engaged by Council and is progressing the acquisition.</p> <p>Murrin Bridge Local Aboriginal Land Council has provided support for the land acquisition and will provide correspondence to Council to send to the NSW Aboriginal Land Council. This information has now been sent to Crown Lands for approval before we can proceed with the proposal.</p>	DECEMBER 2022
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FEB 18	ETED	<p>28/18 LAKE CARGELLIGO WASTE FACILITY – LAND ACQUISITION</p> <p>RESOLVED THAT:</p> <p>Approve the proposal to acquire 72,700 square metres of crown land comprising part lot 7308 DP 1151003, lot 7009 DP 1057453 and lots 7005 and 7006 DP: 1029763.</p> <p>Authorise the General Manager to lodge a Compulsory Acquisition Consent to Acquire Crown Land Application to the Department of Industry – Lands.</p> <p>The DIS provide an estimated cost of the access road to the March Ordinary Council meeting.</p> <p style="text-align: right;">Phillips/Hall</p>	<p>NSW Aboriginal Land Council has sent a letter to the Minister requesting a part withdrawal of the Aboriginal Land Claim (ALC) from respective lots identified for acquisition, resolving the ALC matter.</p> <p>Status search undertaken by NSW Crown Lands revealed no past use has extinguished or resolved Native Title. Council's Native Title Manager is investigating the process to resolve or extinguish Native Title.</p> <p>Refer to resolution above. The matter above needs to be resolved before the acquisition process can continue.</p>	December 2022
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DEC 2017	ETED	<p>326/17 HERITAGE COMMITTEE MEETING 22 NOVEMBER 2017</p> <p>RESOLVED THAT:</p> <p>Adopt the recommendations made by the Heritage Advisory Committee as follows;</p> <p>a) That Council implement a Conservation Management Plan for small rural cemeteries within the Shire.</p> <p>b) That Council award \$6,000 to Meredith Ervin for works to the NAB and residence in Lake Cargelligo; \$6,000 to Katrina & Jim Thomas for restoration works at Melrose Homestead, and \$2,000 to the Tottenham & Albert Cemetery Committee for headstone restoration.</p> <p style="text-align: right;">Rees/ Frankel</p>	<p>Melrose Homestead – funds acquitted.</p> <p>Cemetery funds acquitted. Ervin – works not complete and funds now no longer available. The Heritage Advisor has provided a quote for the preparation of the CCMP for \$9,900. The Heritage Advisor was initially to prepare the plan for Condobolin in December 2018. However the heritage advisor was focused on the completion of the Beech Periscope in Memorial Park and ensuring that Council submitted applications for a number of grants which were available in the heritage space, including the grant for the Aboriginal Heritage Study. The Heritage Advisor visited Tottenham, Albert and Fifield cemeteries in May 2020. Draft Plans for Albert, Tottenham, Tullibigeal and Fifield have been provided by the Heritage Advisor and are being reviewed by Council Officers.</p>	October 2022
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August 2022	C&CS	<p>2022/260 17.2 RATES AND CHARGES DONATIONS - 2022/2023</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director of Corporate and Community Services Report No. R22/273 be received and noted. 2. Council: <ol style="list-style-type: none"> (a) Decline to provide a rates and charges concession on assessment 1022777 on behalf of the Lake Cargelligo and District Care for the Aged Association Inc. (b) Approve a 50% concession on assessment 1003888 on behalf of the Rotary Club of Condobolin Incorporated. <p>Harris/Bartholomew</p>	<p>Letters sent 29/08/2022.</p> <p>Payment made for assessment number 1003888.</p> <p>Complete</p>	COMPLETE
August 2022	C&CS	<p>2022/250 9.2.1 PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO COUNCILLORS POLICY</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director Corporate & Community Services Report R22/253 be received and noted. 2. The Payment of Expenses and the Provision of Facilities for Councillors Policy be adopted as presented. <p>Harris/Phillips</p>	<p>Policy adopted.</p> <p>Complete</p>	COMPLETE
August 2022	C&CS	<p>2022/251 – 9.2.2 DONATIONS</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director of Corporate and Community Services Report No. R22/272 be received and noted. 2. Council provide a donation to Condobolin Sports Club Limited of \$400.00 for their Triple Bowls Day. 3. Council provide a donation of \$1,000.00 to the Rotary Club of Lake Cargelligo Christmas Carnival Committee <p>Harris/Phillips</p>	<p>Letter sent on 1 September 2022.</p> <p>Payments made 1/9/22</p> <p>Complete</p>	COMPLETE

July 2022	C&CS	<p>2022/238 TENDERING - REGIONAL CONTRACT FOR THE SUPPLY AND DELIVERY OF BULK FUEL (CNSWJO) FROM 1 JULY 2022</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> Council accept and sign a contract with the following organisations for the supply and delivery of bulk fuel: <ol style="list-style-type: none"> Lowes Petroleum Oilsplus Holdings Australia (pending resolution of insurances) Park (pending resolution of insurances) The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal. The Central NSW Joint Organisation of Council's be advised of Council's decision. <p style="text-align: right;">Harris/Phillips</p>	<p>Contract for Lowes has been signed by Council and sent to Lowes for co-signing 10/08/2022.</p> <p>Contract for Oilsplus only received from CNSWJO late 12/08/2022. Council has signed contract & sent for co-signing.</p> <p>Still waiting for resolutions of insurance issues with Park</p>	In progress
July 2022	C&CS	<p>2022/19 DONATION REQUEST</p> <p>RESOLVED THAT:</p> <p>Council provide a cash donation of \$5000 to Wiradjuri Condobolin Corporation assist with running of Skyfest as seed funding only. Funds are to be provided from the Community Programs & Events Budget.</p> <p style="text-align: right;">Blewitt/Harris</p>	<p>Robyn has been in contact with Merrill and to draft a letter. Payment made 18/8/22.</p> <p>Complete.</p>	COMPLETE
June 2022	C&CS	<p>2022/199 RATES, CHARGES & WATER CONSUMPTION CONCESSION - CONDOBOLIN LOCAL ABORIGINAL LAND COUNCIL</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> The Director of Corporate and Community Services Report No. R22/127 be received and noted. The tier 1 water allocation for the Willow Bend properties in the name of Condobolin Local Aboriginal Land Council and listed on Attachment 2B be increased from 600kL to a maximum of 9,600kL of water per annum. 		

		<p>3) With regards to all properties in the name of Condobolin Local Aboriginal Land Council that are listed on annexure B attached to this report (refer Attachment 1B)</p> <p>a) As per clause 558 (1) of the <i>Local Government Act NSW 1993</i> Council resolves not to provide an exemption for water supply special rates and not to provide an exemption for sewerage special rates</p> <p>AND</p> <p>As Council is not providing an exemption from water supply special rates, then as per clause 558 (4) Council cannot resolve to provide any water free of charge.</p> <p>Bendall/Phillips</p>	<p>Letter sent to Chalk & Behrendt Lawyers & Consultants on 5 July 2022 advising of outcome.</p> <p>Complete</p>	COMPLETE
June 2022	C&CS	<p>2022/179 PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director Corporate & Community Services Report R21/358 be received and noted. 2. Subject to any changes Council wishes to make being incorporated, the draft Payment of Expenses and the Provision of Facilities for Mayors and Councillors Policy be placed on public exhibition for 28 days, from 30 June 2022, as required under the <i>Local Government Act 1993 NSW section 253</i>. 3. Following the completion of the public exhibition period the Director of Corporate and Community Services present a further report to the August 2022 ordinary Council meeting, summarising any submissions received during the public exhibition period, for the consideration of Council prior to final adoption of the Payment of Expenses and the Provision of Facilities for Mayors and Councillors Policy. <p>Brady/Carter</p>	<p>Policy placed on public exhibition</p> <p>Adopted-See resolution 2022/250</p> <p>complete</p>	COMPLETE

MAY 22	C&CS	<p>134/2022 LAKE CARGELLIGO MOBILE CHILDCARE</p> <p>RESOLVED THAT</p> <p>Council provide direction on the mobile childcare services provided at Lake Cargelligo TAFE campus.</p> <p>Council defer the report.</p> <p>That Council write to TAFE in regards to working together to provide a secure gate and fencing at Lake Cargelligo TAFE.</p> <p style="text-align: right;">Harris/Phillips</p>	<p>Report deferred while further investigation carried out. Relevant staff advised. Update provided to Councillors at May strategic briefing.</p> <p>In progress</p>	November 2022
August 2022	IS	<p>2022/253 9.4.1 TREE REMOVAL REQUESTS - 50-52 BATHURST STREET, CONDOBOLIN</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director Infrastructure Services Report No. R22/267 be received and noted. 2. Council decline the request for removal and replacement of the Chinese tallow tree at 50 Bathurst Street, Condobolin due the tree being of significant age and in fair condition. The Tree provides amenity and shade that benefits the street in the summer months. Staff to investigate possible relocation of tree and provide a report to Council. 3. Council approve the request for removal and replacement of the Palm Trees out the front and adjacent to 52 Bathurst Street, Condobolin due the trees being unsuitable for their location and the minimal shade benefits to the streetscape. 4. Council reduce the risk to person and property through additional maintenance to the Chinese Tallow and rectify the uneven paving caused from the root system. <p style="text-align: right;">Phillips/Bendall</p>	<p>Proponent has been advised of the outcome.</p> <p>Due to size and location of the tree, an arborist will be engaged to remove the 2 palm trees</p>	October 2022

August 2022	IS	<p>2022/254 9.4.2 TREE ASSESMENT REPORT - 72 MINGELO STREET, TOTTENHAM</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director Infrastructure Services Report No. R22/268 be received and noted. 2. Council approve the removal and replacement of the tree located in the road reserve out the front of 72 Mingelo Street, Tottenham due to the tree being located on top of the water main and the damage it is causing to Councils infrastructure. <p>Brady/Phillips</p>	Tree removed	COMPLETED
August 2022	IS	<p>2022/255 9.4.3 FIFIELD DEVELOPMENT MANAGEMENT COMMITTEE - REQUEST FOR MOWER</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director Infrastructure Services Report No. R22/267 be received and noted. 2. Council resolve to support the request from the Fifield Development Management Committee and donate Plant item 5064 – Toro 5000 series 54” zero turn mower to the committee. 3. \$5000 be transferred in future QBR from the existing Fifield Maintenance Budgets to reimburse the Plant Fund for the disposal of Plant Item 5064. <p>Harris/Rees</p>	<p>Committee have been advised of the outcome.</p> <p>Arrangements being made to donate and hand over the mower.</p>	October 2022
August 2022	IS	<p>2022/256 14 CORRESPONDENCE</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. That Council deal with the correspondence. 2. The Director Infrastructure Services is to contact Condobolin Community Drug and Action Team (CDAT) for further information and provide a report to Council. <p>Rees/Harris</p>	Contact has been made with the CDAT group – awaiting confirmation of details around signage	OCTOBER 2022

June 2022	IS	<p>2022/191 ASSET MANAGEMENT PLANS - TRANSPORT, WATER AND SEWER, BUILDINGS AND PARKS & RESERVES</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director Infrastructure Services Report No. R22/167 be received and noted. 2. The draft asset management plans for transport, water and sewer, buildings and parks and reserves assets be placed on public exhibition for a period of 28 days and the community be invited to make submissions on the draft documents. 3. Council note the summary of key issues raised in the asset management plans as identified in this report. 4. Following the expiry of the public exhibition period the Director of Infrastructure Services provide a report to Council on any submissions received, for consideration by Council, prior to the draft Asset Management Plans being adopted. <p>Rees/Mortimer</p>	<p>Public exhibition commenced.</p> <p>Revised AMP and report to be presented to the October Council meeting</p>	OCTOBER 2022
June 2022	IS	<p>2022/193 RURAL FIRE SERVICE SHED - LAND ACQUISITION WEJA ROAD, UNGARIE</p> <p>RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. The Director Infrastructure Services Report R22/180 be received and noted 2. Council acquire lands in accordance with section 186 of the Local Government Act 1993 for the purpose of a Rural Fire station; 3. Council undertake acquisition by compulsory process of the land described as Lot 1 DP1284208 Parish of Bygalorie, County of Gipps from Colin Arthur Worland; 4. The General Manager is authorised to instruct Council's solicitors to make the necessary application to the Minister and/or the Governor to approve the acquisition under the Just Terms Compensation Act. <p>Bendall/Brady</p>	Underway	October 2022

MAY 22	IS	<p>129/2022 NOTICE OF MOTION – STORM DAMAGE, GRACE ST TO HOLT ST, LAKE CARGELLIGO</p> <p>RESOLVED THAT</p> <p>Consult with land owners re: major storm damage over several years from Grace Street to Holt Street running west to east – with it being very dangerous during storms and wild weather. There is water channel/erosion and a danger to public safety.</p> <p>Phillips/Bartholomew</p>	<p>Land Survey completed</p> <p>Design consultant procurement is underway.</p> <p>Land Owner consultation to commence once options have been developed</p>	DECEMBER 2022
MAR 22	IS	<p>63/2022 LAKE CARGELLIGO CRICKET NETS – LICENCE WITH DEPARTMENT OF EDUCATION</p> <p>RESOLVED THAT</p> <p>Council decline to accept and sign the proposed licence agreement with Secretary of the Department of Education and investigate an alternate location to construct the Lake Cargelligo Cricket Nets.</p> <p>Harris/Phillips</p>	See Report to Council	COMPLETED
FEB 22	IS	<p>32/2022 TREE ASSESSMENT – 47 ORANGE STREET, CONDOBOLIN</p> <p>The tree in front of 47 Orange Street be removed as requested and be replaced with a more suitable species of street tree.</p> <p>Plant two additional new suitable trees in appropriate location, with a view to the removal of the other mature Sugar Gum trees in future years.</p> <p>Rees/Bendall</p>	Replacement trees to be planted	OCTOBER 2022
OCT 21	IS	<p>246/2021 TREE ASSESSMENT – 50 BATHURST STREET, CONDOBOLIN</p> <p>RESOLVED THAT</p> <p>Council decline the request for removal and replacement of the tree due to the significant amenity and shade benefit it provides in Bathurst Street.</p> <p>Council reduce the risk to person and property through continuing to trim the tree branches to maintain clearance from the building and awning, lift pavers and trim the troublesome roots and reinstall pavers.</p> <p>Hall/Phillips</p>	COMPLETED	COMPLETED

OCT 21	IS	<p>243/2021 FY21/22 UTILITIES MONTHLY UPDATE FOR SEPTEMBER</p> <p>RESOLVED THAT</p> <p>Refer the RNSW842 Sewage Effluent Reuse Management System project costings for Tottenham to the Project Steering Committee for further discussion, highlighting the high ongoing cost for the proposed system.</p> <p>Harris/Hall</p>	Deed extension has been confirmed to allow further discussion	DECEMBER 2022
JUNE 21	IS	<p>147/2021 BURCHER WATER TREATMENT UPDATE</p> <p>RESOLVED THAT</p> <p>The outcomes from the stakeholder information session held on 1 June 2021 be noted.</p> <p>Council provide guidance on the matter of water supply for the community of Burcher.</p> <p>Harris/Bendall</p>	Ongoing	Ongoing
MAY 21	IS	<p>107/2021 DENISON STREET FOOTPATH CONSTRUCTION REQUEST</p> <p>RESOLVED THAT</p> <p>Consideration be given to allocating \$15,000 for the full replacement of the paved footpath on the eastern side of Denison Street from Molong Street to Oxley Street from a future round of the Local Road and Community Infrastructure Fund.</p> <p>Landscaping, irrigation and turf work in Denison Street, adjacent to the Railway Hotel be completed and maintained by the proprietor of the property subject to the Director of Infrastructure's approval of any proposed work.</p> <p>Harris/Phillips</p>	Project to be included in the "High risk footpath replacement" budget in the FY22/23	OCTOBER 2022
APR 20	IS	<p>91/2020 NOTICE OF MOTION - CRICKET NETS LAKE CARGELLIGO</p> <p>RESOLVED THAT</p> <p>The cricket practice nets proposed for construction at the Lake Cargelligo Recreation Ground be relocated to the south west corner of the Lake Cargelligo Central School recreational grounds.</p>	See Report to Council	COMPLETED

		Item 1 be subject to an appropriate signed Memorandum of Understanding with the NSW Department of Education. Phillips/Hall		
APR 17	IS	86/17 PARKS, RESERVES & RECREATIONAL FACILITIES – 5 YEAR STRATEGIC PLAN RESOLVED THAT <ol style="list-style-type: none"> 1. Council support the development of a strategic plan for its parks, reserves and recreational facilities using in house staff for the period FY18/19 to FY22/23. 2. Director Infrastructure Services and Manager Recreation submit a draft strategic plan for Council consideration before 1 July 2018. Hall/Carter	Draft Asset Management Plans on public exhibition	October 2022
MAR 19	IS	2019/54 ASSET MANAGEMENT PLANS - TRANSPORT, WATER, SEWER, BUILDING, RECREATION RESOLVED THAT Council defer advertising the AMP until the schedule of actions are inserted into the document. Council note the summary of key issues raised in the asset management plans as identified in this report. Council consider the need to increase funding for local roads and potentially other asset classes like buildings (while maintaining a financially sustainable position) as part of the next revision of its Long Term Financial Plan.	Draft Asset Management Plans on public exhibition	October 2022



Policies, Procedures and Guidelines



**LACHLAN SHIRE
COUNCIL**

Wiradjuri Country

CODE OF MEETING PRACTICE 2022

Further Information: Lachlan Shire Council ☎ 02 6895 1900 ✉ Email: council@lachlan.nsw.gov.au				Page 1 of 47
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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

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

The provisions of the Model Meeting Code that are not mandatory are indicated in red font.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

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Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council will be held on the following occasions:

Lachlan Shire Council will generally meet at 2:00pm on the fourth (4th) Wednesday of every month. Meetings will usually be held in the Council Chambers at 58 – 64 Molong Street Condobolin. Up to four (4) Ordinary Council meetings per year may be held at alternate locations around the shire as determined by Council.

3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use either clause 3.1 or 3.2

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

Extraordinary meetings

3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

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Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.Notice to councillors of extraordinary meetings

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

Note: Clause 3.9 reflects section 367(2) of the Act.Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **10** business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into

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consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and

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- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

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

Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of

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charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

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Pre-meeting briefing sessions

3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.

3.34 Pre-meeting briefing sessions are to be held in the absence of the public.

3.35 Pre-meeting briefing sessions may be held by audio-visual link.

3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.

3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.

3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 PUBLIC FORUMS

4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

4.2 Public forums may be held by audio-visual link.

4.3 Public forums are to be chaired by the mayor or their nominee.

4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by three (3) days before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

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- 4.5 A person may apply to speak on multiple items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than five (5) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than ten (10) days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to five (5) minutes.
- 4.17 Speakers at public forums can ask questions of the council, councillors or council staff however, answers to such questions will not be provided at the meeting.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to five (5) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record

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of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5 COMING TOGETHER

Attendance by councillors at meetings

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

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

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

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Note: Clause 5.6 reflects section 234(1)(d) of the Act.

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's

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website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question

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and must provide reasons why the councillor will be prevented from attending the meeting in person.

5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.

5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.

5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

- (a) the meetings the resolution applies to, and
- (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

5.24 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

5.25 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

5.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

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5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

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

Note: Clause 5.30 reflects section 10(1) of the Act.

5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.32 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

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

Note: Clause 5.32 reflects section 10(2) of the Act.

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

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Webcasting of meetings

5.33 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

5.34 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

- (a) the meeting is being recorded and made publicly available on the council's website, and
- (b) persons attending the meeting should refrain from making any defamatory statements.

5.35 The recording of a meeting is to be made publicly available on the council's website:

- (a) at the same time as the meeting is taking place, or
- (b) as soon as practicable after the meeting.

5.36 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.33 – 5.37 reflect section 236 of the Regulation.

5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

5.39 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.39 reflects section 376(1) of the Act.

5.40 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.40 reflects section 376(2) of the Act.

5.41 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

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Note: Clause 5.41 reflects section 376(3) of the Act.

5.42 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

5.43 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

6 THE CHAIRPERSON

The chairperson at meetings

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

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

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

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

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

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

6.4 The election of a chairperson must be conducted:

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

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

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

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

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slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

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

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 ~~At a meeting of the council, the general order of business is as fixed by resolution of the council.~~
- 8.2 The general order of business for an ordinary meeting of the council shall be:

- 1 Opening meeting Webcasting and Recording
- 2 Acknowledgement of country and Elders
- 3 Apologies and requests for a leave of absence or attendance by audio-visual link by councillors
- 4 Confirmation of minutes
- 5 Mayoral Minute(s)
- 6 Public Forum
- 7 Disclosures of interests
- 8 Read and Note
- 9 Decision Reports
- 9.1 General Manager

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- 9.2 Corporate and Community Services
- 9.3 Environment, Tourism and Economic Development
- 9.4 Infrastructure Services
- 10 Deputations
- 11 Notices of motions
- 12 Notices of Rescission
- 13 Delegates Reports
- 14 Correspondence
- 15 Question with notice
- 16 Petitions
- 17 Closed Session
- 18 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

- 8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

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- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

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- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

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- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.

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- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

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- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

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- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.7 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

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~~11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

Voting on planning decisions

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

11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

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

12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not

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necessary to report the proceedings in full, but any recommendations of the committee must be reported.

- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.

- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

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

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

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- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

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Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 12:00pm on the day before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than five (5) speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than five (5) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct

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the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

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

Information to be disclosed in resolutions closing meetings to the public

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

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

Resolutions passed at closed meetings to be made public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

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- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of

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order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
 - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

- 15.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

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Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 ~~All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.~~

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation.

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

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

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

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

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15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.

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

16 CONFLICTS OF INTEREST

16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

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

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17 DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

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Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 2 days after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- ~~17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:~~
- ~~(a) a notice of motion signed by three councillors is submitted to the chairperson, and~~
 - ~~(b) a motion to have the motion considered at the meeting is passed, and~~
 - ~~(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.~~
- ~~17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.~~
- ~~17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).~~

Recommitting resolutions to correct an error

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

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~~17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.~~

~~17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.~~

~~17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.~~

~~17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.~~

18 TIME LIMITS ON COUNCIL MEETINGS

~~18.1 Meetings of the council and committees of the council are to conclude no later than [council to specify the time].~~

~~18.2 If the business of the meeting is unfinished at [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.~~

~~18.3 If the business of the meeting is unfinished at [council to specify the time], and the council does not resolve to extend the meeting, the chairperson must either:~~

- ~~(a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or~~
- ~~(b) adjourn the meeting to a time, date and place fixed by the chairperson.~~

~~18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.~~

~~18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:~~

- ~~(a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and~~
- ~~(b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.~~

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19 AFTER THE MEETING

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

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Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.**20 COUNCIL COMMITTEES**Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

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Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a

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- member of the committee elected by the council, or
 (c) if the council does not elect such a member, a member of the committee elected by the committee.

- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

~~20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.~~

Note: Clause 20.17 reflects clause section 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.

- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

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

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

Disorder in committee meetings

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

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

~~20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~

- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made

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under this clause must not alter the substance of any decision made at the meeting.

- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITIES

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

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22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an

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	environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

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WEST MILBY RODEO & GYMKHANA INC

PRESIDENT: TERENCE REARDON - 0427 954 017

SECRETARY: M'LISS TYACK - 0400 222 091

TREASURER: DARYL REARDON - 0429 957 610

EMAIL: milbysports@gmail.com

FACEBOOK: [Official Milby Sports Gymkhana](#)

21st August 2022

Lachlan Shire Council

Dear Sir/Madam

I am writing to you on behalf of the West Milby Rodeo & Gymkahana INC seeking sponsorship from the Lachlan Shire Council for this year's Milby Sports.

We thank the Shire for their generous support in 2021.

This will be the 69th year of our community orientated charity event. It is well respected throughout the wider central west for its family friendly atmosphere, events, and challenges catering to every age group.

A contribution of \$1000 would be greatly appreciated to help toward the running of another successful day.

Your donation will be mentioned on the day as well as in all our advertising, social media, and newspaper articles.

Yours Sincerely

A handwritten signature in black ink, appearing to read "T. Reardon", with a stylized flourish at the end.

Terence Reardon
President



LACHLAN SHIRE COUNCIL

Donations Policy GEN006 – Requests over \$1,000 only

FUNDING APPLICATION FORM

Please read the policy carefully before completing this application form, as applications that do not meet the stated funding criteria may be deemed ineligible. Should you require assistance or advice in completing the application form, please contact Council on (02) 6895 1900.

PART A - Applicant Details	
Name of group/organisation: <u>Lake Rodeo Association</u>	
Postal Address: <u>P.O Box 15</u>	
Contact Person: <u>Skye Vagg</u>	Position in group/organisation: <u>Secretary</u>
Telephone:	Mobile: <u>0429324863</u>
Fax:	Email: <u>Skye.vagg@realthrsw.gov</u>
Is your organisation incorporated?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does your organisation have an ABN?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
ABN:	
Does your organisation have Public Liability Insurance?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, please attach a valid <u>Certificate of Currency</u> .	

PART B – Project Details (please attach extra pages if insufficient space is provided)	
Project Title: <u>Improve Stock care in yards</u>	
Project Location: <u>Rodeo Ground @ Showgrounds</u>	
Proposed Start Date: <u>12/9/22</u>	Proposed End Date:

Summary of Project.

Automatic cement troughs to improve water access to provide to donated stock during event's held to raise money to assist families in need. Currently rely on bath tubs

Briefly summarise what your organisation does i.e. its mission.

Fundraising for families in need community entertainment, bring competitors to town to help economy

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LACHLAN SHIRE COUNCIL

Donations Policy GEN006 – Requests over \$1,000 only

FUNDING APPLICATION FORM

How will this project benefit the local community?

Raises funds that goes back
into helping those in need
visitors to town that spend money

Please estimate the number of participants and/or spectators in your project.

100 - 150 competitors
50 - 100 spectators

How will the success of the project be evaluated by your organisation?

improved water quality less
work for volunteers. Improved
access to water

How will your organisation acknowledge the financial contribution from Council?

Yes, via social media, local
paper and @ events

Please outline how your organisation will manage this project.

committee members will volunteer
time to pick up & install
troughs

PART C – Funding Sources

Has your organisation received funding assistance from Council before?

Yes ☐ No ☒

If Yes, in which financial year did your organisation last receive funding:

Please provide details of any funding sought from other sources for this project.

Funding Source	Amount	Secured (Yes or No)

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LACHLAN SHIRE COUNCIL

Donations Policy GEN006 – Requests over \$1,000 only

FUNDING APPLICATION FORM

Please outline how your organisation intends to manage and be accountable for the funds allocated, should your submission be successful.

Through our minutes, bank account
records, cheque book log


PART D – Project Budget

Please provide a detailed budget for your project. It is important that you clearly identify expenses by type and that every effort is made to reasonably estimate the level of income expected from sources such as entrance fees and sponsorship.

Is project budget attached before?		Yes <input type="checkbox"/> No <input type="checkbox"/>
Project Budget Summary:		Amount
Cash contributed by your organisation:		\$
Cash from other sources:		\$ Nil
In kind contribution, approximate value e.g. Volunteer		\$100-200
Amount requested from Lachlan Shire Council		\$ 1900
Total Cost of Project:		\$

Authorisation:

I, Shane Voegs (print name) certify
that this application for funding was approved by the management committee of this organisation on
12/9/22 (insert Date).

 (Signed)	<u>12/9/22</u> (Date)
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**2022/23 DONATIONS BUDGET
AS AT 7/09/2022**

Organisation/Individual	Work order number	Annual Budget for Special Events - in kind	General Ledger- Master/sub account number	Annual Budget for Community Events - specified donations & contributions	Amount paid for Community Events - specified donations & contributions	General donations - elected members	Rates/water - elected members	Community Events - general	Special Events-in kind support only	Donation Purpose
Master.sub					3820.various	3020.0405	3020.0406	3820.0460	3230.509	
Annual Budget						\$ 27,000	\$ 9,000	\$ 30,550		
Tottenham Blue Light (Youth centre)							\$2,274			Rates concession 1023781
Riverina Academy of Sport						\$200				Southern Sports Academy
Tottenham Anglican Church										
Albert Anglican Church										
Condobolin Clay Target Club Inc.										
Rotary Club of Lake Cargelligo						\$1,000				Christmas Carnival 2022
Lake Cargelligo Central School						\$200				NAIDOC celebrations
Lachlan Shire Council Credit Card										
Lucy Kirk - Speak Up - July 2021										
Condobolin Sports Club Limited								\$400		Triple Bowls Event - Oct 2022
Uniting Church-Lake Cargelligo										
NSW Rural Doctors Network										
Tullibigeal Central School										
Tottenham Christmas Tree										
Condobolin High School										
Tottenham Swimming Club										
Lake Cargelligo Arts & Crafts										
Lake Cargelligo Central School										
West Milby Rodeo & Gymkhana										
Condobolin PAH & I Association										
Tullibigeal Pool Committee										
Tottenham Central School										
Koori Kids										
Rotary Club of Condobolin Inc								\$761		Rates concession 1003888
Tottenham CWA										
Tullibigeal CWA								\$480		50% concession on rates & charges
Wiradjuri Condobolin Corporation									\$5,000	Skyfest seed funding
Oxley CWA										
Condobolin Chamber of Commerce										
Condobolin & District Kennel Club						\$2,048				Donation-accommodation for dog show
HIDE ALL ROWS BETWEEN HERE & TOTAL										
Donations - NAIDOC week			3820.409	\$1,440	\$0					
Murrin Bridge Programs & Events			3820.494	\$0	\$0					
Western Plains Regional Development			3820.476	\$55,530	\$0					
Lower Lachlan Community Services			3820.477	\$55,530	\$0					
Tottenham Welfare Council			3820.478	\$4,240	\$0					
Tullibigeal Progress Association			3820.479	\$4,240	\$0					
Lake Cargelligo Community Gym			3820.483	\$6,970	\$0					
Tullibigeal Pool operations			3720.405	\$45,000	\$0					
Special Event - Condobolin Races	812	\$10,080								
Special Event - Pony Club Condobolin	1,062	\$650								
Special Event - Breast Screen Van Movement	1,081	\$470								
Special Event - Yellow Mountain Cross Country	1,093	\$1,310			\$427.00				\$1,195	in kind support
Special Event - RSL Pipe band Tattoo	1,092	\$4,400								
Special Event - Milby Sports	1,234	\$2,640								
Special Event - Condo 750	1,071	\$4,890								
Special Event - ANZAC day	1,072	\$4,330								
Special Event - Condobolin B&S	1,138	\$0								
Special Event - Condobolin Show	1,163	\$16,350							\$68	Bin for show
Special Event - Tottenham Races	813	\$8,020								
Special Event - Tullibigeal Carols	1,365	\$0								
Special Event - Tullibigeal Races	1,061	\$2,720								
Special Event - Tullibigeal Gymkhana	1,232	\$910								
Special Event - Tottenham Gymkhana	1,231	\$3,550								
Special Event - Lake Cargelligo Show	1,221	\$1,720								
Tottenham Christmas event	1,364	\$0								
Special Event - NAIDOC Week	1,505	\$2,150								



Policies, Procedures and Guidelines

SOCIAL MEDIA POLICY

DEFINITIONS

In this Social Media Policy, the following terms have the following meanings:

Authorised user	members of council staff who are authorised by the General Manager or Social Media Coordinator (SMC) to upload content and engage on Council's social media accounts on Council's behalf
Council official	Councillors, members of staff and delegates of Council (including members of committees that are delegates of Council)
Minor	for the purposes of clause 4.4(b) of this policy, a person under the age of 18 years
Personal Information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
SMC	is Council's Social Media Coordinator assigned to a staff member under this policy
Social Media	online platforms and applications such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards that allow people to easily publish, share and discuss content. Examples include, but are not limited to, Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

PART 1: PRINCIPLES

1.1 The Councillors, staff and other officials of Lachlan Shire Council are committed to upholding and promoting the following principles of social media engagement:

- Openness:** Our social media accounts are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.
- Relevance:** We will ensure our social media accounts are kept up to date with informative content about our Council and community.
- Accuracy:** The content we upload onto our social media accounts and any other social media account will be a source of truth for our Council and community and we reserve the right to correct inaccuracies when they occur.
- Respect:** Our social media accounts are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's Code of Conducts when using our social media accounts and any other social media account.

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PART 2: ADMINISTRATIVE FRAMEWORK FOR COUNCIL'S SOCIAL MEDIA ACCOUNTS

2.1 Council currently maintains a presence on the following social media platforms:

- a) Facebook
- b) LinkedIn
- c) Instagram

Council reserves the right to add or remove social media platforms and/or accounts.

2.2 Council's social media accounts must specify or provide a clearly accessible link to the 'House Rules' for engaging on the account.

ESTABLISHMENT AND DELETION OF COUNCIL SOCIAL MEDIA ACCOUNTS

2.3 A new council social media account, or a social media account proposed by a council related entity (for example, a council committee), can only be established or deleted with the written approval of the General Manager or their delegate.

2.4 Where a council social media account is established or deleted in accordance with clause 2.3, the General Manager or their delegate may amend clause 2.1 of this policy without the need for endorsement by Council.

APPOINTMENT AND ROLE OF THE SOCIAL MEDIA COORDINATOR

2.5 The General Manager will appoint a member of council staff to be the council's social media coordinator (SMC). The SMC should be a suitably qualified member of staff.

2.6 The General Manager may appoint more than one SMC.

2.7 The SMC's role is to:

- a) approve and revoke a staff member's status as an authorised user
- b) develop and/or approve the training and/or induction to be provided to authorised users
- c) maintain a register of authorised users
- d) maintain effective oversight of authorised users
- e) moderate the Council's social media accounts in accordance with Part 5 of this policy
- f) ensure Council complies with its record keeping obligations under the State Records Act 1998 in relation to social media
- g) ensure Council adheres to the rules of the social media platform(s) and account(s)
- h) coordinate with the Council's Information Services team to ensure the Council's social media accounts are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.

2.8 The SMC may delegate their functions under paragraphs (e) and (f) of clause 2.7 to authorised users.

2.9 The SMC is an authorised user for the purposes of this policy.

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AUTHORISED USERS

- 2.10 Authorised users are members of council staff who are authorised by the General Manager/SMC to upload content and engage on Council's social media accounts on Council's behalf.
- 2.11 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.
- 2.12 The General Manager/SMC will appoint authorised users when required.
- 2.13 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.
- 2.14 The role of an authorised user is to:
- ensure, to the best of their ability, that the content they upload onto Council's social media accounts is accurate
 - correct inaccuracies in Council generated content
 - engage in discussions and answer questions about the substantive content on Council's social media account
 - keep Council's social media accounts up to date
 - moderate Council's social media accounts in accordance with Part 5 of this policy
 - ensure Council complies with its record keeping obligations under the State Records Act 1998 in relation to social media
- 2.15 When uploading content, an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.
- 2.16 Authorised users must not use Council's social media accounts for personal reasons.

ADMINISTRATIVE TONE

- 2.17 Authorised users upload content and engage on social media on Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.
- 2.18 Authorised users may use more personal, informal language when engaging on Council's social media accounts, for example when replying to comments. Abbreviations (for example: 'CU L8r', 'How RU', 'lol') however are not to be used.

REGISTER OF AUTHORISED USERS

- 2.19 The SMC will maintain a register of authorised users. This register is to be reviewed annually to ensure it is up to date.

CEASING TO BE AN AUTHORISED USER

- 2.20 The General Manager / SMC may revoke a staff member's status as an authorised user, if:
- the staff member makes such a request and an alternate authorised user is available.
 - the staff member has not uploaded content onto any of Council's social media accounts in the last twelve months

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- c) the staff member has failed to comply with this policy
- d) the General Manager/SMC is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

PART 3 – ADMINISTRATIVE FRAMEWORK FOR COUNCILLORS’ SOCIAL MEDIA ACCOUNTS

- 3.1 For the purposes of this policy, councillor social media accounts are not council social media accounts. Part 2 of this policy does not apply to councillors’ social media accounts.
- 3.2 Councillors are responsible for the administration and moderation of their own social media accounts (in accordance with Parts 3 and 5 of this policy) and ensuring they comply with the record keeping obligations under the State Records Act 1998 in relation to social media.
- 3.3 Clause 3.2 also applies to councillors in circumstances where another person administers, moderates, or uploads content onto their social media account.
- 3.4 Councillors must comply with the rules of the platform(s) and account(s) when engaging on social media.
- 3.5 The SMC may provide a link to councillors’ social media accounts on the Councillor Profile page on Council’s website, if requested by the respective councillor.

INDUCTION AND TRAINING

- 3.6 Councillors who engage or intend to engage on social media must receive induction training on social media use. Induction training can be undertaken either as part of the councillor’s induction program or as part of their ongoing professional development program.

IDENTIFYING AS A COUNCILLOR

- 3.7 A councillor’s social media account must include a profile photo which is a clearly identifiable image of the Councillor
- 3.8 If a councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the councillor’s social media accounts and updated within two weeks of a change in circumstances.

OTHER GENERAL REQUIREMENTS FOR COUNCILLORS’ SOCIAL MEDIA ACCOUNTS

- 3.9 Councillor social media accounts must specify or provide a clearly accessible link to the ‘House Rules’ for engaging on the account.
- 3.10 A councillor’s social media account must include a disclaimer to the following effect:

“The views expressed and comments made on this social media account are my own and not that of the Council”.

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- 3.11 Despite clause 3.10, mayoral or councillor media releases and other content that have been authorised according to the Council's media and communications protocols may be uploaded onto a councillor's social media account.
- 3.12 Councillors may, in consultation with the General Manager, upload publicly available Council information onto their social media accounts.
- 3.13 Councillors may use more personal, informal language when engaging on their social media accounts.

COUNCILLOR QUERIES RELATING TO SOCIAL MEDIA ACCOUNTS

- 3.14 Questions from councillors relating to their obligations under this policy or technical queries relating to the operation of their social media accounts may be directed to the General Manager in the first instance.

OTHER SOCIAL MEDIA ACCOUNTS ADMINISTERED BY COUNCILLORS

- 3.15 A councillor must advise the General Manager of any social media accounts they administer on which content relating to the Council or council officials is, or is expected to be, uploaded. The councillor must do so within:
- One month of becoming a Councillor, or
 - One month of becoming the administrator.

PART 4 – STANDARDS OF CONDUCT ON SOCIAL MEDIA

- 4.1 This policy only applies to council officials' use of social media in an official capacity or in connection with their role as a council official. The policy does not apply to personal use of social media that is not connected with a person's role as a council official.
- 4.2 Council officials must comply with Council's code of conduct when using social media in an official capacity or in connection with their role as a council official.
- 4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- is defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public
 - contains profane language or is sexual in nature
 - constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory
 - is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - contains content about the Council, council officials or members of the public that is misleading or deceptive
 - divulges confidential Council information
 - breaches the privacy of other council officials or members of the public
 - contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

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- i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- j) commits the Council to any action
- k) violates an order made by a court
- l) breaches copyright
- m) advertises, endorses or solicits commercial products or business
- n) constitutes spam
- o) is in breach of the rules of the social media platform or account.

4.4 Council officials must:

- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
- b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.

4.5 Council officials must exercise caution when sharing, liking, or retweeting content as this can be regarded as an endorsement.

4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.

4.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did (see section 232(1)(f) of the *Local Government Act 1993*).

PART 5 – MODERATION OF SOCIAL MEDIA ACCOUNTS

Note: Councils and council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media account they administer, including content that:

- is uploaded by a third party; and/or
- appears on their social media account because they have 'liked', 'shared', or 'retweeted' the content, or similar.

5.1 Council officials who are responsible for the moderation of the Council's or Councillors' social media accounts may remove content and 'block' or ban a person from those accounts. Such actions must be undertaken in accordance with this Part. For Council, SMCs and delegated authorised users can be moderators as per 2.7 and 2.8 of this policy.

5.2 For the purposes of this Part, 'social media account' and 'account' means both Council's and Councillors' social media accounts.

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HOUSE RULES

- 5.3 Social media accounts must state or provide an accessible link to the 'House Rules' for engaging on the account.
- 5.4 At a minimum, the House Rules should specify:
- the principles of social media engagement referred to in clause 1.1 of this policy
 - the type of behaviour or content that will result in that content being removed or a person being blocked or banned from the account
 - the process by which a person can be blocked or banned from the account
 - a statement relating to privacy and personal information (see clause 7.4 of this policy)
 - when the account will be monitored (for example weekdays 9am – 5pm, during the Council's business hours)
 - that the social media account is not to be used for making complaints about the Council or council officials. Information about making complaints can be found in Council's Complaints Management Framework and Policy available on Council's website.
- 5.5 For the purposes of clause 5.4(b), third parties engaging on social media accounts must not post or share comments, photos, videos, electronic recordings or other information that
- is defamatory, offensive, humiliating, threatening or intimidating to council officials or members of the public,
 - contains profane language or is sexual in nature
 - constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory
 - contains content about the Council, council officials or members of the public that is misleading or deceptive
 - breaches the privacy of council officials or members of the public
 - contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW,
 - violates an order made by a court
 - breaches copyright
 - advertises, endorses or solicits commercial products or business,
 - constitutes spam
 - would be in breach of the rules of the social media account.

REMOVAL OF CONTENT

- 5.6 Where a person uploads content onto a social media account that is of a kind specified under clause 5.5 (a) – (k), the moderator, being the GM/SMC or delegated authorised user, may remove that content.
- 5.7 Prior to removing the content, the moderator must make a record of it (for example, a screenshot).
- 5.8 If the moderator removes content under clause 5.6, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal.

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BLOCKING OR BANNING

- 5.9 If a person uploads content that is removed under clause 5.6 of this policy on two occasions, that person may be blocked or banned from the social media account / all social media accounts.
- 5.10 A person may only be blocked or banned from a Council social media account with the approval of the General Manager. This clause does not apply to blocking or banning a person from a Councillor's social media account.
- 5.11 Prior to blocking or banning a person from a social media account, the person must, where practicable, be advised of the intention to block or ban them from the account/all accounts and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 5.12 The duration of the block or ban is to be determined by the General Manager, or in the case of a Councillor's social media account, the Councillor.
- 5.13 Where a determination is made to block or ban a person from a social media account/all social media accounts, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media accounts they are blocked or banned from and the duration of the block or ban.
- 5.14 Where a person that is the subject of a block or ban continues to engage on a social media account(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the account(s) immediately. In these circumstances clauses 5.9 to 5.13 do not apply.

PART 6 – USE OF SOCIAL MEDIA DURING EMERGENCIES

- 6.1 During emergencies, such as natural disasters or public health incidents, the General Manager/SMC will be responsible for the management of content on the Council's social media accounts.
- 6.2 Authorised users and council officials must not upload content onto the Council's or their own social media accounts which contradicts advice issued by the agency coordinating the emergency response.

PART 7 – RECORDS MANAGEMENT AND PRIVACY REQUIREMENTS

- 7.1 Social media information is a 'record' for the purposes of the *State Records Act 1998*.
- 7.2 Social media information must be managed in accordance with the *State Records Act 1998* and the Council's Records Management Policy.

PRIVACY CONSIDERATIONS AND REQUIREMENTS

- 7.3 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.

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- 7.4 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms and accounts by the Council and Councillors. To mitigate potential privacy risks, the Council and Councillors will:
- advise people not to provide personal information on social media platforms and accounts
 - inform people if any personal information they may provide on social media platforms and accounts is to be used for official purposes
 - moderate comments to ensure they do not contain any personal information
 - advise people to contact the Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.

PART 8 – PRIVATE USE OF SOCIAL MEDIA

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted.

- 8.1 Council officials, excluding Councillors, who engage on social media in their private capacity should maintain a separate social media account(s) for that purpose.
- 8.2 Council officials should ensure that:
- they do not perform any functions associated with their role as a council official on their private social media account(s)
 - appropriate privacy settings are enabled on their private social media account(s).

WHAT CONSTITUTES ‘PRIVATE’ USE?

- 8.3 For the purposes of this policy, a council official’s social media engagement will be considered ‘private use’ when the content they upload:
- is not associated with, or refers to, the Council, any other council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council, and
 - is not related to or does not contain information acquired by virtue of their employment or role as a council official.
- 8.4 If a council official chooses to identify themselves as a council official, either directly or indirectly (such as in their user profile), then they will **not be** deemed to be acting in their private capacity for the purposes of this policy.

USE OF SOCIAL MEDIA DURING WORK HOURS

- 8.5 Council staff must limit private social media use during work hours to emergency situations only.

LSC Social Media Policy Further Information: Lachlan Shire Council ☎ 02 6895 1900 ✉ Email: council@lachlan.nsw.gov.au				Page 9 of 10
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RELATED DOCUMENTS

LSC Code of Conduct for Staff Policy
LSC Code of Conduct for Councillors Policy
LSC Complaints Management Framework and Policy
Local Government Act 1993
State Records Act 1998
LSC Records Management Policy
Privacy and Personal Information Protection Act 1998

Greg Tory

GENERAL MANAGER

LSC Social Media Policy Further Information: Lachlan Shire Council ☎ 02 6895 1900 ✉ Email: council@lachlan.nsw.gov.au				Page 10 of 10
Version: 3	Commencement Date: September 2012	Last Review Date: September 2022	Next Review Date: September 2025	TRIM No.

Draft 2022 Financial Statements for year ended 30 June 2022 – Lachlan Shire Council

Executive Summary

The 2021-22 Financial Statements have been drafted and sent to the external auditor Intentus on Friday 23 September.

The external auditors are expected to commence the final audit on 26 September 2022 and it will be a combination of an onsite and offsite audit.

The 2021-22 Financial Statements have been included in the business paper and will be presented to the Council at the 28 September 2022 Ordinary Meeting of the Council.

The Financial Statements are prepared by Council staff and comply with Australian Accounting Standards and the New South Wales Local Government Code of Accounting Practice and Financial Reporting. The Statements are required to be lodged with the Office of Local Government (OLG) before 31 October each year.

The annual financial statements set out the financial performance, financial position and cash flows of the council for the financial year ending 30 June 2022.

The annual financial statements comprise:

- General purpose financial statements
- Special purpose financial statements
- Special schedules.

The annual financial statements incorporate five "primary" financial statements:

About the Primary Financial Statements

1. The Income Statement - Summarises Council's financial performance for the year, listing all income and expenses.
2. The Statement of Comprehensive Income - Primarily records changes in the fair value of Council's Infrastructure, property, plant and equipment.
3. The Statement of Financial Position - A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".
4. The Statement of Changes in Equity - The overall change for the year (in dollars) of Council's "net wealth".
5. The Statement of Cash Flows - Indicates where Council's cash came from and where it was spent. The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

Summary of Financial Results – all funds

At this stage, the items that should be brought to the attention of the Council are:

Council's net operating profit result for the 2022 year of \$3.9m (excluding Capital Grants and Contributions of \$19.8m) very similar to \$4m in 2021.

It should be kept in mind that 50% of Council's operating income (\$40m) in 2022 came from operating grants (\$20m). This is a similar ratio as in the 2021 financial year.

This is a significant source of financial risk as any major reduction in grants would impact Council's operations heavily. Historically operating grants have been relatively consistent so it is not a cause for concern at this time.

WATER BUSINESS

Continues to be an area of significant concern for Council.
The water business has recorded an operating loss of \$1.3m, an improvement on the 2021 year operating loss of \$1.6m.

SEWER BUSINESS

The sewer business has also recorded an operating loss of \$229k, an improvement on the operating loss of \$372k in the 2021 financial year.

Detailed Key Indicators

Council has met or exceeded 5 out of the 6 Office of Local Government Statement of performance measures. The operating performance ratio remains strong at 11.13% and well above the benchmark of 0%.

The one ratio which council has not met this year is included in this report for the attention of Council.

Own Source Operating Revenue – is the degree of reliance on external funding sources such as Operating Grants and Contributions (which can be an unreliable form of income). The benchmark is greater than 60%.

A higher percentage means Council receives more of its revenue from Rates, Fees and Charges, and is less reliant on Grants and Contributions.

In the 2021-22 financial year, Council's indicator is 32.02% vs 38.64% in 2020-21. Council's position has worsen slightly in terms of the bench mark outcome.

Issues impacting the 2021-22 Financial Statements

The Office of Local Government confirmed the revaluation cycle of Infrastructure, Property, Plant & Equipment assets to a maximum 5-year cycle unless Council assesses there has been material changes to the valuations beforehand (such as through a major flood event).

Council's Infrastructure Assets

Water and sewerage assets were revalued in preparation for Council's 2021-22 financial statements. The revaluation of these assets was completed by external valuation company Australis Advisory Group, through a tender developed by the Joint Organisation. Our external auditors have verbally stated they are okay in principle with the revaluation figures. However, until they have signed off on the revaluations, this should not be taken as a final outcome.

Indexation

The NSW Audit Office provided notice to Councils late in the financial year that indexation for the 2022 and prior financial years needed to be considered and potentially applied to the 2022 asset figures.

This is in itself an unusual direction as Council are required to consider the increase in the costs of construction every financial year. Since the 2019 financial year, Council has undertaken an assessment of the cost indexes every financial year, as required by the Accounting Standards. In the 2020 and 2021 financial years, Council engaged independent qualified valuers to undertake a review of cost index increases and determined that there was no material change in the costs. The immaterial changes were accepted by our external auditors & the NSW Audit Office in all previous financial years.

Council is aware of significant increases in prices for almost all construction costs. Council believes indexation should be applied to any fair value asset class that has not been revalued since 30 June 2021, as the differences in fair value are deemed to be material.

The 2022 NSW Building construction index and the 2022 NSW non-residential building construction indices have risen 12% and 10% respectively. The 2022 Roads and Bridges NSW construction index has risen 8%.

However it should be kept firmly in mind, that the Reserve Bank is rapidly increasing interest rates to slow the economy. Effects of higher interest rates are starting to flow through the economy. The COVID 19 Pandemic is coming to an end and restrictions which have resulted in supply chain blockages & shortages are being progressively removed. The effect of this is expected to result in lower indices within 12-24 months.

Council has provided its assessment to Intentus, our external auditors and is awaiting their written decision before it applies any indexation. Any increase in indexation will result in a substantial increase in Council's depreciation. This has not been budgeted for.

For Official Use Only



RMS: D/2022/930944

7th September 2022

Jon SHILLITO
Director – Environment, Tourism and Economic Development
Lachlan Shire Council

RE: Alcohol Free Zones in the Lachlan Shire (Condobolin and Lake Cargelligo)

Dear Sir,

The Central West Police District wish to put forward their support for the establishment of Alcohol-Free Zones in the Condobolin and Lake Cargelligo areas.

Police rely on legislation to enforce certain powers and protect the community. The establishment of alcohol-free zones will give police these powers and make clear distinctions to those communities about acceptable behaviours in public places.

The Central West Police District has seen similar zones established in other areas of the district to the benefit of the community and the establishment of AF Zones in these areas has seen a rise in community safety and the perception of safety in the community.

Yours faithfully,

Brendan GORMAN
Superintendent
District Commander
Central West Police District

CENTRAL WEST POLICE DISTRICT/ Orange

115 – 117 Byng Street Orange NSW 2800

T 02 6363 6399 F 02 6363 6411 W www.police.nsw.gov.au

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

**GUM BEND LAKE ADVISORY COMMITTEE**

Committee Membership - Expression of Interest Form

I, Bart Crouch Anderson, nominate myself to be on the Gum Bend Lake Committee.Name: Bart Crouch AndersonAddress: [REDACTED]Email: [REDACTED]

Phone: (Home) _____

(Work) _____

(Mobile) [REDACTED]

1. What area/s of the community would you be representing? Please circle.

General Community Indigenous Community

TourismBusiness

Environment

2. Please demonstrate your links to the area/s of the community you would be representing?

Gumbend lake

3. What is your vision for the Gum Bend Lake Facility?

to be well Maintained and to continually encourage
the community & wider community to use

Please lodge your Expression of Interest by 8 November 2022 to

Infrastructure Services, Lachlan Shire Council;

PO Box 216, Condobolin NSW 2877

or via email to Melanie.Hoare@lachlan.nsw.gov.au

**GUM BEND LAKE ADVISORY COMMITTEE**

Committee Membership - Expression of Interest Form

I, Sandi Berry, nominate myself to be on the Gum Bend Lake Committee.

Name: Sandi Berry

Address: [REDACTED]

Email: [REDACTED]

Phone: (Home) [REDACTED]

(Work) _____

(Mobile) [REDACTED]

1. What area/s of the community would you be representing? Please circle.

General Community Indigenous Community

Tourism

Business

Environment

2. Please demonstrate your links to the area/s of the community you would be representing?

We use the ~~Black~~ Lake for skiing & water sports - we own a boat.

I am a local farmer who is passionate about keeping our thriving little town alive.

3. What is your vision for the Gum Bend Lake Facility?

To provide as many facilities as possible to cater for all ages and all interests - i.e. water sports, fitness, bird watching, creative arts, campers, fishers, social functions & 'dreamers'.

Please lodge your Expression of Interest by 8 November 2022 to

Infrastructure Services, Lachlan Shire Council;

PO Box 216, Condobolin NSW 2877

or via email to Melanie.Hoare@lachlan.nsw.gov.au

GUM BEND LAKE ADVISORY COMMITTEE

Committee Membership - Expression of Interest Form

I, Tom Stuckey, nominate myself to be on the Gum Bend Lake Committee.

Name: Tom Stuckey

Address: [REDACTED]

Email: [REDACTED]

Phone: (Home) [REDACTED]

(Work) [REDACTED]

(Mobile) [REDACTED]

1. What area/s of the community would you be representing? Please circle.

General Community

Indigenous Community

Tourism

Business

Environment

2. Please demonstrate your links to the area/s of the community you would be representing?

As I am born and bred in community I
would be representing local families.

3. What is your vision for the Gum Bend Lake Facility?

To be a clean, safe and functioning
~~recreational~~ facility for families
and people to go that are in the area.

Please lodge your Expression of Interest by 15 March 2022 to

Infrastructure Services, Lachlan Shire Council;

PO Box 216, Condobolin NSW 2877

or via email to Melanie.Hoare@lachlan.nsw.gov.au

16 AUG 22

COL DOOHAN



MEL.

I WISH TO REEIND MY APP TO BECOME A
MEMBER OF THE COM BEND LAKE ADVISORY
COMMITTEE.

A handwritten signature, likely of Col. Doohan, written in ink.

LACHLAN SHIRE COUNCIL
RECEIVED

26 MAY 2022

FILE No.

REFERRED TO... M. Hoare**CONDOBOLIN CEMETERY ADVISORY COMMITTEE**

Committee Membership - Expression of Interest Form

I, Christine Keen, nominate myself to be on the Condobolin Cemetery Advisory Committee.

Name:

Christine Keen

Address:

[REDACTED]

Email:

Phone:

(Home) _____

(Work) _____

(Mobile)

[REDACTED]

1. Experience on previous committees:

Yes.

2. Reasons for nomination:

I would like to see the old graves restored but apparently that's not possible without family consent.

3. Current committee membership and position held:

Cemetery Committee

Please lodge your Expression of Interest by 15 March 2022 to
Infrastructure Services, Lachlan Shire Council;
PO Box 216, Condobolin NSW 2877
or via email to Melanie.Hoare@lachlan.nsw.gov.au



Policies, Procedures and Guidelines

GRAFFITI POLICY

INF003

BACKGROUND

Lachlan Shire Council seeks to minimise Graffiti on public and private property, encourage removal of graffiti and while still encouraging approved public art. Engaging in Graffiti, including damaging or defacing property, is an offence under the Graffiti Control Act 2008. While Council is responsible for the removal of Graffiti as outlined in this policy, the NSW Police Force is the agency responsible for enforcement and prosecution in relation to Graffiti offences.

OBJECTIVE

- To remove graffiti as quickly as practicable as a strict deterrent.
- To enhance the overall appearance of Lachlan Shire's built and natural environments by reducing the visibility of graffiti.
- To work with the NSW Police Force, the community and other government agencies in identifying graffiti offenders.
- To improve the perception of safety within Lachlan Shire Council's Local Government Area.
- Increase awareness in schools of the illegality of graffiti, and highlight the legal ramifications for offenders.
- Raise retailer's awareness of the problems associated with graffiti, and how they could contribute to reducing the problem, e.g. by monitoring the sale of spray paints.

SCOPE

This policy applies to graffiti on all Council assets, private property (including community leasehold sites) and any assets covered by relevant memorandums of understanding between Council and third party asset owners.

This policy applies to all Council staff involved in asset management, planning, design, redesign, refurbishment and maintenance of Council structures.

This policy applies to both reported and observed graffiti.

Further Information: Lachlan Shire Council ☎ 0268951900 ✉ Email: council@lachlan.nsw.gov.au				Page 1 of 3
Version: 2.0	Commencement Date:	Last Review Date: September 2022	Next Review Date: September 2025	TRIM No. D19/12010

GRAFFITI POLICY**INF003****DEFINITION**

Graffiti is defacement by spraying, writing, scratching or slashing an identifying mark or symbol on someone else's property illegally, without their consent.

Offender is the person who has caused an illegal act.

POLICY

This policy provides Council with a framework through which to respond to the continuing problem of graffiti in the Lachlan Shire Council area. It provides a set of principles that will cover the removal of current graffiti and deter future graffiti offenders from defacing public and private places.

PRINCIPLES

- Council views all unapproved graffiti as vandalism.
- Council recognises programs that take a long term view are complementary to programs focusing on the quick removal of graffiti.
- Council recognises the need for a program that targets the removal of graffiti from its own properties; however it also recognises the need to liaise with private property owners concerning graffiti removal.
- Council recognises that all measures aimed at graffiti removal must be efficient and cost effective.
- Council recognises the importance of community consultation and support in deterring graffiti offenders, especially in the reporting, removal from private property and solutions pertaining to graffiti, and programs for youth.
- Council recognises the need to involve all departments within Council regarding solutions to deterring graffiti offenders, using design and planning concepts.
- Council recognises the role of the police and the legal aspects pertaining to graffiti perpetrators.

ACTION PLAN

Proposed Actions include;

- Establish a rapid response mechanism for removal of graffiti within 72 hours (from Council buildings)

Further Information: Lachlan Shire Council ☎ 0268951900 ✉ Email: council@lachlan.nsw.gov.au				Page 2 of 3
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GRAFFITI POLICY**INF003**

- Seek to minimise graffiti by implementing and designing public facilities and buildings that actively discourage graffiti.
- Utilise Council's CRM system for the reporting of graffiti, tracking of trends and problem areas and for technical information regarding the removal and cleaning of graffiti.
- Develop and distribute a graffiti information kit to all interested and affected property owners outlining techniques for the removal and cleaning of graffiti.
- Promote and encourage local participation in not for profit campaigns such as Graffiti Removal Day.
- Continue to support and facilitate public art projects by community groups for young people in selected areas within the Shire.
- Map graffiti sites and tags and establish a photographic record so graffiti hot-spots and repeated taggers can be identified.
- Ensure new or renovated buildings in commercial areas are treated with anti-graffiti coatings.
- Advise spray paint outlet owners of the need for vigilance regarding sale of these paints.

RELATED DOCUMENTS

Graffiti Control Act 2008

Graffiti Control Regulation 2014

Greg Tory

GENERAL MANAGER

Further Information: Lachlan Shire Council ☎ 0268951900 ✉ Email: council@lachlan.nsw.gov.au				Page 3 of 3
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**Minister for Education and Early Childhood Learning
AND
Lachlan Shire Council**

WORKS AND ACCESS DEED

[8998688: 33693929_1]

Details

DATE of this deed

Parties	Licensor and Licensee	
Licensor	Name	Minister of Education and Early Childhood Learning
	ABN	40 300 173 822
	Address	Level 8, 259 George Street, Sydney NSW
	Attention	Sarah Patience (Director, Asset Activations, SINSW)
	Telephone	0460 002 176
Licensee	Name	Lachlan Shire Council
	ABN	82 815 250 829
	Address	PO Box 216 Condobolin NSW 2877
	Attention	Adrian Milne (Director - Infrastructure Services, Lachlan Shire Council)
	Telephone	02) 6895 1972 and 0428 431 035

Recitals

- A. The Licensor is the Crown Land Manager, responsible for the control and management of the Land under the Crown Land Management Act 2016.
- B. At the Licensee's request, the Licensor has agreed to grant the Licensee a licence to carry out the Works on the terms set out in this deed.

Agreed terms

1 Definitions and interpretation

1.1 Definitions

These meanings apply unless the contrary intention appears:

Amount of the Consideration means:

- (a) the amount of any payment in connection with a supply under this deed; and
- (b) in relation to non-monetary consideration in connection with a supply under this deed, the GST exclusive market value of that consideration as reasonably determined by the supplier.

Authorised Officer means a director or secretary, or an officer whose title contains the word "director", "chief", "head" or "manager" or a person performing the functions of any of them, or any other person nominated by the Licensor or the Licensee (as applicable) as an Authorised Officer for the purposes of this deed.

Authority means any government in any jurisdiction, whether federal, state, territorial or local and any provider of public utility services, whether statutory or not and any other person, authority, instrumentality or body having jurisdiction, rights, powers, duties or responsibilities over the Licensed Area or any part of them or anything in relation to them.

Business Day means a day on which banks are open for general banking business in Sydney (not being a Saturday, Sunday or public holiday in that place).

Commencing Date means 21 December 2022.

Contamination means the presence in, on, under or above the Licensed Area of a substance at a concentration above the concentration at which the substance is normally present in, on, under or above land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the Environment.

Controller has the meaning it has in the Corporations Act.

Corporations Act means the *Corporations Act 2001* (Cth).

Details means the section of this deed headed "Details".

Environment means all aspects of the surroundings of human beings.

Environmental Law means any law relating to the Environment and includes any law concerning:

- (a) emissions of substances into the atmosphere, waters and land;
- (b) Pollution and Contamination of the atmosphere, waters and land; and
- (c) production, use, handling, storage, transportation and disposal of waste, Hazardous Materials and dangerous goods.

Exacerbate or Exacerbated means in relation to Contamination or Pollution, any conduct which:

- (a) disperses or increases the areas of that Contamination or Pollution;
- (b) digs up, brings to the surface or otherwise disturbs that Contamination or Pollution; or
- (c) otherwise makes the remediation of that Contamination or Pollution necessary.

Expiry Date means the earlier of:

- (a) the date on which the Licensee notifies the Licensor that the Works are complete; and
- (b) 2 months from the Commencing Date (unless this licence is extended by agreement of both parties in writing).

GST has the meaning it has in the GST Act.

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

GST exclusive market value has the meaning it has in the GST Act.

Hazardous Material means:

- (a) any substance, gas, liquid, chemical, mineral or other physical or biological matter (including radiation, radioactivity and magnetic activity) that, because it is toxic, corrosive, flammable, explosive, or infectious or possesses some other dangerous characteristic, has the potential to present a risk of harm to people, including their health or to any other aspect of the Environment or which may cause Contamination or Pollution; or
- (b) any material or compound controlled, prohibited or regulated from time to time by any Environmental Law.

Input Tax Credit has the meaning it has in the GST Act.

Invitee means any employee, invitee, contractor, sub-contractor, sub-licensee, consultant or agent of the Licensee.

Land means Lot 212 in Deposited Plan 820502, at 98 Lorne Street, Lake Cargelligo NSW 2672, which includes the Licensed Area.

Licence Fee means \$1.00 for the term, receipt of which the Licensor acknowledges.

Licensee means the person so described in the Details and includes any Invitee.

Licensed Area means the area shown on the plan in Schedule 1.

Licensor means the person so described in the Details.

Pollution means the release into the environment of any substance or material whether liquid, solid or gaseous which damages or is capable of damaging the Environment.

Services means the services (such as water, sewerage, drainage, gas, electricity and communications) which are provided to and used by the Licensee on the Licensed Area.

Summer School Holidays means the period beginning 21 December 2022 and ending 2 February 2023.

Tax Invoice has the meaning it has in the GST Act.

Works means the erection of cricket nets subject to approval of the Works by the Licensor, such approval not to be unreasonably withheld or delayed.

1.2 Interpretation

- (a) Unless the context otherwise requires, a reference to:
- (i) any thing (including an amount or a provision of this deed) is a reference to the whole and each part of it;
 - (ii) this deed includes any schedules and annexures;
 - (iii) a document (including this deed) includes the document as novated, varied, supplemented or replaced;
 - (iv) \$, dollar or A\$ is a reference to Australian currency;
 - (v) a time is to the time in Insert time zone New South Wales, Australia;
 - (vi) a person (including a party to a document) includes their executors, administrators, successors, assigns and substitutes (including persons taking by novation) and, in the case of a trustee, includes an additional trustee;
 - (vii) a group of persons (including a party comprising two or more persons) means any two or more of them jointly and each of them individually;
 - (viii) law means common law, equitable principles and laws made by a parliament;
 - (ix) a law made by a parliament (including a statute, ordinance or code) includes regulations and other instruments under it, and consolidations, amendments, re-enactments or replacements of it;
 - (x) person includes any entity, such as an individual, a partnership, a body corporate, an unincorporated association, an agency or an authority;
 - (xi) in connection with this deed is to be given the widest possible meaning and so includes anything (including a transaction) contemplated by this deed;
 - (xii) the singular includes the plural and vice versa; and
 - (i) a word denoting a particular gender includes the other genders.
- (b) Unless the context otherwise requires:
- (i) a provision of this deed:
 - (A) in favour of two or more persons is for their joint benefit and for each of them individually; and
 - (B) given by two or more persons binds them jointly and each of them individually; and
 - (ii) if this deed requires an obligation to be performed (or something to happen) on or before a particular day and that day is not a Business Day, the obligation may be performed (or the thing is permitted to happen) on or by the next Business Day.
- (c) Headings are for ease of reference and do not affect the interpretation of this deed.

- (d) A rule of construction that would otherwise disadvantage a party because the party was responsible for the preparation of this deed, does not apply.
- (e) The meaning of any general words is not limited by specific examples introduced by including, for example, such as or a similar expression.

2 Licence

2.1 Grant

- (a) The Licensor grants to the Licensee, and the Licensee accepts, a non-exclusive licence from the Commencing Date until the Expiry Date (subject to the terms of this deed) to:
 - (i) access, occupy and use the Licensed Area to carry out the Works; and
 - (ii) enter and leave the Land for the purpose of accessing and egressing the Licensed Area

at any time during the Summer School Holidays subject to any Laws (excluding Sundays and Public Holidays).
- (b) If the Works are not completed during the Summer School Holidays, the Licensee may continue to undertake the Works during standard school hours, Monday to Friday, and Saturday (excluding Public Holidays).
- (c) The Licensor must ensure that it keeps the Land free from school children during standard school hours.
- (d) The Licensee must not remain on the Land after the Expiry Date (unless extended by agreement between the parties).

2.2 Permitted Use

- (a) The Licensee must use the Licensed Area only for the Works set out in the Details.
- (b) The Licensee acknowledges that no promise, representation, warranty or undertaking, express or implied, has been given by or on behalf of the Licensor or has arisen as to the suitability of the Licensed Area for any of the Works to be carried on at the Licensed Area by the Licensee or as to the use or purpose to which the Licensed Area may lawfully be put or otherwise as to any business that may lawfully be carried on in the Licensed Area.
- (c) The Licensee remains responsible at all times for the Licensed Area under the terms and conditions set out in this Licence.

2.3 Nature of licence

Nothing in this deed:

- (a) confers on the Licensee any rights as a tenant of any part of the Land;
- (b) creates the relationship of landlord and tenant between the parties; or
- (c) grants the Licensee or any of its Invitees exclusive possession of the Licensed Area.

2.4 Payment of Licence Fee and other amounts

- (a) The Licensee agrees to pay the Licence Fee to the Licensor on or before the Commencing Date, if demanded by the Licensor.

[8998688: 33693929_1]

3 Title

The parties acknowledge and agree that title in the Works (to the extent that it is not already Licensors Property) (**New Property**) will immediately vest in the Licensor and the Licensee will have no claim to it.

4 Licensee's obligations

The Licensee must:

- (a) construct the Works:
 - (i) using good quality materials and in a safe, good and workmanlike manner;
 - (i) in compliance with all relevant and necessary Approvals, at its own cost and risk;
 - (ii) in a way that does not cause any loss, injury, death or damage to any person or entity;
- (b) must fence the Licensed Area;
- (c) only access, occupy and use the Licensed Area to carry out the Works;
- (d) only enter and leave the Land for the purpose of accessing the Licensed Area;
- (e) comply with any laws relating to the Works;
- (f) use reasonable endeavours to ensure that the Invitees do not do anything, or omit to do anything, which if done or omitted to be done by the Licensee would be a breach of the Licensee's obligations under this deed;
- (g) not assign, sub-licence or part with possession of the Licensed Area or any part thereof except with the prior consent of the Licensor.

5 End of the Licence

- (a) On or prior to the Expiry Date, the Licensee must remove all plant, materials, equipment, rubbish, tools, installations and other items or structures (which are not part of the Works) which belong to the Licensee from and surrounding the Licensed Area, make good any damage caused by such removal and restore the Licensed Area and any adjacent infrastructure and/or land as nearly as practicable to its condition prior to the Works (fair wear and tear excepted), other than the New Property the subject of the Works. For the avoidance of doubt, this clause 5(a) does not include any New Property which is the property of the Licensor.

6 Insurance

- (a) The Licensee must effect the following insurances from the Commencing Date until the Expiry Date with a reputable insurer:
 - (i) public liability insurance up to \$20 million per claim;
 - (ii) contract works insurance as required by the Licensor;
 - (iii) workers compensation insurance as required to comply with State and Federal laws;

- (iv) professional indemnity insurance for \$10 million per claim; and
 - (v) plant and equipment insurance.
- (b) The Licensee must provide copies of certificates of currency for the above insurances prior to the Commencing Date.
- (c) The insurance policies (other than workers compensation) must name the Licensor (as land owner) as an interested party.

7 Licensee's indemnity and release

7.1 Licensee's indemnity

The Licensee indemnifies the Licensor from and against all actions, proceedings, claims, demands, liabilities or loss and damages arising from, and any costs incurred because of the Licensee's access to, occupation of or use of the Land under this deed, except to the extent caused or contributed to by the Licensor's (or the Licensor's employees, agents, contractor's or subcontractor's) negligence, wrongful act, omission or default.

7.2 Licensor not liable

The Licensee releases the Licensor from, and agrees that the Licensor is not liable for any liability or loss arising from, and costs incurred in connection with, the Licensee:

- (a) accessing, occupying or using the Licensed Area under this deed; and
- (b) carrying out the Works,

including damage, loss, injury or death however caused, except to the extent caused or contributed to by the Licensor's (or the Licensor's employees, agents, contractor's or subcontractor's) negligence, wrongful act, omission or default.

7.3 Licensee not liable

The Licensor releases the Licensee from, and agrees that the Licensee is not liable for any liability or loss arising from, and costs incurred in connection with any members of the public lawfully or unlawfully accessing, occupying or using the Licensed Area or the Land under this deed, including damage, loss, injury or death however caused, except to the extent caused or contributed to by the Licensee or the Licensee's Invitees negligence, wrongful act, omission or default.

8 Environmental obligations

The Licensee must not cause any Contamination, Pollution of the Licensed Area and Land, or otherwise introduce any Hazardous Materials to the Licensed Area or Land.

9 Costs

9.1 Costs associated with Works

The Licensee is responsible for all costs and claims it incurs in connection with this deed and carrying out the Works and must pay any stamp duty or other duty or similar tax (together with related fines, penalties and interest) in connection with this deed.

9.2 Costs associated with this deed

The Licensor and the Licensee each agree to pay their own costs (including legal costs) in connection with preparing and finalising this deed and any document or matter in connection with it.

10 GST**10.1 Consideration does not include GST**

Any consideration specified in this deed does not include any amount for GST.

10.2 Recovery of GST

If a supply under this deed is subject to GST, the recipient must pay to the supplier an additional amount equal to the Amount of the Consideration multiplied by the applicable GST rate.

10.3 Time of payment

The additional amount is payable at the same time as the consideration for the supply is payable or is to be provided. However, the additional amount need not be paid until the supplier gives the recipient a Tax Invoice.

10.4 Adjustment of additional amount

If the additional amount differs from the amount of GST payable by the supplier, the parties must adjust the additional amount.

10.5 Reimbursement

If a party is entitled to be reimbursed or indemnified under this deed, the amount to be reimbursed or indemnified does not include any amount for GST for which the party is entitled to an Input Tax Credit.

11 General**11.1 Variation and waiver**

A provision of this deed, or a right created under it, may not be waived or varied except in writing, signed by the party or parties to be bound.

11.2 Counterparts

This deed may consist of a number of copies, each signed by one or more parties to this deed. If so, the signed copies are treated as making up the one document.

11.3 Further action

Each party must do, at its own expense, everything reasonably necessary (including executing documents) to give full effect to this deed and any transaction contemplated by it.

11.4 Severability

A term or part of a term of this deed that is illegal or unenforceable may be severed from this deed and the remaining terms or parts of the term of this deed continue in force.

11.5 No relationship

Except where this deed expressly states otherwise, it does not create a relationship of employment, trust, agency or partnership between the parties and no party has authority to act on behalf of, or bind, another party.

11.6 Entire agreement and no reliance

- (a) This deed constitutes the entire agreement between the parties in connection with the Works and supersedes all previous agreements, promises or understandings between the parties in connection with the Works.

11.7 Applicable law

This deed is governed by the law in force in the place specified in the Details and the parties submit to the non-exclusive jurisdiction of the courts of that place.

Schedule 1 Licensed Area



[8998688: 33693929_1]

SIGNED as a deed**Licensors**

Signed, sealed and delivered for and on behalf of **Minister for Education and Early Childhood Learning ABN 40 300 173 822** by its duly authorised delegate in the presence of:

Signature of witness

Delegate (signature)

Name of Witness (please print)

Name of Delegate

Position of Delegate

Licensee

Signed, sealed and delivered for and on behalf of **Lachlan Shire Council** by its duly authorised delegate in the presence of:

Signature of witness

Delegate (signature)

Name of Witness (please print)

Name of Delegate

Position of Delegate



Community Use Agreement

An agreement (consisting of the following Schedule, Standard Terms and Signature Page) between the State of New South Wales and a Community User for the use by the Community User of facilities at the named NSW Government school.

SCHEDULE

Date of Agreement (insert the date that this agreement is signed)
day month year

School

Name (insert the name of the School concerned)

Address (insert the address for the School)

Number (insert the contact number for the School)

Email (insert the contact email for the School)

ABN (insert the Australian Business Number of the School)

Community User

Name (insert the name of the Community User)

Address (insert the address of the Community User)

Number (insert the contact number for the Community User)

Email (insert the contact email for the Community User)

ABN (insert the Australian Business Number, if any, of the Community User and ACN)

ACN

CRN

Commencement Date (insert the date that this agreement is to commence)
day month year

SCHEDULE

Termination Date

(insert the date that this agreement is to terminate (unless earlier terminated in accordance with this agreement))

the date inserted must not be more than 12 months after the Commencement Date

day

month

year

Purpose

(insert the details of the purpose for which the Premises will be used)

Premises

(the Premises may be defined by reference to a plan attached to this agreement)

Building and Room Number(s) (set out in the Table of Agreed Usage)

Equipment

Equipment Description	Equipment Location	Starting Date	Finishing Date	From (time)	Duration	Charge	Per use or total (lump sum)

Total Equipment Fees:

Table of Agreed Usage							
Day of Week	Frequency	Starting Date	Finishing Date	From (time)	Duration	Facility Description	Fees per hour, use or total (lump sum) (choose 1)
							Total Usage Fees: _____

Site Specific Information

Fees (see clause 4)

Granting this licence to use school premises and equipment is a taxable supply. The supplier shall issue a tax invoice(s) for the periodic use.

The total amount payable in accordance with this Agreement is \$ which includes \$ GST.

The Community User shall pay to the School \$ which includes \$ GST per: (please select one of the below options)

- ☐ week
- ☐ fortnight
- ☐ month
- ☐ school term
- ☐ single payment

in advance, for use of the Premises and the Equipment in accordance with this Agreement by: (please select one of the below options)

- ☐ EFT (details are provided on invoice)
- ☐ BPay
- ☐ Cheque or Money Order
- ☐ Phone payment (credit card via automated phone system)
- ☐ In person at a school (although not preferred if a commercial customer)

Public Liability Insurance (see clause 5)

Name of Insurer:

Policy Number:

Date of Expiry: / /
day month year

Additional conditions (see clause 8.1(u))

And Other School Specific Rules

(insert above details of any conditions not otherwise stated in clause 8)

Standard terms

THIS AGREEMENT is made on the dated referred to in the Schedule BETWEEN the School identified in the Schedule for and on behalf of the State of New South Wales through its Department of Education (ABN 40 300 173 822) AND the Community User identified in the Schedule.

It is agreed that:

1. Definitions

In this Agreement:

"Consent" is defined in clause 8.2 of this Agreement.

"Claims" refers to, in relation to a party, an allegation, demand, claim, action, proceeding or suit made or brought by or against that party.

"Premises" refers to the area set out in the Schedule.

"Equipment" refers to the equipment provided by the School for use by the Community User (including its Personnel and invitees) as set out in the Schedule.

"EPAA" means the Environmental Planning and Assessment Act 1979 (NSW) and any regulations and other statutory instruments issued under it.

"Law" means any applicable federal or state statute, regulation or subordinate legislation, present or future.

"Liabilities" refers to Claims, losses, liabilities, damages, charges, costs, outgoings, payments and expenses of any kind (including legal costs on a full indemnity basis).

"Personnel" refers to:

- a) in relation to the State, the State's officers, employees, contractors, representatives, agents, and students;
- b) in relation to the Community User, the Community User's officers, employees, contractors, representatives, and agents. **"School"** refers to the NSW government school identified in the Schedule.

"Principal" refers to the person occupying the position of, or acting as, principal of the School.

2. License to use

The State grants to the Community User a licence to use the Premises and the Equipment for the purpose described in the Schedule and for no other purpose. The Community User agrees to abide by the Conditions of Use set out in clause 8 below. This licence is not transferable.

3. Duration of use

This Agreement shall commence and terminate on the dates set out in the Schedule. During that period, the Community User, subject to this Agreement, has authority to use the Premises and the Equipment at the times and on the date(s) set out in the Table of Agreed Usage.

4. Fees

The Community User shall pay to the School the fees set out in the Schedule at the times and in the manner set out in the Schedule.

5. Public liability insurance

The Community User must take out and maintain a broad form contractual third party liability insurance (also known as public liability insurance) appropriate to the Community User's activities for at least \$20 million for any one occurrence in respect of any liability for personal injury and property damage arising out of, or in connection with, or caused by the Community User's occupation and use of the Premises and Equipment. The interest of the State must be noted on the policy.

That insurance policy must be with a body corporate authorised to carry on insurance business under the **Insurance Act 1973**. Details of the insurance policy are set out in the Schedule.

6. Workers compensation insurance

The Community User must take out and maintain workers compensation insurance coverage with a licensed insurer under the **Workers Compensation Act 1987 (NSW)** in respect of any employees of the Community User who are employed in connection with the use of the Premises and Equipment.

(Clause 6 does not apply if the Community User does not have any employees)

7. Proof of insurance

The Community User shall provide a copy of the insurance policies or a certificate of currency in respect of the insurance policies referred to in clauses 5 and 6 to the Principal, and will provide a certificate of currency in respect of those policies to the Principal on the reasonable request of the Principal made from time to time.

8. Conditions of use

8.1 The Community User shall:

- a) not use the Premises or Equipment other than for the purpose stated in the Schedule and the Table of Agreed Usage (where applicable);

- b) not use the Premises at any other time and day other than stated in the Schedule and the Table of Agreed Usage unless agreed in writing between the Community User and the Principal;
- c) not engage in any activity which is considered by the Principal to be inconsistent with the values of Public Education or the School's purpose and goals;
- d) not use the Premises on any public holiday or during school vacations unless agreed in writing by the Principal;
- e) ensure that all users who enter and exit the School grounds do so according to the Principal's directions;
- f) not interfere in any way with the operation of the School or Equipment or with records and materials of the School, staff or pupils and in particular not to use any machinery or equipment other than Equipment specified in the Schedule and the Table of Agreed Usage and not remove any Equipment from the School premises;
- g) not make any structural alterations to the Premises or Equipment including the attachment of nails, screws or any other fastenings to walls or fittings without the permission of the Principal;
- h) ensure that after each use all furniture and Equipment is replaced in its original position unless otherwise specified by the Principal;
- i) ensure that all persons allowed on the Premises or permitted by the Community User to use Equipment shall properly conduct themselves and ensure that any person not authorised by the Principal to use the Premises or Equipment does not do so;
- j) ensure that any children allowed to enter under this Agreement are properly supervised at all times and only use the Premises specified in the Schedule and the Table of Agreed Usage;
- k) ensure that smoking does not occur;
- l) ensure that no game of chance or gambling is carried out on the Premises unless an appropriate authority or licence has been obtained from the Office of Liquor Gaming and Racing or other regulatory body;
- m) not engage in any activity which breaches the Copyright Act 1968 (Cth);
- n) notify the Principal immediately in writing of any accident to any person while on the Premises under this Agreement and provide such statements from witnesses and the person/s injured as the Principal or the Department of Education's Legal Services Directorate may require;
- o) leave the Premises and any toilets or other parts of the School buildings and all entrance and exit routes in a clean and tidy condition after each use or arrange and pay for the cleaning of the Premises;
- p) not do anything to hinder the right of the Principal or the Principal's nominee to enter the Premises at any time for the purpose of inspecting the Premises or Equipment;

- q) vacate the Premises on or before the authorised time and ensure that the Premises are locked and secured at the end of each use. Power, heating and cooling are to be switched off after use;
- r) not continue to use the Premises beyond the expiration of the term of this Agreement. Return any keys to the Premises to the Principal upon expiration of the Agreement;
- s) comply with any reasonable request by the Principal concerning the use of the Premises and Equipment and use them in accordance with the documentation and instructions provided;
- t) comply with or obey any reasonable request, command or order by emergency services personnel if and when necessary;
- u) comply with any other additional conditions and school specific rules, if any, set out in the Schedule;
- v) use the Premises and ensure that activities at the Premises are conducted in a safe and responsible manner, and in accordance with applicable laws, including work health and safety legislation. This includes ensuring that the Community User's Personnel are licensed and qualified to use any equipment or carry out any activities permitted under this Agreement;
- w) ensure that any use of alcohol complies with the **Liquor Act 2007 (NSW)** and alcohol is not left at the School.
- x) ensure that it, including its Personnel and invitees, do not leave anything at the School (including the Premises) which may cause injury to any person.

8.2.1

If the Community User intends to use the Premises for any purpose which requires consent(s), approval(s) and/or licenses under the EPAA and/or any Law ("**Consents**"), then the Community User must:

- a) advise the Principal of this prior to such use; and
- b) not use the Premises for that purpose unless and until all Consents have been obtained;

8.2.2

- a) The Community User is responsible for obtaining at its own cost all Consents, other than Consents that can only be obtained by the School.
- b) The Consents obtained by the Community User must not place any obligation on the State of New South Wales or any person on behalf of the State of New South Wales to perform any work or incur any costs.
- c) The Community User must provide the Principal with a copy of all Consents the Community User has obtained prior to such use.

The Principal will communicate its decision to the Community User within a reasonable time after it is made aware of the necessary Consent by the Community User under clause 8.2.1a).

8.2.3

If a Consent can only be obtained by the School, the Principal has absolute discretion whether or not to obtain the Consent. The Principal will communicate its decision to the Community User within a reasonable time after it is made aware of the necessary Consent by the Community User under clause 8.2.1a).

8.2.4

The Community User must not use the Premises in any manner which:

- (a) is contrary to or in breach of any Consents; and
- (b) breaches the EPAA and/or any other Law.

9. Indemnities and releases

9.1

The State does not warrant that the Premises and the Equipment are now or will remain suitable for all or any of the purposes of the Community User.

9.2.1

The Community User agrees to occupy and use the Premises, Equipment, machinery, utility or other equipment services and facilities at the School at its own risk.

9.2.2

To the full extent permitted by law and subject to clause 9.4, the Community User releases the State from all Claims the Community User may have against the State arising from or in connection with:

- (a) the use by the Community User (including its Personnel and visitors) of the Premises, Equipment, machinery, utility, other equipment, services or facilities at the School; or
- (b) loss or damage to the equipment of the Community User (including its Personnel and visitors)

9.3

The Community User indemnifies the State (including its Personnel) from and against all Liabilities the State becomes liable for arising from or in connection with the following:

9.3.1

The negligent or unlawful use by the Community User (including its Personnel and visitors) of the Premises, Equipment, machinery, utility or other equipment services and facilities at the School;

9.3.3

Personal injury or property damage inside or outside the School (including the Premises) caused or contributed to by an act or omission by the Community User (including its Personnel and visitors); and

9.3.4

a breach of this Agreement by the Community User.

9.4

A party's liability to the other party under or in connection with this Agreement will be reduced proportionately by the extent, if any, to which the other party's negligent act or omission caused or contributed to the liability.

10. Keys

The Principal will make available to the Community User keys to open any gates or doors to the School to access the Premises for each day of use under this Agreement. The Community User must at the conclusion of the Access Hours on each day of use lock such gates or doors. The Community User agrees not to copy any of the Keys. Lost keys will be replaced at the expense of the Community User and if the Principal acting reasonably believes that locks need to be replaced after the Community User has lost keys the Community User must pay for the cost of new locks.

11. Termination

11.1

At any time the State has the right to immediately suspend or terminate this Agreement in the event of:

- (a) an emergency where the Premises are urgently needed to house students or provide accommodation during disaster periods;
- (b) a federal, state or local election or a referendum.
- (c) where the Premises or any part becomes unsafe;
- (d) where an essential School need arises requiring exclusive use of the Premises;
- (e) where the School is closed and the land is scheduled for disposal;
- (f) in situations where the activity engaged in by the Community user is detrimental to the School and its students;
- (g) where there has been a significant breach or repeated breaches of the Agreement.

Should there be no default by the Community User at the date of suspension or termination, any fees paid for the period of the suspension or for a period beyond the termination will be refunded.

11.2

Either party may terminate this Agreement at any time by giving the other two week's notice in writing.

11.3

Should there be no default by the Community User at the date of termination, any fees paid for a period beyond the termination will be refunded.

12. Child safety, welfare and wellbeing

Note: This clause applies when the community user is engaged in activities involving:

- *child development (which includes mentoring and counselor services for children);*
- *the provision of cultural, recreational or sporting activities for children by a club, association, movement, society or other body;*
- *private coaching or tuition of children for educational purposes;*
- *religious services;*

but not including when the children participating in those activities are under the direct supervision of their parents or carers.

Where this clause applies the Licensee will need to complete the Community Use of School Facilities Child Protection Declaration and submit it to the principal.

12.1 Comply with the CP Act

Where the use of the premises involves workers of the Licensee having direct contact with children, the Licensee must be aware of and comply with any requirements of the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013 and the Children (Education and Care Services) National Law (NSW) (collectively the CP Act) and any other ancillary legislation and the policies of the Licensor on child protection.

12.2 Extent of obligation

The Licensee will ensure that all persons who are engaged in child related work in relation to the Permitted Use, as defined in the CP Act, which include subcontractors and volunteers, comply with the requirements of the CP Act.

12.3 Notify Police

The Licensee must notify the Police if an allegation is made against one of its workers or invitees of disqualifying offences within the meaning of Schedule 2 of the CP Act.

12.4 Notification to Principal

The Licensee must notify the Principal within 1 working day when it becomes aware that one of its workers or invitees:

12.4.1

has been referred to the Police in relation to a disqualifying offence within the meaning of Schedule 2 of the CP Act;

12.4.2

has been charged by the Police in relation to a disqualifying offence within the meaning of Schedule 2 of the CP Act; or

12.4.3 has been found guilty of a disqualifying offence within the meaning of Schedule 2 of the CP Act.

12.5 Further Notification to Principal

The Licensee must provide the Principal with information it receives relating to the safety, welfare or wellbeing of a particular child or a class of children who the Licensee knows attends the School where the Licensee reasonably believes this information would assist the Principal to make any decision, assessment or plan, or conduct any investigation or provide any service, relating to the safety, welfare or wellbeing of the child or a class of children. This obligation may include but is not restricted to the following information:

12.5.1

educational records, assessments, welfare reports and counselling records;

12.5.2

reports of health-related incidents where:

- (a) medication, such as asthma reliever medication, was administered to the child;
- (b) the child was transported to a hospital or the parents of the child were advised to take the child to a health care professional or to a hospital; and
- (c) medical attention was provided at the Premises by an ambulance officer or health care professional;

12.5.3

apprehended personal violence orders or apprehended domestic violence orders or information that a child attending the School may have been exposed to domestic violence; and

12.5.4

allegations that a child has been or is at risk of being physically or sexually abused or ill-treated unless the Licensee is specifically advised by NSW Police not to provide this information to the Principal or by the Joint Investigation Response Team and in those circumstances the Licensee must write to NSW Police or the Joint Investigation Response Team to provide this advice and request that NSW Police inform the Principal as soon as they deem it appropriate to do so.

12.6 Acknowledgments in relation to child protection

The Licensee acknowledges that:

12.6.1

the Principal will advise the Director Educational Leadership, or such other departmental authority as identified from time to time by the Licensor, of any information provided under clause 12.4;

12.6.2

the safety, welfare and wellbeing of children and young people and in particular protecting them from child abuse, will be the paramount consideration when the Director Educational Leadership considers what further use or disclosure will be made of the information received. This will include informing various other persons in compliance with the Licensor's requirements and may include informing members of the School community of the information

provided under clause 12.4 where those community members may be directly affected by the information;

12.6.3

it is responsible after consulting with the Police and/or the Department of Community Services for advising the parents of any children who use their service of the matters set out in clause 12.4;

12.6.4

it must provide the Principal with evidence of the contact it has made with such parents; and

12.6.5

no obligation placed on the Licensee to inform any person should be regarded as removing the right of the Principal to take any additional action considered necessary to contact the Police or other appropriate authority or inform members of the School community.

12.7 Verification of compliance

The Licensee must complete and sign the Child Protection Declarations as required under the CP Act or by the Licensors. The Licensee must verify workers Working with Children Check clearance numbers where required under the CP Act.

12.8 Persons to be excluded

The Licensee must not employ, or continue to employ as a worker a person in child related work if the Licensee knows or has reasonable cause to believe that:

12.8.1

the worker is not the holder of a Working with Children Check clearance that authorises that work or contact with children and that there is no current application by the worker to the Children's Guardian for a clearance of a class applicable to that work; or

12.8.2

the worker is subject to an interim bar.

12.9 Other notification requirements

The Licensee will provide the Principal with information it obtains relating to the safety, welfare or well-being of a particular child or class of children the Licensee knows to attend the School where it reasonably believes this information would assist the Principal to make any decision, assessment or plan or conduct any investigation or provide any service relating to the safety, welfare or well-being of the child or a class of children. This may include but is not restricted to the following information:

12.9.1

educational records, assessments, welfare reports and counselling records;

12.9.2

reports of health-related incidents where:

- (a) medication (for example, asthma reliever medication) was administered to the child;
- (b) the child was transported to a hospital or his or her parents were advised to take the child to a health care professional to a hospital; and
- (c) medical attention was provided on site by an ambulance officer or health care professional;

12.9.3

apprehended personal violence orders or apprehended domestic violence orders or information that a child may have been exposed to domestic violence;

12.9.4

allegations that a child has been or is at risk of being physically or sexually abused or ill-treated unless the Licensee is specifically advised not to provide this information to the Principal by the Police or a Joint Investigation Response Team. In such circumstances the Licensee must write to the Police or the Joint Investigation Response Team and request that the Police inform the Principal as soon as the Police deem it appropriate to do so.

12.10 Change in Licensors requirements

The Licensors may in his absolute discretion at any time change the provisions of this agreement in relation to child protection. Upon notification of any change, the Licensee must comply with the changes as notified within such reasonable time as is specified in the notice.

12.11 Application of clause

For the purposes of this clause:

12.11.1

"child" means a person under the age of 18 years;

12.11.2

"worker" includes a person who is engaged in work in any of the following capacities:

- (a) employee;
- (b) self-employed person or is a contractor or subcontractor;
- (c) volunteer;
- (d) undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience);

Signatures

Signed for and on behalf of the **Community User** by

print the name and title of person signing

(signature of authorised person)

in the presence of

print the name and address of witness

(signature of witness)

Signed for and on behalf of **THE STATE OF NEW SOUTH WALES** by

print the name and title of person signing

(signature of authorised person)

in the presence of

print the name and address of witness

(signature of witness)

Note:

In addition to authorised persons and witnesses signing and completing this page, the authorised persons must initial every page of this document (in the bottom right hand corner)

Office of the Mayor

Quote No L22/1768 - 12/29
TK:LB

Telephone / Personal Enquiries
Ask for Mayor Tom Kennedy

Please address all communications to:
Broken Hill City Council
The Office of the Mayor
240 Blende Street
PO Box 448
Broken Hill NSW 2880
Phone 08 8080 3390
council@brokenhill.nsw.gov.au
www.brokenhill.nsw.gov.au

ABN 84 873 116 132

31 September 2022

To the Mayor/Administrator

Dear Mayor/Administrator

Broken Hill City Council's Possible Withdrawal from the NSW Local Government Association

Council at its meeting held 27 July 2022 considered a Notice of Motion 2/22 – Broken Hill City Council's Withdrawal from the NSW Local Government Association and resolved:

ITEM 2 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 2/22 - DATED JULY 08, 2022 - BROKEN HILL CITY COUNCIL'S WITHDRAWAL FROM THE NSW LOCAL GOVERNMENT ASSOCIATION	
Councillor Turley declared an interest in item 2 and left the Council Chambers at 6:52pm.	
<u>Motion</u> Councillor A Chandler move) Deputy Mayor J Hickey seconded)	1. That Motions of Which Notice has been Given No. 2/22 dated July 8, 2022, be received. 2. That Broken Hill City Council withdraws from the NSW Local Government Association.
<u>Amendment</u> Councillor M Browne moved	That any discussion be deferred pending a report from the GM on the cost benefit analysis of current membership of LGNSW and the implications for Council if our membership is withdrawn. LAPSED For want of a Seconder
The Mayor foreshadowed a motion if the motion before Council is lost.	

<u>Motion</u> Councillor A Chandler moved) Deputy Mayor J Hickey seconded)	<ol style="list-style-type: none">1. That Motions of Which Notice has been Given No. 2/22 dated July 8, 2022, be received.2. That Broken Hill City Council withdraws from the NSW Local Government Association. <p style="text-align: right;">LOST</p>
<p>FOR: Deputy Mayor Jim Hickey, Councillors Alan Chandler and Ron Page</p> <p>AGAINST: Mayor Tom Kennedy, Councillors Michael Boland, Marion Browne and Hayley Jewitt</p> <p>ABSENT: Councillor Darriea Turley (conflict of interest), Councillors Bob Algate and David Gallagher (leave of absence)</p>	
RESOLUTION <u>Minute No. 46899</u> Mayor T Kennedy moved) Councillor M Boland seconded)	<u>Resolved</u> <ol style="list-style-type: none">1. That Motions of Which Notice has been Given No. 2/22 dated July 8, 2022, be received.2. That correspondence be sent to LGNSW and all member Councils highlighting the discussions and vote to withdraw our membership from the LGNSW.3. That the correspondence includes a request that the LGNSW acknowledge and pledge to address the current voting system that leans towards inner city councils having all say over the policy direction that in many cases has a severe negative impact on regional and remote councils.4. That Broken Hill City Council readdress and vote on the continued membership of LGNSW at the November meeting of Council. <p style="text-align: right;">CARRIED</p>
<p>FOR: Mayor Tom Kennedy, Deputy Mayor Jim Hickey, Councillors Michael Boland, Alan Chandler, Hayley Jewitt and Ron Page</p> <p>AGAINST: Marion Browne</p> <p>ABSENT: Councillor Darriea Turley (conflict of interest), Councillors Bob Algate and David Gallagher (leave of absence)</p>	

Discussion

Discussion from Councillors centred around the cost to be a member of LGNSW and the benefits and alignment that the lobby group has with regional Councils in NSW. Specifically relating the Developer and Real Estate Motion of the February Conference and the most recent experience at the Australian Local Government Associations Annual Conference.

The motion to support the ban of real estate agents from being Councillors within NSW, does not support the best interests of all Councils within NSW and highlights the favouritism given to those in Inner Sydney and metropolitan Councils.

The role real estate agents play within a metropolitan and regional Community can be subjectively different with regional real estate agents usually being well embedded in the local community, providing facilitation for community representation and communication, participating and enabling community events and sponsorship as well as being a large employment provider. The proposed ban on Real Estate Agents and their close associates would eliminate a number of representatives from running and representing their communities in small regional centres.

In addition, at the recent ALGA conference over 50 motions were submitted for the agenda. Unfortunately, as there were so many motions submitted time did not allow for all of the motions to be heard, therefore, the remaining motions were not heard and were deferred to be considered only by the ALGA Committee.

On the surface it appears that regional councils and metropolitan councils are not aligned with their views on policy advocacy and platforms and unfortunately it is currently being presented that the policy views of metropolitan council's outweigh the views of regional councils.

It is however acknowledged, that recent correspondence from ALGA dated 24 August 2022, have stated that they have recognised this failing and have allocated further time for next years conference. I believe this is a result of the strong stance taken by many regional Council's at this years conference, that this was not acceptable given the hearing and debating of motions is the conference's primary purpose and the cost of travel for regional and rural Council's is significantly higher and more burdensome than our metropolitan counterparts.

Broken Hill City Council have resolved to put LGNSW on notice and to reconsider its membership at its November 2022 Council Meeting, following the October Annual Conference and the resulting support given to regional Councils.

Yours faithfully



TOM KENNEDY
MAYOR



REF: RB4244

6 September 2022

The Hon Rob Stokes MP
Minister for Infrastructure
GPO Box 5341
Sydney NSW 2001

Dear Minister

I write to you on behalf of Greg Tory, General Manager, Lachlan Shire Council, NSW.

Greg, contacted my office with concerns over the regional councils elected as eligible LGA's for Round 3 of the Accelerated Infrastructure Fund (AIF).

I understand Round 3 is the first time applications have been open for regional areas, but I would like to investigate the process which was undertaken by the NSW Government to conclude the elected regional towns were the most appropriately suited to the fund.

I believe the regional towns listed on the Department of Planning Environment website are more likely to be perceived by the public as Regional cities, and already have access to increased funding because of population.

Housing supply and demand in Western NSW is at a 'bottleneck'. We too have been suffering from the affects of COVID, inflation and the economic pressures it has placed on our communities. It is far more common to drive through these town centres and witness a number of homeless people, and families residing in cars for shelter.

One of the main objectives of the program is to encourage developers to enact development approvals and invest in construction. Developers looking for opportunities need to be exposed to these smaller regional areas and witness the potential for investment, this exposure can be accomplished when towns are included in Government funded programs, such as the AIF.

I ask the Minister to re-consider the elected regional towns for Round 3 of the Accelerated Infrastructure Fund, and investigate the potential for nomination within the Barwon Electorate.

Yours sincerely,



ROY BUTLER MP

MEMBER FOR BARWON



Roy Butler MP
Member for Barwon



Cobar Office
P 02 6836 3722
A 11 Barton Street Cobar 2835

Broken Hill Office
P 08 8087 3315
A 142 Argent Street Broken Hill 2880

Narrabri Office
P 02 6792 1422
A 60 Maitland Street Narrabri 2390

E barwon@parliament.nsw.gov.au W www.roybutler.com.au

Greg Tory

From: Cr Darriea Turley AM - LGNSW President <lgnsw@lgnsw.org.au>
Sent: Monday, 5 September 2022 3:58 PM
To: Greg Tory
Subject: The Red Fleet Fight Continues



The Red Fleet Fight Continues

Dear Mr Tory,

Last week, accompanied by Ken Keith, Mayor Parkes Shire Council & President of Country Mayors and Scott Phillips, CE LGNSW, I attended a meeting to discuss the sector's call for the NSW Government to end the crippling financial implications of Rural Fire Service assets being imposed on councils' financial statements and to finally recognise the 'red fleet' as State controlled assets.

Sitting across the table was **The Hon Matt Kean NSW Treasurer**, the Secretary of NSW Treasury, the Chief Financial Officer of NSW Treasury and several NSW Treasury bureaucrats; **The Hon Steph Cook, Minister for Emergency Services**, the Minister's Chief of Staff and other Ministerial staff; **The Hon Wendy Tuckerman, Minister for Local Government**, the Minister's Chief of Staff, other Ministerial staff, the Deputy Secretary of the Office of Local Government, the Executive Director of the Office of Local Government and other Departmental staff; **Margaret Crawford, NSW Auditor General** and the Assistant Auditor General. Suffice to say, it was a formidable audience and I thanked Minister Tuckerman for bringing together the important decision makers in Government to try and resolve this longstanding problem.

Our delegation set out the long history of the burden of the red fleet on councils' finances, explained that in practice councils don't 'actually' control RFS assets and demonstrated that the current legislation is inconsistent with the Australian Accounting Standards. We tabled the many resolutions from rural, regional and metropolitan Councils as well as independent

Audit, Risk & Improvement Committees calling on the Government to end the nonsensical notion that red fleet assets are controlled by and should be vested in councils. We implored the Auditor General to review independent auditing advice demonstrating the inconsistency of the current legislation with the Accounting Standards and we asked the Government to release its own advice. We questioned the accuracy of the Government's schedule of RFS assets and asked why the only information that has ever been provided is not identified as a Government document, is undated and has no author.

We did not receive answers to any of these questions. Instead, it was clear that those across the table were only there to speak and not to listen. We were advised by Treasury and Auditor General officials that there is categorically no financial impact on councils of recording red fleet assets on councils' statements. We were told to be thankful for the support Government provides councils with a suggestion the Government might conduct a comprehensive review of all the help they provide (with an inference that councils currently receive more than their share of support from the Government). We were scolded for the condition of about 80% of SES buildings across the State and told we should be upgrading them as a matter of urgency. And we were warned there would be "dire consequences" for councils that do not record red fleet assets on financial statements.

In my experience, when a person doesn't have a sound argument, they bring large numbers with them. That is precisely what happened at this meeting, and it is abundantly clear that the current Government has no interest in working with councils on this issue.

Which brings us to '*what's next*'?

We don't know how much longer this Government has and a State election around the corner brings a number of opportunities. We have already started speaking to the Opposition, minor parties, and independents seeking their support for legislative changes to the *Rural Fires Act* in this term. We have included the 'red fleet' in our election advocacy. And we will continue to bring both community and media attention to the plight of councils at every opportunity.

We are encouraged by the many councils who continue to recognise the injustice of denying local communities much needed services and infrastructure by depreciating State Government assets and remain undeterred by overtures of qualified audits. Equally, we are encouraged by the growing number of councils who have resolved to terminate existing '*Rural Fire District Service Agreements*' with the Commissioner of the RFS and negotiate new agreements which do not vest RFS assets in or under the control of the council. I would like to thank Mayor Keith and the Councillors at Parkes Shire Council, who have led this initiative and I would encourage all councils to consider if similar action is appropriate in your circumstances.

This fight is not over and LGNSW will not rest until we extinguish this unjustifiable cost shifting burden placed on councils by this Government. Thank you and we look forward to updating members with our progress shortly.

Kind Regards,
Cr Darriea Turley AM
President LGNSW

Questions?

Feel free to send us an enquiry regarding this member message.

[Contact us today](#)

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